



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 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 expressly 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 relationships 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 of 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.

Foreign Country of Concern - any country identified as a foreign adversary of the United States or any country subject to economic sanctions by the United States. As of the date of publication of this memorandum, Foreign Countries of Concern include:

- Belarus;
- The Central African Republic;

- The People's Republic of China, including the Hong Kong Special Administrative Region and the Macau Special Administrative Region;
- Cuba;
- The Democratic People's Republic of Korea (North Korea);
- The Democratic Republic of the Congo;
- Iran;
- Myanmar;
- Russia;
- South Sudan;
- Sudan;
- Syria; and
- Venezuela.

Foreign Talent Recruitment Program – is any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.

Malign Foreign Talent Recruitment Program – is, as defined at 42 U.S.C. § 19237(4):

- a. Any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual:
 - i. Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
 - ii. Being required to recruit trainees or researchers to enroll in such program, position, or activity;
 - iii. Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
 - iv. Being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
 - v. Through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in

- work that would result in substantial overlap or duplication with a Federal research and development award;
- vi. Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
 - vii. Being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;
 - viii. Being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
 - ix. Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and
- b. A program that is sponsored by:
- i. A foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the Foreign Country of Concern; or
 - ii. A foreign talent recruitment program.

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 commitment¹, all University employees shall disclose the activity to their supervisors 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).

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

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.

one's institutional responsibilities, the employee must err on the side of disclosing it for review and approval.

5. Required Presidential 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 President, and include:

- Section 3.4.5(a) of the Bylaws requires Presidential approval for "professional services outside the University provided to an individual person, client, company, form or governmental agency over a time period lasting more than two years."
- Section 3.4.5(b) of the Bylaws requires Presidential 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 President 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 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 Presidential 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 Presidential 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. Prohibition on Participation in Foreign Talent Recruitment Programs

All University employees are prohibited from participating in foreign talent recruitment programs, including malign foreign talent recruitment programs. University employees who are proposing to participate, are currently participating, or have previously participated in a foreign talent recruitment program must disclose such participation in accordance with the process outlined in Section 4 of this Executive Memorandum.

7. 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 discipline 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 1 day of July 2025.

July

Reference:

May 14, 2020



Jeffrey T. Gold, President