



Applies to: Staff, applicants

Responsible Office

Office of Human Resources

POLICY

Issued: 10/01/1973
Revised: 07/01/2012
Edited: 05/08/2018

University staff members are expected to devote their work activities primarily to functions of the university. They may, however, engage in external work provided that such work does not detract from the performance of their duties and responsibilities to the university and/or create conflict of interest with their assigned university responsibilities. It is expected that such external work will take place outside of the staff member’s designated work time. Authorization may be granted to staff members who want to perform work outside of the university during their designated work time. Staff members who wish to engage in external work which may be a conflict of interest must obtain authorization prior to starting the activity. Any such time will be charged to accrued vacation and/or leave without pay.

Staff shall not engage in any external work that may result in a conflict of interest unless prior authorization has been obtained. A conflict of interest exists if financial interests or other opportunities for personal benefit may exert a substantial and improper influence upon an employee’s professional judgment in exercising any university duty or responsibility. Staff shall not use their positions to secure anything of value, financial gain, or personal benefit that would not ordinarily accrue to them in the performance of their official duties. Nor shall they accept any compensation from any other agency or individual for work performed in the course of their employment by the university, except under the limited circumstances permitted in a formal conflict of interest management agreement.

Purpose of the Policy

To establish expectations for university staff and applicants should they engage in work outside of the university that could create a conflict of interest as it relates to their position at the university, and to ensure compliance with the Ohio Ethics Law.

Definitions

Term	Definition
Designated work time	Hours agreed upon by supervisor of when an employee will perform work for the university.
External work	Any work performed for any person or entity other than the university whether or not it is compensated that poses a potential conflict of interest. External work must be of such a nature and conducted in such a manner as will not bring discredit to the university and must not compromise any intellectual property owned by the university.
Externally compensated activities	Any work not performed as a university employee for which compensation is received.
Financial interests	Anything of monetary value, including but not limited to salary or other payments for services, including fees; honoraria; gifts; or other in kind compensation whether for consulting, membership on a board of directors or advisory board, or any other purpose such as partial, interim, or milestone payments.
Intellectual property	Inventions, works of authorship, patents, copyrights, licenses, etc.

Policy Details

- I. Conflict of Interest and Work Outside the University
 - A. State ethics law

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1. All staff members of state-assisted universities are covered by Chapters 102 (Ethics) and 2921 (Offenses Against Justice and Public Administration) of the Ohio Revised Code. In accordance with the law, copies of Chapters 102 and 2921 will be provided to each new faculty or staff member.

B. External work

1. Staff engaging in external work must avoid the use of information or procedures that may involve a conflict of interest with assigned university responsibilities, particularly as related to an area of ongoing research, including sponsored programs with specific contractual restrictions. Failure to adequately perform university responsibilities due to involvement in external work is considered neglect of duty and may result in termination, regardless of whether the activity is approved.

C. Duty to disclose and prior approval

1. Staff must disclose in advance all external work and **financial interests** that create or have the appearance of creating a conflict of interest to the appropriate college/unit representative. The college/unit representative will review and determine if any conflict of interest exists and what conditions or restrictions, if any, should be identified to manage, reduce, or eliminate the conflict.
2. Staff disclosures shall be sufficiently detailed and timely as to allow accurate and objective evaluation prior to making commitments or initiating work that creates a conflict of interest. The information must accurately represent the issues and be truthful, clear and complete. Each member of the university community has an obligation to cooperate fully in the review of the pertinent facts and circumstances.
3. Staff requests to engage in external work during **designated work time** must be pre-approved by the appropriate college/unit representative. External work must be reported using the Staff External Work Reporting form. If the conflict cannot be managed, reduced or eliminated, the employee will need to decide whether to remain a university employee or to decline the external work.
4. Job applicants must disclose potential conflicts of interest and make acceptable arrangements with the employing unit. These arrangements must be included in the letter of offer. The inability to reach an acceptable arrangement regarding a conflict of interest will result in termination or non-selection.

D. Accountability

1. Violations of this policy include failure to report potential conflicts or to abide by an alternative arrangement plan. The university has the right to issue corrective action consistent with university policies, practices and state law. Severity of the corrective action depends on the extent of the policy violations.

II. Use of University Resources

A. Use of university name

1. Staff members engaging in external work shall not use the name of The Ohio State University, its units, or any other university trademark, service mark, or trade name in such a manner as to suggest institutional endorsement or support of a non-university enterprise, product, or service. Neither business cards bearing the university name, address and campus telephone numbers nor university stationery are to be used in such a manner as to suggest institutional endorsement or support of a non-university enterprise, product, or service.

B. Use of university staff

1. Staff members engaging in external work must not use other university employees during designated work time, unless authorized by a formal conflict of interest management agreement (refer to University Rules Governing Faculty and Staff Participation in Companies Commercializing Their University Research).

C. Use of facilities

1. University space, supplies, computer resources, and equipment cannot be used for external work unless permission is obtained prior to their use and appropriate fees are paid to the university for the use of such facilities (refer to University Rule 3335-13-03 and University Registrar).

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D. Use of university **intellectual property**

1. University intellectual property must not be used for external work purposes except as approved by the university prior to its use and/or as outlined in the University Rules Governing Faculty and Staff Participation in Companies Commercializing Their University Research and the Intellectual Property Policy.

III. **Compensated External Activities**

Staff must use accrued vacation or compensatory time (non-exempt staff only) and/or leave without pay for externally compensated activities occurring during designated work time. The following are some examples of compensated services (not an exhaustive list):

- A. Providing services to a corporation, business, or industry as an individual officer, director, owner, agent, consultant, or staff member.
- B. Providing services to a school system, educational institution, or governmental agency as a scheduled lecturer, consultant, or staff member.
- C. Providing services to a private foundation or professional or trade association as a consultant, officer, director, or staff member.
- D. Providing services as a voluntary expert witness in any civil or criminal case.
- E. Providing private lessons or tutoring.
- F. Providing services as an editor or reviewer for professional journals.
- G. Providing services to symphonies, choruses, and theatrical activities.

IV. **Non-Compensated External Work**

- A. Staff who participate in non-compensated external work during designated work time should use accrued vacation or compensatory time (non-exempt staff only) and/or leave without pay.
- B. Approved work activities that serve to enhance the university and for which no compensation is involved, such as serving on accreditation teams and university-sponsored volunteer work, (excluding travel and meal allowances) will not be subject to this provision. Prior approval must be obtained from the staff member's supervisor to participate in such activity during work time.

PROCEDURE

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I. **Commercialization of Work Performed in the University**

- A. State law and the university Policy on Intellectual Property govern the intellectual property rights of employees. Staff who wish to participate in the commercialization of their university work must adhere to the specific standards and requirements as stated in the Policy on Patents and Copyrights and the University Rules Governing Faculty and Staff participation in Companies Commercializing Their University Research.

II. **Reporting External Work**

- A. Staff who wish to pursue external work must complete the Staff External Work Reporting Form only if the activity presents a potential conflict of interest. Staff must present the form to their department chair, director, or designee for approval prior to engaging in external work. For help identifying and managing potential conflicts of interest, contact Human Resources Employee and Labor Relations or the Office of Legal Affairs.

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- B. Staff and their department chair, director, or designee must review and update reporting forms annually, as appropriate.

Responsibilities

Position or Office	Responsibilities
Employing Unit	<ol style="list-style-type: none"> 1. Incorporate this information into New Employee Orientation. 2. Review the Staff External Work Approval Request form and determine approval or need for alternative arrangements. 3. Identify conflict of interest at the hiring stage and prepare alternate arrangement plan, if appropriate. 4. Help staff develop alternative arrangements. 5. Include alternate arrangement plan in the letter of offer. 6. Disseminate information about this policy annually. 7. Monitor alternative arrangements. 8. Review and update reporting forms annually with staff members.
Office of Human Resources	Consult with units and/or employees regarding this policy and alternative arrangements.
Employee	<ol style="list-style-type: none"> 1. Disclose all necessary information to the college/unit representative if there is a potential that a conflict of interest exists. Disclosure should take place prior to the start of external work. The college/unit will determine if a conflict of interest or conflict of commitment exists. 2. Submit Staff External Work Reporting Form and cooperate in establishing alternative arrangements. 3. Await approval prior to engaging in external activities. 4. Contact the Office of Technology Commercialization and Knowledge Transfer in cases potentially involving intellectual property rights. This contact must occur prior to the use or commercialization of any intellectual property. 5. Update unit/supervisor if changes occur to the alternative arrangements.

Resources

Forms:

- Confidential Disclosure Agreement, <https://tco.osu.edu/home/ip-agreements/confidential-disclosure-agreement-cda/>
- Staff External Work Approval Request form, hr.osu.edu/wp-content/uploads/form-staff-external-approval.pdf

University policies and rules:

- Intellectual Property, <https://tco.osu.edu/v2/wp-content/uploads/IP-Policy.pdf> tco.osu.edu/v2/wp-content/uploads/IP-Policy.pdf
- University Rule 3335-13-03, <https://trustees.osu.edu/rules/university-rules/chapter-3335-13-university-property.html>

Additional Resources:

- Office of University Compliance and Integrity, Conflict of Interest website, <https://compliance.osu.edu/compliance-focus-areas/conflicts-of-interest/>
- Ohio Revised Code Chapter 102.01 Public Officers – Ethics, codes.ohio.gov/orc/102
- Ohio Revised Code Chapter 2921.01 Offenses against justice and public administration, codes.ohio.gov/orc/2921

Contacts

Subject	Office	Telephone	E-mail/URL
Policy interpretation	Employee and Labor Relations, Office of Human Resources	614-292-2800	hr-elr@osu.edu hr.osu.edu/services/elr
Legal issues, intellectual property	Office of Legal Affairs	614-292-0611	https://legal.osu.edu/



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Subject	Office	Telephone	E-mail/URL
Commercialization, intellectual property	Technology Commercialization Office	614-292-1315	innovation@osu.edu tco.osu.edu

History

Issued: 10/01/1973 Issued as Conflict of Interest, applicable to faculty and staff
Revised: 10/01/1980
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Revised: 02/20/1998 Applicable to faculty, staff and student employees
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