

SUBJECT: FACULTY MEMBER RECEIVING EXTRA COMPENSATION FROM GRANT

SUMMARY: Faculty members would not be prohibited from engaging in grants when approved by the institution. Staff members may participate in such grants in accordance with the off-duty employment guidelines.

QUESTION: The Director of Personnel for Francis Marion College questions whether faculty and staff members can receive additional compensation for conducting a grant awarded by the National Science Foundation. A Physics faculty member has received approval to conduct the grant during the Spring Semester and summer months. The faculty member would be paid additional compensation for additional duties associated with the grant which are not part of his scheduled duties. The grant also provides for another faculty member to receive compensation during the summer months and for a secretarial employee to perform clerical work on nights and weekends.

DISCUSSION:

This opinion is rendered in response to a letter dated March 31, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-700(A) provides:

- (A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

The State Ethics Commission notes that grants are routinely received by colleges and universities and their faculty members. Such grants assist the institutions in advancing their academic work and research.

The State Ethics Commission advises that such grants, when approved by the institution, are not prohibited. Compensation provided by such grants supplements and sometimes makeup a portion or all of a faculty members compensation. The Commission does not believe that such compensation is

prohibited.

Provided that such grants are approved by the institution, the State Ethics Commission does not believe that faculty members are prohibited from engaging in such grants. Off-duty employment by staff personnel would also not be prohibited.