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Employee Use of UNK Resources Policy

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Scope

This policy applies to all UNK employees, as employees of the State of Nebraska, conducting work in support of the University using University *resources* (e.g., facilities/space, equipment, utilities, supplies, personnel). Employee use of University *resources* in support of the University must be understood within the context of its statutory mission and Board of Regents guidance.

- a. *The University of Nebraska at Kearney shall have responsibility for operating general programs of undergraduate instruction and programs of graduate instruction, research, and public service as authorized by the Board of Regents consistent with and limited by the role and mission assignments provided in Chapter 85, article 9 [Neb. Rev. Stat. § 85-102.02(3)].*
- b. *Instructional activities shall mean those degree-credit and non-degree-credit courses and programs delivered to complete specific degree and nondegree learner objectives [Neb. Rev. Stat. § 85-919].*
- c. *Research activities shall mean those activities intended to create new knowledge or provide for the application of existing or newly created knowledge. Research activities may be carried out in conjunction with a system or area's instructional program or as a separately identifiable activity [Neb. Rev. Stat. § 85-920].*
- d. *Public service activities shall mean those programs established to make available to the public the particular resources of a system, area, or institution for the purpose of responding to a statewide, regional, or community need. Within this category may be included the following activities: (1) Direct patient care; (2) health care supportive services; (3) community services; (4) cooperative agricultural extension; (5) public broadcasting services; (6) cultural, recreational, and personal development activities; (7) economic development activities; and (8) continuing education for occupations and professions. Adult, basic, and continuing education programs or services shall not be included in the subcategory of community services [Neb. Rev. Stat. § 85-921].*
- e. *The University serves the people of Nebraska and the common good through learning, teaching, extension work, research, scholarship, and public service. [Board of Regents Bylaws-39].*

Policy Statement

Neb. Rev. Stat. § 49-14, 101.01(02): A public official or public employee shall not use or authorize the use of personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items other than compensation provided by law, for personal financial gain.

Neb. Rev. Stat. § 49-14, 101.03(1): Any use of public resources by a public official or public employee which is incidental or de minimis shall not constitute a violation of section 49-14,101.01 or 49-14,101.02.

1. Regents bylaws require that the University receive “adequate compensation” for outside professional activities performed in University buildings using University equipment or materials. [RP 3.4.5]
2. While the University has not defined *de minimis* use, for purposes of copyright ownership of Traditional Works of Scholarship it does not regard the provision of an employee’s salary, office, usual library resources, usual facilities and equipment, office staff, or personal computers as constituting substantial use of University resources [University Supported Works RP 4.4.1, section 5b]. In other contexts, the University uses the IRS definition of *de minimis*, which is any property or service the value of which is so small as to make accounting for it unreasonable or administratively impracticable. [26 USC § 132(e)(1)]
3. UNK employees conducting work in support of the University may use University *resources* within the context of UNK’s statutory mission and Board of Regents guidance [see *Scope* section on page 1]. This mission-related activity encompasses a multitude of interactions undertaken to serve and benefit the people of Nebraska, e.g., service, outreach, instruction, analysis, and recruitment.
 - a. Departments/Units may develop guidelines which must be approved by the Dean/Unit Supervisor and the Conflict of Interest Committee and must be at least as restrictive as the provisions outlined in Section 3(d) of this Policy.
 - b. Employee use of University *resources* shall be in compliance with established Department/Unit guidelines.
 - c. Offices/Facilities will be maintained in a manner and on a schedule as determined by the Facilities Management and Planning Department. Scheduling/fees must be approved by the Department/Unit and/or the Facilities Management and Planning Department and UNK must be justly compensated for the use of consumable material(s) associated with the activity.
 - d. Provision for employees charging of fees commensurate with professional expertise in the conduct of mission-related work in support of the University:
 - (1) must be clarified in Department/Unit guidelines.
 - (2) must not be for financial gain of faculty or staff.
 - (3) must include reimbursement to the University for any use of University resources that is not *de minimis*.
 - (4) **Note:** [RP-3.4.5] *Specific approval of the Board is required before any members of the full-time professional staff:*
 - (a) *May be retained to provide professional services outside the University to an individual person, client, company, firm or governmental agency over a time period lasting more than two years.*
 - (b) *May accept professional employment requiring more than an average of two days (work days) per month during the period of his or her full-time University employment.*
4. All *Covered Persons* [see UNK’s *Conflict of Interest and Commitment Policy*] must at least annually complete the Interest and Activity Management Reporting Form for the purpose of disclosure, management and/or elimination of potential conflicts of interest. *Covered Persons* include:
 - *All University employees/officers with delegated signature, purchasing or contracting authority on behalf of the University;*

- *All University employees (staff and faculty) on a full-time appointment and salaried, who potentially engage in outside employment or other activities that may create a conflict of interest or commitment; and*
 - *Sponsored Research investigators, including University employees, faculty and staff, and other persons under the direct control of UNK, whether paid by UNK or not, who participate in Sponsored Research as defined in Section 6 of Board of Regents policy 3.2.8.*
5. While all UNK *property* is primarily dedicated to academic, student life, intercollegiate athletics, and administrative functions and is not open to unrestricted public access, the University:
- (1) endeavors to allow utilization of facilities by public entities with minimal fees for rental, safety, custodial, consumables, e.g. and
 - (2) to the extent practicable and consistent with applicable law, must be appropriately compensated for private, commercial use of the public property under its stewardship.

Related Information

- UNK's *Conflict of Interest and Commitment Policy*
- NU Regents Policy 3.2.8 *Conflict of Interest and Conflict of Commitment*
- Board of Regents Bylaws 3.4.5 *Outside Employment*
- NU Regents Policy *RP 4.4.1 Ownership of Intellectual Property*
- NU Regents Policy *RP 6.4.10 Commitment to Free Expression; Guide for Facilities Use; and Education*

History

New policy drafted 3/19 and approved by NU Office of General Counsel.