



## Cuyahoga Arts & Culture Ethics Policy

Approved April 5, 2009- Effective April 5, 2009

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### I. POLICY STATEMENT

It is the policy of Cuyahoga Arts & Culture (“CAC”) to carry out its mission in accordance with the strictest ethical guidelines and to ensure that members of its Board of Trustees (“Trustees”) and its employees, including its Executive Director (who is by law its fiscal officer), conduct themselves in a manner that fosters public confidence in the integrity of CAC, its processes and its accomplishments.

### II. GENERAL STANDARDS OF ETHICAL CONDUCT

Trustees and employees must, at all times, abide by protections to the public embodied in Ohio’s ethics laws, as found in Chapters [102](#) and [2921](#) of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. The standards set forth in this Ethics Policy shall not preclude more stringent standards required by law. Trustees and employees are expected to comply with applicable provisions of Ohio law in addition to this Ethics Policy.

### III. AVOIDANCE OF CONFLICTS OF INTEREST

Trustees and employees must conduct themselves with integrity and impartiality and in a manner that avoids the appearance of impropriety. Toward that end, CAC adheres to the following restrictions (with words and phrases in bold type being defined below):

- CAC employees and Trustees may not serve as members of the board of directors of an organization receiving CAC funding.
- A Trustee may not be in a **senior management position** of any organization receiving CAC funding.
- A person shall not serve as a Trustee or employee of CAC if a **family member** serves in a **senior management position** of any organization receiving CAC funding. If a family member serves on the board of directors of a grant recipient, the Trustee or employee may not participate in any funding decisions involving the affected grant recipient, as described below.

Further, to avoid any conflict of interest or the appearance of impropriety, no Trustee or employee shall:

- Solicit or accept **anything of value** from **anyone doing business with CAC**.
- Use his or her position to obtain benefits for the Trustee or employee, a **family member**, or anyone with whom the Trustee or employee has a business or employment relationship.
- Hold or benefit from a contract with, authorized by, or approved by, CAC (the ethics laws do except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met).
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a contract (including grants, employment or personal services) in which the Trustee or employee, a family member, or anyone with whom the Trustee or employee has a business or employment relationship, has an interest.
- Solicit or accept employment from **anyone doing business with CAC**, unless the Trustee or employee completely withdraws from CAC activity regarding the party offering employment and CAC approves the withdrawal.

For purposes of this policy:

- **“Anything of value”** includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, consulting fees, compensation or employment. “Value” means worth greater than de minimis or nominal. “Anything of value” does not include reasonable access for CAC grant administrators to performances or exhibits or other grantee or prospective grantee presentations for the sole purpose of assessing the work of the grantee or prospective grantee, as long as such access is required by the terms of the grant or the standard grant application procedures.
- **“Anyone doing business with CAC”** includes, but is not limited to, any person, corporation or other party that is doing or seeking to do business with, has interests before, or receives or seeks to receive grants from CAC.
- **“Senior management position”** includes a salaried position of administrative or supervisory authority and such other management positions as are determined at the discretion of the CAC Board of Trustees.
- **“Family member”** means a CAC official’s or employee’s spouse, children, parents, siblings, grandparents and grandchildren regardless of where they live and any other person related to a CAC official or employee by blood or marriage and residing in the same household with the official or employee.

#### IV. OTHER STANDARDS OF CONDUCT

No Trustee or employee shall:

- Solicit or accept prohibited honoraria (Ref: 102.03(H)). The law does not prohibit a person from giving to a public official or employee an honorarium or a payment for travel, meal and lodging expenses if the honorarium, expenses or both (1) were paid in recognition of demonstrable business, professional or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking; and (2) were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau or other instrumentality of CAC.
- Be paid or accept any form of compensation for personal services rendered on a matter before the CAC.
- Represent private interests in any action or proceedings against the interest of CAC, in any capacity, in matters in which CAC is a party.
- During public employment or service and for twelve months thereafter, represent a person or act in representative capacity for any person, before any public agency, on any matter in which the Trustee or employee personally participated as a Trustee or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of legislative or administrative discretion (R.C. 102.03(A)).
- Use or disclose confidential information protected by law, unless appropriately authorized.
- Use or authorize the use of his or her title, the name “Cuyahoga Arts and Culture,” or “CAC” or CAC’s logo in a manner that suggests impropriety, favoritism or bias by CAC or the official or employee.

#### V. ASSISTANCE

Questions about the CAC Ethics Policy may be directed to Meg Harris at (216) 515-8303.

The Ohio Ethics Commission is available to provide advice and assistance regarding the application of the ethics laws and related statutes. The Commission can be contacted at (614) 466-7090. The Commission’s web site address is: [www.ethics.ohio.gov](http://www.ethics.ohio.gov).

The Commission may provide written advisory opinions in response to questions related to application of the ethics laws. Adherence to the advice in written opinions provides immunity from prosecution.

## **VI. PENALTIES**

Failure of any CAC employee to abide by this Ethics Policy, or to comply with the ethics laws and related statutes, may result in discipline. Discipline may include dismissal as well as any potential civil or criminal sanctions under the law.

Pursuant to R.C. 3381.05, the appointing authority, the Cuyahoga County Board of Commissioners, may at any time remove a Trustee for misfeasance, nonfeasance or malfeasance in office, including failure to abide by the Ethics Policy.

In addition, all CAC Trustees and employees are subject to investigation by the Ohio Ethics Commission for alleged violations of the Ohio Ethics Law and related statutes and subsequent referral for prosecution.

## **VII. REVIEW AND AMENDMENTS**

This Ethics Policy will not be subject to any scheduled review but shall remain in full force and effect until modified or amended by the CAC Board of Trustees.