



## BOARD OF TRUSTEES

### Executive Action Summary

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**Committee Name:** Academic Affairs

**Date:** June 13, 2025

**Agenda Item:** Creation of BOT 414, *Conflict of Interest and Conflict of Commitment Identification and Disclosure*; Rescission of BOT 409, *Outside Work for Pay*, and BOT 503, *Conflicts of Interest, Faculty/Academic Staff*.

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Information

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Review

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Action

**Resolution:**

BE IT RESOLVED, that the Board of Trustees hereby approves the creation of BOT 414, Board of Trustees – *Conflict of Interest and Conflict of Commitment Identification and Disclosure* (Attachment A), now presented to the Board of Trustees for inclusion in its minutes.

BE IT FURTHER RESOLVED, that this new policy shall replace the following existing Board of Trustees policies: BOT 409, *Outside Work for Pay*, and BOT 503, *Conflicts of Interest, Faculty/Academic Staff*.

**Recommendation:**

The Trustee Committee on Academic Affairs recommends that the Board of Trustees approve the creation of BOT 414, *Conflict of Interest and Conflict of Commitment Identification and Disclosure* (Attachment A), as indicated in Attachment A, and that this new policy replace the existing Board of Trustees policies BOT 409, *Outside Work for Pay*, and BOT 503, *Conflicts of Interest, Faculty/Academic Staff*.

**Prior Action by BOT:**

BOT 409: *Outside Work for Pay* was first approved by the Board of Trustees on August 9, 1951, and later revised on March 4, 1983, June 7, 1991, November 19, 1993, and May 5, 2006.

BOT 503: *Conflicts of Interest, Faculty/Academic Staff* was first approved by the Board of Trustees on April 13, 2006. The policy was revised in 2012 and was approved by the board on April 3, 2012.

**Responsible Officers:**

Thomas D. Jeitschko, Ph.D., Interim Provost and Executive Vice President for Academic Affairs

Douglas A. Gage, Ph.D., Vice President for Research and Innovation

**Summary:**

The Office of the Provost and the Office of the Vice President for Research and Innovation are introducing a unified *Conflict of Interest and Conflict of Commitment (COI/COC) Identification and*

*Disclosure Policy* (Attachment A) to strengthen institutional compliance, support faculty engagement in external activities, and streamline internal processes. This initiative consolidates and replaces two existing Board of Trustees policies - BOT 409, *Outside Work for Pay*, and BOT 503, *Conflicts of Interest, Faculty/Academic Staff* - into a single, modernized policy.

#### Rationale:

Regulatory requirements and guidance, most notably the National Security Presidential Memorandum 33 (NSPM-33) and the CHIPS and Science Act of 2022—require universities that receive federal research funding to strengthen and standardize their disclosure and research security practices. These obligations emphasize the need for greater transparency in external professional activities, particularly those involving international engagements, to safeguard the integrity of the U.S. research enterprise.

One of the key directives of NSPM-33 is the requirement that institutions adopt clear, comprehensive policies addressing both Conflicts of Interest (COI) and Conflicts of Commitment (COC). This includes disclosing:

- Financial and non-financial external relationships,
- Paid and unpaid professional activities,
- International affiliations, talent recruitment programs, and
- Situations where time or effort may be diverted from institutional responsibilities.

MSU has a financial *Conflict of Interest* policy (BOT 503) and a narrowly scoped *Outside Work for Pay* policy (BOT 409), and MSU was charged with updating these policies and creating a comprehensive Conflict of Interest and Conflict of Commitment policy.

The creation of the new BOT 414 – *Conflict of Interest and Conflict of Commitment Identification and Disclosure Policy* integrates and expands upon the previous policies to explicitly address COC (See Attachment B), clarify expectations around time and commitment, and establishes a unified disclosure and approval process. This positions MSU to meet federal expectations, protect its research enterprise, and support faculty engagement in a compliant and transparent manner.

#### Summary of Changes

- **Unified Framework:** The policy combines COI and COC requirements into a single policy that applies to all faculty (50% or greater appointment), executive managers, academic administrators, and investigators.
- **Broader Scope of Outside Activities:** Expands beyond paid work to include unpaid outside professional activities that fall within a Covered Individual's disciplinary expertise.
- **Academic Year Faculty:** Requires approval for outside activities conducted during the non-duty period (May 16–August 15).

- Updated Definitions and Expectations: Clarifies key terms (e.g., “Outside Activities,” “Conflict of Commitment”, “Significant Financial Interest”) and provides detailed guidance on when approval is required.
- Student/Staff Involvement: Introduces safeguards for student and staff participation in external faculty-led activities.
- Updated Guidance: Provides key guidance documents for Covered Individuals including requirements with the Financial Conflict of Interest regulations, disclosure requirements, and guidance for administrators providing approval for outside activities.

Additionally, the policy will be supported by the implementation of an integrated electronic disclosure and approval system, which will replace the university’s current paper-based processes and strengthen administrative efficiency, consistency, and compliance oversight. The policy reinforces Michigan State University’s commitment to academic freedom while promoting responsible engagement in external professional activities. By establishing clear and consistent disclosure expectations, the policy upholds the university’s core values, protects academic integrity, and mitigates reputational and legal risk.

Development of the policy was informed by a working group established in 2022 by the Provost and the Vice President for Research and Innovation. The working group included a cross-collaboration of representatives from Faculty and Academic Staff Affairs, Contract and Grant Administration, the Office of Sponsored Programs, Sponsored Programs Administration, MSU Technologies, the Office for Conflict Disclosure and Management, the Office of General Counsel, the Council of Research Deans, and chair and faculty representatives. The resulting policy underwent significant discussion with the University Committee on Faculty Affairs (UCFA) and received endorsement from the UCFA and the Faculty Senate in April 2025, following a comprehensive review and consultation process with a variety of stakeholder groups.

### **Background Information:**

Attachment B summarizes the key policy revisions.

### **Source of Funds:**

Not applicable.

### **Resource Impact:**

The Office of Conflict Disclosure and Management and the Office for Faculty and Academic Staff Affairs will oversee implementation of the policy.



## Board of Trustees Policy

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**POLICY NUMBER: 414**

**POLICY NAME: Conflict of Interest and Conflict of Commitment  
Identification and Disclosure**

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<b>Effective Date:</b>	<i>Date the policy was approved and posted on the MSU</i>
<b>Last Review Date:</b>	<i>Date of the last policy review.</i>
<b>Next Scheduled Review Date:</b>	<i>Date of next scheduled review, 5 years from last review date.</i>

### I. POLICY STATEMENT

MSU is committed to advancing knowledge and transforming lives through education, research, outreach, engagement, and economic activities. As a public institution of higher learning, MSU is also committed to pursuing innovation and partnerships with the communities that we serve to improve the State of Michigan and the world.

MSU encourages and permits participation in Outside Activities (as defined in this policy) and relationships that enhance and are consistent with its mission. Outside Activities support MSU's mission and MSU's contributions to the broader community through collaboration and partnership. However, Outside Activities have the potential to create a potential or actual Conflict of Interest (COI) or Conflict of Commitment (COC). One of MSU's values is to be "committed to the highest ethical and academic standards. As a public institution we are committed to transparent decision making and accountable governance."<sup>1</sup> To that end, MSU Covered Individuals and Investigators

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<sup>1</sup> MSU Strategic Plan, Values Statement, <https://strategicplan.msu.edu/mission>.

have a duty to act in the best interest of the University and to maintain high ethical and professional standards including acting with honesty, transparency, and integrity when performing their Institutional Responsibilities. This duty also includes abiding by high standards of research, educational, professional, and fiscal conduct.

Covered Individuals and Investigators must ensure that their relationships with outside Entities are transparent, grounded in objectivity, and do not improperly influence or interfere with their professional judgment and Institutional Responsibilities. Covered Individuals and Investigators must disclose Outside Activities, as set forth in this policy, to the University for evaluation and approval. Should any actual or potential Conflicts of Interest (COI) or Conflicts of Commitment (COC) exist, they must be managed or eliminated as described in Section V. Covered Individuals and Investigators must also disclose Outside Activities to avoid Financial Conflicts of Interest (FCOI) in research or these conflicts must be managed as described in Section IV (b) and the FCOI Standard Operating Procedure (FCOI SOP).

The purpose of this policy is to provide expectations, requirements, and parameters for the identification, disclosure, and approval (where applicable) of relationships between Covered Individuals, Investigators, outside Entities, and University matters. This policy shall not be interpreted or enforced in a way that infringes upon a faculty member's academic freedom. See [Faculty Rights and Responsibilities](#) policy.

This policy is in compliance with the following:

- [Title 42 Code of Federal Regulations \(CFR\), Part 50, Subpart F, Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought](#)
- [Title 45 Code of Federal Regulations \(CFR\), Part 94, Responsible Prospective Contractors](#)
- [Title 21 Code of Federal Regulations \(CFR\), Part 54, Financial Disclosure by Clinical Investigators](#)

## II. RESPONSIBLE OFFICE

Office of Conflict Disclosure and Management

Office for Faculty and Academic Staff Affairs

Additional: Office of Sponsored Programs

## III. SCOPE

This Policy applies to all Covered Individuals and Investigators, unless otherwise noted. If any portion of this Policy conflicts with another written MSU policy or guidance related to Conflicts of Interest, the terms of this Policy will prevail, though additional criteria and restrictions may be applied through other policies (e.g., administrative, college, department level) and may require further disclosure and conflict management.

## IV. DEFINITIONS

**Academic Administrators:** All positions identified as Academic Administrators in the [Academic Hiring Manual](#).

**Conflict of Commitment (COC):** A potential conflict of commitment happens when a Covered Individual or Investigator's external relationships or Outside Activities can possibly interfere or compete with the University's educational, research, or service missions, or with that individual's time and effort to fulfill University expectations, obligations, and/or willingness to perform the

full range of responsibilities associated with their University position. Conflict of Commitment can also include obligations to improperly share information with an Entity outside of the University or obligations to withhold information from the University or research agency.

**Conflict of Interest (COI):** A potential conflict of interest happens when an individual's outside relationships or activities outside of the University affect, appear to affect, or have the potential to affect their professional judgment or obligations and responsibilities to the University. See FAQs for examples of potential conflicts of interest.

**Covered Individuals:** Faculty, Executive Management, and Academic Administrators.

**Duty Period:** The duty period for Covered Individuals on an academic year (AY) appointment is the nine-month period running from August 16th through May 15th of the following calendar year. If a Covered Individual on an AY appointment receives a summer assignment, the duration of the summer assignment is also part of the duty period. The duty period for Covered Individuals on an annual year (AN) appointment is the full-year assignment of duties and responsibilities (or any period specified in the relevant appointment letter).

**Entity:** Any business, company, or other organization, whether public or private, including but not limited to any partnership, corporation, limited liability corporation, unincorporated association, or other institution or organization, whether for-profit or not-for-profit.

**Executive Management:** All positions identified as Executive Management in the [Executive Management Position Titles](#).

**Faculty:** All positions identified as Ranked Faculty in the Academic Hiring Manual University [Approved Positions/Ranks](#).

**Financial Interest:** Any monetary or equity interest held by a Covered Individual or Investigator or their Immediate Family Member that could create an actual or potential COI. Financial interests include, but are not limited to, compensation such as income, consulting fees, honoraria, royalties, an interest in a business consisting of stocks, stock options, private equity or other similar ownership interest (excluding any interest arising solely from a pension, mutual fund, or other investment fund in which the Covered Individual or Investigator does not exercise control), or any other form of compensation from an Entity.

**Financial Conflict of Interest (FCOI) in Research:** A Significant Financial Interest that could directly and significantly affect the design, conduct, or reporting of the funded research, or present the appearance thereof.

**Immediate Family Member:** A Covered Individual or Investigator's spouse, domestic partner, and dependent children and stepchildren.

**Institutional Responsibilities:** Professional responsibilities conducted on the University's behalf, which include, but are not limited to, educational, research, scholarship, outreach, service, healthcare, and administration activities, in the general area of expertise for which the Covered Individual or Investigator is employed by the University.

**Investigator:** The Project Director or Principal Investigator and any other person responsible for the design, conduct, or reporting of research, regardless of title or position, or if identified in the federal award as a Covered Individual.

**Outside Activities:** Any paid or unpaid activity, both domestic and non-domestic, related, or similar to a Covered Individual or Investigator's Institutional Responsibilities, which is performed outside of the University and beyond the scope of their employment responsibilities. Examples include outside consulting, employment, creation of a startup company, participation in a foreign government sponsored talent recruitment program, conducting research outside of MSU that is not subject to approval by the Office of Sponsored Programs or Business Connect, teaching at another educational organization or entity outside of the University. See specific College website for further examples of Outside Activities.

**Remuneration:** Salary and any payment for services not otherwise identified as salary, including, but not limited to, consulting fees, honoraria, and paid authorship.

**Scholarly Activities:** Activities which extend an employee's Institutional Responsibilities of teaching, research, and service to other institutions, organizations, and professional societies. These are activities that are expected of employees as part of their professional service and do not require prior approval, however these activities may need to be reported in MSU grant applications, progress reports, or the MSU COI disclosure. Examples include peer review of articles and grant proposals, presentations at professional meetings, leadership positions in professional societies, service on advisory committees for U.S. government funding agencies, non-profit foundations or educational organizations, musical or creative performances. See specific College website for further examples of Scholarly Activities.

**Significant Financial Interest (SFI) (for Investigators):** For researchers and as defined in [42 C.F.R. § 50.603](#), a SFI includes an external financial interest consisting of one or more of the following interests of an Investigator (and those of the Investigator's Immediate Family Members) that reasonably appears to be related to their Institutional Responsibilities during the 12 months preceding disclosure, and includes the following:

1. For a publicly traded entity, when the value of any remuneration received from the Entity in the 12 months preceding the disclosure and the value of any equity interest in the Entity as of the date of disclosure, when aggregated, exceeds \$5,000; or
2. For a non-publicly traded Entity (e.g., a startup company), when the value of any remuneration received from the Entity in the 12 months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (and those of the Investigator's Immediate Family Members) holds any equity interest (e.g., stock, stock option, or other ownership interest); or
3. Income from intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests (e.g., royalty payments); or
4. The occurrence of any reimbursed or sponsored travel from an Entity in the 12 months preceding the disclosure, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at [20 U.S.C. 1001\(a\)](#), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

The term SFI does not include the following:

1. Salary, royalties, or other remuneration paid by MSU to the Investigator if the Investigator is currently employed or otherwise appointed by MSU;
2. Intellectual property rights assigned to MSU and agreements to share in royalties related to such rights;
3. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
4. Income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, a qualifying institution of higher education<sup>2</sup>, academic teaching hospital, a medical center, or a research institute that is affiliated with a qualifying institution of higher education;
5. Income from service on advisory committees or review panels for a Federal, state, or local government agency, a qualifying institution of higher education, an academic teaching hospital, a medical center or a research institute that is affiliated with an institution of higher education.

## **V. POLICY**

### **a. Conflict of Interest**

MSU recognizes that participation of Covered Individuals in Outside Activities are necessary in supporting its mission, however at times these relationships can create Conflicts of Interest (COIs). Outside Activities are permitted and encouraged, as long as these activities receive approval as outlined in this Policy and the activities are disclosed in compliance with this Policy and federal and state rules and requirements. Furthermore, Covered Individuals or Investigators must not use their official position or influence to further their personal gain or advancement or that of an Immediate Family Member at the expense of the University or against University policy. The University will not accept or enter into agreements, contracts, gifts, or purchases that give rise to a COI unless the conflict can be eliminated or appropriately managed (e.g., with a University conflict management plan).

Covered Individuals or Investigators must pursue their research, teaching, outreach, and service responsibilities with integrity and proper professional judgment in a manner consistent with the highest standards of their respective disciplines and in the best interests of the University. A Covered Individual or Investigator's reputation for integrity and for exercising proper professional judgment can be seriously compromised, however, if the Covered Individual or Investigator fails to disclose a Significant Financial Interest or Outside Activity that needs management. Moreover, a Covered Individual or Investigator's unmanaged and unresolved COI can undermine confidence in the University and, thus, harm its standing and that of its entire faculty.

Separate individual University policies, as listed in Section X Related Policies, Information, and Attachments below, also include COI and COC related guidance and have oversight of other specific COI concerns, such as COI in intellectual property, gifts, purchasing, and other specific circumstances. Furthermore, the University will comply with all federal and state rules, requirements, policies, COI statutes, regulations, and guidance as applicable.

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<sup>2</sup> Qualifying institutions of higher education are institutions within the United States, among other requirements as defined in 20 U.S.C. 1001(a).



## **b. Financial Conflict of Interest (FCOI) in Research**

Due to the innovative pursuits of MSU Covered Individuals and Investigators who participate in research, MSU must identify and manage conflicts of interest and the appearance of conflicts of interest that may compromise or bias objectivity or judgement relative to research. In most cases, conflicts or potential conflicts can be appropriately managed, instead of removed, thereby enabling Covered Individuals and Investigators participating in MSU research to engage objectively and with integrity, while having a financial interest in an Entity that is manageable. In order to do so, the disclosure of Outside Activities and Significant Financial Interests are imperative to protect Covered Individuals, Investigators, and MSU, so any Conflicts of Interests and Financial Conflicts of Interests are properly managed. The Public Health Service (PHS), National Science Foundation (NSF), Department of Energy (DOE), and other federal agencies have developed policies and procedures to ensure that the design, conduct, and reporting of research funded under research grants and contracts will not be biased by conflicts of interest affecting the Investigators responsible for such research.

Investigators conducting MSU research must disclose their Outside Activities and Significant Financial Interests, as defined in this policy and [42 C.F.R. § 50.603](#) to avoid potential conflicts of interest or allow any conflicts to be managed as described in the FCOI SOP.

A FCOI may be present when an Investigator or their Immediate Family Member has a Significant Financial Interest that is related to the research. Examples include, but are not limited to a SFI that could affect the design, conduct, or reporting of the research, or the SFI is held in an entity that is funding the research. Further information about the review and management of FCOIs is included in the FCOI SOP.

To the extent that any legal requirements are more stringent than this policy, they will take precedence.

## **c. Outside Activities and Conflict of Commitment**

University employees are encouraged to engage in Outside Activities when their activities reinforce the mission of the University and do not compete with the University. At the same time, MSU's expectation is that the primary professional skills, expertise, and work effort of its employees are committed to MSU. This section is intended to protect the integrity of the Employee-University professional relationship, MSU's responsibility to the public, and to provide that Covered Individuals and Investigators remain accessible to students, colleagues, administrators, and the public and do not create conflicts that cannot be managed.

The University recognizes that, through consulting and other Outside Activities, including relationships with government, industry, non-profit organizations, and other Entities outside the University, its employees can make valuable contributions off campus while enhancing their expertise in their discipline. Covered Individuals and Investigators may engage in Outside Activities, provided that these activities do not constitute a Conflict of Commitment and/or a Conflict of Interest and comply with all other applicable university policies. A Conflict of Commitment occurs when the time and attention a Covered Individual or Investigator devotes to Outside Activities interferes with the performance of the Covered Individual or Investigator's Institutional Responsibilities to MSU. A Conflict of Interest may occur as described in Section IV(b) Financial Conflict of Interest (FCOI) in Research, or for

example, a potential relationship that is in conflict with MSU's Patent Policy, Copyright Policy, or other MSU policies listed in Section X Related Policies, Information, and Attachments.

To ensure that Outside Activities do not conflict with a Covered Individual or Investigator's Institutional Responsibilities, such activities must be disclosed in the Outside Activity Approval Form and receive approval from the dean or head of the major administrative unit. Activities that are defined as Scholarly Activities do not require prior approval however these activities may need to be reported in MSU grant applications, progress reports, or the MSU COI disclosure.

### 1. Time Limits and Duty Periods

A Covered Individual may engage in Outside Activities up to an average of four (4) days a month during their Duty Period. The totality of all approved Outside Activities and overload pay assignments for the Covered Individual may not exceed a total average of four (4) days a month. A "day" for purposes of the four day per month limit is equivalent to a standard workday (e.g. 8 hour day) of the Covered Individual.

This time limit does not apply to the activities undertaken under a Covered Individual's approved dual appointment, when the Covered Individual is on an unpaid leave of absence. These activities must be in compliance with MSU's [Dual Appointment Policy](#).

### 2. Part-Time Appointments

Covered Individuals with an appointment of at least fifty percent (50%) but less than one hundred percent (100%) are allowed a prorated number of days for Outside Activities, proportional to the four (4) day average. Covered Individuals with an appointment of less than fifty percent (50%) are not allowed to engage in Outside Activities during their designated work time for MSU.

### 3. Parameters for Performing Outside Activities:

Covered Individuals and Investigators may request approval to engage in Outside Activities if all of the following conditions exist:

- a. The Outside Activity will enhance the Covered Individual or Investigator's expertise in the Covered Individual or Investigator's discipline or professional area of specialty.
- b. The Outside Activity will not interfere with the performance of the Covered Individual or Investigator's Institutional Responsibilities including, but not limited to teaching, research, service, accessibility and mentorship to students, or other contractual obligations to the University or to Research sponsors.
- c. The Outside Activity will not adversely affect the University's interests or violate University policies or regulations, including, but not limited to, policies or regulations related to intellectual property, use of the University's name, logo, letterhead, or other resources (See Section V (10), Use of University Resources), etc.

### 4. Required Approval for Outside Activities

- a. A Covered Individual and Investigator must request and obtain written approval from the Covered Individual's or Investigator's chair, school director, or supervisor when applicable and dean/head of the major administrative unit before engaging in an Outside Activity by completing an Outside Activity Approval Form.
- b. Department chairs, school directors, or supervisors and deans/heads of a major administrative unit ("University administrators") shall review all Outside Activities requests for approval to ensure the proposed Outside Activities do not violate this policy and are appropriate in relation to the performance of the Covered Individual's or Investigator's duties.
- c. Requests for approval for an Outside Activity must be made through the Covered Individual's or Investigator's primary college.
- d. University administrators to whom the Outside Activity Approval Form is submitted may seek additional information or clarification from the Covered Individual or Investigator regarding the proposed Outside Activity. University administrators may also consult with the Office for Conflict Disclosure and Management, the Office of the Provost, or other applicable offices in determining approval.
- e. University administrators shall process completed Outside Activity Approval Form in a timely fashion.
- f. If a request to engage in an Outside Activity is denied, the University administrator shall provide the Covered Individual or Investigator with written reasons for the denial. A Covered Individual or Investigator may not challenge a decision to deny approval for an Outside Activity through the Faculty Grievance Policy unless the Covered Individual or Investigator alleges that the denial is contrary to University, college, department, school, or unit policy or established practice.
- g. Each university administrator or dean/head of the major administrative unit may consult and collaborate with the Office of Conflict Disclosure and Management if they identify a potential Conflict of Commitment by a Covered Individual or Investigator.

##### 5. Recordkeeping and Reporting Requirements

Each dean/head of the major administrative unit shall keep Outside Activity Approval Forms submitted by Covered Individuals and Investigators on file for at least three years. Additionally, each dean/head of the major administrative unit shall submit annual reports to the Office of the Provost concerning the Outside Activities performed by Covered Individuals and Investigators in that college/administrative unit.

##### 6. Non-Duty Periods

Covered Individuals or Investigators who hold academic year appointments or part-time appointments of at least 50% time may engage in Outside Activities during Non-Duty Periods. MSU recognizes that Covered Individuals may engage in external employment, including teaching and research opportunities, particularly during the summer months. The university values the professional growth and contributions faculty make beyond their institutional roles and understands that such engagements are an important part of their academic and professional pursuits.

To ensure alignment with university policies, Covered Individuals are expected to submit an Outside Activity Approval Form for any external employment or professional commitments.

This process allows the university to assess potential Conflicts of Commitment or Conflicts of Interest, such as compliance with intellectual property (IP) policies. Outside Activities during Non-Duty Periods are not subject to time limitations; however, to ensure a Conflict of Commitment does not exist, Outside Activities must be disclosed in the Outside Activity Approval Form and receive approval from the dean or head of the major administrative unit. This reporting process is not intended to limit faculty opportunities but rather to provide clarity and assurance that external engagements are conducted in a way that upholds institutional commitments while respecting a Covered Individual's ability to pursue outside work.

## 7. Applicability to the Medical Colleges

Faculty with a 0.50 FTE or more appointment in the College of Human Medicine or Osteopathic Medicine (excluding Physician Assistant Medicine) may engage in Outside Activities that include patient care or that include administrative or consulting activities significantly related to, but not directly involved in, patient care under the following conditions:

1. The work is performed outside the state of Michigan.
2. The work is performed on vacation time from Michigan State University.
3. The individual performing the work provides proof of malpractice coverage to Michigan State University and MSU Health Care, Inc.
4. Exception: Faculty may engage in legal consulting within the State of Michigan per this policy.

Faculty Members with a 0.50 FTE or more appointment in the College of Nursing or Physician Assistant Medicine in the College of Osteopathic Medicine may engage in Outside Activities that include patient care or that include administrative, or consulting activities significantly related to, but not directly involved in, patient care under the following conditions:

1. Work performed as a registered nurse (not an advanced practice registered nurse) may be performed per this policy.
2. Work performed as an advanced practice registered nurse or physician assistant may be performed as Outside Activity per the policy if:
  - a. The work is required to maintain certification.
  - b. The practice plan (MSU Health Care, Inc.) cannot offer placement.
  - c. Proof of malpractice insurance is provided to Michigan State University.

Faculty in the College of Veterinary Medicine may engage in Outside Activities pursuant to this policy, provided that private practice by Faculty in the College of Veterinary Medicine may occur only in accordance with College of Veterinary Medicine policy, and provided further that, if a practice plan is established for the College of Veterinary Medicine in the future, any income derived by Faculty of the College of Veterinary Medicine from private practice will be subject to the provisions of that practice plan.

## 8. Intellectual Property

The University's policies regarding intellectual property are applicable to Covered Individuals engaging in Outside Activities. If a Covered Individual seeks to use existing

intellectual property owned by the University in Outside Activities, the unit administrator consulting with the Covered Individual, must consult with MSU Technologies before the Outside Activity may be approved or performed. The purposes of this consultation are to avoid violation of third-party licenses, to prevent loss of University patent rights, and to preserve the rights of other authors or inventors.

#### 9. Involvement of Students and Staff

Decisions about whether to involve students and staff in a Covered Individual's Outside Activities should be guided by determining whether the proposed activities best serve the interests of the students and staff. Covered Individuals cannot require students or staff to become involved in a Covered Individual's Outside Activities. Covered Individuals are continually called upon to judge the quality of work of students and staff. Thus, a Covered Individual typically should not involve students and staff in the Covered Individual's Outside Activities; such involvement may impact the Covered Individual's judgment of students and staff.

If in the best interest of students or staff, Covered Individuals may hire students or staff to assist with their Outside Activities and if they have received appropriate approval. Such arrangements must be fully disclosed and receive prior approval from: 1) the Covered Individual's department or unit head, 2) the student's faculty advisor or the dean of undergraduate or graduate education, 3) the Department of the Office for International Students and Scholars (if the student or staff is on a visa), and/or 4) the staff member's direct supervisor.

Safeguards must be put in place on a case-by-case basis to ensure that University duties and the institution's academic mission are not compromised. The involvement of University students or staff (especially those for whom the Covered Individual has oversight responsibilities) may require ongoing monitoring. Covered Individuals should avoid any situation that could be perceived as directing students or staff to participate in research or Outside Activities that primarily serve personal interests.

#### 10. Use of University Resources

Covered Individuals may use University facilities, supplies and materials, equipment, services, or employees for Outside Activities, but only if (a) such use would not be contrary to University policy or collective bargaining agreements, (b) such use would not adversely affect the use or availability of such facilities, supplies and materials, equipment, services, or personnel for unit and other University activities and operations; and (c) the University is reimbursed in full for the fair market value of the use of the facilities, supplies and materials, equipment, services, or employees.<sup>3</sup>

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<sup>3</sup> Covered Individual using University facilities, supplies and materials, services, or equipment for Outside Activities do not need to reimburse the University for the fair market value of the use if it is a de minimis, incidental use which imposes no, or little, additional cost or expense on the University. However, use of equipment for Outside Activities must not conflict with the use of the equipment for MSU activities (e.g., research, internal, or office, etc.).

## 11. University Termination of a Covered Individual's or Investigator's Outside Activities

Approval of Outside Activities is subject to termination at any time. Written reasons for the decision to terminate approval will be provided to the Covered Individual or Investigator by the Covered Individual or Investigator's unit administrator. Decisions to terminate approval for Outside Activities are not disciplinary actions. A Covered Individual or Investigator who wishes to challenge a decision terminating an Outside Activity through the Faculty Grievance Policy may only do so if the termination is contrary to University, college, department, school, or unit policy or established practice.

When involvement in an Outside Activity substantially interferes with a Covered Individual's or Investigator's performance of their Institutional Responsibilities, the Covered Individual or Investigator's unit administrator may issue an administrative warning to the Covered Individual or Investigator or their unit administrator may arrange by mutual agreement a voluntary unpaid leave of absence or a reduction in the individual's appointment. Voluntary leaves of absence should normally not exceed one year as stated in the [MSU Leave Policies](#), and the frequency and duration of leaves of absence should not impair a Covered Individual or Investigator's contributions to the University.

## 12. Other Provisions

- a. Outside Activities are not covered under the University's Indemnification Policy or its Travel Accident Plan.
- b. When engaged in an Outside Activity, Covered Individuals or Investigators must make it clear that (a) they are acting in their individual capacities and not on behalf of the University; and (b) that the University does not endorse, sponsor, or support the Outside Activity. A Covered Individual or Investigator may use their University title when signing reports and letters pertaining to the Outside Activity so long as it is clear that the University title is used solely to document their professional credentials. Official University letterhead shall not be used in Outside Activities.
- c. Covered Individuals or Investigators shall not divert to outside research or teaching opportunities that might reasonably be offered to the University, nor should they knowingly participate in Outside Activities that might compete with the University's programs.
- d. Individual colleges or other units may establish lower maximum time limits for Outside Activities than those stipulated in this Policy and may promulgate guidelines and impose reporting requirements for Outside Activities in addition to those set forth in this Policy.
- e. Outside Activities Frequently Asked Questions also addresses further questions Covered Individuals or Investigators may have regarding this policy.

### **d. Malign Foreign Talent Recruitment Programs**

In compliance with the [CHIPS and Science Act of 2022](#), MSU must maintain a [policy](#) that prohibits Covered Individuals and Investigators<sup>4</sup> from participating in a Malign Foreign Talent Recruitment

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<sup>4</sup> As defined in the MSU Policy, Prohibition of Participation in Malign Foreign Talent Recruitment Programs.

Program<sup>5</sup>. See MSU's [Policy on the Prohibition of Participation in Malign Foreign Talent Recruitment Programs](#).

*[Insert the policy in this section. Use standard outline format. Please start with a table of contents for policies that are complex and/or longer than 6 pages.]*

## **VI. PROCEDURES**

### **a. Conflict of Interest Disclosure Requirements**

Certain Covered Individuals and Investigators must annually and before submitting an MSU research project, disclose Outside Activities and Significant Financial Interests, including domestic and non-domestic Outside Activities related to the Covered Individual's or Investigator's Institutional Responsibilities. New employees will receive a notification from Quali Research with instructions on how to complete a disclosure. Covered Individuals and Investigators must also submit an updated disclosure within thirty (30) days of acquiring any new Outside Activity, Significant Financial Interest, or other opportunity for tangible personal benefit. Covered Individuals and Investigators must provide all relevant information concerning disclosed matters as the information may be requested by a supervising authority for the purpose of evaluating and managing actual or potential Conflicts of Interest. Disclosures are completed in MSU's Quali Research System.

If a Covered Individual or Investigator is unsure whether their Outside Activity or Financial Interest relates to their Institutional Responsibilities or meets the definition of a Conflict of Interest or a Conflict of Commitment, they should disclose the Outside Activity or contact the Office of Conflict Disclosures and Management for further review. Further information related to disclosure is also included in the FCOI Standard Operating Procedure (FCOI SOP).

### **b. Conflict Review**

The Office of Conflict Disclosures and Management (CDM), in the Office of Research Regulatory Support (ORRS), will review all individual annual disclosures. Disclosures may be shared with the following to facilitate identifying Conflicts of Interest and Conflicts of Commitment: The Office of General Counsel, Procurement, Department Chairs, Deans, or Supervisors. The University shall respect the confidentiality of private financial and other confidential information supplied by faculty and shall not release this information publicly unless it is legally required to do so or the resolution or elimination of the conflict of interest requires public disclosure of the information (See Section V. (e), Board of Trustees Approval and [CRC Procedures](#)). Further information related to the review of conflicts and Financial Conflicts of Interest is also included in the FCOI SOP.

### **c. General Procedure for Outside Activities**

All Covered Individuals and Investigators who wish to engage in Outside Activities (excluding Scholarly Activities as defined in this policy), must submit an Outside Activity Approval Form and obtain approval before engaging in any Outside Activities during duty and non-duty periods.

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<sup>5</sup> As defined in the MSU Policy, Prohibition of Participation in Malign Foreign Talent Recruitment Programs.

Certain activities are expected of Covered Individuals and Investigators as part of their Scholarly Activities, as defined in this policy. Scholarly Activities are not regulated by this Section and do not require approval (even if a Covered Individual or Investigator receives payment for these services). Certain Scholarly Activities may require disclosure on the MSU COI disclosure.

#### **d. Managing and Mitigating Conflicts**

In consultation with the Covered Individual or Investigator with the Conflict of Interest, the Office of Conflict Disclosures and Management shall draft a conflict management plan for any Outside Activity or Significant Financial Interest that is or may be a Conflict of Interest, Financial Conflict of Interest, or Conflict of Commitment if needed. The Office of Conflict Disclosure and Management shall refer conflict management plans to the MSU [Conflict Review Committee](#) (CRC) for review and approval.

The MSU CRC will determine whether a COI or COC exists, assess whether conflicts or potential conflicts are being appropriately managed, recommend conflict management plans, conflict management strategies, and corrective actions when necessary.

The MSU CRC membership is comprised of faculty representatives and non-voting administrators and representatives from offices at MSU including but not limited to: CDM, ORRS, MSU Technologies, Business Connect, Office of Sponsored Programs, and the Office of General Counsel.

The Office of Conflict Disclosures and Management shall maintain a copy of all conflict management plans. Further information related to conflict management is also included in the FCOI SOP.

#### **e. Board of Trustees Approval**

Due to Michigan Law [MCL - Act 317 of 1968](#), MSU's Board of Trustees must approve any proposed agreement under any arrangement where the MSU employee seeks to participate in company-sponsored activity on behalf of MSU in the following instances:

1. an MSU employee serves as an officer or employee;
2. an MSU employee is a partner, member or employee of any firm, co-partnership, or unincorporated association that has solicited business from MSU;
3. an MSU employee owns more than 1% of total outstanding stock (if valued at over \$5000 in a calendar year) in a privately owned corporation that has solicited business from MSU; or
4. an MSU employee owns stock valued at over \$25,000 in a publicly traded company that has solicited business from MSU.

#### **f. Violations**

Any non-compliance with this Policy shall be addressed by the relevant department/unit head. The relevant department/unit head should consult with the Office for Faculty and Academic Staff Affairs and the Office for the Vice President for Research and Innovation to best determine any educational and/or disciplinary actions to implement due to non-compliance with this Policy.



Any discipline will follow the relevant discipline policy for that employment category<sup>[1]</sup>. The goals of educational and/or disciplinary actions include, but are not limited to, reinforcing training, mitigating risks caused by noncompliance, and deterring further noncompliance.

<sup>[1]</sup> Relevant faculty discipline policies are located here:

[Discipline and Dismissal of Tenured Faculty for Cause](#)

[Fixed-Term Appointment - Faculty Handbook](#)

[Research Faculty Appointment Category](#)

[Facility for Rare Isotope Beams/National Superconducting Cyclotron Laboratory Faculty Positions](#)

[Staff Handbook for the Continuing Appointment System of FRIB/NSCL](#)

## VII. RELATED POLICIES AND INFORMATION

Colleges, departments, and administrative units may adopt standards that are more, but not less, restrictive than those set forth in this policy. This policy is consistent with and is in addition to relevant federal and state law and University policies, as well as with unit policies not listed here. The following policies and guidance documents are supplemental to this policy and include important information pertinent to the information contained in this policy.

- [Dual Appointment Policy](#)
- [University Procurement and Logistics Conflict of Interest Policy](#)
- [HRPP Manual Section 10-1, Conflict of Interest](#)
- [Faculty Authored Works Assigned to Students and Perceived Conflicts of Interest](#)
- [Resources for Faculty Disclosures](#)
- [Conflict Review Committee Operating Procedures](#)
- [MSU Patent Policy](#)
- [MSU Copyright Policy](#)
- [Prohibition of Participation in Malign Foreign Talent Recruitment Programs](#)
- [Sabbatical Leaves of Absence](#)
- [Conflict of Interest in Employment](#)

## VIII. HISTORY

## Attachment B

### Conflict of Interest and Conflict of Commitment: Now and Future

#### In Current Policies

*BOT 409, Outside Work for Pay (OWP):*

- Required that paid outside work:
  - Be pre-approved
  - Not exceed an average of four days per month.
  - Enhance the faculty member's expertise in their discipline.
  - Not interfere with university obligations.

*BOT 503 – Conflicts of Interest, Faculty/Academic Staff:*

- Primarily focused on financial conflicts in research (FCOI) and includes regulatory requirements (e.g. PHS, NSF).
- Provides guidance on disclosure and conflict management.

#### In the New Policy

*BOT 414 – Conflict of Interest and Conflict of Commitment Identification and Disclosure:*

- Applicability: Faculty, academic administrators, executive managers, investigators.
- New definitions including explicitly defining Conflict of Commitment as:  
When a Covered Individual or Investigator's external relationships or Outside Activities interferes or competes with the University's educational, research, or service missions, or with that individual's time and effort to fulfill University expectations, obligations, and/or willingness to perform the full range of responsibilities associated with their University position. Conflict of Commitment can also include obligations to improperly share information with an Entity outside of the University or obligations to withhold information from the University or research agency.
- Key Features:
  - Combines conflict of interest and conflict of commitment guidance in one policy document.
  - Covers *both paid and unpaid* outside activities.
  - Requires disclosure and prior approval for outside activities that relate to the individual's academic or disciplinary expertise. Scholarly Activities are exempt from approval.
  - Colleges continue to provide approval for outside activities.
  - Includes non-duty period (May 16–August 15) for 9-month faculty—approval is now required for outside activities during this time.
  - Emphasizes the potential for interference with time and effort, as well as risks tied to sharing or withholding information inappropriately.
  - Introduces guidance for evaluating student and staff involvement to ensure participation is voluntary and appropriate and that safeguards can be implemented to prevent potential conflict situations.
  - Improvements and expansion to the approval/disclosure process, including an electronic approval process that was previously paper-based.
  - Updated the definition of a “day” in the policy. A “day” for purposes of the four day per month limit is equivalent to a standard workday (e.g., 8 hour day).
  - New guidance to be provided (e.g. FCOI standard operating procedure, FAQs, guidance for administrators).

#### Why the Shift Matters

- Brings MSU into alignment with federal compliance requirements.
- Protects faculty by clearly outlining what must be disclosed and approved.
- Supports transparency and institutional integrity.