

MONTCLAIR STATE UNIVERSITY

POLICY 1.1.97B

I. TITLE

University Employee Code of Ethics

II. OBJECTIVE

To provide a code of ethics for all employees of Montclair State University. All references to employees shall include University faculty, staff, officers, administrators, and student employees.

III. AUTHORITY

NJSA 18A:64-1 et seq., NJSA 52:13D-12 et seq., NJAC 9A:3-1.1 et seq., and NJAC 19:61-1.1 et seq.

IV. STATEMENT

The following code of ethics is applicable to all employees of Montclair State University:

- A. No employee should have any interest (financial or otherwise, direct or indirect) or engage in any business, transaction or professional activity that is in substantial conflict with the proper discharge of his/her duties in the public interest.
- B. No employee should engage in any particular business, profession, trade or occupation that 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 employee should use or attempt to use his/her official position to secure unwarranted privileges or advantages for him/herself or others.
- D. No 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 employee should undertake any employment or service, whether compensated or not, that might reasonably be expected to impair his/her objectivity and independence of judgment in the exercise of official duties.
- F. No employee should accept any gift, favor, service, or other item of value under circumstances from which it might be reasonably inferred that it was given or offered

for the purpose of influencing him/her in the discharge of official duties.

Nevertheless, employees, during the course of their official duties, may accept meals that are offered as part of a meeting or event so long as all attendees of such meeting or event are also provided such meals. In the event that a sponsor of a meeting has pending with the University a matter on which the employees must act in the exercise of their duties during the time that said matter is pending, the employees shall not accept any meals from such sponsor.

- G. No 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 public employee.
- H. No employee should use or allow to be used his/her public office or employment or any information not generally available to members of the public for the purpose of securing financial gain for him/herself or others with whom he/she is associated.
- I. No employee, nor any partnership, business entity or corporation in which he/she has an interest, nor any partner, officer or employee of any such partnership, business entity or corporation, shall agree to or actually represent, appear for, or negotiate on behalf of any person or party other than the University in connection with any cause, proceeding, application or other matter pending before any state agency.

Nothing contained in this section shall be deemed to prohibit an employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for or negotiate on behalf of any person or party other than the University in connection with any proceeding: pending before any court of record of this state; in regard to a claim for worker's compensation; in connection with the determination or review of transfer inheritance or estate taxes; in connection with the filing of corporate or other documents in the office of the Secretary of State; before the Division of Civil Rights or any successor thereof; before the New Jersey State Board of Mediation or any successor thereof; before the New Jersey Public Employee Relations Commission or any successor thereof; before the Unsatisfied Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to NJSA 39:6-65; or before any state agency on behalf of a county, municipality or school district or any authority, agency or commission of any thereof, except where the state is an adverse party in the proceeding and provided he/she is not holding any office or employment in the state agency in which any such proceeding is pending.

- J. Guidelines on outside employment for full-time employees
 - 1. Montclair State University has an obligation to establish a clear definition of the responsibilities of each employee. The primary work obligation of a full-time employee (faculty member, administrator, or classified employee) is to Montclair State University.

2. A full-time employee of Montclair State University may engage in outside employment only if the outside employment does not:
 - a. Constitute a conflict of interest.
 - b. Occur at a time when the employee is expected to perform his/her assigned duties.
 - c. Diminish the employee's efficiency in performing his/her primary work obligation.
3. All regular or continuing outside employment of a full-time non-bargaining unit employee of Montclair State University during the regular work year must have the prior and continuing written approval of the President or his/her designee. Full-time bargaining unit employees of Montclair State University shall report all such outside employment on forms provided for such purpose. Full-time employees who are engaged in regular or continuing outside employment are under a continuing obligation to report such employment annually to the President or his/her designee.

NOTE: The intention of this section is to differentiate between outside employment that may be regular or continuing and therefore requires the written approval of the President and outside employment that may be irregular or infrequent and therefore does not require such approval. It is difficult to define clearly "regular or continuing" as opposed to "irregular or infrequent" outside employment. Therefore, each employee is responsible for making this judgment in a reasonable manner consistent with the spirit of these guidelines. The following examples of outside employment activities that may be classified as "regular or continuing" are given in order to illustrate the intent of the guidelines and are not meant to be an exhaustive listing of such activities.

- a. Any teaching assignment at another educational institution except for a single or limited number of guest lectures.
- b. A clinical or professional practice (for example, in clinical psychology or law).
- c. Appointment as a consultant to a school district, corporation or other public or private enterprise for an indeterminate period even if actual time demands are intermittent.
- d. Operation of, management of, or employment in any enterprise related or unrelated to a faculty member's professional interest.

The following procedures shall be used for reporting outside employment status.

- a. Any employee who intends to undertake regular or continuing outside employment shall report in advance and in writing his/her intention to the President or his/her designee. Where prior approval is not feasible, all regular and continuing outside employment should be reported promptly.
 - b. The reporting of outside employment should contain enough specific information to allow the approval officer to determine whether or not the employee intends to engage in regular or continuing outside employment and to ensure that the outside employment, if permitted, will not:
 - i. Constitute a conflict of interest.
 - ii. Occur at a time when the employee is expected to perform his/her assigned duties.
 - iii. Diminish the employee's efficiency in performing his/her primary work obligation.
 - c. The reporting form shall contain the following at minimum:
 - i. Name of full-time employee.
 - ii. Whether or not regular or continuing outside employment is planned.
 - iii. Name of part-time employer.
 - iv. Type of work performed.
 - v. Hours and days of work.
 - vi. Licenses or special requirements necessary to perform the duties involved.
4. No full-time non-bargaining unit employee at Montclair State University may perform part-time work of any kind for another public institution or agency unless such part-time work conforms in all respects with 1, 2, and 3 above and, in addition, has the approval of the chief executive officer of the public institution or agency for which it is to be performed. If such part-time work exceeds in any respect the limitations established in 1, 2, and 3 above, then Montclair State University and part-time employers should agree upon the share of the employee's full-time salary that each will pay. The part-time employer should reimburse Montclair State University by check.
 5. These guidelines shall not apply to outside employment undertaken by a full-time employee during his or her vacation or other annual leave periods, except that no such employee may engage at any time in outside employment that constitutes a conflict of interest.
 6. These guidelines shall not apply to outside employment as defined in NJSA 18A:6-8.1 and 18A:6-8.2. Such outside employment, however, should be reported to the President or his/her designee as a matter of record.
- K. No employee may knowingly undertake or execute any contract, agreement, sale, or purchase of the value of \$25 or more with the state agency where he/she is employed.

Additionally, no employee shall knowingly him/herself, or by his/her partners or through any corporation in which he/she controls more than 1% of the stock, or by any 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 or more, made, entered into, awarded or granted by any state agency, except as exempted in the Conflicts of Interest Law. An employee can only contract with a state agency, other than a state college or university, if the contract is made after public notice and competitive bid in accordance with NJSA 52:34-10 or is a contract of insurance pursuant to NJSA 52:27B-62. The contract must have the prior approval of the Executive Commission on Ethical Standards. An employee may only contract with a state college or university if the contract is awarded after public notice and competitive bid or if the contract conforms to NJSA 18A:64-56. That is, the subject matter of the contract is included in section 56(a), the amount exceeds \$17,700 and the contract is awarded by resolution of the Board of Trustees at a public meeting. The contract must have the prior approval of the Executive Commission on Ethical Standards.

Notwithstanding the provisions of the Conflicts of Interest Law and the foregoing paragraph, an employee 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 and if the employee receives approval to do so in accordance with the administrative procedure adopted for this purpose as specified in the University's policy.

- L. No employee, subsequent to the termination of his/her employment, shall agree to or actually represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public, whether personally or through any partnership, business entity or corporation in which he/she has an interest, to any person or party other than the University in connection with any cause, proceeding, application or other matter with respect to which such employee shall have made any investigation, rendered any ruling, given any opinion, or otherwise been substantially and directly involved at any time during the course of his/her employment. There is no time limit on this prohibition. The University shall refer to the Executive Commission on Ethical Standards any allegation of a violation of this provision received within the two-year period immediately following termination of employment.
- M. No employee shall directly or indirectly use or seek to use his/her authority or the influence of 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 activity that 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.

- N. All individuals governed by this Code of Ethics are required to comply with all the provisions and requirements of the New Jersey Conflicts of Interest Law (NJSA 52:13D-12 et seq.) and the regulations promulgated thereunder at NJAC 19:61-1.1 et seq.
- O. Any employee who violates the Code of Ethics may be subject to sanctions in accordance with the Conflicts of Interest Law (NJSA 52:13D-12 et seq.). In addition to the above, University employees who violate this Code of Ethics are subject to disciplinary action by the University. All employees shall sign a receipt indicating the date the Code of Ethics was received and acknowledging that they are responsible for reading the Code and is bound by it. Receipts shall be maintained in the employee's personnel file per NJAC 19:61-2.2. Employees can seek clarification of the Code's provisions from the University Counsel or from the Executive Commission on Ethical Standards.

V. RESPONSIBILITY FOR IMPLEMENTATION

President

VI. EFFECTIVE DATE

July 11, 1997

Approved by: Board of Trustees
Date approved: July 10, 1997
Date revised: June 12, 2003

Approved by: Division of Law and Executive Commission on Ethical Standards Counsel
Date approved: May 6, 2003

Approved by: Executive Commission on Ethical Standards
Date approved: October 14, 2003