



Section:	VIII.1.4
Title:	Statement on Ethics for Employees of The College of New Jersey Policy
Effective Date:	2002
Approved By:	Board of Trustees
Responsible Unit:	Office of the General Counsel, ogc@tcnj.edu
History:	
Related Documents:	

**I. INTRODUCTION**

This document outlines the Statement on Ethics for Employees of The College of New Jersey

**II. DEFINITIONS**

N/A

**III. POLICY**

This ethics policy sets out standards of behavior for members of the campus community in their various roles . It also sets out a process of adjudicating complaints concerning unethical conduct.

**Code of Ethics Introductory Statement**

In support of its mission, The College of New Jersey sets forth the ideals of scholarship, life long learning, service to others, enrichment through diversity, commitment to excellence, collegiality, mutual respect, and personal integrity. The College is guided by the belief that a sense of true community is achieved when these ideals and values are reflected in the behavior of its members toward one another.

The College of New Jersey is committed to creating an atmosphere of respect and civility amongst its members. The charge to the Quality of Campus Life committee to create a Code of Ethics, provided the campus community with the opportunity to define our standards of behavior toward each other.

As members of our campus community, our interactions with one another are to be guided by the general principles as set forth in the Code of Ethics developed through The College's governance process. In order to make this a living document, each member of the campus community must commit to these standards and promote its general principles.

### **I. General Principles**

Employees<sup>1</sup> of The College of New Jersey have special responsibilities that derive from their membership in an academic community and from their roles as public servants. Thus, this code addresses the issue of ethics for all employees at The College of New Jersey and provides a procedure for the filing and adjudication of complaints of unethical conduct. While this Code of Ethics cannot enumerate every responsibility or foresee every contingency, the following are viewed as essential within the context of our community. Employees have the responsibility to:

<sup>1</sup>The term "employees" is expanded in this context to include all student employees and assistants.

A. Respect and act in accordance with the right of all members of the college community to freedom of thought, opinion, and conscience, freedom of speech and expression, and freedom of association.

B. Treat all members of the college community with equal consideration and respect regardless of age, race, gender, ethnicity, religion, sexual orientation, or disability.<sup>2</sup>

<sup>2</sup> See the Revised Equal Employment Opportunity/Affirmative Action Policy Statement (The College of New Jersey Board of Trustees, October 8, 1992)

C. Refrain from harassment of or illegal discrimination against any individual or group of individuals.<sup>3</sup>

<sup>3</sup> See the NJ Law Against Discrimination and The College of New Jersey Policy Against Sexual Harassment(The College of New Jersey Board of Trustees, April 25, 1991)

D. Present information accurately and to refrain from false representation.

E. Comply with all college policies and procedures and to conscientiously fulfill their assigned duties and responsibilities.

F. Maintain the confidentiality of educational and other official records and privileged information.

G. Avoid conflicts of interest, and refrain from abuses of authority arising from their professional or official roles. All actions by members of the community shall be consistent with the highest ethical and professional standards applicable to the activity in which they are engaged.

H. Preserve and properly utilize college property and resources for authorized activities.

I. Abide by all laws, regulations and college policies that provide equal opportunity and access for all persons regardless of age, race, color, gender, ethnicity, religion, sexual orientation or disability.

J. Promote a college community based on these aforementioned shared purposes and values and to protect the integrity of one's discipline or profession, and of the institution which they serve.

## **II. Relations with Students**

All relations with students shall comply with the General Principles cited in Part I above. All employees have the obligation to discharge their professional responsibilities concerning students in a fair and conscientious manner and in accordance with the ethical standards generally recognized within the academic community. In particular, in their relations to students as teachers, mentors, advisers, and service providers, employees are expected to:

A. Refrain from engaging in, or creating the appearance of, amorous, sexual or potentially exploitative relationships with a student, consensual or otherwise, if the employee has an academic or supervisory responsibility for the student or is in a position to confer any benefit to or make any decisions affecting the student.

B. Take appropriate precautions to ensure academic integrity among students with respect to plagiarism; cheating on papers and examinations; and stealing, mutilating, or concealing institutional resources; and, refer such matters for disciplinary action when such are known to have occurred.<sup>4</sup>

<sup>4</sup> See the Student Handbook (Chapter 6, Policies for Disciplinary Action for Students Who Are Unethical in Their Academic Behavior).

## **III. Relations with Colleagues<sup>5</sup> and The College**

<sup>5</sup> The term "colleagues" is meant to include all employees of The College of New Jersey including students when they serve as employees or assistants.

All relations with colleagues and The College shall comply with the General Principles cited in Part I above.

All employees are expected to:

A. Refrain from actions that conflict with the conscientious discharge of their responsibilities to The College of New Jersey.

B. Objectively fulfill supervisory, administrative, and collegial responsibilities, especially in matters concerning evaluation, reappointment, tenure, promotion, discipline, and other conditions of employment.

C. Refrain from engaging in or creating the appearance of, amorous, or sexual, or potentially exploitative relationships with employees in a subordinate position, or over whom there is the power to confer a benefit or make any employment decisions.

#### **IV. Relations with Society at Large**

A. Employees should represent The College only when authorized to do so and should otherwise distinguish their role as private citizens when speaking in public.

B. Employees must be especially sensitive to conflicts of interest, and to the appearance of such conflicts between their roles in the institution and their private activities and interests. Whenever a potential or apparent conflict of interest exists, the individual should consult with his or her supervisor and should excuse himself or herself from involvement in the conflicting activity. 6 See NJ.AC 9A:3 Institutional Code of Ethics

C. Violations of federal or state law that involve moral turpitude shall constitute a breach of this code and shall be subject to its provisions.

#### **V. Conduct of Research**

The conduct of all research should comply with the General Principles (see Section I above).

A. Each member of The College community has the responsibility to ensure that scholarly and scientific research is conducted in accordance with the highest standards of academic integrity. Specifically, those who conduct research or monitor the research of others should strive to ensure that the research:

1. Follows accepted standards concerning evidence and justification applicable to research of that kind.
2. Avoids all forms of fraud, deceit, and dishonesty.
3. Adheres to accepted scholarly standards regarding proper citation of others' work, and recognizes and acknowledges the intellectual contributions of all members of The College community, including the contributions of their colleagues and students.

B. All research must comply with applicable college, state, federal policies and regulations as well as professional guidelines commonly accepted within the specific discipline.

C. In the case of applied research, care must be taken to ensure that conflicts of interest between the impartial and objective search for knowledge and the prospect of personal profit or gain do not occur.

#### **VI. New Jersey State Requirements**

See "The College of New Jersey Code of Ethics Pursuant to the New Jersey Conflicts of Interest Law." Please note: the procedure for adjudicating complaints of unethical conduct (VII below) does not apply to the Code of Ethics Pursuant to the New Jersey Conflicts of Interest Law.

#### **VII. Procedure for Adjudicating Complaints of Unethical Conduct**

Any member of The College community may initiate a complaint of unethical conduct against an employee of The College. The grievant must take the following steps:

A. Preliminary Consultation and Complaint Process

1. The grievant shall schedule a preliminary consultation to discuss the complaint and review the formal procedure with the Director of Affirmative Action. Delayed preliminary consultation with the Director of Affirmative Action may compromise the ability of the Director to investigate the complaint in a timely manner.
2. The complainant must complete and submit a complaint form to the Director of Affirmative Action within six (6) months of the occurrence of the incident.
3. The Director of Affirmative Action shall within ten (10) business days forward the complaint to the person charged and conduct a confidential preliminary investigation of this complaint.
4. The Director of Affirmative Action shall request the person charged to appear for an informal discussion of the complaint.
5. The Director of Affirmative Action shall, upon completion of the preliminary investigation, take one of the following actions:

- a. Dismiss the complaint.
- b. Resolve the complaint informally with the agreement of the parties concerned.
- c. Refer the complaint to the College Ethics Board for a Formal Hearing.

Within five (5) additional business days, the Director of Affirmative Action must notify the grievant and the person accused, in writing, of the action taken on the complaint. When a formal hearing is warranted, the Director of Affirmative Action will notify, in writing, the Chair of the Ethics Board of the complaint.

B. Formal Hearing

1. The Chairperson of the College Ethics Board shall within ten (10) business days of receipt of a formal complaint (and a minimum of fifteen (15) business days prior to the formal hearing) mail a notice to the person charged and to the grievant which shall include:
  - a. A statement of the unethical conduct with reference to the specific violation under the Code of Ethics.
  - b. The name(s) of the grievant(s).
  - c. A notification of the time and place of the hearing, which shall occur no less than fifteen (15) business days following the mailing of the notice.
  - d. A copy of the Code of Ethics for the Employees of The College of New Jersey, including these procedures.
  - e. The names of the College Ethics Board members hearing the case.
2. The hearing body shall consist of the College Ethics Board (see VIII. for the composition of the Ethics Board) of which a quorum shall be five (5) members including the Chair. The Chairperson of the College Ethics Board shall preside. All

proceedings of the College Ethics Board in resolving complaints of unethical conduct shall be in closed session, and all communications therein shall be regarded as confidential.

3. The person charged may request a delay of the hearing from the Chair of the College Ethics Board. A request for delay detailing the reasons for such a request must be submitted in writing a minimum of five (5) business days before the scheduled date of the hearing. The Chair of the College Ethics Board will determine whether or not the request for delay will be granted.

4. Both the grievant and the person charged may request the exclusion of the Chair and/or any member(s) of the College Ethics Board, should they feel there is a potential bias. At least five (5) business days prior to the scheduled hearing, a written objection detailing the reasons for such a request must be submitted to the Chair of the College Ethics Board. Challenged members will be asked to voluntarily step down and will be replaced by an alternate from the area on campus which they represent (e.g., staff, Arts & Sciences faculty). In the event that the challenged person refuses to step down, then the College Ethics Board will meet and vote by a simple majority to resolve the issue. Challenged members cannot vote on their own inclusion/exclusion.

5. The hearing will be closed. The grievant(s), and the person(s) charged, have the right to be counseled or accompanied by an adviser of their choice, who may be an attorney. The role of the attorney is that of an adviser to their client. Advisers may not directly address the Chair, the College Ethics Board, or others present for the hearing. In cases in which the person charged is a member of a bargaining unit, the respective bargaining unit and the President of The College may each have a non-voting observer present during the formal closed hearing. Any member of the Ethics Board may ask parties and witnesses questions. Neither advisors, attorneys, nor observers, may address any of the participants in the hearing. If the person charged refuses to attend the formal hearing, the hearing will be held in his or her absence, and the College Ethics Board may still render a decision. Board members and participants will be advised to keep all proceedings confidential.

6. The grievant, the person charged, and all members of the Ethics Board shall have the opportunity to hear and examine all witnesses and all evidence. In addition, the grievant, the person charged and the Ethics Board may call witnesses and present relevant evidence. At the discretion of the Chair, a written statement from witnesses may be considered. Such statements must be submitted a minimum of ten (10) days prior to the scheduled hearing. The College Ethics Board should immediately, upon receipt of such statements, distribute them to both the person charged and the grievant. The College Ethics Board may exclude evidence which it deems irrelevant or repetitious. At the conclusion of the presentation of witnesses and evidence, the grievant and the person charged may present closing statements.

7. Following the formal hearing, the College Ethics Board shall deliberate upon and weigh the evidence in closed session. The College Ethics Board shall decide, by majority vote, whether to sustain the complaint or to dismiss it. In the event that the complaint is sustained, the Board shall, based on the findings, recommend appropriate sanctions to the President.

8. Within fourteen (14) days of the date of the hearing, the Ethics Board will issue a written report to the President with copies to the parties. The report shall contain findings of facts and recommendations, as well as any disciplinary action.
9. The President, within fourteen (14) days of receiving the report, will make a determination to adopt, modify, or reject the Ethics Boards' recommendations.
10. The President's decision shall be considered final for all matters not involving an employee's suspension or removal. Those matters involving suspension or removal will be referred for processing according to the legal requirements for the job/employee category.
11. The entire formal hearing shall be transcribed by means of a recording device. A copy of the recording shall be made available upon request to either the grievant(s) or the accused with the understanding that the communications contained therein remain confidential. While the grievant, the accused, and their adviser(s) may review the records, the records may not be reproduced or taken from the college without the specific authorization of the President of The College of New Jersey.
12. Either party may file an appeal with the President within seven (7) days of receiving the written determination of the College Ethics Board. Notification must be in writing and specify, in detail, the grounds for the appeal. The President shall respond to the grievant(s) and the College Ethics Board in writing within fifteen (15) business days as to the disposition of the case and the reasons thereof.

#### C. Records

A written record of all formal and informal proceedings must be retained in the Affirmative Action Office for seven (7) years after the employee's termination of employment and then be destroyed. In cases where the complaint was sustained, a duplicate record must also be maintained in the employee's personnel file.

### **VIII. Composition of The College Ethics Board**

The College Ethics Board shall be a standing body of The College of New Jersey consisting of six (6) full-time employees and two (2) full-time student members with a minimum of five (5) members present to hear a complaint. Membership of the employees serving on the board shall consist of two (2) faculty members, two (2) members of the college administration, and two (2) classified employees.

The Student Government Association (SGA) will recommend two (2) students and two (2) alternates to the President to be appointed to the College Ethics Board. Executive Officers for Student Life, Office of the Treasurer, Development and Alumni, Administration and Organizational Development, and Academic Affairs will recommend one administrative and one classified employee to the President to sit on the board. From this pool of eight (8) representatives, two (2) - one (1) each from administration and classified - will serve on a case by case rotating basis. An effort will be made to ensure that the classified representatives from each Executive Officer represent a variety of vocations and that no one classified position is overrepresented. Each school (Art, Media, and Music, Culture and Society; Science; Business;

Education; Nursing; and Engineering) will elect one (1) representative. The Library will also elect one (1) representative. From this pool of eight (8) representatives, two (2) will serve on a case by case rotating basis. Initial rotations will be determined randomly with efforts being made to ensure that the representatives from each of the specified areas are diverse in regard to gender, race, ethnicity, and age.

Members shall serve for staggered terms of two (2) years. Student members must be at least of sophomore status and will be recommended by the Student Government and appointed by the President. The College Steering Committee should supervise the election of members of the College Ethics Board and shall arrange for a special election in case of resignation, death, or other cause by which a vacancy occurs on the board. Once constituted, the College Ethics Board shall elect its own Chair and Vice-Chair. The Chair and Vice-Chair will serve for term(s) of one (1) year. In the absence of the Chair, the Vice-Chair shall preside over all College Ethics Board proceedings. As acting Chair, the Vice-Chair will exercise the same voting privileges as the Chair. The Chair will serve in a nonvoting capacity, casting a vote only in the case of a tie. In order to avoid conflicts of interest and to ensure the confidentiality of all College Ethics Board deliberations, the following policies shall apply:

1. In no case may a member of the College Ethics Board hear a complaint brought against himself or herself. In such cases, the member must excuse himself or herself from the board's deliberations.
2. Should a complaint come before both the College Ethics Board and a Union grievance process stipulated in a contract then in effect, no individual may participate in the deliberations of both bodies.
3. A Dean, Department Chairperson, other immediate supervisor, or the Director of Affirmative Action, serving on the College Ethics Board may not participate in deliberations concerning any complaint which they have previously acted upon informally.
4. The Chair, Vice-Chair and any member(s) of the College Ethics Board, may be removed or excuse themselves from the board's deliberations if a written request from the grievant or the person charged substantiates the presence of potential bias in a particular case (see Section VII. B. 4).

Should a member of the board need to be replaced due to one of the aforementioned reasons, an alternate from the appropriate area shall serve on the Ethics Board for that case only.

### **IX. Procedures for Approving and Amending This Code**

The Code of Ethics for the Employees of The College of New Jersey may be revised or amended at any time. The procedure for approval or amendment must be in accordance with the general policies and procedures of institutional governance in effect at the time the request for approval or amendment is made. In no case shall any article of the aforementioned document or any amendment thereto be deemed to have force or effect until procedures specified by the appropriate governance policies have been completed.

Nothing in the aforementioned document shall be interpreted as giving license for actions which violate municipal, state, or federal laws.

#### **IV. RELATED DOCUMENTS**

#### **V. HISTORY**

Recommended by Quality of Campus Life Committee: May, 1998

Approved by Board of Trustees: October 8, 1998

Modified by Steering Committee to accommodate changes in New Jersey legislation:  
September, 2002