

Conflicts of Interest, Faculty/Academic Staff

Last updated: 4/13/2012

VI. RESEARCH AND CREATIVE ENDEAVOR

This policy was approved by the Board of Trustees on April 13, 2006, and revised on April 13, 2012.

I. PREAMBLE

As a modern research-intensive land-grant university, Michigan State University is committed to maintaining the trust of the general public that supports it and which it serves. For the University to do so, its faculty must pursue their research, teaching, outreach, and service responsibilities with integrity, proper professional judgment, in a manner consistent with the highest standards of their respective disciplines, and in the best interests of the University. A faculty member's reputation for integrity and for exercising proper professional judgment can be seriously compromised, however, if the faculty member fails to disclose a significant financial interest (SFI) that is related to their institutional responsibilities. Moreover, an individual faculty member's unmanaged and unresolved conflict of interest (COI) can undermine confidence in the University and, thus, harm its standing and that of its entire faculty.

This Policy addresses the disclosure, review, management, and resolution of conflicts of interest relating to the performance by faculty of their research, teaching, outreach, and service responsibilities at the University. For purposes of this Policy, a COI exists when a faculty member's financial interests or other opportunities for tangible personal benefit may compromise, or reasonably appear to compromise, the independence of judgment with which the faculty member performs their responsibilities at the University.¹

II. APPLICABILITY²

This Policy applies to individuals appointed through the academic personnel system with research, teaching, outreach, or service institutional responsibilities. This Policy also applies to other individuals who have independent responsibility for proposing, conducting, or reporting the results

¹ In amplification and not in limitation of the foregoing, a COI exists if a faculty member's financial interests (or other opportunities for tangible personal benefit) directly and significantly affect the design, conduct, or reporting of the results of research or other sponsored projects.

² For purposes of this Policy, the individuals described in Section II (Applicability) will generally be referred to as "Faculty" or "Faculty Members," although the term encompasses, and the Policy applies to, all individuals described in Section II.

of University research and other sponsored projects.³

III. IMPLEMENTATION

A. Disclosure

Faculty members must annually disclose all SFIs⁴ and other opportunities for tangible personal benefit that are related to the faculty member's institutional responsibilities. Faculty members must also submit an updated disclosure within thirty days of acquiring any new SFI or other opportunity for tangible personal benefit. "Institutional responsibilities" refer to the faculty member's professional responsibilities on behalf of the University, which include research, teaching/education, outreach, and service activities, both within and outside the University, in the general area of expertise for which the faculty member is employed by the University.

Disclosures will be made in accordance with the procedure established by the Director of the Office of Conflict Disclosures and Management (OCDM). Each faculty member shall provide all information necessary for the University to review, manage, and resolve any COI involving that faculty member.

The University shall maintain the privacy of financial and other information supplied by faculty and shall not release this information publicly unless it is legally required to do so, the resolution or elimination of the COI requires public disclosure of the information, or the faculty member consents to its public disclosure. For purposes of this policy, private information means a category of information related to a COI disclosure that may be shared with a small circle of individuals who have a need to know so they may assist the faculty member in managing the conflict.

B. Director of Conflict Disclosures and Management

The Associate Vice President for the Office of Research Regulatory Support (ORRS AVP), in consultation with the Vice President of the Office of Research and Innovation (VPRI), will select a Director of OCDM to administer this Policy. The Director shall serve as a resource to faculty and administrators on defining and addressing faculty conflicts of interest and shall convene and serve, *ex officio*, as a non-voting member of the Conflict Review Committee described in Section III.D of this Policy.

The OCDM shall develop and maintain an institutional procedure for faculty members to report SFIs and other opportunities for tangible personal benefit, as required by this Policy. The OCDM, in consultation with relevant administrators and appropriate academic governance committees, shall arrange for reference materials incorporating a list of frequently asked questions, explaining and interpreting this Policy. Assessment, management, and resolution of COI should consider the different norms, customs, and expectations of the various disciplines found among faculty in the University.

³ For a more detailed description of this Policy's application to individuals involved in University research and other sponsored projects, refer to [Frequently Asked Questions](#) on the CDM website.

⁴ Significant Financial Interest is defined on [the CDM website](#).

C. College-Specific Addenda

Each college or relevant non-college unit is encouraged to prepare, in consultation with the OCDM, a supplement to the COI Policy, with frequently asked questions, that addresses COI issues specific to the disciplines and activities of the faculty of that college. A college may also adopt its own addendum to this Policy to address specific conflict situations which occur in that college. Such addenda must be prepared in consultation with the OCDM and approved by the VPRI. College-specific addenda must be consistent with, and no less stringent than, the provisions of this Policy and federal law and regulations regarding COI.

D. Conflict Review Committee

The DCDM, in consultation with the ORRS AVP and other appropriate administrators and faculty, shall appoint a Conflict Review Committee (CRC) composed of at least five faculty members from different disciplines, one of whom the Committee will select to serve as chairperson. At the discretion of the DCDM, additional members may be appointed to the CRC. CRC members shall serve for staggered three-year terms and may be reappointed to additional terms. The DCDM shall convene the CRC and serve, *ex officio*, as a non-voting member. The DCDM and CRC have the authority to invite any input they deem necessary to assess a potential COI.

The OCDM shall make the initial assessment about the existence of a COI based on the extent to which a disclosed SFI or opportunity for tangible personal benefit could reasonably be expected to affect, or be perceived to affect, a faculty member's performance of a University responsibility. The OCDM may contact the faculty member and unit administrators for additional information regarding the disclosure.

If the OCDM determines that a disclosed interest may create a real or potential COI, the OCDM shall contact the faculty member and appropriate college administrators and will then draft a written plan for the resolution or management of the COI (CMP). The OCDM shall submit the plan to the faculty member and the faculty member's unit administrators for review, comment, and further development if necessary. If the faculty member does not agree with the OCDM's plan for the management or resolution of the COI, the faculty member may file a written objection detailing the nature of their objection(s) with the OCDM within ten days of receiving notice of the plan.

After receiving faculty and unit administrator feedback, the OCDM will forward the disclosure and any response from faculty or their administrator to the CRC for assessment. If the CRC agrees with OCDM that a COI exists, the CRC shall review the CMP developed by OCDM. If the CRC agrees with the terms proposed by OCDM, it will forward the CMP to the VPRI as a recommendation for the resolution or management of the COI. Prior to sending their recommendation to the VPRI, the CRC may consult with the faculty member, the faculty member's unit administrators,⁵ the DCDM, and/or appropriate representatives of the central

⁵ For purposes of this Policy, references to a faculty member's "unit administrators" include the relevant department chair, dean, and/or separately reporting director.

administration to further develop the plan. If the CRC determines that no COI exists, it shall inform the faculty member and the VPRI of that determination in writing.

If the VPRI approves the recommendation or CMP, the faculty member may file a written objection detailing the nature of their objections with the VPRI within ten days of receiving notice of the CRC's recommendation. The CRC-recommended management plan, any written comments submitted by unit administrators, and the objections of the faculty member shall be submitted to the VPRI. The VPRI may accept the recommended plan or decide to implement an alternative plan for the management or resolution of the COI. The VPRI shall issue their decision within thirty days of their receipt of the recommendation plan and any supplemental material.⁶ The VPRI shall report their decision to the CRC, faculty member, unit administrators, and DCDM.

In devising the CMP, the OCDM and CRC shall seek to employ the least intrusive management techniques that will suffice to resolve the ethical and legal concerns arising from the conflict.

The CRC may recommend to the Provost and VPRI the issuance of specific guidelines to investigators and other faculty regarding common conflict situations.

IV. SPECIFIC REQUIREMENTS FOR RESEARCH AND PROJECTS FUNDED BY THE PUBLIC HEALTH SERVICE AND NATIONAL SCIENCE FOUNDATION AND DEPARTMENT OF ENERGY

The Public Health Service (PHS), the National Science Foundation (NSF), and the Department of Energy (DOE) have developed regulations and/or policies (Regulations) to ensure that the design, conduct, and reporting of research funded under PHS, NSF, or DOE grants, cooperative agreements, and contracts will not be biased by COI affecting the investigators responsible for such research.

The Regulations require that each institution and investigator applying for, receiving, or being supported by their funds comply with rules regarding training and disclosure prior to applying for funds, and require that the University establish CMPs, if necessary, prior to the expenditure of funds.

Investigators applying to PHS, NSF, or DOE must disclose to the University all SFIs related to the investigator's institutional responsibilities. Further, investigators participating in PHS-, NSF-, or DOE-funded research must submit an updated SFI disclosure within thirty days of acquiring any new SFI.

A COI exists if the University determines that the investigator has an SFI that could directly and significantly affect the design, conduct, or reporting of the agency-funded research. The University will not authorize the expenditure of any funds under a PHS-, NSF-, or DOE-funded research project until (a) all investigator disclosures have been reviewed for potential COI; and (b) if a COI exists, a plan satisfactory to the VPRI to manage the COI has been developed and implemented.

⁶ The DCDM may extend the thirty-day period upon the written request of the ORRS AVP or the VPRI.

To the extent that the Regulations or any other legal requirements are more stringent than this Policy, they will take precedence. For a detailed description of the disclosure requirements applicable to PHS/NSF/DOE investigators, refer to the “Guidelines on Conflict of Interest Pertaining to Applications for NSF and PHS Research Support,” which is a supplement to this Policy.

V. NON-COMPLIANCE

A faculty member who violates this Policy is subject to disciplinary action. Any University employee or student who knowingly files a false allegation that this Policy has been violated, or who knowingly provides false information to or intentionally misleads University officials who are investigating an alleged violation of this Policy, may be subject to disciplinary action. The VPRI shall establish a mechanism, after consulting with the DCDM, for investigating concerns or allegations regarding SFIs and other opportunities for tangible personal benefit of faculty which are not reported as required under this Policy. The review and investigation of concerns or allegations that this Policy has been violated will be conducted confidentially to the extent permitted by law, except insofar as information needs to be disclosed so that the University may effectively investigate the matter or take corrective action.

If the failure of a faculty member to comply with this Policy has biased the design, conduct, or reporting of funded research, the University may, and in some cases is required to, notify the awarding agency of the compliance failure and the corrective action taken by the University.

VI. TIMING OF IMPLEMENTATION

The current Faculty Conflicts of Interest Policy was approved by the Board of Trustees on April 13, 2012. This Interim Faculty Conflicts of Interest Policy shall supersede the current Policy upon approval consistent with the University’s Policy Development, Management, and Review Policy (UW-03-01).

Effective August 24, 2012, all individuals who have independent responsibility for proposing, conducting, or reporting the results of University PHS- or NSF-funded research must be in compliance with this Policy and related University policies and guidelines applicable to PHS- or NSF-funded research. Effective December 20, 2021, all DOE-funded research must comply with this Policy and related University policies and guidelines applicable to DOE-funded research.

[\(See Frequently Asked Questions\)](#)

Appendix: Role, Appointment, and Evaluation of the Director of Conflict Disclosures and Management (DCDM)

Role of the DCDM:

1. Serves as an information resource to faculty and administrators on defining and addressing conflicts of interest, as defined in the Policy.
2. Prepares an institutional procedure to be used in establishing conflict reporting mechanisms.
3. Convenes the Conflict Review Committee (CRC) and serves, *ex officio*, as a non-voting member.
4. In consultation with relevant administrators and appropriate faculty committees, arranges preparation of materials to assist with explaining and interpreting the Policy.
5. The DCDM shall report to the ORRS AVP. The DCDM shall keep the ORRS AVP and VPRI informed about the implementation of this Policy and about educational and other activities of the CDM Office as necessary.
6. Should the DCDM recuse themselves from DCDM duties with regard to a particular conflict of interest, the ORRS AVP shall appoint a substitute after consultation with the VPRI.