3356-7-34 Outside consulting services/employment by professional/ administrative staff, including deans and chairpersons.

Responsible Division/Office: Legal Affairs and Human Resources

Responsible Officer: VP for Legal Affairs and Human Resources

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Board Committee: University Affairs

**Effective Date:** **September 5, 2019**

Next Review: 2024

(A) Policy statement. Youngstown state university (“university”) staff are responsible for meeting the expectations and responsibilities of their positions with the university. At the same time, the university recognizes that staff, the university, and the community can benefit from staff involvement in and support of outside organizations and industry. Staff may engage in outside consulting services/employment provided that the consulting services/employment does not interfere with the performance of their university responsibilities, job performance, create a conflict of interest, or violate university policy or applicable laws.

(B) Purpose. To establish guidelines which allow staff to engage in outside consulting/employment activities while continuing to fulfill their work responsibilities and commitment to the university.

(C) Scope. This policy applies to all professional/administrative staff, including deans and chairpersons. Professional/administrative staff covered by a collective bargaining agreement should also consult the applicable article(s) of the collective bargaining agreement.

(D) Definition. In general, “outside consulting services or employment” is defined as professional activity related to a person’s field or discipline, where a person agrees to use their professional capabilities to further the agenda of a third party based on a fee-for-service or equivalent relationship or in return for prospective gain.

(E) Parameters.

(1) All staff members of state-assisted universities are covered by Chapters 102 (ethics) and 2921 (offenses against justice and public administration) of the Revised Code. Professional/administrative staff providing consulting services should also refer to the university policies and 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) Outside consulting services/employment is generally allowed unless it interferes with a staff member’s university duties or presents a conflict of interest regarding these duties. A conflict of interest typically exists when financial, professional, or other personal considerations directly or indirectly affect or benefit, or have the appearance of affecting or benefiting, an employee or the employee’s family or business associates. (See university policy/rule 3356-7-01, “Conflicts of interest and conflicts of commitment” of the Administrative Code.)

(3) Failure to adequately perform university responsibilities due to involvement in outside consulting/employment is considered neglect of duty and may result in corrective action up to and including termination, regardless of whether the activity has been reported or approved.

(4) Any outside consulting services/employment should be performed outside of a staff member’s regular work schedule. When this is not possible, the staff member may use accrued vacation or personal leave, provided such leave is approved in advance.

(5) University facilities, supplies, equipment, and resources, including letterhead, the university name and logo (collectively referred to as “resources”) may not be utilized when providing consulting services/employment without the prior written approval of the vice president for finance and business operations and the provost or appropriate vice president and appropriate compensation for the use.

(6) A staff member may not use their affiliation with the university in a manner that suggests university approval of or involvement with the service/employment or any product, activity, purpose or findings of the service or work.

(F) Procedures.

(1) All professional/administrative staff members engaged in outside consulting/employment shall annually complete the human resources professional/administrative staff outside consulting/ employment form. The completed form should be submitted to the staff member’s immediate supervisor at least thirty days prior to the time when consulting services are expected to begin.

(2) If the supervisor supports the request, the request is forwarded to the next level. This process continues until the request (with endorsements) is received by the provost or appropriate vice president. Final approval is within the discretion of the appropriate vice president/provost.

(3) The completed form shall be forwarded to the office of human resources where it is retained in accordance with university retention schedules.

(4) Prior approval may be rescinded at any time if the outside consulting/employment interferes with a staff member’s university duties or presents a conflict of interest regarding these duties.

(5) The office of human resources will forward a copy of the completed form, whether approved or disapproved, via university email to the staff member.

(6) All professional/administrative staff members are under a continuing duty to:

 (a) Update a previously submitted request form when changes occur to their outside consulting/employment.

 (b) Submit a request form when they engage in previously unreported outside consulting services/employment.

(G) Policy violations. 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.