

New Jersey Institute of Technology Supplemental Ethics Code

A. PURPOSE

Pursuant to N.J.S.A. 52:13D-23, the State Ethics Commission (SEC) has promulgated the Uniform Ethics Code, which is the primary code of ethics for the New Jersey Institute of Technology (NJIT). However, because NJIT is a public institution of higher education, there are special circumstances that are unique to its mission and regulations that are applicable to employees who serve in a scholarly capacity. This Supplemental Ethics Code applies to all employees of NJIT, focusing on those who work in a scholarly capacity. In addition, it augments the Uniform Ethics Code in addressing particular needs and issues that are unique to NJIT.

B. DEFINITIONS

In addition to the definitions contained in the Uniform Ethics Code, “scholarly capacity” means any pedagogical, academic, artistic, educational or scholarly activity performed by an NJIT employee for NJIT.

C. REFERENCES

New Jersey Conflicts of Interest Law - <http://nj.gov/ethics/statutes/conflicts/>
Uniform Ethics Code - <http://nj.gov/ethics/docs/ethics/uniformcode.pdf>
Plain Language Guide – <http://nj.gov/ethics/plainlanguage.pdf>
NJIT Ethics Website: <http://ethics.njit.edu>

D. ATTENDANCE AT EVENTS (N.J.A.C. 19:61-6.4 and 19:61-6.5)

1. Notwithstanding the requirements and prohibitions regarding attendance at events set forth in Section IV of the Uniform Ethics Code, an NJIT employee, acting in a scholarly capacity, attending, participating in, or making presentations at colloquia, seminars, conferences, or similar scholarly gatherings may accept a direct or indirect benefit, including the acceptance of reasonable travel and subsistence expenses and allowable entertainment expenses. The NJIT employee, acting in a scholarly capacity, may accept an honorarium, academic prize or other thing of value if the honorarium, academic prize or other thing of value reflects payment for orally or in writing sharing his or her intellectual work.
2. Except as provided in (1) above, an NJIT employee acting in a scholarly capacity shall not accept entertainment collateral to the event, such as a golf outing, or meals taken other than in a group setting with all attendees, or reimbursement therefore.

E. COMPENSATION FOR PUBLISHED WORK(S) (N.J.A.C. 19:-61-6.7)

NJIT's integrity and its primary goals of education and open inquiry must be maintained.

There are times when an NJIT employee's involvement with commercial enterprise may exceed the usual relationship developed as part of normal duties, in professional affiliations, or in a consulting role, and thus may not be covered by other provisions of the Uniform Ethics Code, NJIT's patent and copyright policies, or other NJIT regulations or policies. This section of the Supplemental Ethics Code prescribes a disclosure and approval process for NJIT employees' involvement with commercial enterprises for the purpose of commercializing intellectual property developed by the faculty member and owned by the university, wherein the employee or a member of the employee's family holds a financial interest of greater than 1% in any organization, firm, corporation or partnership that wishes to enter into a contract or agreement with NJIT. The Supplemental Ethics Code recognizes the need for flexibility and the difficulty of anticipating all situations that may arise by leaving discretion to the University to interpret the policy and weigh the potential benefits.

2. Approval Procedure

In order for NJIT to have an opportunity to evaluate carefully the benefits and burdens of an employee's equity interest in an enterprise that commercializes intellectual property invented by the employee, and owned by NJIT, and seeks to enter into a contractual affiliation (which may consist of one or more agreements) with the university, the employee must request prior approval in writing when the employee or a family member, business partner or associate owns substantial equity (greater than 1%) in the commercial enterprise that proposes to carry on business activities with NJIT.

Prior to entering into a contractual affiliation, approvals must first be obtained from the Departmental Head (in the case of administrative employees) or the Chair of the Department, followed by approval of the Dean (for all faculty). All requests for approval of such contractual affiliation must disclose fully the following aspects of the affiliation:

- a. Nature of the relationship between the employee and the commercial enterprise;
- b. Short and long-term commitment of time and effort;
- c. Financial aspects, including the extent of compensation, equity, direct or indirect benefits, and/or potential economic value;
- d. Expected benefit to the commercial enterprise;

during these periods. During these times, therefore, employees are required to request approval for any contractual affiliation covered by this Supplemental Ethics Code.

The Vice President for Research and Development jointly with General Counsel/Secretary of the Board of Trustees shall periodically report to the NJIT Board of Trustees all contractual affiliations approved under the above procedures.

3. Applicability to Senior Administrators and Research Administrators:

The foregoing provisions for approval of employee involvement with commercial enterprise shall not apply to NJIT administrators whose employment responsibilities include or encompass research administration. No NJIT administrator, including the President, Provost, Vice Presidents or Deans, General Counsel, or any employee of the Office of Research and Development, or any other member of the ECTD shall hold substantial equity (greater than 1%) in a commercial enterprise that commercializes intellectual property owned by NJIT and that has a contractual affiliation with NJIT.

4. Annual Review

Each employee who has received approval for any arrangement under this section of the Supplemental Ethics Code must annually submit a summary of activities undertaken to his/her Department Head, or Chair and Dean.