

3356-7-01 Conflicts of interest and conflicts of commitment.

- (A) Policy statement. All employees have a fundamental responsibility to act in the best interests of Youngstown state university (“YSU or university”) and are to avoid conflicts of interest and conflicts of commitment in the conduct of university business. As part of this responsibility, the university expects all employees to apply their time and effort appropriately and to avoid any situation which conflicts with or gives the appearance of conflict in objectivity or job performance.
- (B) Purpose. To educate university employees about conflicts of interest and conflicts of commitment and to provide guidance on addressing and managing such conflict.
- (C) Guidelines.
- (1) 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. Employees are expected to avoid participating in decisions or actions on behalf of the university which may result in or appear to result in such benefit.
- (2) A conflict of commitment typically exists when an employee engages in outside activities, either paid or unpaid, that interferes with the performance of university job duties and responsibilities. Employees 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 and administrative 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 individuals primary responsibilities to the university.
- (3) State ethics laws.
- (a) Section 102.03 of the Revised Code prohibits employees from soliciting or accepting or influencing one to give

anything of value when it comes from a party who is interested in a pending matter or doing or seeking to do business with the university.

- (b) Sections 2921.42 and 2921.43 of the Revised Code prohibit public employees from having an unlawful interest in a public contract and from accepting payment from another entity for the performance of one's YSU duties.
 - (~~e~~) (i) These statutes also prohibit a public employee's family and business associates from having an unlawful interest in a public contract.
 - (ii) The Revised Code provides certain exceptions to these prohibitions; however, all exceptions must be approved in advance through the office of contract compliance.
 - (~~d~~)(c) An employee must report ~~the~~ any potential conflict on the "Conflict of Interest Certification Form." The following procedures are designed to ensure integrity in the conduct of university business.
- (D) 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.

(E) Annual reporting ~~requirement~~requirements.

- (1) ~~All employees authorized to sign for expenditures or involved in making purchasing decisions on behalf of the university are required to complete a "Conflict of Interest Certification Form" annually.;~~
- (a) Authorized to sign for expenditures;
- (b) Involved in making or influencing purchasing decisions on behalf of the university; or
- (c) Whose family or business associates or oneself is doing business with the university;
- (d) Are required to complete a "Conflict of Interest Certification Form" annually.
- (2) The employee shall submit the completed form to their immediate supervisor for review and each reviewer shall forward to the next level. This process continues until the form is reviewed and signed by the appropriate vice president/provost.
- ~~(2)~~(3) The contract compliance officer and the controller will review these forms and make any determinations necessary. The forms are retained in the office of contract compliance and will be shared with other offices as appropriate.

- (3)(4) Employees are under a continuing obligation to update information on the form as circumstances change.
- (F) Use of university resources. University resources are to be used only in the interest of the university. Employees may not use university resources, facilities, personnel, equipment or confidential information as part of their outside consulting activities or for any other non-university purpose (see university policy 3356-4-19, "Use of university equipment").
- (G) ~~Disclosure~~ Additional disclosure requirements. Any employee, whether or not they meet the criteria of paragraphs (E)(1)(a) to (E)(1)(c) of this rule, must also complete the "Conflict of Interest Certification Form" in order to make the following disclosures.
- (1) Employees are also required, annually or as soon as possible, to disclose to their department head any of the following:
 - (a) Any employment at the university in addition to primary employment (i.e., part-time teaching position, etc.).
 - (b) Outside employment that may interfere or conflict with the primary employment of the university.
 - (c) Other interests or activities that require commitments of time that may interfere with meeting university obligations.
 - (d) Use of supplies, equipment, or university resources for non-university purposes.
 - (e) Receipt of gifts or entertainment of more than nominal value from suppliers of goods or services.
 - (f) Receipt of gifts or entertainment of more than nominal value from persons associated or seeking association with the university.
 - ~~(g) Use of confidential or privileged information acquired in the course of employment at the university for non-university purposes.~~
 - (2) The appropriate department head will review the disclosed

information to determine whether a conflict of interest or commitment, the appearance of a conflict, or the potential for a conflict exists. If the department head is uncertain as to whether a specific situation constitutes a conflict of interest, they will consult with their supervisor.

- (3) If it is determined that a conflict of interest, the appearance of a conflict of interest, or the potential for a conflict of interest, does exist, the department head and employee will together develop a written statement of action to protect the university by managing, reducing, or eliminating the conflict situation. If the statement is mutually agreed upon, a copy will be submitted to the next highest level of authority for approval.
 - (4) If the department head and employee cannot mutually agree upon a statement of action, or if the statement of action is not approved by the next highest level of authority, the situation will be referred to the appropriate dean/executive director or vice president for final determination.
 - (5) An employee unsure of the applicability of this policy should consult with the office of the controller or the office of contract compliance.
- (H) Policy violations. Violations of this policy, including failure to disclose required information or the knowing submission of an incomplete, erroneous, or misleading “Conflict of Interest Certification Form” may result in discipline up to and including termination in accordance with applicable disciplinary policies and collective bargaining agreements.

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CERTIFIED ELECTRONICALLY

Certification

01/09/2020

Date

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