

Conflict of Interest and Commitment

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Scope

This policy applies to all University of Nebraska at Omaha (UNO or University) employees and all persons who are “investigators” on University research projects or sponsored programs.

Policy Statement

The University of Nebraska 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 individual’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 a member of the UNO community. Conflicts of interest and/or conflicts of commitment must be disclosed, and in certain circumstances, may require a management plan.

Conflicts of interest are situations where an individual’s direct or indirect personal financial interests may compromise, or have the appearance of compromising, the individual’s professional judgment or behavior in carrying out his or her obligations to the University of Nebraska. This includes indirect personal financial interests of an individual that may be obtained through third parties such as an individual’s immediate family, business relationships, fiduciary relationships, or investments.

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.

The general subject of conflicts of interest is addressed in [Section 3.8](#) of the Bylaws of the Board of Regents as follows:

No employee of the University shall engage in any activity that in any way conflicts with duties and responsibilities at the University of Nebraska. The Board of Regents has adopted [Regents Policy 3.2.8](#) and authorized the implementation of related policies and directives to properly avoid, disclose and manage potential conflicts of interest.

In addition, Nebraska statutes relating to conflict of interest and nepotism apply to all employees of the University, including the provisions of §49-14,101 of the Revised Statutes of Nebraska. Furthermore, federal funding agencies require that the University establish safeguards to prevent employees or consultants from using their positions for purposes which are motivated by (or even give the appearance of) a drive for private financial gain.

Reason for Policy

The Bylaws of the Board of Regents and Regents' policy 3.2.8 require that each University of Nebraska campus implement a policy that ensures that broad University-wide principles are followed. This policy is intended to increase the awareness of UNO employees to the potential for conflicts of interest and commitment and to establish procedures whereby such conflicts may be disclosed, avoided, or properly managed.

Procedures

1. Disclosure: Prior to engaging in any activity which may result in an actual or perceived conflict of interest and/or conflict of commitment, all UNO employees shall disclose the activity to their supervisor via the [online 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 potential or actual conflicts of interest and conflicts of commitment as they occur, the following individuals shall complete, review, and update (even in the absence of an actual or perceived conflict of interest or conflict of commitment) the [online conflicts of interest and commitment disclosure form](#) at least annually.

1. All full-time faculty, including those with nine-month appointments;
2. Managerial/professional staff and administrators.
3. Anyone who is responsible for the design, conduct, administration, or reporting of research including all investigators and anyone listed as key personnel on sponsored projects, human subjects research, or animal subjects research.
4. Anyone with an outside professional activity involving a foreign government, quasi-government, institution, or other foreign entity (including businesses):
5. All employees who have been issued a University purchasing card.
6. All employees with delegated signature authority; and
7. Anyone who is otherwise directed to complete the disclosure form.

Common, though far from inclusive, examples of disclosures include:

- (a) Activity involving use of University resources for which personal remuneration is received.
- (b) Outside professional activities that may substantially reduce the time available for the employee to carry out the primary obligations of the employee's University appointment.
- (c) Changes in the amount of personal financial remuneration received as a result of outside professional activities provided to a non-University entity.
- (d) Sponsorship of a research project by an outside entity not previously disclosed.
- (e) Engagement in or changes in an existing unremunerated service role or position, e.g. serving on a Board of Directors of a non-profit corporation.
- (f) Creation of a new startup company.
- (g) Reimbursement for Sponsored Travel:

Public Health Service (PHS) rules require increased transparency for reimbursement of travel expenses. Investigators now must disclose reimbursed or sponsored travel related to the investigator's institutional responsibilities. Sponsored travel includes travel expenses reimbursed, or expenses paid on behalf of the University traveler and not reimbursed to the traveler so that the exact monetary value may not be readily available. Travel that is reimbursed or sponsored by U.S. federal, state, or local government agencies, U.S. institutions of higher education, academic teaching hospitals, medical centers, or research institutes affiliated with an institution of higher education does not have to be disclosed.

- (h) Financial interests from a foreign entity (government, university, non-profit, for-profit, etc.).

Any changes to information submitted via the [online conflicts of interest and commitment disclosure form](#) must be made within 30 days of discovering a new financial interest or outside activity that must be disclosed under this policy.

If a supervisor becomes aware of a conflict of interest or conflict of commitment that an employee has not disclosed, the supervisor shall discuss the situation with the employee and require that a written disclosure be made or updated as provided in this policy. If the employee is engaged in sponsored research, human or animal subject research, the employee must contact the Office of Research and Creative Activity to meet any additional disclosure requirements.

All reporting of potential or actual 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.

2. Review: The supervisor initially evaluates each disclosure and either (a) approves or (b) forwards any real or perceived conflicts to the Compliance Office and/or Office of Research and Creative Activity. The Compliance Office and Office of Research and Creative Activity will flag any disclosure that may require review/management by the Conflict of Interest Committee (CIC). If CIC review is deemed unnecessary, the supervisor will be notified and the disclosure will be approved.

3. Management: The Conflict of Interest Committee (CIC) is a standing committee responsible for reviewing potential conflicts and approving/monitoring plans to manage institutional and individual conflicts of interest and conflicts of commitment.

- (a) The disclosing employee's supervisor(s) may be invited to meet with the CIC to review a disclosure.

(b) If deemed necessary, the CIC will draft a management plan to mitigate the effects of any type of conflict of interest. An appointed member of the CIC will meet with the disclosing individual, and as appropriate with their immediate and/or unit supervisor(s), to review and implement the management plan.

(c) Appeal Process: A decision by the CIC may be appealed to the Sr. Vice Chancellor for Academic Affairs within 30 days of the date the employee was notified of the need for a management plan by the CIC. The appeal must be made in writing and should detail the reason for the appeal. The Sr. Vice Chancellor will determine whether the CIC's determination will stand, or whether the management plan or subsequent decisions should be sent back to the CIC for revision. The Sr. Vice Chancellor must provide written notification to the chair of the CIC and the appellant of his/her decision within 60 days of receiving the appeal.

4. Training: The Compliance Office, the Office of Research and Creative Activity, Academic Affairs, and the Office of Human Resources, are responsible for developing training and providing guidance to all individuals relative to conflict of interest and conflict of commitment policy and procedures.

For all researchers applying for Public Health Service (PHS) funding, rules require that conflict of interest training occurs prior to engaging in research and every 4 years following the initial training. In addition, training may be required when there is a change in institutional policies, an Investigator joins UNO, or there is a case of noncompliance. The Office of Research and Creative Activity, in collaboration with other offices/officers as required, will be responsible for providing training opportunities for individuals involved in research.

5. Reporting: The Compliance Office, the Office of Research and Creative Activity, Academic Affairs, and the Office of Human Resources, are responsible for reporting to sponsors, the Board of Regents, or state/federal agency, et.al. as required. Specifically: (1) the Office of Research and Creative Activity is responsible for reporting conflicts of interest to the National Institutes of Health and National Science Foundation and (2) the Compliance Office is responsible for providing an annual report on conflicts of interest to the Board of Regents.

6. Records Retention: As it is critical to guard the privacy of all disclosures, the University will ensure all information disclosed pursuant to this policy is kept with restricted access. Information will be retained in accordance with the [University of Nebraska records retention schedules](#).

7. Institutional Conflicts of Interest: An institutional conflict of interest is a situation in which the financial interests of an institution or an institutional official, acting within his or her authority on behalf of the institution, may affect or appear to affect the research, education, business transactions, or other activities of the institution. Institutional conflicts of interest are of concern when financial interests create the potential for inappropriate influence over the institution's activities. A goal of this policy is to protect the credibility and integrity of the University, through the identification, review, and management of actual or potential institutional conflicts of interest. Left unaddressed, institutional conflict of interest could undermine public trust and support of the University and its missions.

It is critical to the mission and reputation of the University to ensure that all financial, research, and educational activities are carried out with objectivity. Because of relationships with public and private entities, the University must be aware of any relationships involving significant financial interest that may compromise or appear to compromise integrity.

Institutional conflicts of interest may involve any University activity carried out in the pursuit of the University's mission. Of particular concern are conflicts that arise in the conduct of research involving human subjects, but any activity in which the judgment of those involved becomes affected by University financial relationships may lead to a violation of this policy.

8. Enforcement: Instances of non-compliance with or violation or breach of this policy, including 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. Enforcement action will be taken in accordance with the Bylaws and Policies of the Board of Regents of the University of Nebraska, and, where applicable, the policies of the University of Nebraska at Omaha and the Collective Bargaining Agreement between the Board of Regents of the University of Nebraska and the University of Nebraska at Omaha Chapter of the American Association of University Professors. The University may be obligated to report non-compliance, violation or breach of this policy to other entities.

Definitions

Conflict of Commitment occurs when the time devoted to external activities adversely affects an employee's capacity to meet University responsibilities.

Conflicts of Interest are situations where an individual's direct or indirect personal financial interests may compromise, or have the appearance of compromising, the individual's professional judgment or behavior in carrying out his or her obligations to the University of Nebraska. This includes indirect personal financial interests of an individual that may be obtained through third parties such as an individual's immediate family, business relationships, fiduciary relationships, or investments.

Financial Interest means anything of monetary value, whether or not the value is readily ascertainable.

Investigator/Key Personnel shall mean the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of research which may include graduate students, post-docs, residents, collaborators or consultants.

Immediate Family shall mean an individual who is the spouse, child, parent, brother, sister, grandchild, or grandparent, by blood, marriage, or adoption of the employee.

An **Institutional Conflict of Interest** shall mean a situation in which the financial interests of an institution or an institutional official, acting within his or her authority on behalf of the institution, may affect or appear to affect the research, education, business transactions, or other activities of the institution.

Outside Professional Activities are services to a non-University of Nebraska 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.

Remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.

Additional Contacts

Subject	Contact	Phone & Email	Additional Contact Information
Research & Creative Activity	Brenda Kolobara	402.554.2286 bkolobara@unomaha.edu	

Forms

[Conflicts of Interest and Commitment Disclosure Form](#)

Related Information

[University of Nebraska Executive Memorandum: Disclosure of Conflicts of Interest and Conflicts of Commitment](#)

[University of Nebraska Board of Regents Bylaw 1.10: Code of Ethics](#)

[University of Nebraska Board of Regents Bylaw 3.2.2: Nepotism](#)

[University of Nebraska Board of Regents Bylaw: 3.4.5: Outside Employment](#)

[University of Nebraska Board of Regents Bylaw 3.8: Conflict of Interest](#)

[University of Nebraska Board of Regents Policy 3.2.8: Conflict of Interest and Conflict of Commitment](#)

[University of Nebraska Board of Regents Policy 6.2.1: Purchasing Policy](#)

[Nebraska Political Accountability and Disclosure Act](#)

[Responsibility of Applicants for Promoting Objectivity in Research for Which Public Health Service Funding Is Sought and Responsible Prospective Contractors](#)

History

Policy approved by the Chancellor's Cabinet on March 20, 2020.

September 28, 2020: removed September 30 disclosure deadline requirement and replaced with an annual deadline to mirror Executive Memorandum No. 36 'Disclosure of Conflicts of Interest and Conflicts of Commitment.'

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.