



Office of Institutional Diversity and Equity

## **Scholarly Capacity Rule Impact Statement**

As of November 19, 2007, the State Ethics Commission defined activity conducted “in a scholarly capacity” as any pedagogical, academic, artistic, educational, or scholarly activity performed by a State employee for the institution of higher education that employs or has appointed such State employee.

Acting in a scholarly capacity, a State employee may attend, participate in, or make presentations at colloquia, seminars, conferences, or similar scholarly gatherings so long as the State employee notifies his or her department head of his or her attendance, participation, or presentation. The direct or indirect benefits provided to the State employee acting in a scholarly capacity may include the acceptance of reasonable travel and subsistence expenses and allowable entertainment expenses. The State employee acting in a scholarly capacity may accept an honorarium, academic prize, or other thing of value if the honorarium, academic prize, or other thing of value reflects payment for orally sharing his or her intellectual property.

Except as provided below, a State employee may not accept compensation for published works created as part of his or her official duties on State time utilizing State resources but may accept compensation for published works not created as part of his or her official duties.

- A State employee acting in a scholarly capacity may accept compensation for published works created as part of his or her official duties on State time utilizing State resources.
- A State employee acting in a scholarly capacity may require the use of his or her own published work in a course that he or she teaches. However, monies resulting from such use must be donated to the college or university or other nonprofit institution.
- A State employee acting in a scholarly capacity may accept compensation for the use of his or her published work in a course that he or she does not teach, provided that he or she was not involved in the selection of the published work for use in that course.

A State employee in a scholarly capacity shall disclose annually any travel, subsistence, or entertainment expenses, honoraria, academic prizes, royalties, or other things of value related to activities performed in his or her scholarly capacity received in the prior calendar year. The sources of all such expenses and things of value shall be identified.

Whether full or part-time, a State employee serving in a scholarly capacity shall use the **Annual College and University Disclosure Form** (<http://www.state.nj.us/ethics/forms/>) for his or her annual disclosure. The completed forms shall be submitted to the University’s Office of Institutional Diversity and Equity and kept on file for a period of five years. Each State college and university shall forward copies of the forms to the Commission annually.