

RAMAPO COLLEGE OF NEW JERSEY

CODE OF PROFESSIONAL RESPONSIBILITY¹

PREAMBLE

The Ramapo College Code of Professional Responsibility applies to all full-time and part-time employees of the College including but not limited to all administrators, faculty, adjuncts, managers and staff employed by Ramapo College (collectively referred to as "employee(s)"², unless otherwise indicated). It consists of a Code of Professional Conduct and a Code of Ethics. The Code of Professional Responsibility establishes standards of conduct the College deems proper and necessary to advance the beneficial ends of the institution and to foster the professional welfare of the College community. It is based upon principles of honesty and integrity. The standards it sets forth intend to foster the integration of these principles into the professional life of the College. Conduct which breaches such standards or violates these principles may be processed under this Code.

The Code of Professional Responsibility is designed to supplement, not replace other College policies. Nothing contained herein shall prevent Ramapo College from addressing violations of this Code administratively through other avenues of redress as it determines appropriate.

Furthermore, the Code of Ethics requires all employees of Ramapo College of New Jersey to fully comply with all applicable provisions of **N.J.A.C. 9A:3-1.1** et seq. (Institutional Code of Ethics), **N.J.S.A 52:13D-12** et seq. (New Jersey Conflict of Interest Law) and **N.J.A.C. 19:61-1.1** et seq. (Executive Commission on Ethical Standards Rules) which comprise the statutory and regulatory authority of this Code.

Ramapo College remains committed to its anti-discrimination and workplace harassment policies, to preserving the integrity of its personnel procedures and to maintaining the highest standards of professional conduct.

The Code of Professional Responsibility is both a declaration of institutional values and a statement of enforceable standards of conduct. The procedures adopted shall be consistent with existing personnel policies and procedures and shall preserve rights of due process and confidentiality and other rights as provided by policy, contract, or law. It should be further understood that the College is a proper forum for critical inquiry and the free exchange of ideas. Rights of academic freedom and freedom of expression shall be preserved and shall not be abridged in the application of the Code.

¹ Note, if any provisions of this Code conflict with the State's Uniform Ethics Code, the Uniform Code provisions shall prevail.

² Note, members of the Board of Trustees have a separate Code.

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I. CODE OF PROFESSIONAL CONDUCT

General Provisions

The Ramapo College Code of Professional Conduct provides that:

1. All employees of the College shall comply with and abide by all State and Federal laws and regulations.
2. All employees of the College shall comply with and abide by the College's promulgated rules, regulations, policies and procedures.
3. All employees of the College shall maintain the highest professional standards such as accountability for knowingly furnishing false information to the College or its staff.
4. All employees of the College shall not commit an act of forgery, alteration or misuse of College documents, or records, including unauthorized access to Ramapo's database files.
5. All employees of the College shall not commit an act of theft, damage or destruction of Ramapo's or the State's property.
6. All employees of the College shall not commit an act of theft, damage or destruction of property of a member of the College community or other person lawfully on Ramapo's campus.
7. All employees of the College shall not cause physical harm to a member of the College community or to any person on Ramapo's campus.
8. All employees of the College shall not engage in activity which obstructs or disrupts teaching, research or the administration of the College, disciplinary procedures, review and appointment procedures, or other College activities. Such prohibition will not extend to protected First Amendment activities.
9. All employees of the College shall not make unauthorized commitments or promises purporting to bind Ramapo or any member of the College community.
10. All employees of the College shall use the College's facilities, property and resources for the benefit of the College to further its professional processes.
11. All employees of the College shall maintain the confidentiality of personnel, students, or other institutional proceedings where such confidentiality is provided by policy or law.
12. As related to one's duties at Ramapo, all employees of the College shall uphold and abide by the standards of professional associations or licensing bodies that one is a member.

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13. All employees of the College have a responsibility to represent themselves in a lawful and responsible manner. All such employees shall strive to be objective in their professional judgments of members of the Ramapo community, including colleagues and students, and shall act in a manner that will not prejudice another's effectiveness.

II. CODE OF ETHICS

General Provision

The Ramapo College Code of Ethics provides that:

1. No employee of the College, shall accept from any person, whether directly or indirectly, any gift, favor, service, employment or offer of employment or any other thing of value which the employee knows or has reason to believe is offered to him/her with intent to influence him/her in the performance of his/her public duties and responsibilities.

Nevertheless, an employee may accept meals at an event related to one's official duties, as specified in **N.J.A.C. 19:61-6.1 et seq.**

This section shall not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office. **(N.J.S.A. 52:3D-14)**

2. No full-time employee of the College shall directly or indirectly represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the College in any negotiations for the acquisition or sale by the College or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisition or sale before a condemnation commission or court; provided, however, nothing contained in this section shall be deemed to prohibit any person from representing himself in negotiations or proceedings concerning his own interest in real property. **(N.J.S.A. 52:13D-15)**
- 3a) No full-time employee of the College, shall directly or indirectly represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the College in connection with any cause, proceeding, application or other matter pending before the College, and/or any State Agency except as set forth in **52:13D-16 b and c.**
- 3b) No part-time or adjunct employee of the College, shall directly or indirectly represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the College in connection with any cause, proceeding, application or other matter pending before the College. **(N.J.S.A. 52:13D-16(a))**

Nothing contained herein shall be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf. **(N.J.S.A. 52:13D-16(b), (c))**

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4. No employee, subsequent to the termination of his office or employment, shall directly or indirectly 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, any person or party other than the College in connection with any cause, proceeding, application or other matter with respect to which the employee made any investigation, rendered any ruling, given any opinion, or have been otherwise substantially and directly involved at any time during the course of his 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 \$500.00 or imprisonment not to exceed six months, or both. **(N.J.S.A. 52:13D-17)**

- 5a) No full-time employee of the College shall knowingly by himself/herself, or by the employee's partners or through any corporation which the employee controls or owns or controls more than 1% of the stock, or by any other person for the employee's use or benefit or account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency, except as provided in **N.J.S.A. 52:13D-19b.**

- 5b) No part-time or adjunct employee having any duties or responsibilities in connection with the purchase or acquisition of property or services by the State agency where he is employed or an officer shall knowingly by himself/herself, or by partners or through any corporation which the employee controls or in which he/she owns or controls more than 1% of the stock, or by any other person for the employee's use or benefit or account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by the College, except as provided in **N.J.S.A. 52:13D-19 b. (N.J.S.A. 52:13D-19)**

6. Notwithstanding the provisions of the New Jersey Conflicts of Interest Law, **N.J.S.A. 52:13D-12 et seq.**, an employee of the College or his/her partners or any corporation or firm in which the employee owns or controls more than 1% of the stock, assets or profits may enter into a contract or agreement where the contract or agreement is for the development of scientific or technological discoveries or innovations in which the College has a property right, if the College has a procedure in its code of ethics for authorizing these contracts or agreements which minimizes actual conflicts of interest and the code of ethics was approved in accordance with **N.J.S.A. 52:13D-23** and the contract or agreement complies with the code procedure. **(N.J.S.A. 52:13-19.1)**

- 6a) Notwithstanding the provisions of New Jersey Conflict of Interest Law, **N.J.S.A. 52:13D-12 et seq.**, an employee or his/her partner or any corporation or firm in which the employee owns or controls more than 1% of the stock, assets or profits may enter into limited contracts with the College under the New Jersey State College Contracts Law, **N.J.S.A. 18A:64-52 et seq.**, which provides contracting rights and privileges to state college and university employees not otherwise given by the NJ Conflicts of Interest Law. Such contracts must be consistent with the College's Mission and educational

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goals, contracted programs may not interfere with the normal delivery of programs and services offered by the College, may not be supported with public funds or staffed with College employees as part of their regular tour of duty. Such contracts must hold the College harmless of any liability. Such contracts are subject to the same approval and review processes as required by Commission on Ethical Standards, Board of Trustees Policy and applicable state and federal law.

7. Notwithstanding the provisions of New Jersey Conflicts of Interest Law, **N.J.S.A. 52:13D-12** et seq., an employee or his partners or any corporation or firm in which the employee owns or controls more than 1% of the stock, assets or profits may enter into a rental agreement with a State agency which operates a facility which rents space or provides services to assist small businesses which employ 50 people or less, pursuant to the same terms and conditions as those offered to members of the public generally. **(N.J.S.A. 52:13D-19.2)**
8. No employee of the College shall act as officer or agent of the College in the transaction of any business with himself/herself or with a corporation, company, association or firm in the pecuniary profits of which the employee has an interest (except that ownership or control of 10% or less of the stock of a corporation shall not be deemed an interest within the meaning of this section). **(N.J.S.A. 52:13D-20)**
9. No employee of the College shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the College, for any service, advice, assistance or other matter related to his official duties, except reasonable fees for speeches or published works on matters within his official duties and except, in connection therewith, reimbursement of actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of New Jersey. This section does not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office. **(N.J.S.A. 52:13D-24)**
10. No employee of the College shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which the employee receives or acquires in the course of and by reason of his/her official duties. No employee of the College shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to members of the public which the employee receives or acquires in the course of and by reason of his/her official duties. **(N.J.S.A. 52:13D-25)**
11. No employee of the College 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 the employee's duties in the public interest. **(N.J.S.A. 52:13D-23-(e)(1))**
12. No employee of the College should engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State

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Government without promptly filing notice of activity with the Executive Commission on Ethical Standards through the Office of Employee Relations. (N.J.S.A. 52:13D-23(e)(2))

13. No employee of the College shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others. (N.J.S.A. 52:13D-23-(e)(3))
14. No employee of the College shall act in his official capacity in any matter wherein the employee has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgment. (N.J.S.A. 52:13D-23-(e)(4))
15. No employee of the College shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair the employee's objectivity and independence of judgment in the exercise of his/her official duties (N.J.S.A. 52:13D-33-(e)(5))
16. No employee of the College shall 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 the employee in the discharge of his/her official duties. (N.J.S.A. 52:13D-23-(e)(6))
17. No employee of the College shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of the employee's acts that he/she may be engaged in conduct violative of the employee's trust as an employee. (N.J.S.A. 13D-23(e)(7))
18. All employees of the College are required to comply with all provisions and requirements of the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et. seq. as amended.
19. All employees of the College are required to comply with the Recusal Process outlined in N.J.A.C. 19:61-7.1 et. seq. These regulations provide that an employee must recuse himself/herself from a matter if he or she has: 1) Any financial interest, direct or indirect, that is incompatible with the discharge of the employee's public duties; or 2) any personal interest, direct or indirect, that is incompatible with the discharge of the employee's public duties. The employee must seek the advice of the Deputy Attorney General for the College, or the *Employee Relations and Ethics Officer*, or the Executive Commission on Ethical Standards as to the propriety of participation in a matter if any person requests that the employee recuse himself or herself from the matter. Oral advice, followed up by a writing, may be provided to avoid delay. Oral advice should subsequently be memorialized in writing or by inclusion in public minutes.

Responsible Unit: Employee Relations

Date Adopted: 10/23/96

Date Revised: 6/19/00, 12/04/02, 3/12/07

PROCEDURES

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A. Code of Professional Conduct Procedures

Introduction

Any member of the College community, including students, faculty, staff or administrators may, pursuant to the Code of Professional Conduct, use the procedures set out herein to ensure that the standards of professional conduct are upheld. The College reserves the right to take disciplinary action as set forth in the procedures to protect the safety and well being of the community. Furthermore, the College reserves the right to institute its own proceedings against a person who violates State or federal law or any of the College's policies. Note: Violations of the Code of Professional Conduct are not to be processed under regulations promulgated by the New Jersey Commission on Ethical Standards. However, violations of the Code of Ethics may alternatively be processed under the procedure outlined in this Code of Professional Conduct, subject to the Commissions' right to review of the penalty imposed.

1. Procedures/Complaint

- a. An action pursuant to the Code of Professional Responsibility is commenced upon the filing of a Complaint. The Complaint must be filed within forty-five (45) days from when the student, administrator, staff, faculty or adjunct should have had constructive notice of its occurrence.
- b. The complaint must include:
 - a. The Complainant's name and address;
 - b. The Accused's name and address;
 - c. The counsel's name and address;
 - d. The nature of the Code violation;
 - e. Preliminary facts alleged;
 - f. Names and addresses of proposed witnesses;
 - g. The date of the complaint.
- c. Complaint forms shall be made available in Employee Relations.
- d. Where allegations are brought against a student employee charging a violation of the Code of Professional Conduct, said Complaint shall comply with sections a and b above, and shall be processed against the student under the Student Code of Conduct, Judicial Affairs Office, Student Affairs Division. Complaints charging violations of the Code of Ethics may be processed under Student Code of Conduct, Judicial Affairs Office, Student Affairs Division, provided that any penalty imposed must be approved by the New Jersey Commission of Ethical Standards, or before the New Jersey Commission on Ethical Standards as determined appropriate.

2. Who can file a complaint?

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Members of the campus community or the College itself aggrieved by conduct which violates the Code.

3. Where the Complaint is to be filed?

The Complaint shall be 'filed' in Employee Relations (hereinafter ER) on business days between 9:00 a.m. and 5:00 p.m., or by certified mail. Employee Relations shall date said Complaint on the date received.

4. Role of Employee Relations

- a. Employee Relations shall forward a copy of the Complaint to the Accused within five (5) business days of its filing.
- b. Employee Relations shall be available to answer questions of the Complainant/Accused regarding options available.
- c. Employee Relations shall, within a reasonable period of time based upon the complexity of the issue, conduct preliminary fact finding to determine merits of the complaint. ER shall commence its fact finding within five (5) business days of the filing of the Complaint. If the complaint lacks merit Employee Relations will recommend to the President that the claim be dismissed and notify the Complainant and the Accused. The Complainant and the Accused may respond in writing to the ER recommendation within five calendar days of the receipt of the recommendation. Should the claim have merit, Employee Relations will offer an opportunity to the parties to informally resolve the matters at issue.
- d. Should the matters at issue be so resolved, the parties shall so state in writing and the Complaint dismissed.
- e. If the parties are unable to resolve issues informally, Employee Relations shall forward the Complaint and any documents or exhibits attached to the Code Hearing Board for fact finding and recommendation.

5. Composition of the Code Hearing Board (CHB)

a. Organization/Selection of Members:

The Code Hearing Board is the forum where complaints are heard and facts found. The CHB will be selected on a yearly basis from among faculty, administrators and staff (classified and unclassified) who volunteer to have their names included on a list to be maintained by Employee Relations. The *Employee Relations and Ethics Officer* will work with the leadership of the Faculty Assembly (FA), Professional Staff Association (PSA), Minority Faculty and Staff Association (MFSA), CWA, AFT and IFPTE to ensure an adequate number of faculty, administrators and staff to serve on the CHB.

b. CHB members are responsible for the following:

- i. Understanding of the Code of Professional Conduct and sanctions for violating the code.

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- ii. Working knowledge of the CHB's functions and operations.
- iii. Adherence to the format and procedures for the conduct of hearings established by the CHB and administered by the moderators.
- iv. Maintenance of the confidentiality of all complaints, hearings, and actions of the CHB.
- v. Recommendations for improving the operations and applicability of the Code of Professional Conduct.

c. Schedule of Operation:

- i. The CHB will operate throughout the College year. During the summer/winter session, the CHB shall handle cases brought before it, as appropriate.
- ii. Besides convening for necessary hearings, the CHB will meet publicly at least once a year to review operations and procedures and to prepare an annual report for the President.

d. CHB Composition:

- i. When a faculty member is accused:
Three (3) faculty
Two (2) staff
- ii. When a staff member is accused:
Three (3) staff
Two (2) faculty

Membership on hearing panels is thus weighted to allow the maximum participation of board members from the same constituency as the accused.

6. Role of the Code Hearing Board (CHB)

- a. The CHB shall schedule a hearing within twenty-one (21) days of its receipt of the Complaint from Employee Relations.
- b. The Notice of Hearing shall be forwarded to the parties, with a request to produce any relevant documents at the time of the hearing and to provide the CHB with a list of witnesses.
- c. The Notice of Hearing shall also include a provision stating that the parties shall be able to resolve the matter any time prior to the hearing. It shall state that the failure of the Complainant to appear at the hearing shall result in summary dismissal of the Complaint.

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- d. Based upon testimony, documentation, and other relevant evidence presented at the hearing, the CHB shall find facts related to the issues in contention, and shall memorialize its findings in writing.
- e. Based upon its findings of fact, the CHB shall make recommendations to the President either to dismiss the case, or impose a recommended sanction (see Section 10, Sanctions Defined).

7. Conduct of Hearings

- a. The Accused or the Complainant, upon the receipt of the Notice of Hearings from the CHB, may request an extension of the hearing for reasonable cause.
- b. No recommendations by the CHB for the imposition of sanctions shall be grounded in the failure of the Defendant to answer or to appear at the hearing. In such case, the evidence in support of the charges shall be presented by the Complainant and considered by the CHB at the hearing before any action is recommended.
- c. No member or alternate member of the CHB shall participate in any case in which such member is a witness, or has a personal interest, or has acted previously in an advisory capacity. A CHB member's eligibility to participate in a case is subject to challenge by either party prior to the hearing. For reasonable and good cause shown, a CHB member may be disqualified and an alternate appointed, provided that such replacement shall be of the same constituency as the ineligible member.
- d. The hearing shall be conducted by a moderator, who shall be appointed or elected by and from among the panel members. The moderator's responsibility shall be to promote and provide for the effective conduct of the hearing.
- e. Picture taking or filming are prohibited during the hearing. A verbatim record in the form of an audio recording will be produced upon request of either party or at the discretion of the CHB. Audio recordings, other than that produced by the CHB as the official record, shall be prohibited.
- f. Hearings shall be closed. At the closed hearing, witnesses will be present only for the time necessary to give testimony and to respond to cross-examination.
- g. The parties shall have the right to present witnesses subject to the right of cross-examination of the other party. The CHB, through its moderator, shall have the discretion to limit the number of witnesses to be heard.
- h. Members of the CHB may direct questions to any party to the proceedings or to any witnesses called by the parties or by the CHB.
- i. The hearing panel shall receive and consider oral and documentary evidence. The moderator may exclude irrelevant or unduly repetitious evidence. Witnesses who

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knowingly furnish false information during a hearing may be charged with a violation of the Code of Professional Responsibility.

- j. Each complainant and/or accused has the right to be assisted at the hearings by one advisor of their choosing, e.g., attorney, counselor, etc. The role of the advisor is to assist and advise and not to speak in place of the accused or complainant or present their testimony. Further, an advisor may not interfere with the proceedings of the hearing.
- k. After hearing testimony and receiving pertinent evidence or documents, the CHB will find facts relating to the issues in contention and make a decision within thirty (30) days of the date of the hearing.
- l. The findings of the CHB and its decision will be forwarded to the President, with notice thereof to the parties.
- m. Exceptions to the findings and decisions of the CHB shall be made in writing by the parties and directed to the President. Copies shall be served upon the CHB and other parties within ten (10) days from the receipt of CHB's decision. Replies must be distributed within fourteen (14) days from the CHB's decision, and in the same manner as the Exceptions.

8. Role of the President

- a. Within fourteen (14) days of receipt of the findings and decisions and any Exceptions and Replies of the *Employee Relations and Ethics Officer* or the CHB, the President may:
 - i. adopt or reject the decision of the *Employee Relations and Ethics Officer* or CHB;
 - ii. accept the findings of the *Employee Relations and Ethics Officer* or the CHB and modify the recommended sanction;
 - iii. dismiss the case based upon the presented record.
- b. In all cases, the President may confer with the *Employee Relations and Ethics Officer* or the CHB regarding his or her decision.
- c. The decision of the President may be appealed through other channels, i.e. Collective Bargaining Agreements, and/or to the Board of Trustees according to the Appeal Process that follows.

9. Appeal Process

Within ten (10) days of the decision of the President, the parties may appeal such decision to the Board of Trustees pursuant to the College's Rules of Procedures in Controversies and Disputes, under the following circumstances;

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- a. Where the President adopts the decision of the CHB and the enforcement of a sanction, or where the President accepts the findings of the *Employee Relations and Ethics Officer* or CHB but modifies the sanction, the Accused may appeal the President's action;
- b. Where the President dismisses the case rejecting the recommendation of the CHB, which found a violation of this Code, the Complainant(s) may appeal the President's action.

10. Sanctions Defined

- a. Warning. Notice to the offender, orally, or in writing, that continuation or repetition of the conduct found wrongful, within a period of time stated in the warning, may be cause for disciplinary action.
- b. Reprimand. Written notice to the offender for violation of specified regulations, including the possibility of a more severe disciplinary sanction in the event of future judgments that the offender violated any College policies.
- c. Other Sanctions. The CHB may recommend other sanctions as may be reasonable and appropriate in a particular case up to and including removal.

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B. Code of Ethics Procedures

The Conflicts of Interest Law, **N.J.S.A. 52:13D-12** et seq. forbids state employees from engaging in outside activity in certain situations as described in the statutes.

The New Jersey Administrative Code at **N.J.A.C. 19:61-2.2** provides that State agencies must include in their Code of Ethics, a requirement that employees annually disclose outside employment and/or business interest.

Pursuant to that requirement all Ramapo College employees, including but not limited to all administrators, faculty, adjuncts, managers and staff employed at Ramapo College must report their regular continuing outside employment and/or business activity to the College President or his/her designee. Managerial employees who are not within bargaining units must obtain approval by the College President prior to the outside employment. This form is valid only during the fiscal year submitted.

REGULATIONS ON OUTSIDE EMPLOYMENT/ACTIVITY

1. An employee of Ramapo College may not engage in any kind of outside employment, full-time or part-time, if the outside employment:
 - a. constitutes a conflict of interest and/or violates the College's Code of Ethics;
 - b. occurs at a time when the individual is expected to perform his/her assigned duties;
 - c. diminishes the individual's efficiency in performing his/her primary work obligation at the College.
2. No employee of the College may receive compensation from the College in excess of his/her regular full-time salary, except:
 - a. administrators/professional staff may receive payment for teaching one course per semester, or payment pursuant to the College's Extra Compensation for Special Projects Policy.
 - b. faculty members may receive payment for overload teaching and other professional services to the extent permitted by contract or institutional regulations.
 - c. faculty members may receive released time for the administration of grants or special projects that benefit the institution. The institution should recover the cost of such released time from the monies received for such grants or projects.
 - d. classified employees who perform overtime work will be compensated in accordance with established regulations.

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3. No employee of the College may engage in any kind of outside employment, full-time or part-time, if the outside employment is violative of the College's Code of Ethics.

4. Definition - Regular or Continuing Employment

It is difficult to clearly define "regular or continuing" as opposed to "irregular or infrequent" outside employment. Each employee is, therefore, responsible for making this judgment in a reasonable manner consistent with the spirit of these guidelines. The following examples of outside employment activities which 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.

- * any teaching assignment at another educational institution-except for a single or limited number of guest lectures.
- * a clinical or professional practice (for example, in clinical psychology or law)
- * appointment as a consultant to a school district, corporation or other public or private enterprise for a stated period of time or for an indeterminate period even unrelated to a staff member's professional interest.

5. Procedures for Requesting Permission for Outside Employment-Managers

- a. Approval is necessary for those employees not within recognized bargaining units.
- b. The attached form "Outside Activity Questionnaire" should be completed by the employee and the words "request for approval" circled or underlined, the completed form should be submitted to the immediate supervisor (Dean, Director, etc.) who will forward it to the Office of Employee Relations. The form should reach Employee Relations prior to the employee's accepting or beginning any continuing or regular outside employment.
- c. The submitted form will be reviewed by the President or his/her designee and a decision transmitted to the applicant within one work week, with a copy forwarded to the Office of Employee Relations.
- d. For all outside employment for which approval is necessary, the employee shall file a status report with the approval officer in September of each succeeding fiscal year during which he or she intends to continue the outside employment.
- e. Employees, and faculty, will be contacted by the Office of Employee Relations annually in September concerning the completion of the Outside Activity Questionnaire reporting forms.

6. Procedures for Notifying of Outside Employment Status - Bargaining Units

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- a. This paragraph is applicable to members of bargaining units. Those employees in bargaining units who intend to undertake regular or continuing outside employment should complete the attached form and circle or underline the word "notification" in the center title. The form should be completed, dated and signed, and submitted to the immediate supervisor (Dean, Director, etc.) for forwarding to the Office of Employee Relations.
- b. Employees, and faculty, will be contacted by the Office of Employee Relations annually in September concerning the completion of the Outside Activity Questionnaire reporting forms.

7. Distribution of Forms

The Office of Employee Relations will maintain and furnish the applicable forms.

8. Violations

Violations of the Code of Ethics are to be processed in accordance with the regulations promulgated by the New Jersey Commission on Ethical Standards. See Commission regulations, **N.J.A.C. 19:61.1** et seq. Alternatively, violations of the Code of Ethics may be processed under the College procedures applicable to the Code of Professional Conduct above. However, where processed under the Code of Professional Conduct, any penalty must be approved by the New Jersey Commission on Ethical Standards before being implemented by the College. See **N.J.A.C. 19:61-43.4 and 3.5**

9. Penalty

a. State Statutory Penalty

No person shall induce or attempt to induce any employee to violate any provision of the New Jersey Conflicts of Interest Law or any provision of the College's Code of Ethics.

Any person who willfully violates any provision of the law and/or this Code is a disorderly person, and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed six months, or both.

b. Penalties before the Executive Commission on Ethical Standards

Any employee found guilty by the State of New Jersey Executive Commission on Ethical Standards of violating any provision of Conflicts of Interest Law (the "Act") or the Code of Ethics which has been promulgated pursuant to the provisions of the Act shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (**N.J.S.A. 2A:58-1**), and may be suspended from

his office or equipment by order of the commission for a period of not in excess of one year. If the commission finds that the conduct of such officer or employee

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constitutes a willful and continuous disregard of the provisions of this Act or of a code of ethics promulgated pursuant to the provisions of this Act, it may order such person removed from his office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period of not exceeding five years from the date on which he was found guilty by the Commission.

10. Additional Information

The New Jersey Conflicts of Interest Law, **N.J.S.A. 52:13D-12** et. Seq., regulations **N.J.A.C. 19:61** and other relevant information can be accessed on the State of New Jersey web site, www.state.nj.us/lps/ethics.

Responsible Unit: Administration and Finance
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