

New Jersey City University

Code of Ethics

I. PURPOSE

This Code of Ethics is established and adopted in accordance with the N.J. Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq., N.J.A.C. 19:6-1.1 et seq.) to specify the general standards of conduct necessary for the proper and efficient operation of New Jersey City University (NJCU). It is essential that the conduct of public employees shall hold the respect and confidence of the people. Therefore, public employees of New Jersey City University must strive to avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated.

II. APPLICABILITY

This Code of Ethics is applicable to all employees paid from federal, state, county, or other funds and who are employed by New Jersey City University. All references to employees include University faculty, staff, administrators, and student employees. Furthermore, this code is applicable to all members of the Board of Trustees of New Jersey City University. University employees are also subject to existing University policies that govern employee conduct and activities and the applicable compliance procedure therein, as well as the requirements of the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. and applicable regulations of the Executive Commission of Ethical Standards. N.J.A.C. 19:61.

III. Definitions

“Code” means this code of ethics.

“University” means the New Jersey City University and all of its units.

“University officer or employee” means any person, including a member of the Board of Trustees, holding an office or employment with the University, whether compensated or not.

Specifically, University officer or employee includes all State officers or employees of the University and all special State officers or employees of the University in this Code of Ethics.

“State officer or employee” means any person, other than a special State officer or employee (1) holding an office or employment in a State agency, excluding an interstate agency, other than a member of the Legislature or (2) appointed as a New Jersey member to an interstate agency.

“Special State officer or employee” means (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency, or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time.

“Ethics Liaison Officer” means the individual appointed by the President to serve in that capacity.

“Member of the immediate family” means the employee’s spouse, child, parent, or sibling residing in the same household.

“Interest” means (1) the ownership or control of more than 10% of the profits or assets of a firm, association, partnership or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the “Professional Service Corporation Act” (N.J.S.A. 14A:17-1 et seq.); or (2) the ownership or control of more than 1% of the profits or assets of a firm, association, or partnership, or more than 1% of stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the “Casino Control Act,” P.L. 1977, c. 110 (C.5:12-1 et seq.).

“Interested person” means (1) any person who may reasonably be anticipated to be subject to the authority of the University; or (2) any supplier.

“Persons” means any natural person, association or corporation.

“Supplier” means any private sector person who is providing or may reasonably be expected to provide goods and services to the University, including such persons as consultants, vendors and lessors.

IV. Policy

1. No University employee or officer should have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity which is in substantial conflict with the proper discharge of his/her duties. Any University employee or officer who feels he/she must recuse himself/herself from a matter, because of a potential conflict under this section, should consult the University policy statement on recusal in the Conflict of Interest Policy or the Ethics Liaison Officer. See Attachment A.
2. No University employee or officer should use his/her official position to secure unwarranted privileges or advantage for himself/herself or others. Any employee or University officer who feels he/she must recuse himself/herself from a matter, because of a potential conflict under this section, should consult the University policy statement on recusal in the Conflict of Interest Policy or the Ethics Liaison Officer. See Attachment A.
3. No University employee or officer should act in his/her official capacity in any matter in which he/she has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgment.
4. No University employee or officer should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his/her objectivity and independence of judgment in the exercise of his/her official duties, or would interfere with the employee's ability to fulfill his/her employment obligations.
5. No University employee or officer should accept any gifts, benefits, favors, services, or other things of value under circumstances from which it might reasonably be inferred that such gifts, services, benefits, other things of value were given or offered for the purpose of influencing him/her in the discharge of his/her official duties. Unsolicited gifts or benefits of trivial or nominal value such as complimentary articles offered to the public in general, are presumed not to violate this paragraph unless circumstances exist which create a reasonable doubt as to the intention with which the gift, benefit, favor, service or other thing of value was offered.
6. a. Events Sponsored by Interested Parties:
 - i. The approval of the University President is necessary for the University officer or employee to attend.
 - ii. The State shall pay the reasonable expenses of the University officer or employee attending the event except

where the event provides training, dissemination of information or exchange of information and the University officer or employee is making a speech, participating in a panel at the event or is an accompanying resource person to the University officer or employee so participating.

- iii. Neither the University officer or employee nor the State shall receive any direct or indirect benefits arising out of the event from any source except that, in the exception set forth in paragraph a (ii) above, the direct/indirect benefit may include reasonable and actual travel expenses and allowable entertainment associated with the event if the event is held in New Jersey. If the event is outside of New Jersey, reimbursement for these expenses cannot exceed \$500. This \$500 limit does not apply where payment is made by a non-profit organization of which the University officer or employee is an active member and his/her membership fee is paid by the state. The \$500 limit also does not apply where the non-profit organization does not contract with the State to provide goods, services, materials or equipment.
- iv. Approvals of all events where the interested party is paying the expenses of the University officer or employee as permitted, must be forwarded to the Commission for review.
- v. The University officer or employee may not accept an honorarium or fee for a speech in an event sponsored by an interested party.

b. Events Sponsored by Entity Other than an Interested Entity

- i. The approval of the University President is necessary for the University officer or employee to attend.
- ii. The State may pay the reasonable expenses for the University officer or employee to attend or permit the University officer or employee to accept direct or indirect benefits including reasonable and actual travel expenses and allowable entertainment associated with the event if the event is held in New Jersey. If the event is outside of New Jersey, reimbursement for these expenses cannot exceed

\$500. The \$500 limit also does not apply where payment is made by a non-profit organization of which the University officer or employee is an active member and his/her membership fee is paid by the State. The \$500 limit also does not apply where the non-profit organization does not contract with the State to provide goods, services, materials or equipment.

- iii. Under no circumstances may a University officer or employee accept entertainment collateral to the event, such as a golf outing or meals taken other than in a group setting with all attendees.
 - iv. The University officer or employee may not accept an honorarium or fee for a speech from the sponsors.
7. No University employee or officer may accept a ticket on behalf of him/herself or others to any event, exhibition or activity from any person/organization that has, or is seeking, a business relationship, financial or otherwise, with the University, where such event, exhibition or activity is one to which admission is charged and does not involve the performance of the official duties by the employee or the officer. If an employee or officer is offered or receives tickets for the attendance of him/herself or others, he/she shall notify the Ethics Liaison Officer within five (5) business days of the date of receipt, except where acceptance of the offer or attendance of the event, exhibition or activity is sooner, in which case the Ethics Liaison Officer should be notified immediately.
 8. No University employee or officer should knowingly act in any way that might reasonably be expected to create, among the public having knowledge of the acts, an impression of suspicion that he/she may be engaged in conduct that violates his/her trust as a public employee.
 9. No University employee or officer should use or allow to be used his/her employment or any information not generally available to members of public for the purpose of securing financial gain for himself/herself or others with whom he/she is associated.
 10. University employees or officers who desire to enter into any contractual relationship with the University or who desire to appear before the University and/or other public entities on behalf of other parties must strictly adhere to the University policy statement on Conflict of Interest. See Attachment A. To the extent that state statutes, rules or regulations exist that cover these activities, such statutes, rules, or regulations will govern.

11. The Conflicts of Interest Law prohibits a State officer or employee from undertaking or executing, in whole or in part, any contract, agreement, sale or purchase valued at \$25.00 or more, made, entered into, awarded or granted by any State agency by himself/herself or by his/her partners or through any corporation which he/she controls or in which he/she owns or controls more than 1% of the stock, or by any other person for his/her use or benefit or on his/her account.

No Special State officer or employee having any duties or responsibilities in connection with the purchase of or acquisition of property or services by the State agency where he/she is employed or an officer shall knowingly himself/herself, by his/her partners or through any corporation which he/she controls or in which he/she owns or controls more than 1% of the stock, or by any other person for his/her use or benefit or on his/her account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, awarded or granted by that State agency.

Further, the Conflicts of Interest Law exempts certain categories of contracts with State agencies other than State colleges or universities from the general prohibition contained in the above paragraph of this section as follows:

- a. purchases, contracts, agreements or sales that are made after public notice and competitive bidding; or
 - b. purchases, contracts, agreements or sales that are awarded without public notice and competitive bidding pursuant to N.J. S.A. 52:34-10; or
 - c. contracts of insurance entered into by the Director of the Division of Purchase and Property, Department of Treasury pursuant to N.J.S.A. 52:27B-62.
12. A University officer or employee may contract with the University or another State college of university for the performance of any work or the furnishing or hiring of materials or supplies if one of the following conditions is met:
 - a. if the total sum of the contract exceeds \$18,600*, [\$20,800 effective July 1, 2005] the contract is awarded after a public notice and competitive bid pursuant to N.J.S.A. 18A:64-55; or
 - b. if the contract conforms to the requirements of N.J.S.A. 18A:64-56(a), which provides that:
 - i. the subject matter of the contract is included in N.J.S.A. 18A:64-56(a) (a copy of which can be obtained from the Ethics Liaison Officer);
 - ii. the total sum of the contract exceeds \$18,600* [\$20,800]; and

- iii. the contract is awarded by resolution of the University's Board of Trustees at public meeting.

Any contract made pursuant to paragraphs 11 and 12 must have the prior approval of the Executive Commission on Ethical Standards.

*This amount is subject to adjustment by the Governor in consultation with the State Treasurer, pursuant to N.J.S.A. 18A: 64-54(b). Consult with your Ethics Liaison Officer to verify the current amount.

13. No State officer or employee shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself/herself or by or through any partnership, firm or corporation in which he/she has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations for the acquisition or sale by the State or a State agency of any interest in real or intangible personal property, or in any proceeding relative to such acquisition or sale before a condemnation commission or court. However, this restriction does not restrict any person from representing himself/herself in negotiations or proceedings concerning his/her own interest in real property.
14. No special State officer or employee, nor any partnership, firm or corporation in which he/she has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment.
15. No State officer or employee, nor any partnership, firm or corporation in which he/she has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency. Nothing contained herein shall be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf.
16. Notwithstanding the provisions of the New Jersey Conflicts of Interest Law and of #8 above, a faculty or staff member or his/her partners or any corporation or firm in which he/she owns or controls more than 1% of the stock, assets or profits may enter into a contract or agreement with the

University, where the contract or agreement is for the development of scientific or technological discoveries or innovations in which the University has a property right, if the faculty or staff member receives approval to do so in accordance with the administrative procedure adopted for this purpose as specified in University policy.

17. Any University employee or officer who is the equivalent of a State agency head or deputy or assistant head of a State agency are expressly prohibited from having any personal, contractual or business relationship with any other officer or employee or special State officer or employee of the University.

V. Reporting Outside Employment

COMPENSATED EMPLOYEES

Compensated employees who engage in outside employment must report such employment annually to the President or his/her designee (Ethics Liaison Officer) in accordance with established University policies and practices. University employees who are members of a bargaining unit must report their outside employment to the President or his/her designee. Employees not included in a bargaining unit are to obtain prior approval if they wish to engage in outside employment. The President, or his/her designee (Ethics Liaison Officer), will make the determination of a possible conflict of interest and apprise the individual of any concerns. Advice and counsel of the New Jersey Executive Commission on Ethical Standards may be sought prior to making a determination in this matter of necessary. The Ethics Liaison Officer at the University will maintain and furnish forms. See Attachment B.

Further, employees should not engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the Executive Commission on Ethical Standards.

VI. Employment of Family of Household Members

To avoid issues of favoritism and any potential conflict of interest, no employee shall act in his or her official capacity in any University matter where the employee or an immediate family member of the employee has a direct or indirect interest that might reasonably be expected to impair the employee's objectivity or independence of judgment.

Direct interests include, but are not limited to, initial employment, retention, job classification, salary, performance appraisals and work assignments. Therefore, no employee shall directly supervise a member of his or her own family. It is the

intent of the University to avoid instances that could be influenced by the family relationship in hiring, performance evaluation, promotion, reclassification, discipline, grievance or dismissal processes.

VII. POST-EMPLOYMENT RESTRICTIONS

No University officer or employee, subsequent to the termination of his/her office or employment with the University, shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, whether by himself/herself or through any partnership, firm or corporation in which he/she has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such University officer or employee shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his/her office or employment. Any person who willfully violates the provisions of this section is a disorderly person, and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed six months, or both. Statutory authority for this section is N.J.S.A. 52:13D-17.

VIII. POLITICAL ACTIVITY PROHIBITIONS

No University employee shall directly or indirectly use or seek to use his/her authority or influence or his/her position to control or modify the political action of another person. No employee, during the hours of duty, shall engage in political activity; nor shall he/she at any other time participate in political activities which would impair his/her usefulness in the position in which he/she is employed. Each employee retains the right to vote as he/she chooses and to express his/her opinions on political subjects and candidates.

XI. VIOLATIONS AND SANCTIONS

Any employee who violates the Code of Ethics may be subject to sanctions in accordance with the Conflicts of Interest Law N.J.S.A. 52:13D-21. In addition, University employees who violate this Code of Ethics may be subject to disciplinary action by the University and the New Jersey Executive Commission on Ethical Standards. Discipline may include fines, suspension, removal, demotion or other disciplinary action consistent with University and Civil Service procedures.

All employees shall sign a receipt indicating the date the Code of Ethics was received, and acknowledge that he or she is responsible for reading the Code and is bound by it. Receipts shall be maintained in the employee's personnel file per N.J.A.C. 19:61-2.2.

To report a potential ethics violation or to seek advice, please contact:

Gayle R. Ford, Executive Assistant to the President
Ethics Liaison Officer
Hepburn 308
(201) 200-3156
gford@njcu.edu

Violations can also be reported directly to New Jersey Executive Commission on Ethical Standards (ECES). Employees may also directly request an advisory opinion.

For more information, example and/or frequently asked questions:

State of New Jersey
Executive Commission on Ethical Standards (ECES)
28 West State Street, P.O. Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892
www.state.nj.us/lps/ethics

Related Policies (including, but not limited to the following):

Forms for Reporting Outside Employment (Attachment B)
Standards of Conduct: Faculty Code of Professional Committee (Senate, 2003 Revised *Faculty Handbook*)
New Jersey City University Institutional Review Board (1999 *Faculty Handbook*)
Scientific Misconduct Policy (Grants and Sponsored Projects Website,
www.njcu.edu/dept.grantsoffice)

ATTACHMENT A

University Policy on Conflict of Interest for New Jersey City University Employees/Officers and Members of the University Board of Trustees

It has been and shall continue to be the policy of NJCU that all Board members and University employees avoid any conflict of interest or appearance of conflict of interest, consistent with the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and other pertinent University Regulations (see NJCU Personnel/Regulations 9:6A-6.3, 1996, 1997). In furtherance of that policy, the following rules are established:

- A. Applicability. The policy set forth in this statement is applicable to all members of Board of Trustees, and any other board, committee, or organization holding a position of authority over the University affairs and practices. The policy is also applicable to all University officers and employees.
- B. Fiduciary Responsibility. University officers and employees shall at all times act in a manner consistent with the fiduciary responsibilities to the University. All decisions made by an individual shall be made solely on the basis of a desire to promote the best interest of the University and the public good. Particular care shall be exercised to assure that no detriment or appearance of detriment to the University's interest results from a conflict between those interests and any personal, financial or other interests which an individual have.
- C. Possible Conflicts of Interest. An individual is considered to have a possible conflict of interest when he/she or any "associate" or a member of his/her "immediate family" has either: (1) an existing or potential financial or other material interest which impairs - or might appear to impair - the individual's independence and objectivity of judgment in the discharge of his/her responsibilities to the University; or (2) the potential to receive a financial or other material benefit from knowledge or information confidential to the University and its interests. An individual is considered to have a conflict of interest when he/she or any "associate" has an interest or potential as defined in (1) and (2) above. One's "associates" include any person, trust, organization or enterprise of a business nature or otherwise with respect to which the individual: (1) director, officer, employee, member, partner or trustee; or (2) has a financial or other interest which enables him/her to exercise control or significantly influence policy; or (3) has any other material associations, such as his/her "immediate family," including his/her spouse, parents, children, siblings, or any other blood relative if the latter resides in the same household as the individual.

D. Disclosure.

1. In the event the University is intending to or is considering any transaction for the University which involves a possible conflict of interest of a member of a board or an employee/officer such member or employee/officer, at the first knowledge of the transaction, should disclose fully the precise nature of the interest of involvement in accordance with (3) below.
2. Each individual to whom this policy applies shall file with the University Ethics Liaison Officer an acknowledgement that he or she read this Conflict of Interest Policy Statement as part of and incorporated therein the Code of Ethics. It is the responsibility of the individual to disclose the relevant information at an appropriate time.

E. Recusal Process.

1. Any employee or officer of the University who believes that he/she has a conflict of interest in acting in his/her official capacity with regard to any specific matter that is pending before the University, shall, prior to acting on such matter, contact the University Ethics Liaison Officer and fully disclose the circumstances of the possible conflict of interest. The Ethics Liaison Officer will assist the employee or officer in contacting the Executive Commission on Ethical Standards or University counsel. Any individual who is uncertain about a possible conflict of interest in any matter should inform the University Ethics Liaison, who will, in consultation with the Commission on Ethical Standards or the University Counsel, determine if a possible conflict exists. Any uncertainty should be resolved against participation.
2. The University's Ethics Liaison Officer or University counsel shall determine whether the University employee or officer may act in his/her official capacity with regard to the particular matter pending before the University. If it is determined that the employee or officer should not act in his/her official capacity with regard to the particular matter pending before the University, the employee/officer shall be advised to recuse himself/herself from participating in any University discussions or actions with regard to the particular matter, and such recusal shall be noted on the record of the meeting at which the matter is discussed.
3. If an University employee or officer finds that an incompatible financial or personal interest exists on a matter, the University employee or officer must recuse himself/herself from that matter. The recusal must be absolute, that is the University officer or employee must have no involvement with the matter from which he/she has recused himself/herself.

4. All recusals, other than those provided for in the case of recording a public meeting (see below) must be memorialized in writing. The writing must:
 - a. Specify the reason for and date of recusal;
 - b. Specify the duration of the recusal (which may be expressed in terms related to the pendency of the matter in the University);
 - c. Specify the effect of the recusal of the University officer or employee and the University (for example, that the State official is not to be contacted or involved or participate in any manner concerning the matter from which he/she has been recused);
 - d. Name the person who is to assume responsibility and authority for the matter from which the University officer or employee has been recused, if applicable; and
 - e. Be disseminated to all persons who might be affected by the University officer or employee and to the University Ethics Liaison Officer, who shall maintain the writing for as long as the University officer or employee serves in his/her position.
 5. In a case where the University is maintaining a public record of a proceeding, such as with the Board of Trustees meetings, formal written recusal is not required, but the following procedure must be followed:
 - a. To that extent feasible, meeting materials involving a matter from which the University employee or officer must recuse himself/herself should not be distributed to that University employee or officer;
 - b. At the subject meeting, the University employee or officer must place his/her recusal and the reason for such recusal on the record prior to any discussion of the matter; and
 - c. The University official must leave the room at a non-public portion of the meeting while the matter in question is under discussion.
- F. Interpretation. This policy statement is to be interpreted and applied in a manner that will best serve the interests of the University. This policy statement is to be interpreted and applied consistent with State law.

ATTACHMENT B
NEW JERSEY CITY UNIVERSITY
OUTSIDE ACTIVITY QUESTIONNAIRE

Name of Employee: _____
Mailing Address: _____

Department: _____ Division/Bureau: _____
Payroll Title: _____ Functional Title (if different) _____
Job Duties: _____
Telephone: _____ Building/Room: _____

1. Are you currently engaged in any business, trade, profession and/or part-time or full-time employment outside of or in addition to your employment at the University?
 Yes No If yes, please answer question 2.

2. Name of Outside Employer(s) or Business(es). Please indicate if you are in owner, partner or corporate officer. _____
Address: _____
Type of Business: _____
Describe responsibilities: _____

Outside Employment (please specify):
Work Days: _____ Work Hours: _____
Total Hours Per Week _____

Is your employment or business being performed for or with any other Department employee or official?
 Yes No If yes, explain. _____

3. Do you hold a license issued by a State agency that entitles you to engage in a particular business, profession, trade or occupation? Yes No
If yes: Type of license _____
When issued _____; Active or inactive _____

4. Do you currently hold or plan to hold outside voluntary position(s) which could, under certain circumstances present a possible conflict with your official duties?
 Yes No If yes, explain. _____

5. Are you an official in any professional organization? _____ Yes _____ No
If yes, explain _____

6. Are you serving in any public office, or considering appointment or election to any public office? _____ Yes _____ No

What is the type of elective/appointive position? _____

What are your duties? _____

Hours engaged in elective/appointive activity:

Per Day _____ Per Week _____ Per Month _____

7. Are any members of your immediate family employed by or, through partnership or corporate office, hold an interest in any firm performing any service for the State of New Jersey or directly or indirectly receiving funding from the State?
_____ Yes _____ No

Family Relationship _____ Family Member's Name _____

Nature of employment _____

Duration: _____ permanent _____ temporary

8. Are any members of your immediate family employed by a New Jersey casino or an applicant of a N.J. Casino license? _____ Yes _____ No

Family Relationship _____ Family Member's Name _____

Casino Name _____

I certify that this questionnaire contains no willful misstatement of fact nor omission of material fact and that after it is submitted, any future activity subject to disclosure will be reported before I engage in such activity.

Signature of Employee _____
Date

Potential Conflict? _____ Yes _____ No If yes, explain. _____

_____ Approved _____ Disapprove

Signature of Supervisor _____
Date

_____ Approved _____ Disapprove

Signature of Ethics Liaison Officer _____
Date

