

NEW JERSEY CITY UNIVERSITY

SUPPLEMENTAL CODE OF ETHICS TO THE STATE UNIFORM CODE OF ETHICS

I. Establishment and Applicability of the New Jersey City University Supplemental Code of Ethics

This Supplemental Code of Ethics (Code) is established and adopted in accordance with the *N.J. Conflicts of Interest Law*, N.J.S.A. 52:13D-12 et seq. (Conflicts Law), specifically, N.J.S.A. 52:13D-23(a)(1). Pursuant to the Conflicts Law, the *Uniform Ethics Code* (Primary Code) promulgated by the State Ethics Commission (SEC) is the primary code applicable to New Jersey City University (University) full-time and part-time faculty, staff, administrators and members of the University Board of Trustees (University officials and employees). N.J.S.A. 52:13D-23(a)(2). In any instance where a provision of the Code is in conflict with the Primary Code, the Primary Code shall govern. In accord with N.J.S.A. 52:13D-23 (a)(1), the University Board of Trustees adopts this supplement to the Primary Code on behalf of the University.

II. General Minimum Standards Required Pursuant to N.J.S.A. 52:13D-23(e)

A. No University official 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 University official 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 University Ethics Liaison Officer.

C. No University official or employee should use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.

D. No University official 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 University official 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 University official 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 University official 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 University official or employee.

III: Outside Activity or Employment

A. University officials and employees.

1. Exemptions from disclosure of certain outside activities and employment.

a. Notwithstanding the general disclosure requirements contained in the Primary Code (Section VI), the Primary Code authorizes the University to exempt disclosure of specific kinds of outside employment or activities if the University is satisfied that such activity or employment does not present a conflict of interest. Pursuant to this authorization disclosure to and prior approval of the University Ethics Liaison Officer is not required for volunteer activities on behalf of non-profit charitable, religious, sports, professional, community and other non-profit organizations not reasonably expected to cast material doubt on the objectivity and independence of judgment of the University official or employee in the exercise of their official discretion. Examples (for illustrative purposes only): Professional staff in the Division of Administration and Finance serving in a private capacity as a little league coach, a member of a school parent teacher association or a member of a professional association generally need not disclose and seek approval of the University Ethics Liaison Officer. A tennis coach in the Division of Student Support Services should disclose and seek prior approval for a volunteer activity involving the recruitment of student/athletes on behalf of a tennis program other than New Jersey City University. Where there is reasonable doubt whether disclosure and prior approval is required for a proposed volunteer activity, the covered University official or employee shall either make the disclosure as provided by the Primary Code or seek the advice of the University Ethics Liaison Officer or the SEC regarding the need to disclose prior to engaging in the outside activity.

b. The University Ethics Liaison Officer may exempt from further annual disclosure compensated or uncompensated outside activity or outside employment after an initial disclosure or request for advice under such conditions, if any, as the University Ethics Liaison Officer may deem appropriate and consistent with the Primary Code and this Code.

B. Special Provisions

1. Board of Trustees

Pursuant to paragraph 13 of Executive Order 14 (Corzine 2006) (E.O. 14) the provisions of E.O. 14 are incorporated into this Code. See Attachment.

2. University Ethics Liaison Officer

The President or the university official or employee designated by the President shall serve as the University Ethics Liaison Officer. The University Ethics Liaison Officer shall report to the President and shall have authority as necessary to carry out the responsibilities assigned pursuant to the Conflicts Law, Executive Order, the Primary Code and this Code.

3. Attorneys

a. Attorneys employed by the University to provide legal services and representation on its behalf shall not represent any party other than the University, or engage in the private practice of law in any other way, whether or not the attorneys receive compensation, except that the attorneys may without compensation represent themselves or their spouses, children, or parents subject to the provisions of this Code and the Primary Code with the approval of the President or designee. Representation of the designated family members shall also be limited to matters which are not of an adversarial nature.

b. Attorneys employed by the University to provide legal services and representation on its behalf shall not act as attorney or counsel in any controversy in which the University or the State has an interest, except in his/her official capacity.

IV. Contracts

Contracts Between Certain University officials and employees are prohibited as follows.

University officials or employees serving as members of the board of trustees, president, provost or vice president are prohibited from engaging in any private business transactions with any University official or employee.

To seek advice regarding application of the Code or to report a potential ethics violation, please contact:

Alfred E. Ramey, Jr.
University Ethics Liaison Officer
New Jersey City University
Hepburn 306
2039 Kennedy Boulevard
Jersey City, NJ 07305-1597
(201) 200-2039
E-mail: ethics@njcu.edu

University officials and employees may also directly request an advisory opinion from the SEC. The SEC also has jurisdiction to accept reports of potential violations of this Code, the Primary Code or the Conflicts Law. The SEC may be contacted at the address below.

State of New Jersey
State Ethics Commission
28 West State Street, P.O. Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892
Website: www.nj.gov/ethics
E-mail: ethics@ethics.state.nj.us

Attachment

State of New Jersey
Executive Order #14
Governor Jon S. Corzine

WHEREAS, this Administration is fully committed to establishing and maintaining the highest ethical standards in the conduct of State business; and

WHEREAS, State employees, government officials and members of public bodies must at all times be accountable to the people of the State; and

WHEREAS, public service must never be used for private gain; and

WHEREAS, members of the governing boards of State institutions of higher education in New Jersey are responsible for the expenditure of substantial amounts of public dollars and must be fully cognizant of the Conflicts of Interest Law and the need to avoid even the appearance of impropriety; and

WHEREAS, members of State university and college governing boards volunteer time and energy as a commitment to public service; and
WHEREAS, current financial disclosure forms applicable to members of State university and college governing boards do not detail or identify with sufficient precision the conflicts of interest that all board members must avoid; and

WHEREAS, multiple existing Executive Orders apply to members of State university and college governing boards and require disclosure forms that differ both in form and content; and

WHEREAS, an Advisory Group on Ethics Issues, consisting of former Governors Brendan Byrne and Thomas Kean, retired Supreme Court Justice Stewart Pollock, former Attorney General John Degnan, and Princeton University President Shirley Tilghman, Ph.D., has reviewed and identified concerns regarding the current system and recommended various changes to the Governor; and

WHEREAS, a new and stricter conflicts of interest form will provide for clearer public accountability by requiring governing board members both to identify specifically potential conflicts of interest and to swear under the penalties of perjury that they are

not engaged in a practice that constitutes a conflict of interest;
and

WHEREAS, requiring members of State university and college governing boards to complete and swear to the accuracy of a detailed and focused conflicts of interest form will enhance the State Ethics Commission's ability to review information and enforce the Conflicts of Interest Law;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

No member of a governing board of a State university or college ("board member") or board member's spouse, domestic partner, or child, parent, or sibling residing in the same household shall do business with the institution that the board member governs. For the purposes of this Order, the term "do business with" shall mean providing or receiving any goods or services or otherwise engaging in a transaction involving the exchange of anything of value.

No board member or board member's spouse, domestic partner, or child, parent, or sibling residing in the same household shall be employed by or derive or receive compensation from any firm, association, or partnership that does business with the institution that the board member governs.

No board member shall own or control more than one percent of the profits or assets of a firm, association, or partnership that does business with the institution that the board member governs. The prohibitions in paragraphs 1, 2, and 3 shall also apply to shareholders, associates, or professional employees of a professional service corporation with which the board member is associated or otherwise affiliated regardless of the extent or amount of the board member's shareholder interest in such a corporation.

The State Ethics Commission ("Commission") is hereby authorized to grant an exception from the terms of paragraphs 2, 3, and 4 of this Order if, in the judgment of the executive director, the entity that is doing business with the institution is doing so pursuant to a contract awarded in accordance with the competitive bidding laws applicable to that institution or the public interest requires that an exception be made.

The Commission shall promulgate a conflict of interest form designed to identify and avoid conflicts of interest involving

board members. Each form shall be as complete and detailed as necessary in the judgment of the State Ethics Commission to fully disclose all conflicts of interest or potential conflicts of interest.

Every board member shall file on an annual basis the conflicts of interest form on or before May 15, except that the 2006 filing must be made on or before July 1, 2006. Board members who are newly named to a board subsequent to the effective date of this Order shall file a conflicts of interest form no later than 120 days from their assumption of office.

Each conflict of interest form shall contain a sworn certification, under penalty of perjury, by the board member that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct, and complete, and that he or she has not transferred and will not transfer any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

All State universities and colleges shall complete a list of all vendors and companies that do business with, or provide services to, their respective institutions ("vendor lists"). The institutions shall submit vendor lists to the Commission and to all individual board members no later than February 15 of each calendar year. Lists shall be provided this year no later than May 15, 2006.

The Commission shall use these vendor lists to evaluate conflicts of interest on an ongoing basis. In addition, individual board members shall use these lists to identify and avoid conflicts and to prepare their conflicts of interest form.

All State universities and colleges shall be required to update these vendor lists on a quarterly basis (namely, May 15, August 15, and November 15), and provide copies to the Commission and individual board members. The institutions shall also provide newly appointed board members with vendor lists when they join the governing board.

Periodic updating of vendor lists will enable board members to comply with their continuing obligation to identify and avoid conflicts of interest. Within 30 days of the receipt of a quarterly update, board members shall report any potential new conflicts to the Commission.

Each governing board of a State university or college shall

incorporate the provisions of this Order into its code of ethics. The Commission shall have the authority to enforce the terms of this Order.

In addition to all other civil and criminal penalties provided by law, a board member found by the Commission to have violated the provisions of paragraphs 1, 2, 3, or 4 of this Order shall be fined not less than \$500 nor more than \$10,000 and may be suspended from office by order of the Commission for a period of not in excess of one year.

The failure of any board member to comply with the provisions of this Order shall constitute good cause for the appointing authority to remove the board member from office. If the Commission finds that the conduct of the board member constitutes a continuous and willful disregard of the provisions of the Order, the Commission may order the board member removed from office and may further bar the board member from holding any public office or employment in the State for a period not exceeding five years from the date on which the Commission made its finding.

For failure to file a conflicts of interest form, the Commission shall impose a civil penalty of \$50 for each day of the violation, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.).

Executive Order No. 65 (2005) is hereby rescinded and Executive Order No. 1 (2006) is hereby amended by deleting paragraph 6(b)(ii) of section I thereof.

This Order shall take effect immediately.

GIVEN, under my hand and seal this 12th day of May, Two Thousand and Six, and of the Independence of the United States, the Two Hundred and Thirtieth.

/s/ Jon S. Corzine
Governor
[seal]

Attest:

/s/ Stuart Rabner
Chief Counsel to the Governor

