



**RESOLUTION TO MODIFY
OUTSIDE CONSULTING/EMPLOYMENT SERVICES - FACULTY POLICY,
3356-7-18**

WHEREAS, University Policies are being reviewed and reconceptualized on an ongoing basis;
and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy stated above and attached hereto.

**Board of Trustees Meeting
September 19, 2024
YR 2025-14**

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

Responsible Division/Office:	Legal Affairs/Human Resources; Office of Academic Affairs
Responsible Officer:	VP for Legal Affairs and Human Resources; Provost/VP for Academic Affairs
Revision History:	April 1999; December 2013; December 2019; September 2022; September 2024
Board Committee:	University Affairs
Effective Date:	September 19, 2024
Next Review:	2029

- (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.
- (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 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. This policy does not apply to employees covered by rule 3356-7-34 of the Administrative Code (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) Ohio ethics laws and related statutes:
 - (a) The prohibitions contained in Ohio ethics law in divisions (D) and (E) of section 102.03 of the Revised Code do not apply to faculty who are educators and whose position does not involve administrative or supervisory functions.

Divisions (D) and (E) of section 102.03 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.
 - (b) 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) 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 division (C) of section 2921.42 of the Revised Code are met).
 - (2) Faculty providing consulting services should also refer to rules 3356-7-01, 3356-5-12, and 3356-4-19 of the Administrative Code (university policies 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”).

- (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. A conflict of commitment typically exists when a faculty member engages in outside activities, either paid or unpaid, that interfere with the performance of university job duties and responsibilities. Faculty members are expected to avoid any situation which compromises, or appears to compromise, their loyalty to the university and commitment to their university responsibilities. Full-time faculty appointments should be regarded as full-time employment responsibilities to the university. All outside activities, whether for compensation or otherwise, must not be performed at the expense of the individual’s primary responsibilities 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 business operations 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 (form), regardless of whether or not they engage in outside consulting/employment.
- (2) Faculty shall submit the completed form to their chairperson for review and approval/disapproval at least thirty days prior to the commencement of the consulting/employment services. The chairperson shall complete their review and forward the form to the office of human resources.
- (3) The office of human resources will forward a copy of the completed form to the signatories and will also provide copies of the form to the office of research services in order to assist with conflict checks in that office. The office of human resources will maintain the forms and information in accordance with university retention schedules.
- (4) The form must be completed on an annual basis for each new and ongoing employment or consulting arrangement. Faculty are under a continuing duty to update the form when circumstances change.

- (G) Faculty self-authored materials. Use of self-authored material in a course taught by the author/co-author. Educational materials authored by instructors can be valuable and unique course resources. However, in order to avoid even the appearance of a conflict of interest, no university employee is to receive private gain arising from the sale of textbooks or

other materials used in a Youngstown state university course in which the employee is an instructor. Therefore, an employee/instructor, including full and part-time faculty, who wishes to use self-authored materials must:

- (1) Waive royalties or other type of personal gain, or
 - (2) Designate the university or a recognized professional organization or honorary to receive such royalties or gain. This option must ensure that there will be no potential for future personal gain by the employee.
 - (3) Both of these options require an instructor to submit documentation of adherence to the above requirements to the appropriate dean and the provost/vice president for academic affairs. Written approval must be received from the appropriate dean and the provost/vice president of academic affairs prior to the use of self-authored materials. The written request and approval must identify the instructor, the course(s), the educational materials, the options being utilized, and will be retained by the appropriate dean.
 - (4) Employee/instructors are prohibited from bypassing these requirements through arrangements between or among fellow employees/instructors for the use of each other's self-authored materials for private gain.
- (H) 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.