As employees of The Ohio State University, all faculty and staff, including student workers, are subject to conflict of interest policies and Ohio Ethics Law. Ohio Ethics Law in particular has proven confusing for employees to understand and follow. This guidance document is designed to help College of Optometry employees understand how the law and OSU policies apply to them as individuals, as we are all personally responsible for applying these concepts in our daily activities. This document is not a policy but provides general guidance regarding these important issues. College of Optometry-specific events and circumstances are also discussed.

In part, Ohio Ethics Law prohibits public officials or employees from soliciting or accepting anything of substantial value that may improperly influence the employee with regard to his or her duties. More broadly, the university’s conflict of interest policies are designed for compliance with Ohio Ethics Law, as well as federal regulations.

OSU conflict of interest policies not only address individual conflicts of interest but also institutional conflicts. Even though individuals may not have significant conflicts of interest, the college is prohibited from giving the prestige of the university’s name to outside entities and thus appearing to endorse those outside entities.

Individuals who are not sure how to interpret a particular situation in light of university policies and Ohio law are advised to contact the college’s Chief Administrative Officer as soon as possible for help.

## CONTENTS

1. **Definitions**
2. **Items/Funds Given to Individuals**
   a. **Gifts**
   b. **Meals**
   c. **Travel**, including [training events for students](#)
   d. **Honoraria**
3. **Items/Funds Given to the College**
   a. **Gifts**
   b. **Vendor Sponsorship of Events and Training** (vendor- or OSU-initiated)
DEFINITIONS

Certain provisions of Ohio Ethics Law restrict public officials and employees from entering into situations that constitute a conflict of interest. Within the law, however, the definition of public officials and employees specifically excludes non-supervisory faculty.\(^1\) The rules for non-supervisory faculty and all other employees thus diverge, so this document will consistently use the following terms to distinguish among individuals:

**Optometry faculty:** The term “Optometry faculty” in this document refers to all tenure-track, clinical, research, and associated faculty members employed in the College of Optometry, excluding Optometry administrative faculty.

**Optometry administrative faculty:** For purposes of conflict of interest law and policies, “Optometry administrative faculty” refers to faculty members with administrative duties, i.e., the dean and associate deans.

**Optometry staff:** The term “Optometry staff” in this document refers to all non-faculty employees, including postdoctoral and graduate fellows or other trainees, working in the College of Optometry.

Other useful definitions include:

**COI:** Conflict of interest. Financial interest or tangible personal benefit that “may exert a substantial and improper influence on an employee’s professional judgment in exercising any university duty or responsibility.” (http://orc.osu.edu/regulations-policies/coi/)

**De minimis value:** Until there is a ruling to the contrary from the Ohio Ethics Commission, non-recurring items costing $25 or less are considered to be of de minimis value. There is no de minimis exception for gifts given by external entities to recognize performance of one’s job. It is best practice not to accept cash or cash equivalents (e.g., gift cards) of less than $25.

**eCOI system:** The electronic system managed by the Office of Research Compliance used by the university for the disclosure of conflicts of interest. Disclosures must be updated annually, with any new financial conflicts disclosed within 30 days. See http://orc.osu.edu/regulations-policies/coi/ecoil for details regarding who is required to complete an annual disclosure and a link to the system.

**Ohio Ethics Law:** The portion of the Ohio Revised Code that deals with ethics for public officials and employees. See Chapter 102 and sections 2921.42 and 2921.43 of the Ohio Revised Code.

\(^1\)While non-supervisory faculty are exempt from the conflict of interest provisions of the Ethics Law, they are still subject to Ethics Law restrictions related to public contracting and supplemental compensation.
Vendor: An outside entity that does business or wishes to do business with The Ohio State University.

ITEMS/FUNDS GIVEN TO INDIVIDUALS

GIFTS

OPTOMETRY FACULTY

Ohio Ethics Law does not prohibit faculty from accepting gifts; however, the university’s Faculty Financial Conflict of Interest Policy requires faculty “to avoid activities that entail or create a conflict of interest.” Acceptance of gifts of de minimis value, such as notepads or mugs, is not prohibited under either Ohio Ethics Law or university policy for Optometry faculty, as long as the gift is not made to recognize the performance of one’s faculty duties.

Faculty members involved in research need to bear in mind that the value of any gifts may need to be reported in the eCOI system. (See http://orc.osu.edu/regulations-policies/coi/faqs/#6 for the list of financial interests that must be reported.)

OPTOMETRY STAFF AND OPTOMETRY ADMINISTRATIVE FACULTY

Optometry staff and administrative faculty may not accept non-de minimis gifts from vendors. Optometry staff are encouraged to use good judgement when accepting de minimis gifts to prevent even the appearance of a conflict of interest. If a gift with value greater than de minimis is given to an Optometry staff member:

- The Optometry staff member must return the gift or give the gift to the Optometry Business Office, which will return the gift, destroy it, or use it for college purposes, as deemed appropriate.
- Perishable food items, such as fruit baskets or cookies, given to Optometry staff will be placed where they can be easily shared by faculty, staff, and students.

Optometry staff or faculty may accept reasonable stipends or remuneration for participation in research studies or student training events sponsored by outside organizations or companies, as long as the stipends or remuneration are not for duties for which the employee is also paid by the university.

Ohio Ethics Law and OSU COI policy do not prohibit Optometry staff or faculty from attending or participating in events providing continuing education that are offered for free to the public.

MEALS

Meals, including snacks and beverages, provided gratis to Optometry faculty, administrative faculty, or staff by outside entities are generally subject to the same rules as gifts. If a vendor would like to provide
meals, snacks, or beverages for an event and the per-person cost exceeds the de minimis threshold, a monetary donation may be made to the College of Optometry, which the college may choose to use to provide and pay for the food items.

**TRAVEL**

Ohio Ethics Law and OSU policies do not prohibit travel paid under sponsored research agreements. Also, special reporting or approvals for such travel are not required.

**OPTOMETRY FACULTY**

Ohio Ethics Law and university policy do not prohibit faculty from traveling with travel expenses paid by a vendor, unless the travel represents a financial conflict of interest or institutional conflict. Travel paid by vendors may need to be reported to the university using the eCOI system.

**OPTOMETRY STAFF AND OPTOMETRY ADMINISTRATIVE FACULTY**

Vendors are prohibited from providing funds to or reimbursing Optometry staff or administrative faculty for travel. If the College of Optometry decides that there is value in Optometry staff or administrative faculty attending an event, then the college will pay for travel. The College of Optometry will have the authority to decide which staff member(s) may attend the event on behalf of the college. Optometry administrative faculty who are required to travel under their job duties and whose travel could be paid by a vendor should contact the Chief Administrative Officer in advance of the travel to determine, in coordination with the Office of Compliance and Integrity, if the travel falls under their faculty or staff duties.

A vendor is further prohibited from paying for Optometry staff or administrative faculty travel expenses via a reimbursement to the university (Ohio Ethics Commission Advisory Opinion 89-013); however, a vendor is permitted to provide a monetary donation to the College of Optometry, provided the donation is voluntary (i.e., not a quid pro quo) and not specifically earmarked to pay for travel.

**TRAINING EVENTS FOR STUDENTS**

If a vendor wishes to sponsor travel for training events for students, the vendor should provide a monetary donation to the College of Optometry. The college will verify that the training event is an appropriate training experience, choose the student(s) who will attend, and reimburse travel expenses. As with all gifts to the college, it will be appropriately documented and recognized.

**HONORARIA**

Optometry faculty and Optometry administrative faculty may accept honoraria in accordance with the university’s Faculty Paid External Consulting Policy (see

Updated: 4/22/2016
**OPTOMETRY STAFF**

Optometry staff may receive compensation for external work, provided that the external activities do not detract from or conflict with their university duties. Work that may result in a conflict of interest must be approved before it is undertaken, and the work must be done outside the staff member’s designated work time, or charged to vacation and/or leave without pay. No compensation, including honoraria, may be accepted for performing duties for which the staff member is already paid by the university. (See Conflict of Interest and Work Outside the University Policy 1.30 at [http://hr.osu.edu/policy/policy130.PDF](http://hr.osu.edu/policy/policy130.PDF).)

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**ITEMS/FUNDS GIVEN TO THE COLLEGE**

**GIFTS**

The College of Optometry may accept items of value or cash donations for support of the educational, clinical, or research missions of the college from vendors. Donated items, such as equipment or sample textbooks, must remain the property of the college.

The college will work with University Development before the gift is made to ensure that any gift is appropriately processed and the vendor appropriately recognized by the university. All donations and gifts must be documented in writing, with details regarding the gift value, intended use, and financial details.

Consultation is needed with the Office of Sponsored Programs when the gift is earmarked for a research project or program to verify that it is appropriate to administer the gift in University Development.

Marketing, instructional, warning, or other educational information provided by vendors about its products, as well as product samples, are generally not to be construed as gifts to the university.

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**VENDOR SPONSORSHIP OF EVENTS AND TRAINING**

**VENDOR-INITIATED EVENTS**

With College of Optometry permission, vendors may offer educational events in college space at no cost to College of Optometry students, faculty, staff, and the public. Vendors are also allowed, with College of Optometry permission, to showcase the optometric tools the students are required to purchase. Optometry faculty may not endorse any vendor’s products.

In the College of Optometry, outside entities occasionally sponsor off-site or on-site events that offer educationally valuable experiences for students that faculty may choose to incorporate into a course.

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When such events are incorporated into a course, faculty may not receive any compensation, either directly or via a consulting agreement, from the outside entity for participating in, leading, or supervising activities at the event; however, Optometry faculty and staff are allowed to receive a reasonable stipend from an external organization or vendor when volunteering as an example patient in a product demonstration at such an event. The guiding law is that no employee may receive compensation from outside the university for work performed in the course of employment by the university.

When a training event sponsored by an outside entity that requires faculty supervision is not incorporated into a class and is not part of the regular duties of the faculty member, the outside entity may pay the faculty member for their time via a consulting agreement, in accordance with university policy and approved by the college prior to the event via the signed Paid External Consulting Approval Form.

**OSU-INITIATED EVENTS**

Vendors wishing to underwrite or otherwise support an educational event or conference may do so by making a monetary donation to the College of Optometry. The college will then coordinate and plan the event. The gift must be appropriately recognized. Vendors may attend these events that they sponsor but may not conduct commercial or marketing activities at the events. Any gifts, meals, snacks, or beverages provided by the vendor must meet the de minimis rule (i.e., the combined cost of any small gifts, food, and beverages must not exceed de minimis value).