



**Date:** April 4, 2016

**To:** All ASU faculty and staff

**From:** ASU President Michael M. Crow

**Re:** Commitment to ethics

Arizona State University is committed to observing the highest standards of ethical behavior so that Arizona's citizens may have confidence in the integrity of ASU. All university community members must recognize our shared responsibility of educating the future leaders of Arizona. The nation must adhere to fair, ethical and legal business practices. Adherence to these professional standards is critical to maintaining a solid foundation for ASU as a New American University.

Each employee shall refrain from engaging in any activity in a conflict between the employee's private and university interests. This commitment requires all ASU employees to act in a manner that is consistent with the public trust and not take any actions that result in or create the appearance of personal gain or benefit. Giving preferential treatment to any person or organization, actions that impair one's independence or impartiality and disclosing confidential information must be avoided. Actions that adversely affect the public's confidence in the university include, but are not limited to, the following:

- Violating the university's policies on discrimination, harassment and romantic relationships, taking adverse employment or educational action against an employee or student because of their protected status, engaging in an inappropriate relationship with a student, failing to promptly report a possible violation to the Office of University Rights and Responsibilities or the [Office of Student Rights and Responsibilities](#), and failing to cooperate in any ensuing investigation. Refer to [ACD 401](#), [ACD 402](#) and [SPP 815](#) for more information.
- Misuse of university assets like using one's office for private gain or using institutional resources for purposes that are not authorized. [Refer to ACD 123](#) for more information.
- Failing to follow the university's procurement rules, such as misusing P-Cards or making decisions outside official channels. [Refer to ABOR 3-801](#) for more information.
- Misusing university computing resources like copyright violations, attempting to influence the outcome of elections, advocating support for or opposition to pending or proposed legislation, and accessing pornographic images. [Refer to ACD 125](#) for more information.
- Violating the university's policies on conflicts of interest and nepotism. Refer to [ACD 204-08](#) and [ACD 515](#) for more information.

Each ASU employee expects to carry out their responsibilities with honesty and integrity and act in compliance with applicable university policies and governmental laws, rules and regulations.



## Arizona public service orientation

### Law in brief

Arizona state law requires that all university employees receive public service orientation. The training at ASU covers laws, policies and procedures relating to the proper conduct of business at the university. The training will include the following topics:

- Bribery.
- Conduct after leaving one's position with the university.
- Conflicts of interest.
- Contracting with the government.
- Disclosure of confidential information.
- Discrimination.
- Financial disclosure.
- Gifts and extra compensation.
- Incompatible employment.
- Misuse of public resources for personal gain.
- Nepotism.
- Open meeting laws.
- Political activity.
- Public access to records.

[Refer to the Staff Personnel Manual](#) and the [Academic Affairs Manual](#) for details about terms of employment, vacation and sick leave and other important policies and procedures.

For more information on public service orientation programs, [refer to Arizona Revised Statute §38-591](#) and [§38-592](#).

### Abbreviations

The following abbreviations are used in the accompanying material:

- [ABOR — Arizona Board of Regents Policy Manual](#).
- [ACD — Academic Affairs Manual](#).
- [ARS — Arizona Revised Statutes](#).
- [CPM — Capital Programs Management Group Manual](#).
- [PDP — Police Department Manual](#).
- [PUR — Purchasing and Business Services Manual](#).
- [RSP — Research and Sponsored Projects Manual](#).



- [SPP — Staff Personnel Manual.](#)
- [SSM — Student Services Manual.](#)



## Public access to records and information

As a public university, ASU is subject to the Arizona public records law, which grants the public access to information regarding its operations. When a public records request is submitted, a review is conducted to determine whether the records are subject to inspection. Specific categories of records are exempt from disclosure under the Arizona public records law, like student and employee records.

[Refer to ARS §39-121](#) for more information on public records, printing and notices.

## Student records

The [Family Educational Rights and Privacy Act](#) requires that student records be kept confidential. Exceptions include but are not limited to the following:

- Individuals within the university who the appropriate university official determines who needs to know.
- Directory information, as defined by the university, may be disclosed unless the students ask not to be released.
- Records subject to a valid subpoena.

[Contact University Registrar Services](#) for questions or more information.

[Reference SSM 107-01](#) for additional details on the release of student information.

## Employee records

Disclosure of employee records is governed under the Arizona Board of Regents policy. While personnel records of employees are generally private, there are exceptions under the policy and by law, such as providing access to employee records to comply with a lawfully issued subpoena.

Employee disciplinary records may be subject to inspection and copying under the public records law under state statute. Suppose ASU receives a request under the public records laws for employee records. In that case, the university will make reasonable efforts to provide notice to the affected employee or employees and ascertain what privacy interests may exist.

Special considerations:

- Employees and students have proper access to their files, with certain exceptions. [Reference SPP 1101](#) for more details on FERPA.
- Releasing information in campus police reports depends on the nature of the incident and the status of the investigation. [Refer to PDP Police Department policy manuals](#).



If you receive a request for access to records or information, seek advice before releasing any records or information. [Contact the Office of General Counsel](#) and [University Registrar Services](#) for additional guidance and information.

If you wish to obtain access to records and information, submit a written request to the official custodian of the records. If you are unsure who the custodian is, contact the appropriate vice president's office or the [Office of General Counsel](#).

[Refer to ARS §39-128](#), [SPP 1101](#) and [ACD 811](#) for more information on accessing and disclosing employee records.

### **Harassment, discrimination and retaliation**

ASU expressly prohibits harassment, including unwanted sexual contact, discrimination, sexual misconduct and retaliation by employees, students, contractors or agents of the university based on protected status, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, genetic information, and Title IX sexual harassment.

Contact the [Office of University Rights and Responsibilities](#) to learn more about the university's policy, online training, or concerns about conduct you believe might violate university policy.

### **Sexual harassment and sexual misconduct**

Sexual harassment, including unwanted sexual contact and sexual misconduct, are forms of sex discrimination and are prohibited by university policy. Sex discrimination can be between individuals of the same or different sex. It can occur between a supervisor and a subordinate or create a hostile environment. Sex discrimination includes:

- Dating violence.
- Domestic violence.
- Rape.
- Sexual assault.
- Sexual battery.
- Sexual coercion.
- Stalking.



All employees must report allegations of sexual discrimination. Reports or concerns regarding sex discrimination should be directed to the [Title IX Coordinator](#) if it involves an employee who has allegedly violated policy. [Contact the Dean of Students](#) if the matter involves a student who has reportedly violated policy.

### **Title IX Notice of non-discrimination**

Title IX protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. As Title IX requires, ASU does not discriminate based on sex in our education programs or activities, including admission and employment. Inquiries concerning the application of Title IX may be directed to the Title IX Coordinator, the [U.S. Department of Education](#) or the Assistant Secretary.

[Email the Title IX Coordinator](#) or call 480-965-0696 for more information. The Title IX office is at 1120 S. Cady Mall, INTDSB 284, Tempe AZ 85281. [Visit the Report It! webpage](#) for details about filing a report.

### **Disabilities**

The university complies with the [Americans with Disabilities Act](#), as amended, and the [Rehabilitation Act of 1973](#), which prohibits discrimination, harassment or retaliation based on disabilities and requires reasonable accommodations for qualified individuals. Any questions regarding the ADA or accommodations should be directed to the [Office of Human Resources](#).

[Consult with Student Accessibility and Inclusive Learning Services](#) for student inquiries regarding disability and accommodations.

### **Violence in the workplace**

Acts of intimidation, including menacing and harassing behaviors, threats of violence and acts of violence committed against any person in the workplace, are prohibited. As defined by statute, weapons are banned from ASU premises unless the ASU Police Department gives written permission. Incidents and allegations of violent or threatening conduct by an ASU employee must be reported to ASU Police. Violations of this policy will result in appropriate disciplinary action.



Please [direct related questions to the Employee Assistance Office, Office of Human Resources](#) or the [ASU Police Department](#).

You may also [contact the ASU Hotline](#) to anonymously report issues or concerns about non-compliance with laws, regulations or policies applicable to ASU and any concerns regarding safety or inappropriate conduct.

## **Jeanne Clery Act**

On or before Oct. 1 of each year, under the Jeanne Clery Act's provisions, the university electronically publishes its [Annual Security and Fire Safety Report](#), which contains information about campus crime statistics and security information for the preceding three calendar years. Daily crime logs also are available online.

The ASU Police Department also issues timely warnings to the university community when it learns of any crime that represents a threat to students' or employees' safety. All employees are strongly encouraged to [sign up for the ASU Alert and Advisory System, LiveSafe](#), to receive timely information and instructions when life-threatening or non-life-threatening situations occur.

If you witness, learn or hear about a Clery Act crime that occurs or is alleged to have occurred on university property, at a university-sponsored event or activity on non-campus property, in a residence hall or on public property immediately adjacent to university property, you must, as soon as possible, [contact the ASU Police Department](#), the [Office of Student Rights and Responsibilities](#).

Examples of Clery Act crimes include:

- Aggravated assault.
- Arson.
- Burglary.
- Dating violence.
- Domestic violence.
- Drug law arrests.
- Hate crimes.
- Illegal weapons possession arrest.
- Larceny.
- Liquor law arrests.
- Motor vehicle theft.
- Murder or non-negligent manslaughter.



- Negligent manslaughter.
- Robbery.
- Sexual assault or offenses.
- Stalking.
- Theft.

### **Suspected child abuse — duty to report**

Arizona law requires any person with a reasonable belief that a minor has been the victim of physical injury, abuse, child abuse or neglect that is not the result of an accident to report the information to local law enforcement authorities. This mandatory reporting applies to any person responsible for the care of a minor and is not limited to academic personnel or healthcare professionals.

If you observe inappropriate conduct being directed towards a minor or if a minor tells you that they have been the victim of inappropriate behavior, immediately notify the ASU Police Department at 480-965-3456 or call 911. You must also report such conduct to the chair or director of your academic or administrative unit.

### **Conflicts of Interest**

#### **Nepotism**

Employees may not hire, evaluate, promote or influence the employment of relatives. Relatives may work together, but a supervisor cannot make critical decisions affecting a subordinate who is a relative. Relatives include children, spouses, parents, brothers, sisters, aunts, uncles, grandparents and grandchildren. This also applies to person's whom the employee is in a romantic or sexual relationship, and members of the same household.

The following actions are required when a potential conflict presents itself:

- Disclose the relationship with your supervisor.
- Refrain from taking any action connected with critical decisions regarding this person; another employee must be appointed to make crucial decisions at the same or a higher level.

### **Romantic or sexual relationships**

ASU has specific prohibitions against romantic or sexual relationships between employees and students. Faculty are prohibited from engaging in a romantic or sexual relationship with a student over whom the faculty member or academic or professional exercises or can reasonably be expected to exercise educational or employment authority or influence. All other employees, including volunteers, are prohibited from





engaging in such relationships with students over whom they exert control or influence, real or perceived.

### **Awarding contracts and purchasing decisions**

Arizona law lists prohibitive conflicts and states that you must disclose in writing and refrain from contracts and decisions when a conflict involving a substantial interest exists. Purchasing departments have disclosure forms.

A substantial interest is defined as any interest that is not a remote interest defined by law and university policy. Substantial interests generally involve pecuniary or proprietary interests. Substantial interest in a stock, for example, would be ownership of more than three percent of the shares of a company or if more than five percent of your income is derived from this interest.

Example: If you work in the area of scholarships and have a son or daughter applying for a scholarship, you may not serve on the committee that reviews your child's application.

Contracts are subject to cancellation if a conflict of interest exists.

Reference the [PUR policy manuals](#) for more information on award contracts and purchasing decisions.

### **Policies on gifts from vendors**

Employees are permitted to accept nominal gifts or promotional materials from vendors. There is no specified dollar limitation. Purchasing directors should be consulted to determine if a gift is acceptable. Examples include:

- Expensive event tickets, airline tickets, and office furniture gifts are not nominal and cannot be accepted.
- Occasional lunches and free notepads and pens are acceptable.

In connection with a contract between ASU and another party, no employee may receive from or offer to other parties or an employee of another party money, fees, commissions, gifts, gratuity or other items of value to obtain favorable treatment improperly.

[Contact Purchasing and Business Services](#) for questions or more information.

Reference the [PUR policy manuals](#) for more information on receiving gifts from vendors.



## **Tickets for sporting**

ASU employees must be cautious before accepting tickets or paying admission to a sport or cultural event because of a law in Arizona commonly referred to as the entertainment ban. Refer to [ARS §41-1232.08](#) for more information on the laws in the state of Arizona regarding the entertainment ban.

The entertainment ban may apply to invitations for events or activities that are predominantly sporting or cultural where there is an admission charge the ASU employee is not being asked to pay and the person, entity or government entity that is extending the invitation is a lobbyist, employs a lobbyist or is a public body that employs a lobbyist. The language of the law is nuanced. If there is any doubt or question about whether a gift or invitation is acceptable, consult with the [Office of General Counsel](#) before accepting.

## **Purchasing**

Purchases of goods and services of \$50,000 or more require a formal solicitation process. The amount may change due to changes in state law and ABOR policies. While purchases below this level do not require a formal solicitation process, other informal methods may be necessary. Please [contact Purchasing and Business Services](#) for more information. Reference the [PUR policy manuals](#).

## **Special consideration**

Only a limited number of people have the authority to sign a contract binding the university. A person signing a contract without appropriate authority could be legally held personally responsible for the contract.

## **Misuse of university assets**

Employees and students may not misuse university assets and are responsible for reporting activities or incidents that appear to be a misuse of university assets. University assets include:

- Electronic resources.
- Equipment.
- Furniture.
- Money.
- Paid employee time.
- Software.



- Supplies.
- Tools.
- Vehicles.

Misuse includes using university assets for personal or non-ASU purposes, fraud, theft and embezzlement. If there is a finding of misuse of university assets, appropriate disciplinary action will be initiated.

## **Whistleblowing**

Whistleblowing activity is protected under the Arizona Board of Regents policy. Employees may not be disciplined for disclosing information to a public body regarding a violation of law, gross waste of public funds or abuse of authority. Employees wishing to report such activity should do so to a vice president.

## **Special consideration**

As of July 1, 2013, all university employees, our subrecipients, subcontractors and grantees working on any federally-funded sponsored projects are subject to and must comply with the pilot program for enhancement of contractor protection from reprisal for disclosure of certain information under the statute, [41 U.S.C. § 4712](#).

This four-year pilot program provides enhanced whistleblower protections from reprisal of disclosure of "information that the employee reasonably believes is gross mismanagement of a federal award, a gross waste of federal funds, an abuse of authority relating to a federal award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal award."

The pilot program also includes a new process for the review of whistleblower reprisal complaints. Procedures for submitting fraud, waste, abuse and whistleblower complaints are accessible on the [Office of Inspector General Hotline](#) or the following whistleblower website:

- [National Science Foundation](#).



## **Political activities**

As a university employee, you can lawfully participate in the following activities:

- Campaign for others on your own time.
- Lobby on your own time, but you must separate your interest from that of the university; you must represent only your position and not suggest you represent the position of ASU.
- Run for public office.

A university employee, except faculty, may not serve on the legislature without resigning from the public position or taking a leave of absence. Faculty may serve without resigning from their positions at ASU; however, the faculty member must consult with their dean to resolve any conflict of commitment issue that may exist.

University employees cannot use university resources to attempt to influence the outcome of any election — political candidate or ballot initiative — or to advocate support for or opposition to pending or proposed legislation. While it is permissible to receive emails with political content, it is impermissible for you to use your university email account to send or forward such emails. Violation of this state law can result in civil penalties.

## **Institutional lobbying**

Lobbying is defined as attempting to influence the passage or defeat of any legislation. ASU is required by state law to register its designated public lobbyist and all authorized public lobbyists with the Secretary of State. All lobbying on behalf of ASU must be coordinated through those individuals. There is an exemption in the law for persons who appear before the legislature on their behalf in support of or opposition to the legislation. Such individual lobbying must be conducted on personal time without institutional subsidy or support.

[Refer to ARS §41-1231](#), [ARS §15-1633](#) for more information.

## **Open meeting laws**

Meetings of the Arizona Board of Regents are subject to the state's open meeting law. The board must conduct the following to comply with the law:

- Make all decisions and take all actions in the open sessions of meetings.
- Post agendas 24 hours in advance.



ABOR may hold closed sessions for specific discussion purposes. No votes or actions, however, can be taken in these sessions.

### **University meetings**

University meetings are not subject to the open meeting law unless they involve a committee appointed by the ABOR or a committee that advises the board. By tradition, faculty and academic senate meetings are open to the public. Meetings in which discussion occurs regarding individual students' educational information, personal personnel matters and other confidential topics must be conducted in closed meetings.

[Refer to ARS 38-431.01](#) for more information on open meeting laws.

### **Outside employment**

ABOR has a policy regarding outside employment, and each university has its own internal rules. In general, employees may work elsewhere as long as their outside employment does not interfere with their positions at ASU.

**Exception:** Tenured and tenure-track faculty or continuing status and probationary academic professionals employed in institutions in the Arizona university system may not be simultaneously employed in similar capacities in any other post-secondary institutions. This restriction does not preclude brief consulting or research efforts that accord with the provisions stated in [ACD 510-01](#).

Restrictions:

- Representing another entity before ABOR.
- Using confidential information gained in your position at the university.

### **Employment after leaving ASU**

During ASU employment and for two years after leaving ASU, an ASU employee may not disclose or use for their profit any information disclosed to them in the course of their official duties that have been designated to them as confidential or that is declared confidential by law. During ASU employment and for 12 months after leaving ASU employment, an ASU employee may not represent another person for compensation before ASU on one of the following matters:

- If the ASU employee personally participated in the matter during their ASU employment.
- If the ASU employee was directly concerned with the matter while an ASU employee.
- If the matter involved a substantial and material exercise of administrative discretion by the ASU employee.



[Refer to ACD 204-08](#) for more information on employment after leaving ASU.

### **Computer, internet and electronic communications**

ASU policies define the acceptable use of ASU computing and communication resources, including computers, networks, electronic mail services, electronic information sources, voice mail, telephone services, and other communication resources. Additionally, Arizona law prohibits using any ASU computing and communication resources to access, download, print, or store anything that depicts nudity or prohibited sexual materials except under certain circumstances authorized by the university president.

ASU's policies reflect the university's goal to foster academic freedom while respecting the principles of freedom of speech and the privacy rights of ASU students, faculty, staff and guests. ASU's computing and communication resources are the property of ASU. They are to advance ASU's educational, research, service, community outreach, administrative and business purposes.

ASU may inspect, monitor or disclose email, computer files and network transmissions for the following reasons:

- A reasonable belief that a violation of law or policy has occurred.
- Determine that it is necessary to monitor and preserve the functioning and integrity of our computing resources.
- We are required or permitted by law or policy.

[Refer to ARS §38-448](#) and [ACD 125](#) for more information on the acceptable use of ASU electronic communications.



## Professional conduct policies

Faculty and staff should consider reviewing the following policies regarding professional conduct at ASU:

- [ACD 204](#): Professionalism, ethics and standards — faculty.
- [SPP 801](#): Employee conduct and work rules — staff.

## Important contacts

Please direct related questions about the policies outlined above to the appropriate office or individual listed below:

- [ASU Dean of Students](#).
- ASU Hotline — [file a report](#) or call 1-877-786-3385.
- [ASU Police Department](#).
- [Employee Assistance Office](#).
- [Office of University Rights and Responsibilities](#).
- [Office of General Counsel](#).
- [Office of Human Resources](#).
- [Purchasing and Business Services](#).
- [Sexual Violence Awareness, Prevention and Response — Title IX](#).
  - [Visit Report It!](#) for more details on how to file a report.