



## Ohio Administrative Code

### Rule 3349-7-120 External professional commitments by faculty and professional staff.

Effective: August 26, 2016

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#### (A) Purpose

To establish a rule governing external professional commitments by covered university employees, as defined herein.

Participation by covered university employees of university in activities of government, in industry and in other private institutions commonly serves the academic interest of the university. The public benefits from the dissemination of knowledge and technology developed within the university. Students benefit by learning from faculty who bring knowledge and skills derived from these experiences to the classroom. Moreover, the professional experience and recognition that such participation brings to the faculty member will be shared with the university.

#### (B) Scope

(1) This rule applies to covered university employees (as defined below) who hold appointments of .75 full time equivalent "FTE" or greater. Unclassified hourly employees, classified civil service employees and student employees are not eligible to consult or to engage in other commitments outside the university during normal working hours.

(2) This rule establishes guidelines and reporting requirements for external professional commitments, external to the university, for which covered employees receive compensation or in which the covered employee holds an equity interest. The following activities are not subject to this rule's guidelines and reporting requirements:

(a) External professional commitments that reflect normal and expected public service activities of covered university employees that do not entail compensation beyond reimbursement for expenses and/or a nominal honorarium. These activities include service to governmental entities 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.

(b) Healthcare activities that are explicitly a term of the covered university employee's employment (e.g. co-funded faculty positions).

(c) Covered university employees are strongly encouraged to discuss all anticipated external professional commitments with their direct administrative supervisor before engaging in the activity in order to accurately determine whether an activity is exempted from or covered by this rule.

### (C) Definitions

(1) "Compensation" refers to direct or indirect receipt of money or its equivalent for services rendered, includes salary and any payment for services not otherwise identified as salary (e.g. consulting fees, honoraria and paid authorships).

(2) "Conflict of Interest" refers to a relationship between a covered university employee's external professional commitments and the covered university employee's expertise and responsibilities at the university such that an independent observer might reasonably question whether the covered university employee's objectivity in the performance of his or her university responsibilities could be compromised by considerations of personal gain.

(3) "Conflict of Commitment" occurs when the time or effort that a covered university employee devotes to an outside professional commitment interferes with the employee's fulfillment of his or her university responsibilities, or when an employee makes unauthorized use of university resources in the course of fulfilling a outside professional commitment.

(4) "Covered University Employees" refers to faculty and professional staff as defined in this rule.

(a) "Faculty" refers to employees appointed to that status by the board of trustees who are employed at least .75 "FTE" by the university.

(b) "Professional staff" includes, but is not limited to, those employees who are employed at least .75



"FTE" by the university and provide leadership for academic programs, personnel, and academic support units; provide professional support to senior university or college administrators both academic and non-academic; or are senior university administrators or those who possess independent decision making and discretionary authority within the university.

(5) "Direct Administrative Supervisor" is the person to whom the covered employee reports within the university. In the case of faculty, the direct administrative supervisor is, generally, the department chair. In the case of department chairs, the direct administrative supervisor is, generally, the dean. In the case of professional staff the direct administrative supervisor is the department manager, the division director or the department chair.

(6) "External Professional Commitment" is a professional engagement, undertaking or obligation that is generally linked to the covered university employee's university responsibilities, but occurs outside of the context of the employee's expected duties to the university.

(7) "Normal Working Hours" are eight a.m. to five p.m. unless otherwise established by the covered university employee's supervisor.

(8) "REPC" refers to the request for approval of external professional commitments form.

(9) "EPCR" refers to the external professional commitments report form.

(10) "Unclassified Hourly Employee" is an hourly employee who is not a classified civil service employee and who is subject to appointment, removal, promotion, transfers or reductions by the appointing authority.

(11) "Unit" may be the university or a college department, office or division.

(D) Body of the rule

(1) Covered university employees are encouraged to engage in external professional commitments to the extent that these activities are clearly related to the mission of the university and the expertise of the covered university employee; provide direct or indirect benefits to the university; and do not



entail a conflict of interest as defined herein. As a general rule, the proportion of a covered university employee's professional effort devoted to external professional commitments should not exceed one business day per week. Prior approval must be obtained as outlined below. Covered university employees should avoid any conflict or appearance of conflict between external professional commitments and his or her university responsibilities. In particular, covered university employees should avoid any interruption to their formal instructional activities because of an external professional commitments.

Under Ohio law, the university owns any intellectual property that is a product of university research. When engaged in external professional commitments, a covered university employee must not assign to other entities the rights to a product of university research.

(2) No external professional commitment may interfere with the performance of regular university duties; compete with course work offered by the university; or compete with services offered by the employees unit.

(3) All covered university employees are permitted to engage in external professional commitments up to three days per calendar year without prior approval. However, this activity must be reported annually.

(4) Reporting of professional commitments. Covered university employees are required to report their external professional commitments as follows based on the duration of the commitment:

(a) External professional commitments of less than three days per calendar year do not require prior approval.

(b) External professional commitments of more than three days but less than thirteen days per calendar year do not require prior approval, but must be reported annually on an "EPCR" form.

(c) External professional commitments of more than thirteen days per calendar year or three days in a given month; or an activity likely to attract public attention to the university require approval prior to engaging in the activity. All prior approvals expire at the end of the performance review cycle or no later than June thirtieth. Covered employees intending to continue external professional commitments



in a subsequent review cycle must re-submit a 'REPC.'

(5) Covered university employees with external funding must comply with all time and effort reporting requirements established by the university or funding agency.

(6) Unit review of requests

(a) The direct administrative supervisor reviews the information submitted on the "REPC" to evaluate whether or not the activity represents a conflict of commitment or a potential conflict of interest. Consideration shall be given to whether the activity:

(i) May interfere with the covered university employee's primary university activities. Generally, the employee should be able to continue his or her normal teaching, research, service and departmental participation or regular job responsibilities;

(ii) May involve an excessive time commitment. Generally, the time commitment to the activity should be no more than one day per week, on average, for the term of the external appointment;

(iii) Involves teaching at another school or teaching an online course. Generally, the activity should not compete with university services in terms of subject matter, level of education and availability within the local geography;

(iv) Involves conducting research through an outside entity. Generally, the outside commitment should not compete with contract or research opportunities for the university; or

(v) Involves serving as an officer of a professional society or an editor of a professional journal. Generally, the direct administrative supervisor needs to weigh the benefits of assuming professional leadership responsibilities for institutional reputation and personal career development with the extent and duration of any relief from normal job responsibilities that the activity will require.

(b) Decision to approve or deny an outside professional commitment.

(i) The direct administrative supervisor reviews the request and forwards a recommendation to the



dean or the division director (or their designee), for consideration. The dean or division director (or their designee), may grant or deny the request as set forth on the "REPC." This recommendation should, generally, be made no later than two weeks from the receipt of the request or as soon as practicable. Decisions by the dean or division director (or their designee) should generally be made no later than two weeks from receipt of the recommendation or as soon as practicable.

(ii) The dean or the division director (or their designee) will notify the individual and the direct administrative supervisor of the decision. If the request is not approved, a written statement of the reason(s) for denying the request will be provided. Decisions by the dean or division director (or their designee) are final. The office of the dean or the division director will retain all associated documentation.