

**CHAPTER 3  
INSTITUTIONAL CODES OF ETHICS**

**Authority**

N.J.S.A. 18A:3B-14(e).

**Source and Effective Date**

R.2006 d.334, effective August 18, 2006.  
See: 38 N.J.R. 1275(a), 38 N.J.R. 3899(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 3, Institutional Codes of Ethics, expires on February 14, 2014. See: 45 N.J.R. 2170(a).

**Chapter Historical Note**

Chapter 3, Institutional Code of Ethics, was adopted as new rules by R.1995 d.606, effective November 20, 1995. See: 27 N.J.R. 3271(a), 27 N.J.R. 4714(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Institutional Code of Ethics, expired on November 20, 2000.

Chapter 3, Institutional Code of Ethics, was adopted as new rules by R.2001 d.61, effective February 20, 2001. See: 32 N.J.R. 2687(a), 33 N.J.R. 661(a).

Chapter 3, Institutional Codes of Ethics, was readopted as R.2006 d.334, effective August 18, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 3, Institutional Codes of Ethics, was scheduled to expire on August 18, 2013. See: 43 N.J.R. 1203(a).

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**SUBCHAPTER 1. GENERAL STANDARDS**

**9A:3-1.1 Purpose**

Each public institution of higher education shall develop a code of ethics, in accordance with this chapter, governing the conduct of its officers and employees, as defined in the New Jersey Conflicts of Interest Law at N.J.S.A. 52:13D-13 and the Local Government Ethics Law at N.J.S.A. 40A:9-22.3. The code of ethics shall establish guidelines and standards of ethical behavior in order to ensure the public's confidence in the conduct of business and operations of the institution.

Amended by R.2006 d.334, effective September 18, 2006.  
See: 38 N.J.R. 1275(a), 38 N.J.R. 3899(a).  
Rewrote the first sentence.

**9A:3-1.2 Compliance with applicable statutes, rules, and executive orders**

(a) Each institution's code of ethics shall comply with the requirements of all statutes, rules and executive orders applicable to the institution, including, but not limited to, the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.; the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq.; rules of the Executive Commission on Ethical Standards; and any applicable executive orders.

(b) When required by law, each institution shall have its code of ethics reviewed and approved by any statutorily created bodies designated to review and approve such codes of ethics.

(c) Any institution not governed by a particular ethics statute shall include in its code of ethics standards of conduct equal to or exceeding those standards in the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.; the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq.; rules of the Executive Commission on Ethical Standards; and any applicable executive orders.

Amended by R.2006 d.334, effective September 18, 2006.  
See: 38 N.J.R. 1275(a), 38 N.J.R. 3899(a).

Section was "Compliance with applicable statutes". Rewrote (a) and (c).

**9A:3-1.3 General standards**

(a) Each institution's code of ethics, at a minimum, shall include the following general standards. Each code shall:

1. Prohibit officers and employees from having any interest, financial or otherwise, direct or indirect, or engaging in any business or transaction or professional activity which is in substantial conflict with the proper discharge of their duties;
2. Prohibit officers and employees from using their official positions to secure unwarranted privileges or advantages for themselves or others;
3. Prohibit officers and employees from acting in their official capacities in any matter in which they have a direct or indirect personal financial interest that might reasonably be expected to impair their objectivity or independence of judgment;
4. Prohibit officers and employees from undertaking any employment or service, whether compensated or not, which might reasonably be expected to impair their objectivity and independence of judgment in the exercise of their official duties;

5. Prohibit officers and employees from accepting any gifts, favors, services, or other things of value under circumstances from which it might be reasonably inferred that such gifts, services, or other things of value were given or offered for the purpose of influencing them in the discharge of their official duties;

6. Prohibit officers and employees from knowingly acting in any way that might reasonably be expected to create, among the public having knowledge of their acts, an impression or suspicion that they may be engaged in conduct violative of their trust as public officers or employees;

7. Prohibit officers and employees from using or allowing to be used their public office or employment or any information not generally available to members of the public for the purpose of securing financial gain for themselves or others with whom they are associated;

8. Establish appropriate limitations under which officers and employees may contract with the institution and other public entities, in accordance with applicable law;

9. Establish appropriate limitations under which officers and employees may appear before the institution and other public entities on behalf of other parties, in accordance with applicable law; and

10. Establish appropriate standards for the review and approval of outside employment of officers and employees of the institution.

(b) Each institution, in establishing its code of ethics, shall conform the general standards set forth in this section to any specific requirements established by any applicable statutes, rules, or executive orders governing the ethical conduct of employees and officers of that institution.

Amended by R.2006 d.334, effective September 18, 2006.

See: 38 N.J.R. 1275(a), 38 N.J.R. 3899(a).

In (a)5, substituted a semicolon for the period at the end of the first sentence and deleted the last two sentences; and in (b), inserted “, rules, or executive orders”.

#### **9A:3-1.4 Contracts for the development of scientific or technological discoveries**

Each institution governed by the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., shall include in its code of ethics, procedures for contracts between the institution and officers or employees or firms or corporations in which said officers or employees hold an interest, for the development of scientific or technological discoveries or innovations in which the institution has a property right in accordance with N.J.S.A. 52:13D-19.1 through 19.3.