

Code of Ethics for the Board of Trustees

Policy Statement:

In keeping with New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., Bergen Community College (the “College”) is committed to preserving the trust and confidence of the public. This Policy is an attempt to ensure that no detriment or appearance of detriment to the College’s interests results from a conflict between the best interests of the College and the interests of a Board member. This Code of Ethics serves as a supplement to the New Jersey Uniform Ethics Code. All trustees are required to comply with all of the provisions and requirements of the New Jersey Conflicts of Interest Law.

Who Should Read This Policy:

Members of the Board of Trustees

Definitions:

“*Board*” means the Board of Trustees of Bergen Community College

“*College matter*” means any employment application, application for admission, award, bid, claim, contract, license, proceeding, resolution or transaction made by, to, against or with the College, or which requires any official action by the Board, Officers or employees.

“*Conflicts law*” means the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.

“*Employee*” means any person compensated for full or part-time employment services rendered to the College.

“*Gift*” means any fee, commission, service, compensation, gratuity, or other thing of value of any kind.

- If an item has more than a nominal monetary value, it will be characterized as a gift.
- A gift includes admission to an event for which a member of the general public would be charged, a meal, transportation, or offer of employment.

“Immediate family member” means the spouse, natural or adopted child, grandchild, parent, or sibling of trustee.

“Interest” means any personal, financial, economic, property or other concern amounting to a right, advantage, share or portion inuring either directly or indirectly to a trustee or to an immediate family member of a trustee, either singly, or in affiliation with any person or party defined herein.

“Person or party” means any natural person, association, corporation, estate, partnership, proprietorship, trust or other legal entity.

Standards of Ethics:

A. Trustees SHALL NOT:

1. 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 trustee’s duties of the College.
2. Use his or her official position to secure unwarranted privileges or advantages for himself or herself or others.
3. Act in his or her official capacity in any College matter in which the trustee or an immediate family member of the trustee has a direct or indirect financial interest that might reasonably be expected or give the appearance to impair the trustee’s objectivity or independence of judgement.
4. Engage in any business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government. If same occurs, the Trustee shall promptly file notice of such activity with the Board Secretary, and with notice to the College President.
5. Undertake any employment or engage in any business, transaction, service or professional activity, whether compensated or not, which might reasonably be

expected to impair the trustee's objectivity or independence of judgement in the exercise of his or her official duties as a trustee.

6. 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 trustee knows or has reason to believe, is offered for the purpose of influencing the performance of his or her duties as trustee.
7. Knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of the trustee's acts, that he or she may be engaged in conduct violative of his or her trust as a public official.
8. Appear or negotiate on behalf of a party not affiliated with the College, in any matter before the College or in any cause or proceeding involving the College. In addition, a trustee's immediate family member, employee, or firm or corporation with which the Trustee is affiliated, may not appear or negotiate on behalf of a party not affiliated with the College, in any matter before the College or in any cause or proceeding involving the College.
9. Use, or allow to be used, his or her public office, or any information not generally available to members of the public, which the trustee receives in the course of or by reason of the trustee's office, to secure financial gain, unwarranted privileges, advantages or employment for himself or herself, his or her immediate family members, or others with whom the trustee is associated.
10. Act as if he or she has legal authority outside of the meeting of the Board.
11. Approve for employment or promotion a family member, associate, or close friend.
12. During his or her term of office or a period of one year subsequent to the expiration of such term:
 - i. Be awarded any contract which is not publicly bid on;
 - ii. Allow a former trustee to appear to represent, or negotiation on behalf of, any other party before the College; or

iii. Employ for compensation any former trustee of the College.

13. Be eligible to accept a position as an employee of the College for a period of two years following resignation or expiration of his term.

B. A trustee SHALL:

1. Become familiar with, committed to, and abide by the major responsibilities and duties of the Board as set out in the College policies.
2. Devote time, thought, and study to the duties and responsibilities of a College trustee so as to render effective and creditable service.
3. Prepare carefully for, regularly attend, and actively participate in Board meetings and committee assignments.
4. Approve the policies and goals of the College and audit the performance of the administration in the fulfillment of these policies and goals.
5. Understand the role of the Board as a policymaking body and avoid participation in the administration of policy.
6. Leave the conduct of the educational program and the College's businesses to the President and the Administration of the College.
7. Think independently and make informed decisions based on what is in the best interests of the institution and the advancement of higher education yet support the majority decision of the Board and work cooperative with fellow trustees and the Administrative to advance the goals of the College and higher education.
8. Exhibit cooperation and respect for the opinions of fellow trustees, leaving personal prejudices and biases out of the Board discussions, and supporting the actions and the decisions of the Board.
9. Recuse him or herself on an official Board matter if he or she has a financial or personal interest that is incompatible with the proper discharge of his or her public duties.

Disclosure of Potential Conflict:

- A. A trustee shall immediately disclose to the Board Chair the precise nature of the interest or involvement of the trustee or the trustee's immediate family member in any College matter to be considered by the Board of Trustees.
 1. Each trustee shall file with the secretary of the Board, a form of statement specified by the Board disclosing the nature of any financial interest or business relationship the trustee has which relates to the College, or which the trustee is otherwise required to disclose under this Code of Ethics.
- B. Trustees should always err on the side of caution when considering potential conflicts of interest. If a conflict exists where the Board Chair is involved, same shall be reported to the Board Secretary, with notice to the College President.
- C. Trustees must annually file Financial Disclosure Statements with the Local Finance Board, pursuant to N.J.S.A. 40A:9-22.1 et seq and the College's Financial Disclosure Statement Policy.

Upon Appointment or Reappointment:

The President of the College shall provide the trustee with a copy of this Code of Ethics annually within thirty (30) days after the organizational meeting of the Board.

Enforcement:

Violations of this Code of Ethics may constitute cause for removal of a trustee pursuant to N.J.S.A. 18A:64A-9 or imposition of other sanctions determined by the Board to be appropriate.

Related Documents/Policies:

- Financial Disclosure Statement
- New Jersey Uniform Code of Ethics
- New Jersey Conflicts of Interest Law: N.J.S.A. 52:13D-12 et seq.

Policy History: (adopted/amended)

All policies are subject to amendment. Please refer to the College Policy website (<https://bergen.edu/about-us/college-policies/>) for the official, most recent version.

Adopted: May 7, 2024

Amended:

Reviewed: