

## Guide to the Ohio Ethics Law and Outside Activities

### General Ohio Ethics Law Concepts

University officials and employees must, at all times, abide by protections to the public embodied in Ohio's Ethics Laws. (A copy of these laws is provided by the university and receipt acknowledged, as required in R.C. 102.09(D). More information, including several resources, regarding compliance with the Ohio Ethics Law is available on the Ohio Ethics Commission website: <https://www.ethics.ohio.gov/>.

A general summary of the restrictions included in these laws is provided below. No member or employee shall:

- Have a prohibited financial or fiduciary interest in a contract involving the university;
- Use their authority or influence to obtain or authorize a contract between the university and themselves, a family member, or business associate;
- Accept compensation for the performance of their university duties from any person or entity other than the university; or
- Accept anything of value that will exert a substantial and improper influence upon them with respect to their university duties.

Employees may be exempt from certain requirements based on their positions in accordance with applicable law.

### Frequently Asked Questions

#### *General*

- **What is a public contract?**
  - Any purchase or acquisition of goods or services by Ohio State or any other public agency—including employment with the university. See: <https://ethics.ohio.gov/education/publiccontracts.html>.
- **Why do some restrictions apply differently to faculty members with administrative responsibilities?**
  - The Ohio Ethics Commission has said that teachers, instructors, professors, or any other educators without administrative responsibilities are not subject to certain conflict of interest restrictions under Section 102.01 of the Ohio Revised Code.
  - However, all Ohio State employees—including faculty members without administrative responsibilities—are still subject to the other aspects of the Ohio Ethics Law, including restrictions regarding public contracts and supplemental compensation.
- **How do I know if I am a “faculty member with administrative responsibilities”?**
  - Chairs, Deans, Center Directors, and any other faculty member with duties that involve managing or directing the activities of a department, including managing and directing departmental finances, have administrative responsibilities.
  - Faculty service obligations and responsibilities such as chairing promotion and tenure committees, advising students, serving on the University senate fall outside of having administrative duties
- **What is an improper source?**
  - An improper source is a person, company, or other entity that is doing or seeking to do business with the university, or is interested in matters before the university.

## ***Outside Employment***

- **What if I have an outside job?**

- The Ohio Ethics Law does not prevent outside employment, so long as there is no conflict between the university job and the outside work.
- Employees must ensure that their outside work is entirely separate from their university job, including:
  - Not using university time or resources to do or promote their outside work
  - Having no involvement in any university decisions or discussions regarding their outside employer
  - Not using their OSU job to benefit their outside employer in any other way
- Employees also are prohibited from soliciting or using their positions to obtain a job from any person or entity that is doing business or seeking to do business with the university. See: <https://ethics.ohio.gov/education/factsheets/InfoSheet4-JobSeeking.pdf>

- **What if I have my own business?**

- Follow the same guidance regarding outside employment that is found above. Keep in mind that you cannot use your university position to benefit your outside company in any way, including using your university job to solicit clients or customers.
- The university generally **cannot** purchase any goods or services from an employee's outside business, unless the purchase can meet a very narrow exception under the Ohio Ethics Law.
- For more guidance on the prohibition on selling goods or services to your own public employer. See: <https://ethics.ohio.gov/education/factsheets/InfoSheet3-StateContracts.pdf>

## ***Board service and fiduciary roles***

- **What if I sit on a governing board or have any other fiduciary role with an external organization?**

- If any university employee is a member of a governing board of an external organization, they have a fiduciary interest in that outside organization.
- A university employee with a fiduciary interest likely would have a **prohibited interest** in any public contracts between the university and that outside organization.
  - Generally, the university cannot purchase goods or services from an entity when an OSU employee has a fiduciary interest in that entity, unless the purchase can meet a very narrow exception under the Ohio Ethics Law. See: <https://ethics.ohio.gov/education/factsheets/InfoSheet3-StateContracts.pdf>

- **What if I sit on a governing board or have any other fiduciary role with a nonprofit organization?**

- Generally, an employee who sits on the board or has any other fiduciary role with a nonprofit would have a prohibited interest in any public contracts between the university and that nonprofit.
- There is an exception for employees who are serving on nonprofit boards in their **official capacity**, which means OSU has designated that employee to sit on that board to represent the university's interests, rather than to represent their own personal interests. See: <https://ethics.ohio.gov/education/factsheets/InfoSheet11-PubPrivPartnership.pdf>

- **What if I sit on an advisory board of an external organization?**

- The Ethics Law does not prohibit employees from serving without compensation on advisory boards of organizations that are doing or seeking to do business with the university.
- Employees who serve on such advisory boards are prohibited from accepting travel expenses from the external organization to attend advisory board functions.
- See: <https://www.ethics.ohio.gov/advice/opinions/2003-03.pdf>

- **What if I have significant equity in a company?**

- If an employee owns more than 5% equity in a company doing business with the university, they likely have a **prohibited interest** in any public contracts between the university and that outside organization. See: <https://ethics.ohio.gov/education/factsheets/InfoSheet3-StateContracts.pdf>

### ***Travel and Honoraria***

- **Can I accept an honorarium for participating in expected professional services as defined in the Outside Activities and Conflicts Policy ?**
  - Faculty members without administrative responsibilities may accept an honorarium for participating in expected professional service activities from any source, even university vendors.
  - Faculty members with administrative responsibilities and staff may not accept an honorarium from a university vendor unless they are able to recuse themselves from any university matters involving that vendor. See: <https://www.ethics.ohio.gov/advice/opinions/2011-04.pdf>
  - Examples of expected professional services include: service to governmental agencies and boards such as peer review panels and advisory bodies to other universities; presentations to either professional or public audiences in such forums as professional societies, libraries, and other universities; and peer review activities undertaken for either for-profit or nonprofit publishers, including grant reviews and consultation.
- **Can I accept an honorarium for participating in an activity that is not considered an expected professional service?**
  - If you are participating in an event as part of your university job duties (as opposed to participating in an expected professional service), you may not accept an honorarium for that event.
    - If the university is paying for any of your travel expenses to an event, that event generally would be considered part of your university job duties.
    - Examples of events that may fall under your university job duties include recruiting trips, extension efforts, or speaking to alumni or donors on behalf of the university.
  - University employees cannot accept anything of value, from any source (whether a vendor or not) other than the university, as compensation for the performance of their public duties. See: <https://www.ethics.ohio.gov/education/factsheets/InfoSheet7-Gifts.pdf>
- **What if a university vendor wants to pay for my travel costs to a conference or seminar?**
  - Staff and faculty members with administrative responsibilities may not accept travel expenses from improper sources if they are conducting work related to their university duties, such as attending a conference to represent the university.
  - Faculty members without administrative responsibilities may accept travel expenses for conferences and seminars from any party.
  - See: <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf> and <https://www.ethics.ohio.gov/advice/opinions/2011-04.pdf>
- **Can I accept free conference registration?**
  - Staff and faculty members with administrative responsibilities may only accept free conference registration from an improper source if they are presenting at the conference, and if all conference presenters are provided with complimentary registration.
  - Staff and faculty members with administrative responsibilities may not accept free conference registration from an improper source if they are not presenting at the conference.
  - Faculty members without administrative responsibilities may accept free conference registration.
  - See: <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf>
- **What if a government organization or public university wants to pay for my travel costs to a conference or seminar?**

- All employees may accept ordinary, customary, and necessary travel expenses from any government agency, including public universities. See: <http://codes.ohio.gov/oac/102-3-08> and <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf>
- **What if any other entity wants to pay for an employee’s travel costs for conferences and seminars?**
  - All employees may accept travel expenses from an entity that is not doing or seeking to business with, regulated by, or interested in matters before the university. See: <http://codes.ohio.gov/oac/102-3-08> and <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf>
  - Employees also may accept travel expenses from certain state-wide, multi-state or regional consortiums of which OSU is a member (i.e. Big Ten Conference). See: <http://codes.ohio.gov/oac/102-3-08> and <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf>
- **Can I accept travel expenses from an external party in addition to travel expenses from the university?**
  - University employees cannot accept travel expenses from an external party when the university covers the same expenses (i.e. double dipping).
  - University employees cannot accept anything of value (which includes reimbursements for travel and lodging) from any source other than the university, as compensation for the performance of their public duties.
  - If the university is paying for any of your travel expenses to an event, that event generally would be considered part of your university job duties. Some exceptions may apply if the university and the other source cost-share. See: <http://codes.ohio.gov/oac/102-3-08> and <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf>
- **Can I accept travel expenses associated with consulting or other external activities?**
  - Employees may accept travel expenses associated with approved outside activities, so long as they are following the Outside Activities and Conflicts Policy.
- **What expenses are considered “travel expenses”?**
  - Travel expenses are transportation, meal, and lodging expenses paid for or reimbursed to a public official or employee.
  - See: <https://www.ethics.ohio.gov/education/factsheets/ConferencesandtheOhioEthicsLaw.pdf> and <http://codes.ohio.gov/oac/102-3-08>

### *Gifts and other things of value*

- **What if a vendor wants to give me a gift, take me to an event, or buy me a meal?**
  - Staff and faculty with administrative duties may not accept anything of substantial value from any party that is doing business with the university or seeking to do business with the university.
    - Something of substantial value might include an expensive meal, event tickets, golf outings, or travel expenses.
  - Faculty without administrative duties may accept something of value from any party that is doing business with the university or seeking to do business with the university, so long as it is not being provided to them as compensation for the performance of their university duties.
  - University employees (outside of the OSUWMC) may accept something of de minimis value—such as a book, a mug, or an inexpensive lunch—from any source, as long as the de minimis gift is non-recurring.
    - All OSUWMC employees are subject to the Ohio State Medical Center Vendor Interaction Policy [Link] and are prohibited from accepting any gifts, regardless of value, from any party that is doing business with the university or seeking to do business with the university.
- **What if someone wants to give me something in exchange for doing something that is part of my university duties?**

- University employees cannot accept anything of value, from any source other than the university, as compensation for the performance of their public duties.
  - This includes anything of value given to employees as a tip, bonus, or thanks for performing some duty that is part of their university job.
- See: <https://ethics.ohio.gov/education/factsheets/InfoSheet7-Gifts.pdf>