



## Ohio Administrative Code

### Rule 3341-5-17 Nepotism.

Effective: [March 6, 2017](#)

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#### (A) Policy statement and purpose

To set out the university policy for hiring and employment decisions affecting members of the same family.

#### (B) Policy

In keeping with good personnel management procedures and to guarantee equal employment opportunities to all, applicants may not be hired for or promoted into positions in which they would supervise or be subject to the immediate supervision of a member of their immediate family.

This policy will be upheld regardless of the sex of the relatives involved and will be equally applied to both males and females.

If a proposed hire, promotion, marriage or other action places an employee in supervision of another immediate family member; the matter should be brought to the immediate attention of the responsible vice-president. Easy accommodation of the situation may not always be possible. Appointment of spouses or other members of the immediate family to the same department is not necessarily nepotism, but employees may not participate in career decisions on other members of their immediate family.

Immediate family is defined as: spouse, mother, father, son, daughter, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild and legal guardian or other person who stands in place of a parent.

#### (C) Ohio ethics law (general assembly of Ohio, 1973)

The Ohio ethics law was enacted in 1973 by the general assembly to insure the integrity of



government and to improve public confidence in government officials and employees. The following eleven points describe the major provisions of the law:

(1) Conflict of interest.

The ethics law guards against public officials and employees who would misuse their positions for personal gain or benefit.

Section 102.03 of the Revised Code prohibits persons appointed to or employed by a public agency now or within the past year from appearing before that agency in a representative capacity, the so-called revolving door. The section also prohibits the disclosure or use for profit of confidential information acquired during public service, and restricts participation in license or ratemaking proceedings where personal benefits might be derived. In addition, the section prohibits public servants from using their positions to secure anything of value for them.

Section 102.04 of the Revised Code prohibits public servants, whether elected, appointed or employed, from appearing before or selling goods and services to other agencies within the same governmental entity. The section does, however, exempt non-elected public officials and employees from the prohibition if they first declare their intent in the form of a statement filed with both the agency with which they serve and the agency with which the business is to be conducted.

(2) Investigations.

The commission responds to complaints and conducts its own investigations into alleged conflicts of interest.

(3) Confidentiality.

All matters concerning investigations are confidential. If, after a hearing, a complaint is dismissed, the accused person may ask that the matter be made public.

(4) Hearings.



The commission conducts hearings on complaints filed with it after it has been determined that the complaint is not frivolous and that there is reasonable cause to believe the facts as alleged would constitute a violation.

(5) Report of findings.

If the commission finds, based on a preponderance of the evidence, that a public official has violated the ethics law, the evidence is turned over to the appropriate prosecuting authority.

(6) Penalties.

Persons found guilty under the Ohio ethics law may be fined a maximum of one thousand dollars or imprisoned up to six months or both. Persons who are required to file a financial disclosure statement but who fail to do so, face a maximum fine of two hundred fifty dollars and up to thirty days imprisonment.

(7) Financial disclosure.

All candidates for public office, except those running for village, township or school board office, and all elected officials, except those holding village, township or school board office, are required to file a financial disclosure statement with the appropriate ethics commission each year. Also, certain appointed state officials are required to file a disclosure statement. The statement requires that sources of income and other financial interests are disclosed. Most public officials are required to file with their respective ethics commission by April fifteenth of each year. Candidates are required to file thirty days prior to the first election in which they appear. Statements are available from any county board of elections or from the commission.

(8) Public inspection.

Financial disclosure statements on file with the commission are open to public inspection and copies are available on written request.

(9) Special rules.



The Ohio ethics commission has adopted two rules under its rule-making authority, which extend the financial disclosure-filing requirement to certain classes of public officials. The first such rule, EC-2, requires the chief administrative officers of about one hundred state boards, commissions and other agencies to file an annual statement. The second rule, EC-3, requires the members of the same boards, commissions and other agencies to file a disclosure statement.

(10) Four ethics commissions.

The administration of the Ohio ethics law is entrusted to four separate agencies, each having a distinct jurisdiction. The house legislative ethics committee and the senate legislative ethics committee are concerned with candidates for and members and employees of the general assembly. The supreme court board of commissioners on grievances and discipline is concerned with judicial officers, employees and candidates for judicial office. The Ohio ethics commission has jurisdiction over all other public officials, employees and candidates for public office under the purview of Chapter 102. of the Revised Code.

(11) Advisory opinions.

The commission issues advisory opinions in response to questions relating to ethics, conflicts of interest and financial disclosure.