

Code of Business Conduct and Ethics Manual

Arizona State University
Office of Knowledge Enterprise Development



Memorandum

August, 2011

TO: University Council, Deans, Chairs, Faculty and Staff

FROM: Michael Crow, President

SUBJECT: Ethics and Compliance

Arizona State University is committed to observing the highest standards of ethical behavior so that the university's stakeholders may have confidence in the integrity of ASU. As such, I like to regularly communicate with you and provide information to help all of us understand our individual and institutional responsibilities.

Each employee shall refrain from engaging in any activity where there is a conflict between the employee's private interests and the interests of the University. 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, taking 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:

- Misuse of university assets (ACD 123) (e.g., using one's office for private gain or using institutional resources for purposes that are not authorized) <http://www.asu.edu/aad/manuals/acd/acd123.html>;
- Failing to follow the university's procurement rules (ABOR 3-801) (e.g., misuse of P-cards or making decisions outside official channels); http://www.abor.asu.edu/1_the_regents/policymanual/chap3/3-801.pdf;
- Misuse of university computing resources (ACD 125) (e.g., copyright violations, attempting to influence the outcome of elections, accessing pornographic images); <http://www.asu.edu/aad/manuals/acd/acd125.html>; and
- Violating the university policies on Conflicts of Interest (ACD 204-08 and RSP 206) <http://www.asu.edu/aad/manuals/acd/acd204-08.html> and <http://www.asu.edu/aad/manuals/rsp/rsp206.html> and Nepotism (ACD 515) <http://www.asu.edu/aad/manuals/acd/acd515.html>.

It is expected that each ASU employee will carry out his or her responsibilities with honesty and integrity and will act in compliance with applicable university policies and governmental laws, rules and regulations.

Adherence to these professional standards is critical to maintain a strong foundation for ASU as a New American University. A University committee has compiled a Code of Conduct and Ethics Manual which is available here. I encourage you to spend some time with this valuable publication.

TABLE OF CONTENTS

INTRODUCTION	4
A. OFFICE OF RESEARCH INTEGRITY AND ASSURANCE	4
B. OFFICE FOR RESEARCH AND SPONSORED PROJECTS ADMINISTRATION	6
C. WORKPLACE CONDUCT	7
D. SUPPORT OF ETHICAL BEHAVIOR AND REPORTING OF CONCERNS	10
E. INFLUENCE	13
F. INTELLECTUAL PROPERTY AND CONTRACTS {IP, COPYRIGHT, CONTRACTS, ETC}	14
G. EXTERNAL INTERFACE	15
H. QUESTIONS	16

Introduction

Arizona State University (ASU) is dedicated to ensuring that all of its staff and students maintain the highest level of ethical conduct. This manual outlines and makes available to ASU faculty, researchers and staff the expectations of individual and institutional responsibilities necessary to maintain ASU's integrity in the community. All employees are responsible for complying with university and board internal control policies. There are regulatory and policy requirements that the institution is obligated to follow and in some circumstances implement specific programs. In general Arizona Board of Regents (ABOR) policy 5-301 and 5-303 define the conduct expected and the general outcomes if not followed.

This manual provides specific policies for application and results of non-compliance with applicable policies based on the expectations outlined in ABOR 5-301 and 5-303. In addition, the university has a system of internal controls to facilitate discovery and monitoring of improper conduct. ABOR Policy 6-711, defines these internal control expectations. This Code of Business Conduct and Ethics Manual is a tool that summarizes the guidelines, policies and regulations to which the university community is expected to adhere to meet the expected standard of ethical conduct. ASU is committed to providing the resources needed for the community to observe the highest standards of ethical business conduct.

In this manual, you will find specific ABOR and ASU policies that guide the conduct of employees and, in doing so, allows ASU to comply with the federal requirements of contractees to establish and maintain a code of business conduct and ethics program.

A. Office of Research Integrity and Assurance

The Office of Research Integrity and Assurance (ORIA), under the aegis of Office of Knowledge Enterprise Development (OKED), is a resource for principal investigators and the university community to achieve and maintain ethical principles and compliance with federal, state and university regulations governing research. ORIA coordinates development of, implements, and oversees ASU's policies related to research compliance and provides support for the responsible conduct of research for the following areas: Human Subjects in Research; the Institutional Care and Use of Laboratory Animals; Biosafety; Objectivity in Research (Disclosure of Financial Interests and Management of Research Conflicts of Interest); Misconduct in Research; Certification of Drug-Free Workplace; Procurement Integrity; Responsible Conduct of Research and Export Controls.

Ann has authored a textbook in Organizational Behavior. Ann teaches two mega sections of an introductory level course in Organizational Behavior for her department. Because no one else is teaching the course, Ann makes the decision to use her textbook for the course. Ann...

- Must file a conflict of interest disclosure
- Must return the royalties from the sale of those books to her students to ASU
- Must obtain approval from her department for the choice of the textbook
- All of the above

See last page for answer

Universities, as partners in the national research enterprise, are required by federal law and state regulations to ensure the safety and welfare of research subjects, those conducting research, and others who work or study within the research environment.

The Institutional Animal Care and Use Committee (IACUC) is charged with ensuring that animals involved in research and teaching receive humane care and treatment. The IACUC regularly inspects and monitors ASU's animal care and use program to ensure that all components are in compliance with federal regulations and guidelines including the Animal Welfare Act. All research activities involving animal subjects must be reviewed and approved by the IACUC prior to initiation of research activities regardless of whether the research is conducted on or off campus.

The Institutional Review Board (IRB) is charged with ensuring that the rights and welfare of human research subjects are protected. All research involving human subjects must be voluntary and comply with federal regulations governing informed consent. The ASU IRB has the responsibility and authority to review, approve, disapprove, or require changes in research activities' human subjects regardless of the source of funding and regardless of where performed. Any change in protocol or consent form must be approved in advance by the IRB. Adverse events must be reported to the IRB immediately. Only the IRB can determine that research activities are exempt from full committee review; a protocol is always required.

The Institutional Biosafety Committee (IBC) is charged with reviewing, approving and overseeing the use of recombinant or synthetic nucleic acid molecules and biohazardous agents (including the use of select agents) in research or teaching in university facilities or by university personnel. The committee regularly monitors research activities to ensure safety of personnel and the environment and the activities are adhering to all applicable federal, state and local laws including NIH *Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules*. Regardless of funding, all research projects involving recombinant or synthetic nucleic acid molecules and biohazardous agents must be reviewed and approved by the IBC prior to initiation of the research activities.

Export Controls: The U.S. government has established a system of licensing requirements and controls to regulate all exports of commodities and technical data from the United States. These controls also apply to the re-export of domestic products and technical data from one foreign destination to another. Certain types of unclassified data concerning technologies that may have ultimate application to national defense cannot be discussed with or shared in any form with a foreign national without an export license. This may affect presentations at domestic conferences in the presence of foreign nationals, the employment of foreign national students or other staff, the supervision of foreign national employees or visitors in our buildings, and other interactions with foreign nationals. ORIA provides guidance on restricted areas of information and can assist with export licenses as needed.

“Misconduct” or “research misconduct” is the fabrication or falsification of data, plagiarism, or other practice that seriously deviates from those practices commonly accepted within the academic or research community for proposing, conducting, or reporting research or scholarly activity. It does not include honest error or honest differences in interpretation, or judgments of data. “Plagiarism” is the act of appropriating the literary composition of another; the inclusion of parts or passages of someone else’s writings or the ideas or language of someone else; and the act of passing them off as the product of one’s own mind. It involves the deliberate use of any outside source without proper acknowledgment

Conflict of Interest: ASU employees are to avoid actual and/or perceived conflicts of interest to assure ASU’s stakeholders that nothing was sacrificed for the sake of personal gain in the work that is conducted, in the cost of that work, or the treatment of colleagues. Conflicts of interest can interfere with an employee’s performance in several ways. Therefore, guarding against personal financial conflicts of interest; conflicts that may arise from personal relationships in the workplace, and conflicts related to employment is required.

Having conflicts of interest—whether perceived or actual—runs counter to the fair treatment to which all are entitled. ASU employees, are to avoid any relationship, influence, or activity that might impair, or even appear to impair, the ability to make objective and fair decisions in performing the job assigned to an employee. If there is doubt regarding a possible conflict of interest, employees are to share the facts of the situation with their supervisor or ORIA.

When providing consulting activities or conducting any outside work, we must avoid actual or perceived conflicts of interest. Under ASU policies, faculty and academic professionals are permitted to engage in outside consulting activities under certain circumstances. These activities must be properly disclosed and the appropriate written approvals sought prior to engaging in these activities (see RSP 503-03 and ACD 510-01).

Grace works in a lab that has several multi-year research grants that are ongoing. Grace has observed, on two occasions, one of the lab technicians, who has 24-hour access to the lab, reacting in a loud and physical manner (throwing notebooks, pencils) to one of the graduate students who corrected him on his data collection processes. Grace also noticed that the graduate student was visibly shaken. The graduate student did not discuss the two incidents with anyone. Grace...

- a. Should not involve herself in the situation because the grad student has supervisory authority over the tech and makes the decisions on how to respond to his conduct
- b. Cannot file a complaint or report unless she is affected by the conduct
- c. Should take steps to report the incidents
- d. Should be careful not to overreact because reporting the incidents without good cause can result in discipline for her

See last page for answer

You may be on thin ethical ice when you hear:

- “Well, may be just this once.”
- “No one will ever know.”
- “We can seek forgiveness later.”
- “Nothing matters but results.”
- “It sounds too good to be true.”
- “Everyone does it.”
- “Shred that document.”
- “They’ll never catch it.”
- “It may be lying, but it’s not stealing.”
- “We didn’t have this conversation.”

ASU employees are to be guided by a commitment to honesty, personal and professional standards, and these guiding principles. In all of actions employees must consider what the right thing is to do – and seek guidance when in doubt. More information about ORIA may be found at: <http://researchintegrity.asu.edu>.

B. Office for Research and Sponsored Projects Administration

The Office for Research and Sponsored Projects Administration (ORSPA) is responsible for the administration of all externally sponsored projects at ASU. If you have any questions about your sponsored project please contact them at <http://researchadmin.asu.edu/>.

ASU employees, whether faculty or staff, are required to maintain the integrity and accuracy of business documents and records for which they are responsible. No one may enter false information on a document; and no one without the authority to do so may alter, destroy or expunge information on any record or document.

Employees must report time and expenses truthfully and accurately to the appropriate sponsored project or local account, according to ASU policies and procedures. Inappropriately charging costs to an award may result in civil penalties to the University and to the individual involved. Intentional charging to an inappropriate account is a criminal act.

Examples of inappropriate charging could include:

- Charging direct costs of work under fixed-price contracts to cost-reimbursement projects.
- Shifting overruns to other sponsored projects (rather than to a local account).
- Charging independent research and development or proposal costs to a contract as direct costs when not specifically authorized.
- Charging or allocating the cost of labor, travel, or material to a government contract even though those costs were not incurred in the direct performance of that contract.

ASU must maintain accurate and complete records. No ASU employee should attempt to rationalize or even consider misrepresenting facts or falsifying records. Falsification and/or misrepresentation of charges will lead to disciplinary action and, possibly, criminal charges.

Procurement Integrity

ASU must also comply with the laws and regulations that govern the acquisition of goods and services by our customers. It is ASU policy to compete fairly and ethically for all business opportunities. (See PUR 201-01) In circumstances where there is reason to believe that the release or receipt of non-public information is unauthorized, ASU employees should neither attempt to obtain or accept such information from any source. If you are involved in proposals, bid preparations, or contract negotiations, you must be certain that all statements, communications, and representations to prospective customers are accurate and truthful. Once awarded, all contracts must be performed in compliance with specifications, requirements, and clauses.

ASU is committed to complying with the federal government's special 'procurement integrity' rules. During procurement, these rules preclude competing contractors, their employees, and agents from: (1) offering a gratuity to a procurement official; (2) making offers to or discussing post-government employment or business opportunities with government procurement officials; and (3) obtaining, receiving, soliciting, or disclosing government source selection or competitor proprietary information. Employees should consult the specific policies and procedures addressing these important areas if involved in the procurement process.

In cases where our research involves information proprietary to a sponsor, we carefully protect that information from disclosure to its competitors, ensuring that all participating researchers, student employees, and staff also are aware of its sensitivity.

Policies governing sponsored research are available at the Research and Sponsored Projects Manual at <http://www.asu.edu/aad/manuals/rsp/>.

As described below, there are other departments within ASU that have resources and policies that govern research activities and safety. The collaboration between these university resources is often required.

C. Workplace Conduct

Arizona State University has established policies that govern the conduct of its employees engaged in business activities. ASU must conduct themselves with integrity in our dealings with each other and in our dealings with vendors and customers. Integrity must guide our behavior and must provide the basis for our very being. From maintaining scientific integrity and avoiding conflicts of interest to following procurement integrity regulations and ensuring the reliability of our financial records, integrity must guide us to behave in ways to honor the University. The university's reputation for fair, honest and consistent treatment of suppliers can best be accomplished if procurement is done solely on the merits of the transaction. All University personnel are expected to conduct themselves in such a manner as to foster public confidence in the integrity of the university procurement operation.

Rita is becoming increasingly uncomfortable in her work area. Although she enjoys her job and the associated work, the behavior of her supervisor, Professor Randy bothers her. Randy likes to tell jokes to lighten the atmosphere, and some have sexual connotations. One of Randy's comments made fun of "dumb blondes", another of "mothers-in-law". On one occasion, Randy had laughingly remarked, in reference to a woman's behavior, that she must have been at "that time of the month". Many of the other staff members have laughed in response to these kinds of comments however, Rita does not find them funny. Eventually Rita can no longer tolerate Randy's crude behavior, and is thinking that she might resign from her position. How should Rita approach this situation?

- a. Wait until someone else comes forward.
- b. She should discuss the issue with Randy, and ask him to refrain from using demeaning comments about women. If Randy's behavior doesn't change, seek assistance from her manager and/or the Office of Equity and Inclusion.
- c. Verbally accuse Randy of sexually harassing behavior in front of the entire staff to ensure there are witnesses.
- d. She should resign from the position and file a complaint with the EEOC

See last page for answer

Disciplinary Actions

Staff Personnel Manual (SPP), 813: Code of Conduct for Business Activities requires employees to adhere to the business rules of the University and their department. The policy describes those inappropriate business activities that will result in disciplinary action including, but not limited to, activities relating to:

- Commercial endorsements
- Private endorsements
- Expressions of Private Opinions
- Sales by Employees to the University
- Gifts and Gratuities

ASU Policies Applicable to Staff (Classified, Service Professional and Administrative employees)

- SPP 813: Code of Conduct for Business Activities (See “Private Endorsements” section.)
- SPP 801: Employee Conduct and Work Rules (See “Property” section.)

The Arizona Board of Regents (ABOR) has established a Code of Conduct which sets forth, in a clear and concise manner, the rules and regulations applicable to the conduct expected of those who join the university community, or who are present on the university campus or who participate in any university-sponsored activity.

The ABOR Code of Conduct is located in Chapter 5 of the ABOR Policy Manual. For more details, please take a minute to review the ABOR site at www.azregents.edu

Hiring

ASU is committed to the recruitment, retention and development of diverse faculty, classified and administrative staff, and academic and service professionals. ASU builds an inclusive workforce by actively pursuing qualified employees from a wide range of ages, ethnicities, races, experiences, interests and cultures.

Our workforce displays passion, innovation, skill and intellectual curiosity and takes pride in its connection to the local community.

ASU hiring policies include policies regarding equal opportunity and affirmative action, hiring, conditions of employment, position classification, compensation, benefits, training and development, leaves and absences, conduct and discipline, grievance, termination, and records.

Specific applicable ASU policies include:

General Hiring Practices (I-9/Selective Service Registration)

- SPP 201-01: Recruitment/Employment
- ACD 126: Reference Check and Background Verification

Overtime Compensation

- SPP 404-04: Overtime – General Policy
- SPP 404-06: Overtime for University Extraordinary and Specific Events
- SPP 404-07: On-call Duty

Outside Employment

- SPP 312: Employment Outside ASU
- ACD 510-01: Notification of Consulting or Other Outside Business Activities or Arrangements for Faculty and Academic Professionals

Financial Interests

- ACD 204-08: Conflict of Interest
- RSP 206: Objectivity in Research – Disclosure of Financial Interests and Management of Conflicts of Interest

Equal Employment Opportunity

ACD 002 describes Equal Employment Opportunity as follows: “The assurance that all employment-related actions are based on objective, nondiscriminatory criteria. State and federal laws and regulations prohibit employment discrimination on the basis of race, color, religion, national origin, citizenship, sex, age, disability, Vietnam-era veteran status, or special disabled veteran status. ASU policy also prohibits discrimination on the basis of sexual orientation.” Please see:

- SSM 304-05: Student Job Vacancy; and
- ACD 401: Nondiscrimination, Anti-Harassment and Non-retaliation

Recruitment or Employment of Government Personnel

The recruitment and employment of former or current U.S. government employees is subject to complex rules that change frequently and vary by governmental agency and level of employment within that agency. If a government employee wishes to become employed by Arizona State University, care should be exercised to ensure that the requirements of conflict of interest laws are not violated. Each situation should be considered on an individual basis. Because the rules may vary for each specific case, and because there may be some special exemptions for post-service employment in higher education, you will need a legal opinion specific to your case. Please consult with ASU’s Human Resources for guidance on recruitment and hiring of former or current government employees.

Sexual Harassment and Sexual Misconduct

ACD 002 provides that “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment.” See the following policies for more information:

- ACD 402: Amorous Relationships
- SSM 304-04: Nondiscrimination-Sexual Harassment

ASU Policies

ASU has established a number of policies to address the expectations for employees and students related to access and use of institutional records, information and resources. Listed below are some of the varied policies that provide guidance regarding the expected conduct of employees and students.

- ACD 125: Computer, Internet, and Electronic Communications (See “Electronic Mail as Arizona Public Record” section)
- ACD 811: Access to and Release of Official Personnel Records Information
- SPP 1101: Personnel Records
- RSP 104: Disclosure of Proposal-Award Information under the Arizona Public Records Act and the Freedom of Information Act
- SSM 107-01: Release of Student Information
- SSM 107-02: Lost, Stolen or Inappropriately Disclosed Student Records Information

Because of asbestos issues, faculty members are instructed not to hang items on their walls using nails, tacks, or anything that punctures the drywall. A new faculty member worked over the weekend and has hung several diplomas and plaques in his office. The department administrative assistant is concerned about the effect of the punctures in the walls and the potential release of harmful materials. However, the admin assistant is hesitant to welcome a faculty member by correcting him and reporting the issue to university officials for clean-up. Is her decision to do nothing the correct one?

- a. Yes, his art work is really expensive and beautiful; it couldn’t hurt as long as it isn’t moved.
- b. As the Administrative Assistant, she can’t report her boss; she thinks she could lose her job.
- c. Depending on the date the building was constructed this may be violation of the asbestos abatement policy. She should discuss with EH&S as to action needed.

See last page for answer

- PCS 703: Records Storage and Destruction
- ACD 812: Records Storage and Destruction

D. Support of Ethical Behavior and Reporting of Concerns

Employees/Students Reporting Concerns

ASU has established the ASU Hotline for campus community as a resource for addressing concerns about safety and/or non-compliance with laws, regulations and ASU policies.

The number to call is 877-SUN-DEVL. Some of the features of this service are:

- The ASU Hotline is intended for employee and student use
- The ASU Hotline was implemented as part of campus safety and compliance planning
- Persons can anonymously report concerns 24/7 by phone or online
- ABOR 6-914 protects employees from retaliation for whistle-blowing

The ASU Hotline – When and how do I raise questions or report concerns?

Raising concerns about safety and/or non-compliance with laws, regulations, and policies applicable to ASU is a service to the university and to the community. ASU complies with a wide variety of laws, regulations, and policies to protect everyone. The personal safety of ASU's students, faculty, staff and guests is at the forefront of our effort to provide the community with an independent outside resource where concerns can be reported and acted on. In addition to your personal safety, areas of compliance include: financial transactions, contractual agreements, IT system and network security, NCAA rules, environmental health and safety, research administration, and equal opportunity. **The Hotline's continuous goal is a safe and ethical learning environment.**

ASU employees have a variety of options for reporting their ethical concerns about business conduct. The ASU Hotline is managed by an outside company, an industry leading comprehensive hotline service with more than 25 years of experience.

This independent **multilingual** service is provided to the ASU community **24/7 365** to promote a safe, secure and ethical environment for all students, faculty, staff and guests of the University.

By calling 1 877 SUN-DEVL (877)786-3385), you will contact a trained counselor at **The Network** who can help you with the reporting process.

An anonymous form report, managed by The Network, is available at: <http://www.tnwinc.com/>. You can also have an in-person discussion with the Director of the Office of Research Integrity, who can be reached at (480)965-2179.

The following are examples of actionable concerns:

- I am concerned that someone is considering a violent act.
- I believe someone has a weapon.
- I am concerned about my personal safety or about the safety of someone else.
- Something is bothering me about a transaction or situation in my office
- I know of, or I'm suspicious of, a university fraud or abuse.
- I suspect someone of hacking the network.

- I'm concerned my team is not compliant with NCAA rules.
- My lab is unregistered and/or unsafe.
- I witnessed discrimination.
- I spoke up, nothing happened.

If you have exhausted your options for reporting your concerns to the appropriate ASU office or other established channels of communication, or the nature of your concerns are highly sensitive, you may report your concerns to the ASU Hotline while remaining anonymous and without fear of retaliation.

What happens after I contact the Hotline or ORIA?

- If necessary, an impartial review of the situation is conducted to determine the best corrective action. Assistance is provided by individuals from appropriate offices, such as ASU's Office of Research Integrity and Assurance, the Office of Human Resources, Internal Audit, General Counsel, etc.
- Appropriate action will be taken to resolve the situation. If possible, the employee who contacts ORIA will receive information about the disposition of the report. Employees and others who provide information may remain anonymous if they prefer, but they must offer enough detail for the situation to be investigated.
- A follow-up number can be assigned in order to facilitate remaining anonymous while calling back to discover the ultimate disposition of the situation.

What additional options should I consider?

- When you have a question about the ethical implications of past, present, or future actions you or others are involved in, you should discuss the matter at once with your immediate supervisor or another representative of management.
- If you are not comfortable with this, or if you are not satisfied with the response, you are encouraged to contact ORIA and/or call the ASU Hotline. Information concerning policies and procedures that apply to ASU employees may be found in a number of manuals, which are available at <http://www.asu.edu/aad/manuals/index.html>

When in doubt about whether something is ethical ask yourself the following questions:

- Are my actions legal?
- Am I being fair and honest?
- Will my actions stand the test of time?
- How will I feel about myself afterwards?
- How would it look in the newspaper?
- Will I sleep soundly tonight?
- What would I tell my child to do?

If you are still not sure what to do, ask and keep asking yourself until you are certain you are doing the right thing.

Misuse of Financial Resources/Fraud/Misappropriation

All funds entrusted to ASU must be used properly. Examples of "misuse" include using University assets for personal or non-ASU purposes; fraud, theft or embezzlement; and acts that reduce the value of University assets or expose the University to legal or financial penalties or are conflicts of interest that benefit

Roger works as a faculty associate in the life sciences area. As he is recording data for a study that is federally funded, he notices some anomalies in the data. Through further investigation, Roger realizes that the data is being manipulated. However, Roger is not sure how the data is being manipulated or who is doing the manipulation. Roger...

- Should report his concerns to his department Chair/Dean and ORIA's Research Misconduct office for guidance.
- Should not report his concerns until he has sufficient proof
- Is at risk for termination if he makes a false accusation about anyone who works on the project
- Is protected as long as he is not the person manipulating the data
- Is not covered by ASU's code of Conduct because he is a faculty associate

See last page for answer

the employee or a third party and have not been expressly authorized by ASU. Similarly, policies have been put into place to ensure that Federal, State and other funds entrusted to us are not used in a manner that is deemed unseemly. Some policies which address this include:

- ACD 123: Misuse of University Assets
- ACD 204-08: Conflict of Interest
- FIN 124: Misuse of Public Monies
- FIN 129: Ensuring Financial Integrity
- FIN 203: Org Manager Responsibilities
- FIN 701: ASU University Audit and Advisory Services Charter

Environmental Health & Safety

ASU is committed to protecting the health and welfare of students, faculty, staff, visitors and the environment. Environmental Health and Safety (EH&S) is responsible for providing comprehensive programs and services to the university community with respect to the following areas: environmental affairs; industrial hygiene and special assignments; radiation safety; fire prevention and general safety; and loss prevention to the university community.

EH&S policies and guidance are designed to protect human health and to promote and maintain a safe and healthy environment for the university community through the use of quality risk management programs and services. The environmental affairs division within EH&S is responsible for promoting and maintaining regulatory compliance with respect to the environment and occupational safety and health. Specific programs include hazardous waste management and incident response, industrial wastewater monitoring and sampling, laboratory safety audits and compliance, underground storage tanks, air pollution permitting, infectious waste management, and indoor air quality.

The EH&S Policy Manual is available at: <http://www.asu.edu/aad/manuals/ehs/index.html>. Additional guidance documents and information regarding programs and services can be found at the EH&S website at: <http://cfo.asu.edu/ehs>. EH&S Staff can provide additional information and assistance at ehs@asu.edu or by calling 480-965-1823.

An ASU student has been arrested on suspicion of identity theft. There have been media inquiries about the student at all levels of the university including to the Registrar's office, the dean of the school of business, and several faculty members who had the student in class. Which of the following best describes the proper response to these media inquiries?

- All who are asked should be forthright and transparent in their responses
- No one employed at the university can give any information about the student
- Only the college is permitted to disclose information to the media
- Anyone who is asked questions should refer the media inquiries to (480) 965-3502

See last page for answer

Drug free and weapon free workplace

ASU strives to maintain a drug-free workplace for its employees. Upon employment, all classified and service professional employees are required to sign a "Conditions of Employment" form that notifies employees of the prohibited use of controlled substances on ASU's campuses.

Additional information is available on ASU's Office of Human Resources (OHR) website at: <https://cfo.asu.edu/hr-advisor/drugfree.html>.

You can contact an HR Representative/Partner

PDP 201-05: Weapons, Explosives, and Fireworks - all weapons, explosives and fireworks are prohibited on all land and buildings owned, leased or under the control of ASU or its affiliated or related entities, in all ASU residential facilities (whether managed by ASU or another entity), in all ASU vehicles, and at all ASU or ASU affiliate- sponsored events and activities except as provided in § 12-781 of the Arizona Revised Statutes or unless prior written permission is given by the chief of the ASU Police Department (ASU PD).

Any person experiencing or observing imminent violence in the workplace should call ASU PD at 911; non-emergencies can be reported at 480-965-3456. Additional information is available at the ASU PD website at <https://cfo.asu.edu/police>.

E. Influence

Per PUR 104, University employees may not accept or solicit (directly or indirectly), anything of economic value as a gift, gratuity, favor, entertainment, or loan which is or may appear to be designed to influence official conduct in any manner, particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the university (e.g., a vendor, who has interests that might be substantially affected by the performance or nonperformance of the employee's duty).

This includes both present and potential suppliers and contractors to the university and agents working on behalf of suppliers and contractors.

Arizona Law

- ARS § 15-1633 prohibits the use of university personnel and resources to influence the outcome of elections.

Arizona Board of Regents Policies

- ABOR Policy 1-102: Lobbying <http://azregents.asu.edu/rrc/Policy%20Manual/1-102-Lobbying.pdf>
- ABOR Policy 6-905: Political Activity <http://azregents.asu.edu/rrc/Policy%20Manual/6-905-Political%20Activity.pdf>.

ASU Policies Applicable to Faculty

- ACD 204–01: Code of Ethics (See “Responsibilities to the University” and “Responsibilities to the Community” sections)
- ACD 204–02: Standards of Professional Conduct for Faculty Members and Academic Professionals (See “Speech as Private Citizens” section)
- ACD 204–03: Use of the University’s Name
- ACD 205–01: Political Activity and Lobbying
- SPP 704–01: Voting Leave

Gifts

ASU employees must be careful about accepting gifts or gratuities. A gift or gratuity may be any benefit or thing that is voluntarily bestowed for little or no compensation. The kinds of gifts with which ASU employees must be concerned are those that may or appear to have an influence on the

The Governor’s Office has contacted the Graduate College on behalf of a candidate seeking admission to a graduate program. The candidate had worked in the Governor’s Office and is described by the Governor’s chief of staff as “simply outstanding.” The admissions officer who received the call...

- a. Should admit the candidate because the Governor is the chief executive officer for all state agencies, including universities
- b. Should admit the candidate if the candidate is qualified and meets the standards for this year’s pool of candidates for admission
- c. Should schedule a special interview with the candidate
- d. Should report the contact from the Governor’s Office to the Arizona Attorney General as a conflict of interest

See last page for answer

employee in the exercise of his or her duties. There are several state statutes and ASU policies that address the receipt of gifts or gratuities by public employees. In addition, there is a specific statute that addresses when a state employee may accept free admission to a cultural or sporting event. Violations of these laws include both civil and criminal penalties which range from employee discipline (including termination) to criminal prosecution.

Arizona Law

Under A.R.S. § 38-504(C), university employees are prohibited from receiving any direct or indirect gift that would not legally and ordinarily accrue to the employee if the gift is of such a character that it may “manifest a substantial and improper influence” on the employee in the exercise of his or her official duties.

Under A.R.S. § 38-505(A), an ASU employee may not receive or agree to receive directly or indirectly compensation (other than as provided by law) for any service rendered or to be rendered by him or her in any matter pending at ASU.

Under A.R.S. § 41-1232.08, a State officer or State employee shall not accept an expenditure or single expenditure for entertainment from a principal, designated lobbyist, authorized lobbyist, lobbyist for compensation, public body, designated public lobbyist or authorized public lobbyist or any other person acting on that person’s behalf.

ASU Policies

- ACD 204-05: Sales by Faculty or Academic Professionals to the University
- ACD 204-06: Gifts and Gratuities
- ACD 204-08: Conflict of Interest
- ACD 510-02: Supplemental Pay
- SPP 813: Code of Conduct for Business Activities (See “Gifts and Gratuities” section.)
- PUR 102: Code of Ethics
- PUR 104: Gifts and Gratuities

F. Intellectual Property and Contracts {IP, Copyright, Contracts, Etc.}

Arizona Technology Enterprises LLC (AzTE) was established in 2003 as an Arizona Limited Liability company with the ASU Foundation as its sole member. Pursuant to agreements with ASU, AzTE operates as the exclusive intellectual property management and technology transfer organization for ASU. AzTE conducts its activities on behalf of ASU in accordance with policies of ABOR and ASU.

ASU copyright & intellectual property is governed by ABOR 6-908 and RSP-604. ASU

Contract activities are governed by the following ABOR Policies:

- 3-201: Contracts for Services or Materials
- 3-202: Contracts Involving Classified Materials
- 3-203: Research and Public Service Agreements
- 3-204: Intergovernmental Agreements
- 3-206: Agreements with Agencies of Foreign Countries
- 3-207: Acceptance of Grants
- 3-208: Arbitration Provisions

Supplier Interface

All ASU expenditures, regardless of the source of the funds, are subject to the University Procurement Code published at ABOR 3-801 et seq. and available at <http://azregents.asu.edu/rrc/Policy%20Manual/3-801-Procurement%20Procedures-General%20Provisions.pdf>.

G. External Interface

Interfaces with external community members are managed in varied ways. When employees are asked for an opinion or perspective of a university matter, there are appropriate venues to which inquiries should be forwarded so that accurate information representing the policies of the institution are consistently communicated. Some specific guidance to be used may be found below.

Media

The ASU Media Relations Office acts as the official spokesperson for the University. Their primary responsibility is to help journalists prepare complete and accurate ASU stories and they do the best they can to put requestors in contact with the most appropriate university representatives to speak on a particular subject or issue. Inquiries from media representatives should be referred to a media officer by calling the press office at (480)965-3502.

Government Agencies

With due consideration given to the legal rights of ASU and its employees, ASU expects to cooperate in government investigation. Notification of an audit or investigations related to a sponsored project is to be referred to the Assistant Director for Special Projects in the Office for Research and Sponsored Projects Administration (ORSPA) at (480)965-4771. Special Projects will notify the ASU Office of General Counsel as appropriate.

If an ASU employee receives a subpoena or other or inquiry from a governmental agency related to ASU business, the employee should notify his or her supervisor immediately and then the Office of General Counsel at (480)965-4550. If contacted at home by an external governmental agency, without search warrant or subpoena, concerning ASU business, the employee should request that the agency make such contact at work the next business day. The employee should then immediately contact his or her supervisor, and then the Office of General Counsel.

Record Access

Access to records and information at ASU is governed by state law, and the ABOR and ASU policies identified below. Most documents collected, assembled or maintained by ASU in the regular course of business are considered public information by Arizona Statutes. Documents are available to the public unless specifically exempted from disclosure by the Attorney General or are made confidential by law. Faculty should be aware that classroom records and student grades are considered confidential and should not be disclosed without permission. Written requests for documents under Arizona's Public Record Laws or the Freedom of Information Act (FOIA) must be processed through the Office of the General Counsel at (480)965-4550.

Sally has developed an online course for education majors that will be marketed around the country. Sally has discovered some movie clips that she would like to use in the course. Sally is able to download the clips from the internet and incorporate them into her course. Sally did not obtain permission from the movie studios to use clips.

- a. Has not violated copyright laws because the clips were available on the internet
- b. May not have violated copyright laws because the clips, if short enough, constitute fair use
- c. May have violated copyright laws by not obtaining permission: Sally should have consulted OGC before using the clips
- d. Has not violated copyright laws as long as access to the course is limited to students who have paid tuition

See last page for answer

Arizona Law

The Arizona Public Records Law is a series of statutes (and court cases that interpret those statutes) that describe public access to government information and that make government agencies (including ASU) accountable to the public by granting a right of access to records. The statutes are available at: A.R.S. § 39-101 to -161 and A.R.S. § 15-1640.

A.R.S. 41-1346 requires that all state agencies establish and maintain a records management program and comply with the regulations, standards and procedures established by the Arizona Department of Library Archives and Public Records.

Arizona has incorporated the Family Educational Rights and Privacy Act (FERPA) in its statute, A.R.S. § 15-141, governing the right to review educational records.

Arizona Board of Regents - ABOR Policy 6-912: Access to or Disclosure of Personnel Records or Information

Questions

Questions regarding this Code of Business Conduct and Ethics Manual may be addressed to Susan Metosky the Assistant Director of the Office of Research Integrity and Assurance at (480)727-0871; susan.metosky@asu.edu.

Inquiries and concerns can also be addressed to the ASU Hotline at 877-SUN-DEVL or <http://hotline.asu.edu> and ORIA at researchintegrity@asu.edu.

The Code of Ethical Business Conduct manual and applicable policies are available to all ASU employees and students on various ASU websites (including <http://researchintegrity.asu.edu>).

Scenario Answers

page 4: d

page 5: c

page 7: b

page 9: c

page 11: a

page 12: d

page 13: b

page 15: c