



Executive Memorandum No. 36

Disclosure of Conflicts of Interest and Conflicts of Commitment

Pursuant to Sections 3.4.5 and 3.8 of the Bylaws of the Board of Regents of the University of Nebraska and the Board of Regents Policy on Conflict of Interest and Conflict of Commitment (RP-3.2.8), this Executive Memorandum describes and clarifies procedures and standards for the disclosure of conflicts of interest and/or conflicts of commitment.

1. Policy Scope

This policy applies to all employees of the University of Nebraska.

2. Policy Goals

The University not only permits but encourages its employees to engage in outside professional activities with industry and other external constituencies. At the same time, the University is cognizant that an employee's relationship with outside enterprises can engender opportunities for personal gain or financial advantage that may be at odds with the obligations the individual assumes as an employee of the University. This policy is intended to increase the awareness of University employees to the potential for conflicts of interest and commitment and to clarify procedures whereby such conflicts may be disclosed, avoided, or properly managed.

3. Definitions

Conflict of Commitment – occurs when the time devoted to external activities adversely affects, or has the appearance of adversely affecting, an employee's capacity to meet University responsibilities.

Conflict of Interest – means situations when an employee's direct or indirect personal financial interests may compromise, or have the appearance of compromising, the employee's professional judgment or behavior in carrying out their obligations to the University. This includes indirect personal financial interests of an employee that may be obtained through third parties such as an employee's immediate family, business relationships, fiduciary relationships, or investments.

Outside Professional Activities – are services to a non-University entity, whether compensated or not, which are reasonably related to the employee’s research, professional expertise, or the practice of their profession and are not a part of the employee’s institutional responsibilities.

4. Conflict of Interest and Conflict of Commitment Disclosure Process

Prior to engaging in any activity which may result in an actual or perceived conflict of interest and/or conflict of commitment,¹ all University employees shall disclose the activity to their supervisor via the University’s electronic conflicts of interest and commitment disclosure form. These activities, whether compensated or not, must be disclosed regardless of when they occur (e.g. summer for nine-month faculty, weekends, evenings, etc.).

In addition to requesting administrative approval prior to participation in each outside professional activity, and disclosing actual or potential conflicts of interest and conflicts of commitment as they occur, the following employees shall complete, review, and update (even in the absence of an actual or perceived conflict of interest or conflict of commitment) the University’s electronic conflicts of interest and commitment disclosure form at least annually:

- All full-time faculty, including those with nine-month appointments;
- Managerial/professional staff and administrators;
- Anyone who is responsible for the design, conduct, administration, or reporting of research;
- Anyone with an outside professional activity involving a foreign government, quasi-government, institution, or other foreign entity (including businesses);
- All employees who have been issued a University purchasing card;
- All employees with delegated signature authority; and
- Anyone who is otherwise directed to complete the disclosure form.

The review of disclosures shall be completed in accordance with the processes established by the President and each Chancellor.

All reporting of actual or potential conflicts of interest and commitment should be undertaken with the goal of full disclosure. If there is doubt about the existence of an actual or apparent conflict of interest or commitment, or uncertainty as to the relation of an outside professional activity or financial interest to one’s institutional responsibilities, the employee must err on the side of disclosing it for review and approval.

¹ Conflicts of interest and/or conflicts of commitment may occur outside the scope of an employee’s professional expertise. Please see definitions in Section 3.

5. Required Board Approval for Certain Outside Professional Activities

Certain requests to participate in some outside professional activities, even after receiving a critical review and campus-based administrative approvals, must also be pre-approved by the Board of Regents, and include:

- Section 3.4.5(a) of the Bylaws requires Board approval for “professional services outside the University provided to an individual person, client, company, firm, or governmental agency over a time period lasting more than two years.”
- Section 3.4.5(b) of the Bylaws requires Board approval for “professional employment requiring more than an average of two days per month during the period of his or her full-time University employment.” The Board has interpreted this language to mean an average of two days per month during the employee’s assigned work week.

Assigned work week shall mean every Monday through Friday and the time on any Saturday, Sunday, or evening when an employee is scheduled to work, but does not include any University holiday, period during which an employee has no University assignment (i.e., summer for nine-month employees who do not have summer term teaching responsibilities), or day that the employee takes a vacation day.

The average of two days per month during the assigned work week, and the determination as to whether or not Board approval is required, will be considered by evaluating the request on a calendar year basis. More specifically, any request to engage in an outside professional activity that exceeds twenty-four (24) assigned work week days for twelve-month employees or exceeds eighteen (18) assigned work week days for nine-month employees in a calendar year will require Board approval prior to the employee’s engagement in the activity.

Although approval requirements may vary based on the amount of time involved, disclosure is still required in all instances of an employee’s engagement in outside professional activities regardless of duration to allow review for conflicts of interest or commitment.

6. Enforcement

Instances of non-compliance with or violation or breach of this policy, including failure to file or knowingly filing an incomplete, erroneous, or misleading disclosure, or failure to comply with prescribed procedures for managing an identified conflict of interest or commitment, will constitute a violation of the Bylaws and Policies of the Board of Regents

of the University of Nebraska and may lead to disciplinary action up to and including termination from the University. The University may be obligated to report non-compliance, violation, or breach of this policy to other entities.

Dated this 14th day of May, 2020.

A handwritten signature in black ink, appearing to read "Ted Carter", written over a horizontal line.

Ted Carter, President

Reference: May 14, 2020