

3356-7-18 Outside consulting/employment services – faculty.

- (A) Policy statement. The university supports faculty participation in activities in the government, industry, and other private institutions that generally serve the academic interest of the university. Students, the university, and the state of Ohio generally benefit from experiences faculty bring to the classroom and the recognition that such experiences bring to the faculty and university. Therefore, faculty may provide professional consulting services to entities or individuals outside the university and receive compensation for such services as long as the services do not create a conflict of commitment with the performance of their university duties, compete with the interests and work of the university, or violate any university policy or state or federal statute or applicable research or grant-funding guidelines.
- (B) Purpose. The purpose of this policy is to establish guidelines under which faculty may engage in outside paid consulting services and the reporting requirements which arise when faculty engage in such services outside of their university duties and in their areas of general professional expertise. This policy does not apply to external professional activities that are expected of faculty in their professional roles, such as work on peer review panels and advisory bodies for other universities or publishers.
- (C) Scope. This policy applies to all full-time faculty who perform the duties of an educator, instructor, or professor and whose primary position does not involve the performance of or authority to perform administrative or supervisory functions. This policy does not apply to employees covered by university policy 3356-7-34, “Outside consulting services/employment – full-time university employees.”
- (D) Definition. In general, “consulting” is defined as professional activity related to the person’s field or discipline, where a fee-for-service or equivalent relationship with a third party exists.
- (E) Parameters.
- (1) Faculty providing consulting services should also refer to rules 3356-7-01, “Conflicts of interest and conflicts of commitment”; 3356-5-12, “Licensing of university names and marks”; and 3356-4-19, “Use of university equipment” of the Administrative Code.

- (2) The prohibitions contained in Ohio ethics law in sections 102.03(D) and 102.03(E) of the Revised Code do not apply to faculty who are educators and whose position does not involve administrative or supervisory functions.
- (a) Sections 102.03(D) and 102.03(E) of the Revised Code prohibit employees from soliciting, accepting, or using their position to secure anything of value if the thing of value is of such a character as to have a substantial and improper influence upon the employee with respect to their duties. These specific sections do not apply to the faculty.
- (b) However, sections 102.04 and 2921.43 of the Revised Code prohibit all faculty, regardless of whether they perform administrative or supervisory duties, from receiving payment from a third party for the performance of their official duties.
- (c) Also, section 2921.42 of the Revised Code prohibits all faculty from having an unlawful interest in a public contract (i.e., authorizing or influencing the university to enter into a contract that benefits the employee, family, or business associates, or simply benefitting from a contract with the university unless the exceptions in section 2921.42(C) of the Revised Code are met).
- (3) Generally, the proportion of a faculty member's professional effort devoted to consulting should not exceed one business day per week. Acceptance of a faculty appointment at the university requires that the faculty member make a commitment to the university consistent with the faculty appointment and academic rank. Outside consulting should not conflict with the overriding commitment made to the university. Outside activities that should not interfere with the faculty members' commitment to the university include, but are not limited to, other public or private employment, consulting, teaching, research, or memberships on corporate boards.
- (4) University facilities, supplies, equipment, and resources, including letterhead (collectively referred to as "resources") may not be utilized when providing consulting services without appropriate

compensation and prior written approval of the vice president for finance and administration and the provost. Faculty shall not use the university name or the fact that they are affiliated with the university in a manner that suggests that the university approves the product or service that is the subject of the consulting or that would suggest university involvement or approval of the consulting activity, purpose or findings.

- (5) Under Ohio law, the university owns any intellectual property that results from research or investigation conducted by employees within the scope of their employment or with funding, equipment, or infrastructure provided by or through the university. Approval for the use of university resources does not negate the university's rights to and interest in discoveries, inventions, or patents pursuant to Ohio law.
- (6) Consulting services may not be offered for activities provided by the university as part of its operations unless otherwise approved in consultation with the provost. Faculty may not enter into consulting arrangements that compete with the interests and work of the university.

(F) Procedures.

- (1) Faculty shall annually complete the outside consulting/employment disclosure form. The completed form shall be submitted for approval/disapproval at least thirty days prior to the commencement of any consulting activity.
- (2) The faculty shall submit the form to the chair for review and approval/disapproval. The request will be forwarded to the dean and then to the provost/designee for review and approval/disapproval. Final approval is within the discretion of the provost/designee.
- (3) The completed form will be forwarded to the office of human resources. The office of human resources will forward a copy of the completed form to the signatories.
- (4) The office of human resources will also provide copies of the form to the office of research in order to assist with conflict checks in

that office. Otherwise, the office of human resources will maintain the forms and information in accordance with university retention schedules.

- (5) The form must be completed on an annual basis for each new and ongoing consulting arrangement. Faculty are under a continuing duty to update the form when circumstances change.

(G) Policy violations.

- (1) Faculty are responsible for any damages or claims for damages which may arise in connection with their outside consulting activities. The limited immunity conferred by section 9.86 of the Revised Code does not apply to consulting activities.
- (2) Failure to adhere to this policy, including but not limited to failure to properly report outside consulting services/employment may result in corrective action/discipline up to and including termination.

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