

March 31, 2023

Dear Members of the ASU Community:

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 as we fulfill our shared responsibility of educating the future leaders of Arizona. Adherence to professional standards of fair, ethical, and legal conduct is critical to maintaining a solid foundation for ASU as a New American University.

Each ASU employee must act in a manner consistent with the public mission and trust in ASU and must not engage in any activity that misuses university resources, causes a conflict of interest or commitment with responsibilities to the university and its students, or otherwise abuses the employee's authority or position with the university. Employees therefore must:

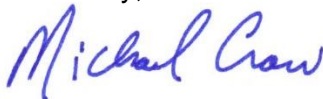
- Use university resources only for university purposes and not for private gain or other inappropriate purposes.
- Make decisions with the best interest of the university and its students in mind, and avoid giving preferential treatment or acting in a manner that is not fair and impartial.
- Follow procurement and purchasing processes when spending university funds.
- Maintain records of their university work and produce those records when required.
- Keep confidential information confidential
- Avoid conflicts of interest or commitment with their private activities, and promptly disclose and address any potential conflicts that arise.
- Refrain from accepting impermissible gifts or any benefit intended to influence their decisions as a university employee.
- Maintain a welcoming environment for all students, employees, and visitors and refrain from unlawful discrimination, harassment, or retaliation.
- Fulfill requirements to report misconduct and cooperate in investigations of misconduct in the workplace.

We expect each ASU employee to carry out their responsibilities with honesty and integrity and act in compliance with applicable university policies and federal, state and municipal laws, rules and regulations.

In order to accomplish this outcome, it is very important that you work within your own organization to communicate the expectations and values set out above.

More information about these expectations can be found on the [ASU Office of General Counsel website](#). Please review this information carefully and keep a copy for future reference.

Sincerely,



Michael M. Crow  
President

**Office of the President**

PO Box 877705, Tempe AZ 85287-7705 | 300 E University Dr., Tempe AZ 85281  
p: 480-965-8972 f: 480-965-0865 [president.asu.edu](http://president.asu.edu)

## **Commitment to Ethics and Public Service**

### **ASU Charter**

ASU is a comprehensive public research university, measured not by whom it excludes, but by whom it includes and how they succeed; advancing research and discovery of public value; and assuming fundamental responsibility for the economic, social, cultural and overall health of the communities it serves.

To fulfill this mission, ASU has been entrusted with resources provided by students and their families, by Arizona's taxpayers, and by numerous grantors and donors, all of whom expect that those resources will be used to fulfill the university's mission. It is therefore critical that every ASU employee be aware of the policies and laws that apply to their conduct as employees of this public enterprise.

### **Professional Conduct Policies**

Faculty and staff should also review the following policies regarding professional conduct at ASU:

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

## **Permitted Use of University Resources and Information**

### **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 money, paid employee time, equipment, supplies, tools, vehicles, facilities, and electronic resources:

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.

[Refer to ACD 123](#) and [SPP 812](#) for more information on the misuse of university assets.

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

ASU's computing and communication resources are the property of ASU. They are to be used advance ASU's educational, research, service, community outreach, administrative and business purposes. 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 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.

### **Political activities and lobbying**

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. This prohibition includes all university resources, including buildings, computers, photocopiers, office supplies,

paid employee time, and university email or phones (including distribution lists created for official university business). Violation of this state law can result in civil penalties.

University employees can vote. University employees can also campaign or lobby on their own time, but must use only their own resources and must not suggest that they represent the position of ASU.

University employees can run for public office, but whether they can serve in office and maintain their university employment depends on the office and their position at the university. They must also carefully separate their campaign activities from their university employment. Prior to running for office, an employee should consult with their supervisor or the Office of General Counsel regarding specific restrictions.

[Refer to ABOR 6-905](#), [ACD 205-01](#) and [SPP 813](#) for more information on participating in political activities.

### **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](#) and [ACD 205-01](#) for more information on institutional lobbying.

### **Public access to records and information**

ASU is required to make records reflecting its official activities and maintain those records consistent with its records retention policies.

Under Arizona law, ASU's records of its work are subject to inspection or copying by the public on request, subject to certain exemptions.

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.

Requests for records can be submitted through ASU's [online portal](#) or directed to the Office of General Counsel at [publicrecords@asu.edu](mailto:publicrecords@asu.edu).

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

### **Student records**

The [Family Educational Rights and Privacy Act of 1974](#) require 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**

Most personnel records are confidential, subject to specific exceptions under law and policy. ASU will release information upon request about dates of employment, salary or rate of pay, dates of employment, title or position, and university phone number and email address. Under state law, ASU is also required to release certain employee disciplinary records. Before releasing employee records or information, consult the Office of Human Resources or the [Office of General Counsel](#).

Employees may also obtain access to their own records by contacting the Office of Human Resources or the Office of the Provost (for faculty).

[Refer to ARS §39-128](#), [ABOR 6-912](#), [SPP 1101](#) and [ACD 811](#) for more information on accessing and disclosing employee records.

### **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 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.

### **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.

## **Purchases and Expenditure of University Funds**

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.

Only authorized individuals may use a P-card for purchases, and any individual who does so must follow all P-card procedures, including timely and accurate reporting of expenditures made.

Please [contact Purchasing and Business Services](#) for more information.

[Reference PUR 202-02](#), [PUR 202-03](#), [PUR 202-04](#) and [CPM 306-07](#) for details on purchasing goods and services.

## **Authority to sign contracts**

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. For more information, [refer to ABOR 3-103](#) and [PUR 202](#).

## **Conflicts of Interest**

Individuals who have a substantial personal interest in a contract or purchasing decision must disclose that interest in writing and refrain from being involved in the university's decision-making process. What is a substantial interest is defined by law, but it generally involves having some personal financial or ownership interest in a transaction with the university, or having a family member who does so.

For 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. Similarly, if your spouse, parent, or child owns a company that sells goods or services, and that company wants to do business with ASU, you cannot be involved in ASU's decision whether to do business with that company or oversight of that company's performance of its work.

Contracts are subject to cancelation if a conflict of interest exists, and employees who fail to disclose conflicts of interest are subject to discipline.

If you believe you or any family member may have a personal interest in a transaction with the university, go to the [Office of Research Integrity and Assurance](#) (for research-related conflicts) or the [Office of General Counsel](#) (for other conflicts).

Refer to [SPP 802](#), [ACD 204-08](#), [ABOR 3-801](#), [PUR 103](#), [PUR 201-01](#), [PUR 205](#), [PUR 301](#), [PUR 302](#) and [PUR 303](#) for more information on awarding contracts and purchasing decisions. Refer to [ARS §38-481](#), [ARS §38-502](#), [ARS §38-511](#) and [ACD 402](#) for more information on conflicts of interest.

## **Misuse of University Position or Authority**

Employees may not use their position with the university, or the authority they may have over others as a result of that position, for their personal gain or for other inappropriate purposes.

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

Employees are permitted to accept only 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.

[Refer to SPP 813, PUR 104, ACD 204-06 and PUR 108](#) for more information on receiving gifts from vendors.

### **Tickets for sporting or cultural events**

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.

### **Outside employment**

Employees may work elsewhere as long as their outside employment does not interfere with their positions at ASU or create a conflict of commitment between their outside work and their ASU employment.

**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, subject to the specific limits set forth in [ACD 510-01](#).



Restrictions:

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

[Reference ABOR 6-705](#), [SPP 312](#) and [ACD 510-01](#) for more information on outside employment policies.

## **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.

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.

[Refer to ACD 515](#) and [SPP 205](#) for more information on nepotism.

## **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.

Refer to [ACD 402](#) and [SPP 815](#) for more information on impermissible romantic or sexual relationships.

## **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.

[Refer to SPP 814](#), [ACD 204-09](#) and [SSM 104-02](#) for more information.

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

ASU expressly prohibits discrimination or harassment by employees, students, contractors or agents of the university based on any status protected by law, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity and genetic information. ASU also prohibits retaliating against individuals who oppose impermissible harassment or discrimination, report harassment or discrimination, or participate in the investigation of harassment or discrimination.

[Contact the Office of Diversity, Equity and Inclusion](#) to learn more about the university's policy, its plan to promote equal opportunity through its affirmative action plan, and training resources that are available.

If you are aware of conduct you believe might violate university policy, contact the [Office of University Rights and Responsibilities](#) to make a report.

[Refer to ACD 401](#), [ACD 405](#), [SSM 104-01](#), [SSM 304-03](#) and [ABOR 5-308](#) for more information on the prohibition of harassment, discrimination and retaliation.

### **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.

### **Sexual harassment and sexual misconduct: Duty to report**

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.

[Reference ABOR 1-119](#), [ABOR 5-308](#), [ACD 401](#), [SSM 104-01](#) and [SSM 304-04](#) for more information.

### **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 Diversity, Equity and Inclusion](#).

[Consult with the ASU Disability Resource Center](#) for student inquiries regarding disability and accommodations.

### **Jeanne Clery Act**

On or before October 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](#), so employees can 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<sup>1</sup> 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](#) or the [Office of Diversity, Equity and Inclusion](#) and tell them what happened and where it happened. Alternatively, you can [file a report to the ASU Hotline](#).

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<sup>1</sup> 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.

## **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.

Refer to [ABOR 6-914](#), [SPP 316](#) and [ACD 204-07](#) for more information on whistleblowing activity.

## **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 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](#).

### **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.
- [Employee Assistance Office.](#)
- [Office of Diversity, Equity and Inclusion.](#)
- [Office of General Counsel.](#)
- [Office of Human Resources.](#)
- [Police Department.](#)
- [Purchasing and Business Services.](#)
- [Sexual Violence Awareness, Prevention and Response — Title IX.](#)
  - o [Visit Report It!](#) for more details on how to file a report.

### **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.](#)

#### **Office of the President**

PO Box 877705, Tempe AZ 85287-7705 | 300 E University Dr., Tempe AZ 85281  
p: 480-965-8972 f: 480-965-0865 [president.asu.edu](http://president.asu.edu)