



## Code of Ethics Policy

### **Purpose:** Application

It is in the best interests of Essex County Community College to be aware of and properly manage all conflicts of interest and appearances of a conflict of interest. This code of ethics is applicable to members of the Board of Trustees and officers of the College. It is designed to help Essex County Community College identify situations that present potential conflicts of interest and provide procedures to appropriately manage them in accordance with legal requirements and the goals of accountability and transparency in the college's operations. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interests applicable to the College.

### **Applicability:**

This Code of Ethics is applicable to all employees of Essex County College. All references to employees include faculty, staff, administrators, and student employees. Furthermore, this code is applicable to all members of the Board of Trustees of Essex County College. College employees are also subject to existing College policies that govern employee conduct and activities and the applicable compliance procedure therein, as well as the requirements of the New Jersey Conflicts of Interest Law, N.J.S.A. 52:130-12 et seq. and applicable regulations of the Executive Commission of Ethical Standards. N.J.A.C.19:61.

### **Definitions**

The following definitions are used in this policy:

- “Board” means the College Board of Trustees
- Employee is an individual who performs part-time or full-time work for the College and receives a salary from the College or an affiliate of the College.
- College Officer or employee means any person including a member of the Board of Trustees, holding an office or employment with the College, whether compensated or not.
- Business relationship or interest is one in which an officer or employee, his/her family member or friend, as defined below, serves as an officer, director, employee, partner, trustee or stockholder (of more than one percent [1%] of the voting stock or controlling interest) of an organization that does substantial business with Essex County College and derives a substantial benefit or financial interest (either directly or indirectly) from the business transaction.

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- **Family member** is a spouse, parent, sibling, child or any other relative.
- **Interested person** means any person who may reasonably be anticipated to be subject to the authority of the College; or (2) any supplier
- **Supplier** means any private sector person who is providing or may reasonably be expected to provide goods and services to the College, including such persons as consultants, vendors and lessors.
- **Financial interest** is when an employee has a monetary or other value based relationship with a company or party that the College is doing with business with.
- **Personal interest** means any interest from family or marriage relationships or from close business association.

### Fiduciary Responsibilities of College Officers and Employees

Each officer and employee serves the public trust and has an obligation to fulfill their responsibilities utilizing good faith, diligence, fidelity and loyalty. All decisions of the officers and employees should be made on the basis of a desire to advance the best interests of the College and the public good. The integrity and reputation of Essex County College must be protected at all times. To this end, each officer and employee hereby understands and agrees to:

- Adhere to the College Regulations and By-laws;
- Maintain the highest ethical and moral standards, and present themselves in a professional manner; and,
- Treat information received from the College that is known to be confidential or privileged as strictly confidential both during and after the completion of his/her appointment with the College.
- Those Cabinet members and Executive staff with engagements involving other organizations (or institutions) using their college title or representing the College in any way must inform the President prior to such engagements. Such individuals must also make the College aware of their involvement if their personal, family or business relationship could possibly create a conflict of interest.

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1. No College employee or officer 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
2. No College employee or officer should use his/her official position to secure unwarranted privileges or advantage for himself/herself or others.
3. No College employee or officer should act in his/her official capacity in any matter in which he/she has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgment.
4. No College employee or officer 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, or would interfere with the employee's ability to fulfill his/her employment obligations
5. No College employee or officer should accept any gifts, benefits, favors, services, or other things of value under circumstances from which it might reasonably be inferred that such gifts, services, benefits, other things of value were given or offered for the purpose of influencing him/her in the discharge of his/her official duties. Unsolicited gifts or benefits of trivial or nominal value such as complimentary articles offered to the public in general, are presumed not to violate this paragraph unless circumstances exist which create a reasonable doubt as to the intention with which the gift, benefit, favor, service or other thing of value was offered.
6. Events Sponsored by Interested Parties:
  - I. The approval of the President is necessary for the College officer or employee to attend.
  - II. The College shall pay the reasonable expenses of the College officer or employee attending the event except where the event provides training, dissemination of information or exchange of information and the College officer or employee is making a speech, participating in a panel at the event or is an accompanying resource person to the College officer or person so participating.
  - III. No Officer or employee shall accept, directly or indirectly, any gift, favor, service, or other things of value under circumstances from which it might be reasonably inferred, or which the Officer or employee knows or has reason to believe, is offered for the purpose of influencing the discharge of his or her duties as Trustee or Officer.

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### **REMEMBER**

#### *\*Conflict May Occur Under the Following Circumstances:*

1. A conflict of interest occurs when an officer or college employee is in a position to influence a business decision which gives (or may give) either party a benefit (*examples: gifts, money, vacations, entertainment event tickets, etc.*)
  2. A conflict of interest also occurs when an employee's friend, associate or colleague and family member receives gifts based on the employee's influence in making or helping to make a business decision while conducting the College's business.
  3. If an officer or employee has any influence in the decision making process involving purchases, contracts or leases he/she should immediately notify the Human Resources and the Purchasing Department in order for safeguards to be established to protect all parties from a conflict of interest.
- When an officer or employee is unsure whether a conflict of interest exists, it must be brought to the attention of Human Resources.
  - Individuals should only have direct dealings with vendors of the College in accordance with the College's Purchasing and Ethics Policy.
  - Employees with confidential or privileged information which is obtained during the course of their employment may only use that information for College purposes.
  - Officers and employees of the College shall not solicit or accept any gift, favor, compensation or benefit from any person or entity that may appear to influence the judgment of the officer or employee. Items of small value (\$25.00) are not included in this policy and do not need to be reported, unless they occur on more than two occasion.
  - Violations of this policy may result in disciplinary actions, up to and including termination.



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- Retaliation against an individual who has reported a violation or suspected violation of this policy is prohibited. Retaliation, if proven, will subject an employee to disciplinary action up to and including termination.
- The Office of General Counsel shall be responsible for monitoring compliance with this policy concerning all officers and employees. Human Resources shall circulate a copy of this policy to all officers and employees immediately after it is adopted. Within two (2) weeks thereafter each officer and employee shall sign that they have received a copy of this policy acknowledging the individual's receipt and review of the policy and return it to the Department of Human Resources.