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Annual College and University Disclosure Form Instructions and FAQs

In November 2007, the New Jersey State Ethics Commission amended its regulations to provide limited exceptions to the receipt of honoraria and travel reimbursements for certain employees of State colleges and universities. Pursuant to *N.J.A.C. 19:61-6.4(d)* and *N.J.A.C. 19:61-6.5(b)*, State college and university employees acting in a scholarly capacity may accept reasonable honoraria, awards and travel reimbursement for activities related to their participation in academic, pedagogical, artistic, educational or scholarly activity.

Any State employee who serves in a scholarly capacity must complete the Annual College and University Disclosure Form. The form requires the disclosure of any benefit, honorarium, award or travel reimbursement received when serving in a scholarly capacity. This form must identify the source of all such reimbursements and things of value received in the prior academic year that relate to activities performed in the employee's scholarly capacity. Completed forms, together with any supporting documentation, must be submitted to the Department Head for review. After departmental review, the form must be submitted to the Ethics Liaison Officer for further review, and then filed with the State Ethics Commission. A copy of the Annual College and University Disclosure Form may be found on the Commission's website or at *N.J.A.C. 19:61-6.10*.

To assist in completing the form, attached is a list of Frequently Asked Questions regarding the scholarly capacity rule and the Annual College and University Disclosure Form.

FREQUENTLY ASKED QUESTIONS

- **What is “scholarly capacity”?**
 - Scholarly capacity is the capacity in which you serve the State as an employee. *N.J.A.C. 19:61-6.2* defines scholarly capacity as “any pedagogical, academic, artistic, educational or scholarly activity performed by a State official for the institution of higher education that employs or has appointed such State official.” This can include attendance and participation in or making presentations at events, such as colloquia, seminars, conferences or other similar scholarly gatherings.

- **Do I need to complete the form if I did not accept any benefits this academic year?**
 - Yes. All employees who serve in a scholarly capacity must complete the form annually to certify that they did or did not receive a benefit.

- **What types of expenses or benefits must be reported on the Annual College and University Disclosure Form?**
 - You must list and describe the type and amount of the benefit you received, and the source of the benefit. Benefits that must be reported include travel expenses, such as an airline ticket or train ticket, provided by the sponsor or other party connected to the event you are attending while acting in a scholarly capacity. Reasonable subsistence expenses, such as a hotel room and meal costs, provided by the sponsor or other party connected to the event you are attending while acting in your scholarly capacity must also be reported. Allowable entertainment expenses, such as incidental music and other ancillary entertainment received at an event function attended while acting in your scholarly capacity must be reported. The entertainment expenses must be considered part of the event that you are attending while acting in a scholarly capacity (e.g. a gala during a conference).

- **Can I speak at a symposium or conference about my research? Can I be paid for the presentation?**
 - Yes. You may make presentations on your research or other scholarly works. Unlike other State employees, employees of State colleges and universities acting in a scholarly capacity may accept an honorarium for the presentation of their work. As a scholarly capacity employee, you may accept honoraria, academic prizes and other things of value related to the presentation of your academic, pedagogical, artistic, educational or scholarly activity.

Examples of acceptable scholarly capacity activity include: presenting academic papers or research; acting in an editorial capacity for a journal or other publication; reviewing journal, book manuscripts or grants; participating in accreditation or other peer review activities; and publishing academic materials.

- **A publisher has offered to pay for my travel expenses to speak at a conference. Is that permissible?**
 - Yes. A conference sponsor or a third party (such as a non-profit organization, publisher, or a pharmaceutical firm) may pay the reasonable costs of your attendance at a conference designed to share your scholarly capacity.

- **After the conference, the publisher offered to pay for a day of recreational activities. May I accept?**
 - No. It is not permissible to allow an event sponsor or any other person associated with the event you are attending in a scholarly capacity to pay for the costs of your ancillary personal recreation, such as golf, boat rides, or the costs for being a spectator at a sporting or other entertainment activity (e.g., football game, concert).

- **Do I need to complete an Attendance at Events form for my attendance at academic conferences?**
 - If you are attending an event in your scholarly capacity, you do not need to complete an Attendance at Events form. You do, however, need to disclose the trip on your Annual College and University Disclosure Form if the attendance was paid for by anyone other than the State or yourself.

- **If I win an award related to my scholarly capacity, may I accept?**
 - Yes. Awards related to your scholarly capacity may be accepted; however, you must disclose the award on your Annual College and University Disclosure Form.

- **Can I write a textbook for use in my classes?**
 - You may write a textbook, and you may assign the textbook for your class, as long as the royalties are donated and records of the donation are maintained and submitted with your Annual College and University Disclosure Form. You may not profit from the assignment of your text.

- **Can I review textbooks for a fee?**
 - Yes. You may accept an honorarium for reviewing and/or editing other scholarly works.

- **Can the textbook that I authored be used in other classes at my college or university?**
 - Yes. Provided that you were not directly and substantially involved in the selection of the textbook, other professors may assign your textbook for their classes. Additionally, you may retain the royalty payments for this use of your text.

- **Do I need to seek out pre-approval from my college or university to publish?**
 - No. You are not required to seek out approval to publish in your scholarly capacity; however, you must disclose any payments received for the publication on the Annual College and University Disclosure Form.

Questions regarding the Disclosure Form should be directed to your College/University Ethics Liaison Officer (“ELO”), who will be working closely with Ethics Commission staff.