Conflict of Interest/Conflict of Commitment

1. What is a Conflict of Interest?

A potential conflict of interest ("COI") arises when external ties bias, or might appear to bias, an employee's judgment in performing his or her University obligations, or when an employee uses his/her position inappropriately for financial gain, or uses University resources to influence a political campaign.

2. What is a Conflict of Commitment?

A potential conflict of commitment ("COC") arises when an employee engages in external activities, or assumes external commitments, that compromise, or might appear to compromise, his or her ability to fulfill the responsibilities of his or her University position (as defined in the Standard Practice Guide).

3. Do I have to report all gifts?

While all gifts of over $100 that are received in relation to your work at UM must be disclosed, there are several guidelines surrounding gifts that are important to consider:

- Irrespective of a gift’s value, it is always a conflict of interest for an employee to accept a gift where the external person or organization intends to create a "quid pro quo" arrangement with that employee. Thus, whatever the value of a gift, it is never appropriate to receive a gift that is given with the expectation of receiving some favor or benefit in return.
- An employee may not accept a gift of substantial value (including gifts of service) from anyone over whom he or she has authority.
- In line with state law and IRS regulations, the same rule applies to gifts of $25 or more from people or institutions that contract with the University where the employee participates in decisions concerning that contract.
- Employees may not provide gifts to the University with the expectation that they will then be given the authority to control the dispersal of these gifts.

4. What are the four main disclosure questions?

- Do you or your family members have any paid or unpaid activities or relationships outside of your UM employment related specifically to your UM work or position?
- Do you or your family members receive anything of value from an organization related to your UM work or position?
- Do you or your family members own any interest in an organization related to your UM work or position?
- Do you or your family members have any loans to or from any organization related to your UM work or position?
5. What does "related to work at UM" mean?

An outside interest that is related to an employee's work is one that may have a direct influence on how that employee chooses to conduct his/her work, teaching or service activities at UM. For instance, if the outside activity influences the way that the employee applies for grant funding or influences what the employee asks students or other staff to do, then a potential conflict exists.

If an outside interest competes directly with the University for grant funds, a potential conflict exists. Ask yourself whether the work that you perform for the outside interest is work that could be conducted in your position at UM. If the answer is yes, this activity may be a conflict that requires management and needs to be disclosed.

6. What is a "significant financial interest"?

Anything of monetary value (above a certain threshold), including, but not limited to:

- Salary or other payments for services (e.g., consulting fees or honoraria);
- Equity interests (e.g., stocks, stock options, or other ownership interests); and
- Intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

Many staff invest in companies through their retirement program. A number of companies we invest in do business with the University, and in some cases, with the library. As these are funds managed for you by others, this is not a conflict.

Sometimes "if it just doesn’t seem or feel right", it usually isn’t. If you have questions about something you are uncomfortable with, please contact the COO.
Examples of potential conflicts of interest:

1. As part of my participation in a not-for-profit professional organization (in an area directly related to my job) I edit and produce the organization's annual meeting publication. While I do most of the work on my own time, I do use university resources (email, computer hardware and software, very occasionally phone) for communications and preparing the text for print. My work on this publication is important evidence of professional contribution for my promotion as a librarian. DOES NOT NEED DISCLOSURE

2. Members of the public often contact library staff looking to hire an expert to help them with a personal project (examples: to translate an article, do archival research, help install a personal computer, repair a personal document). The staff member may be willing to take on such work "moonlighting" after hours, but some of the contact inevitably may spill over into working hours. The staff member may do the work on personal time but using some library equipment or resources. NEEDS DISCLOSURE

3. Ownership by an employee or by any member of his or her immediate family of a substantial financial interest in any entity with which the University does business, directly or indirectly, or which is seeking to do business with the University. NEEDS DISCLOSURE

4. Representation of the University by an employee in any transaction which such employee or any relative of the employee or his or her spouse has a substantial financial interest. NEEDS DISCLOSURE

5. Representation of the University by an employee in any transaction where the other entity is represented by a relative of the employee or his or her spouse. NEEDS DISCLOSURE

6. Use of or disclosure to outsiders of confidential information for the personal profit or advantage of any person. NEEDS DISCLOSURE and is NOT ACCEPTABLE

7. Acceptance by an employee or any members of his or her immediate family, from any entity with which the University does business or which is seeking to do business with the University, of gifts or merchandise, cash or gift certificates in any amount whatsoever, loans, excessive entertainment or other substantial gifts of goods or services. It does not include loans from financial institutions on customary terms; articles of nominal value normally used for sales promotion purposes, ordinary business meals or reasonable entertainment consistent with local social or business customs. NEEDS DISCLOSURE

8. Engaging in outside business or employment incompatible with the University's right to full time and efficient service from its employees. NEEDS DISCLOSURE

9. Use of one's position with the University to influence any other concern in its dealings with other parties for the personal profit or advantage of any person. NEEDS DISCLOSURE

10. An employee participating in random raffle entries with nominal prizes. DOES NOT NEED DISCLOSURE
11. Having lunch with a vendor without expectations of receiving anything in return. DOES NOT NEED DISCLOSURE
12. Accepting give-away items with nominal value from a conference when items are made available to all. DOES NOT NEED DISCLOSURE
13. Performing work for other University departments or units for additional pay. NEEDS DISCLOSURE
14. Participating in decisions or deliberations where a family member is or could be affected, financially or otherwise (Note: As stated in SPG 201.65-1, family members include parents, siblings, a spouse or partner, children, and dependent relatives.) NEEDS DISCLOSURE
15. Referrals to a business in which the staff member or a member of his or her immediate family has an interest. NEEDS DISCLOSURE
16. Allowing University responsibilities to influence or benefit a company in which an employee or member of his or her immediate family has an interest. NEEDS DISCLOSURE