

**Resolution Approving “The College of New Jersey
Code of Ethics Pursuant to the New Jersey Conflicts of Interest Law”**

- Whereas: The administration of The College is charged with ensuring that all employees are advised of the statutes, rules and regulations of the State of New Jersey with which they must comply regarding ethical concerns, and
- Whereas: The administration of The College has revised the Code of Ethics to advise employees of The College of their ethical obligations; and
- Whereas: The President has brought forth this document for approval by the Board of Trustees, according to College governing policies.
- Therefore,
Be It
Resolved: That The College of New Jersey Board of Trustees approves the revised Code of Ethics and directs the President to ensure that it is available to all employees of The College.

**THE COLLEGE OF NEW JERSEY
CODE OF ETHICS
PURSUANT TO
THE NEW JERSEY CONFLICTS OF INTEREST LAW**

I. PURPOSE
Pursuant to N.J.S.A. 52:13D-12; 52:13D-23

In our representative form of government, it is essential that officers and employees of The College of New Jersey (“The College”), in their roles as public officers and employees, conduct themselves in such a manner that fosters the respect, trust and confidence of the public. College officers and employees must, therefore, avoid conduct that is, or appears to be, a violation of the public trust.

To ensure propriety and preserve public confidence, College officers and employees should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them. Some standards of this type are enacted as general statutory prohibitions or requirements; others, because of complexity and variety of circumstances, are contained in this Code of Ethics formulated to meet the specific needs and conditions of The College.

It is also recognized that under a free government it is both necessary and desirable that all citizens, public officers and employees included, should have certain specific interests in the decisions of government, and that the activities and conduct of public officials should not, therefore, be unduly circumscribed.

This Code of Ethics is applicable to all officers and employees of The College of New Jersey, including temporary and permanent personnel in career service and unclassified positions, as well as, but not limited to, all Trustees, the President, Vice Presidents, faculty, staff and student workers.

II. ETHICS LIAISON OFFICER

The College of New Jersey Ethics Liaison Officer is the official liaison to the Executive Commission on Ethical Standards. Employee questions regarding conflicts of interest or other ethics related matters should be directed to the Ethics Liaison Officer, or an employee may request a review and opinion on an ethical issue from the Executive Commission on Ethical Standards pursuant to N.J.S.A. 52:13D-21 and N.J.A.C. 19:61-2.2(c).

III. DEFINITIONS

As used in this Code of Ethics, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

- A. "Code" means this Code of Ethics.
- B. "The College" or "College" refers to The College of New Jersey.
- C. "College officer or employee" means any person holding an office in or employed by The College whether or not compensated including, but not limited to, all Trustees, officers, Academic Department Chairpersons, Administration Department Heads, faculty, staff and student workers.
- D. "Ethics Liaison Officer" means the person holding the position of Director of Legal Affairs at The College.
- E. "Guideline" is a reference to guidelines published by the Executive Commission on Ethical Standards.
- F. "Member of the immediate family" of any person means the person's spouse, child, parent or sibling residing in the same household.
- G. "Person" means any natural person, association or corporation.

IV. GENERAL RULES OF CONDUCT

Authority N.J.S.A. 52:13D-23; N.J.S.A. 52:13D-25

- A. No College officer or employee 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 in the public interest.
- B. No College officer or employee should 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.
- C. No College officer or employee should use or attempt to use his/her official position to secure privileges or advantages for himself, herself or others.
- D. No College officer or employee should act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgment.
- E. No College officer or employee 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.

F. No College officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing him/her in the discharge of his/her official duties.

G. No College officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that he/she may be engaged in conduct violative of his/her trust as a College officer or employee.

H. No College officer or employee shall:

1. willfully disclose confidential information (information not generally available to the public) he/she receives or acquires in the course of and by reason of his/her official duties to unauthorized persons either during State service or after separation from State, whether or not for pecuniary gain;
2. use confidential information to further his/her private interests; or
3. use confidential information directly or indirectly for pecuniary gain or to make any investments or other financial transactions.

V. ATTENDANCE AT EVENTS OR FUNCTIONS

Authority: N.J.A.C. 19:61-6.1 et seq.

A. In General

1. College officers or employees on legitimate State business authorized by The College are responsible for full payment of the costs of their meals, beverages, lodging and travel. However, upon proper approval, and in accordance with College and State policies and travel regulations, and in accordance with the specific program funding and reimbursement policies, The College may reimburse the reasonable expenses of the College officer or employee. Neither the College officer or employee nor The College or the State may accept payment or reimbursement from any interested person, supplier or trade group which is doing business with The College, contemplating doing business with The College or seeking to influence actions of The College.

2. The requirement and prohibition in paragraph 1 above need not apply if the event is designed to provide training, dissemination of information or the exchange of ideas and the College officer or employee is making a speech or is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant, subject to the reasonable approval of The College. The direct or indirect benefit provided to the College officer or employee by a sponsor of the event must be identical to the benefits provided to other speakers or panel participants. If an actual conflict or the appearance of conflict should arise under the application of this paragraph as determined by The College, the provisions of paragraph 1 shall govern.

3. A College officer or employee shall not accept an honorarium or fee for a speech or

presentation at an event sponsored by an interested party.

4. A College officer or employee may pay his or her own expenses with his or her personal funds.

B. Government Activities

A College officer or employee with approval from The College to attend an event sponsored by a Federal or non-New Jersey State, County or Municipal government agency, instrumentality or organization may be reimbursed by a sponsoring agency for reasonable expenses incurred.

C. Private Capacity

1. A College officer or employee may attend any event or function paid for with personal funds on the officer's or employee's personal time, provided it does not conflict with any other provision of this Code.

2. A College officer or employee who wishes to attend an event in his/her private capacity may be directly reimbursed by an organization for reasonable expenses under the following circumstances:

a. If the College officer or employee has not had, does not have or is not reasonably expected to have dealings with the organization in the course of his/her official duties; or

b. If the event is sponsored by an organization the majority of whose members the State officer or employee has not had, does not have or is not reasonably expected to have dealings in the course of his/her official duties.

D. Business-Related Functions

Any College officer or employee who receives an invitation to any business-related function (a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fund-raiser, holiday party or other social function, an appearance involving an honorarium, etc.) from or with a firm or person doing business with The College shall report the invitation to the Ethics Liaison Officer. A determination then will be made after taking into account appropriate guidelines of the Executive Commission on Ethical Standards in consultation with the appropriate persons as to whether (1) representation of The College is appropriate; (2) acceptance of this invitation is in conflict with this Code or applicable laws; and/or (3) the College should underwrite the costs incurred for participation in the activity as an alternative to accepting the invitation as offered.

VI. RECEIPT OF GIFTS AND FAVORS

Authority: N.J.S.A. 52:13D-14; N.J.S.A. 52:13D-24; March 1990 Guideline

Any College officer or employee who receives a gift, benefit, favor or other thing of value, either directly or indirectly and whether by himself/herself, or through a spouse or family member, from a person or entity with whom the officer or employee has had contact in his/her official capacity

immediately shall report receipt of the item to the Ethics Liaison Officer. The Ethics Liaison Officer shall determine whether the item may be accepted or retained, or whether such receipt would create an impression of a conflict of interest, appearance of impropriety or violation of the public trust. Only those items which have minimal value and which do not create the impression that the College officer or employee endorses a particular product or service will be deemed suitable for acceptance or retention.

VII. RETIREMENT GIFTS

Authority: February 15, 1989 Guideline

Retirement gifts may be funded by a maximum contribution of \$5 per person, collected from invitees to the retirement function. If this method of funding is used, no maximum value is set for the cost of the gifts, but contributions of more than \$5 per invitee are not permitted;

Or

The maximum value of retirement gifts cannot exceed \$1,000. If this method is used, there is no maximum set on individual contributions, but the total value of retirement gifts and/or monetary tokens to the retiree, spouse and dependents cannot exceed \$1,000.

If, instead of presenting gifts or monetary tokens to the retiree, spouse and dependents, a decision is made to make a monetary contribution to a qualified organization (under I.R.S. Code 501(c)(3)), no limit is placed on the maximum value of the contribution.

VIII. USE OF STATE OR COLLEGE INFORMATION, PROPERTY AND FUNDS

Authority: N.J.S.A. 52:13D-23; N.J.S.A. 52:13D-25

A. A College officer or employee shall use the information, property and funds under his or her official control in accordance with prescribed procedures and not for personal gain or benefit.

B. A College officer or employee shall not use or disclose information not generally available to members of the public, which information is obtained during the course of the officer's or employee's work within the office other than such use or disclosure connected with the officer's or employee's official duties.

IX. CONTRACTS WITH OTHER STATE AGENCIES

Authority: N.J.S.A. 52:13D-19; N.J.S.A. 52:34-8; N.J.S.A. 52:34-10

A. The Conflicts of Interest Law prohibits a College 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.

B. The Conflicts of Law exempts certain categories of contracts from the general prohibition contained in Paragraph 1 of this section as follows:

1. purchases, contracts, agreements or sales that are made after public notice and competitive bidding; or
2. purchases, contracts, agreements or sales that are awarded without public notice and competitive bidding pursuant to N.J.S.A. 52:34-10; or
3. contracts of insurance entered into by the Director of the Division of Purchase and Property, Department of the Treasury pursuant to N.J.S.A. 52:27B-62.

C. Any contract made pursuant to this section must have the prior approval of the Executive Commission on Ethical Standards.

X. CONTRACTS WITH STATE COLLEGES OR UNIVERSITIES

Authority: N.J.S.A. 18A:64-55; N.J.S.A. 18A:64-56

A. A College officer or employee may contract with The College or another State college or university for the performance of any work or the furnishing or hiring of materials or supplies if one of the following conditions is met:

1. if the total sum of the contract exceeds \$18,600, the contract is awarded after public notice and competitive bid; or
2. if the contract conforms to the requirements of N.J.S.A. 18A:64-56, which provides that:
 - a. 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);
 - b. the total sum of the contract exceeds \$18,600; and
 - c. the contract is awarded by resolution of the college's or university's Board of Trustees at a public meeting.

B. All contracts made pursuant to this section must receive the prior approval of the Executive Commission on Ethical Standards.

XI. JOINT VENTURES AND PRIVATE FINANCING OF STATE ACTIVITIES

Authority: March 19, 1992 Guideline

All proposals for joint ventures between private entities and State agencies, including The College, or private financing of State and/or College activities must receive prior approval from The College.

XII. SECONDARY EMPLOYMENT

Authority: N.J.A.C. 19:61-2.2; December 1989 Guideline

The College may allow College officers or employees to hold outside office or employment, whether compensated or uncompensated, provided there is no conflict of interest with the College officer or employee's position with The College, and the College officer or employee does not use his or her College office or College time for the conduct of outside office or employment. Forms for reporting outside employment are sent to each employee in October of each year and can be obtained, as needed, from the Ethics Liaison Officer.

XIII. PROFESSIONAL LICENSES

Authority: N.J.S.A. 52:13D-23(e)(2)

No College officer or employee may engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without first filing notice of such activity with the Ethics Liaison Officer and with the Executive Commission on Ethical Standards. Any College officer or employee must disclose any professional or business license held by that officer or employee.

XIV. NOTIFICATION OF IMMEDIATE RELATIVE'S EMPLOYMENT

Authority: October 1997 Guideline

All College officers and employees are required to notify The College regarding any member of their immediate families employed by a contractor, consultant, vendor or any other company or firm doing business with The College.

XV. POST-EMPLOYMENT RESTRICTIONS

Authority: N.J.S.A. 52:13D-13(g); N.J.S.A. 52:13D-17; January 1994 Guideline (as amended in September 1995, March 1997, March 1998, November 1998)

No College officer or employee, subsequent to the termination of his/her office or employment in any State agency, 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 has an interest or through any partner, officer or employee thereof, any person or party other than The College/State in connection with any cause, proceeding, application or other matter with respect to which such College official 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.

XVI. REPRESENTATION, APPEARANCE OR NEGOTIATION

Authority: N.J.S.A. 52:13D-15; N.J.S.A. 52:13D-16; N.J.S.A. 52:13D-20

A. No College officer or employee shall represent, appear for or negotiate the acquisition or sale of any interest in real or tangible or intangible personal property by The College or the State on behalf of a party other than The College or the State;

B. No College officer or employee, shall represent, appear for or negotiate on behalf of a party other than The College or the State in any cause, proceeding, application or other matter pending before the State except as otherwise permitted by N.J.S.A. 52:13D-16;

C. No College officer or employee shall represent, appear for or negotiate on behalf of a party other than The College or the State in any cause, proceeding, application or other matter pending before the particular bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment, except as otherwise permitted by N.J.S.A. 52:13D-16; and

D. No College official shall act as an officer or agent of The College or the State in any transaction in which he or she has a pecuniary interest.

XVII. SPECIAL CASINO-RELATED CONSIDERATIONS

Authority: N.J.S.A. 52:13D-17.2; January 1994 Guideline (As Amended September 1995, March 1997, March 1998, November 1998)

A. Concurrent Casino Employment Restrictions

No College officer or employee, nor any member of his immediate family, nor any partnership, firm or corporation with which any College officer or employee is associated or in which he/she has an interest, nor any partner, officer, director or employee or person while he/she is associated with such partnership, firm or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for, or negotiate on behalf of, any holder or applicant for a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter.

B. Post-Employment Casino Restrictions

No College officer or employee who is subject to financial disclosure by law or executive order or who has responsibility for matters affecting casino activity, nor any member of his/her immediate family, nor any partnership, firm or corporation with which such person is associated or in which he/she has an interest, nor any partner, officer, director or employee while he/she is associated with such partnership, firm or corporation, shall, within two years next immediately following

termination of the office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder or, or applicant for, a casino license in connection with any phase of casino development permitting, licensure or any other matter whatsoever related to casino activity.

XVIII. VIOLATIONS; DISCIPLINARY ACTION; PENALTIES

Authority: N.J.S.A. 52:13D-21; N.J.S.A. 52:13D-23; N.J.S.A. 52:13D-26

A College officer or employee who violates this Code of Ethics may be subject to sanctions in accordance with the Conflicts of Interest Law (N.J.S.A. 52:13D-12, et seq.) and the New Jersey Code of Criminal Justice (N.J.S.A. 2C:1-1, et seq.) Such sanctions include fines, incarceration, removal or suspension from office and ineligibility for future State employment. In addition to the above, College officers and employees who violate this Code of Ethics are subject to disciplinary action by The College which includes, but is not limited to, letters of reprimand, written warnings, suspensions and termination. Given the severe consequences of violating this Code, all College officers and employees are advised to adhere to it strictly and to seek advice from the Ethics Liaison Officer if they have any questions concerning their obligations under it.