



PUBLIC SERVICE ORIENTATION

Public Service Orientation

Required by Arizona Revised Statutes 38-592

Definition of the Term “Ethics”

A group of principles or established rules of behavior concerning what is “right or wrong” or “good or bad.”

THE LAW DEFINES THE REQUIREMENT FOR MANDATORY ETHICS TRAINING

THE LAW IN BRIEF

The Arizona Revised Statutes require that all state employees receive public service orientation. This training at Northern Arizona University covers policies and laws relating to the proper conduct of business. The law states that training should include the following areas: bribery, conflicts of interest, contracting with the government, disclosure of confidential information, discrimination, nepotism, financial disclosure, gifts and extra compensation, incompatible employment, political activity, government and misuse of public resources for personal gain.

Abbreviations

ARS Arizona Revised Statutes
ABOR Arizona Board of Regents Policies and Procedures
PUR Purchasing Department Policy Manual
PPM Personnel Policy Manual

You have two options for becoming acquainted with this information.

- 1) You may read the attached printed material.
- 2) You may watch a 45-minute video that covers this material in an interview format. Please call Human Resources at 928-523-2223 to arrange a viewing.

Video Panel Members

Mary Stevens – Arizona State University
A. Dean Pickett – University Representative for Northern Arizona University
Elizabeth Buchanan – University of Arizona
Michael Grant – Moderator

PUBLIC ACCESS TO RECORDS AND INFORMATION

ARS 39-121

NAU is governed by Arizona public records law. The purpose of the law is to allow the general public, whose tax dollars support the university, to scrutinize the way we do business.

Upon request, inspection of our copies of most records must be provided. Two categories of records are **not** open to the public:

FERPA

Student Records

Family Educational Rights and Privacy Act (FERPA) – Federal legislation requires that student records be confidential.

Exceptions:

- a. Certain academic departments need access;
- b. Public or directory information – name, address, degree program, telephone number may be disclosed unless the student asks for it not to be released;
- c. A parent who provides 50% or more financial support to a child who is a student may have access to the student's records. If parents are not providing this support, they are not eligible for access to the records without the student's consent.

Custodian of records / Direct questions to: Registrar's Office

Employee Records

ABOR 6-912 PPM 4.11

Personnel records of employees are private. (Salaries are public record and may be obtained from the Cline Library or budget books.)

Custodian of records / Direct questions to: Human Resources Department

Special considerations:

The release of information contained in campus police reports depends on the nature of the incident and status of the investigation.

FERPA

Employees and students have the right of access to their own files.

If you receive a request for access to records of information, seek advice on whether to release the information. Legal counsel is available to determine if the information is public; the Registrar can respond to inquiries about student records.

To obtain access to records and information, make a written request to the official custodian of records; if unsure of whom the custodian is the request can be made to the President's Office or legal counsel of the university.

SEXUAL HARASSMENT

PPM 5.16 Sexual harassment is a form of sex discrimination and is prohibited by federal and state laws, as well as, university policy. Complaints of sexual harassment are to be made to the university's Affirmative Action Office which will investigate and work with the parties to resolve the complaint.

DISCRIMINATION

PPM 5.16 Illegal discrimination occurs when choices or decisions are made on the basis of a certain protected characteristic such as race, religion, sex, sexual orientation, national origin, age, or disability.

Examples:

- A. During a job interview, you may not ask if a person is married, has children or is disabled. You may state the job requirements and ask whether the person can perform the specific duties with or without an accommodation. If the applicant has stated that he or she has a disability, you may ask if the applicant will need an accommodation to perform the duties.
- B. Hiring a minority for a position which deals with minority issues cannot be based solely on minority status. The applicant must be qualified; you may require that the applicant have extensive knowledge in the appropriate area.

Affirmative Action Programs

As a federal contractor, NAU must have an affirmative action plan. Choices in hiring can be made on the basis of "protected status" when trying to increase representation in areas where a protected class is underrepresented provided the applicant is qualified for the position. Job recruitment can be targeted to specifically reach protected classes. Consult with your Affirmative Action Office.

CONFLICTS OF INTEREST

PPM 1.05 **Nepotism**
ARS 38-481 Employees may not hire, evaluate, promote, or influence the employment
ARS 38-502 of relatives. Relatives may work together, but a supervisor cannot make
key decisions affecting a subordinate who is a relative. Relatives include

children, spouses, parents, brothers and sisters, aunts and uncles, grandparents and grandchildren.

When a potential nepotism situation presents itself, you must:

1. Disclose the relationship to your supervisor;
2. Refrain from taking any action regarding this person; another employee at the same or a higher level must be appointed to make key employment decisions.

Awarding Contracts / 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. The Purchasing Department provides disclosure forms.

Definition of substantial interest: any interest that is not a remote interest as defined by law and university policy. Substantial interests generally involve pecuniary or proprietary interest (direct or indirect), i.e. substantial interest in stock would be ownership of more than 3% of the shares of a company and/or more than 5% of your income is derived from this interest.

Contracts are subject to cancellation if conflict of interest is determined.

POLICIES ON GIFTS FROM VENDORS

PUR 104 Employees are permitted to accept nominal gifts and/or promotional materials from vendors. There is no specified dollar limitation. Purchasing directors should be consulted to determine if a gift is acceptable.

Examples:

- occasional lunches, free note pads, pens, etc are acceptable
- expensive event tickets, airline tickets, and gifts of office furniture are not nominal and cannot be accepted

Direct questions to: Purchasing Department

CONTRACTING

PUR 305 **The contract / acquisition process**

PUR 306.1 Purchases and/or contracts of \$50,000 and over must be made in accordance with the procurement regulations for competitive bidding.

PUR 202

Special considerations:

Only a limited number of people have 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. Purchasing procedures established by the Purchasing Department must be followed at all times.

Direct questions to: Purchasing Department

PERSONAL USE OF UNIVERSITY RESOURCES

PPM 5.14

Examples: use of copy machine, long distance phone charges, mail services, stealing university property

Personal use of or theft of university property and resources can result in disciplinary action, including termination and/or criminal prosecution.

Employees should make themselves aware of software copying policies.

Direct questions to: Human Resources

WHISTLE BLOWING

**ABOR 6-914
PPM 5.18**

Whistle blowing is protected under Arizona statute as well as university 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.

Direct questions to: Human Resources

POLITICAL ACTIVITIES

**ABOR 6-905
PPM 5.10**

As a university employee, you can lawfully:

- * run for public office;
- * campaign for others on your own time;
- * lobby on your own time;

but you must separate your interest from that of the public agency; you must represent only your position and not suggest you represent the position of NAU.

A public employee, except faculty, may not serve on the legislature without resigning the public position or requesting a leave of absence. Faculty may serve without resigning their positions at NAU, but must request a leave of absence.

ARS 41-1231
ABOR 1.102
PPM 5.10

Institutional lobbying

Lobbying is defined as attempting to influence the passage or defeat of any legislation. NAU 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 NAU must be coordinated through those individuals. There is an exemption in the law for persons who appear before the Legislature on their own behalf in support of or in opposition to legislation. Such individual lobbying must be conducted on personal time without institutional subsidy or support and it should be made clear that the individual represents only themselves and is not speaking on behalf of NAU.

OPEN MEETING LAWS

ARS 38-431

Arizona Board of Regents (ABOR)

Meetings of the Arizona Board of Regents are subject to the State's open meeting law. The Board must therefore:

- post agendas 24 hours in advance;
- make all decisions and take all actions in the open sessions of meetings (ABOR may hold closed sessions for certain discussion purposes. No vote or action can be taken in such 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 Senate meetings are open to the public. Meetings in which discussion occurs regarding individual students' educational information, individual personnel matters, and other topics which are confidential in nature, must be conducted in closed meetings.

OUTSIDE EMPLOYMENT

ABOR 6-705
PPM 1.09

Each university has its own internal rules regarding outside employment. In general, employees may work elsewhere as long as their outside employment does not interfere with their positions at NAU.

Restrictions:

- You may not make use of confidential information gained in your position at the university.
- There are restrictions on representing another entity before the ABOR.

NAU POLICES

TOPIC

Purchasing Policy 104	Gifts and Gratuities
Personnel Policy Manual Policy 1.05	Employment of Relatives
Personnel Policy Manual Policy 1.09	Outside Employment
Personnel Policy Manual Policy 5.10	Political Activity
Personnel Policy Manual Policy 5.14	Use of University Property
Personnel Policy Manual Policy 5.18	Whistle Blower Policy
Personnel Policy Manual Policy 4.11	Official Personnel Records

The NAU Personnel Policy Manual can be found at:

<http://hr.nau.edu/apps/policy-manual>

Purchasing Policies and Procedures can be found at:

http://nau.edu/Contracting-Purchasing-Services/Forms/Policies/Policy_Manual/

The Family Educational Rights and Privacy Act (FERPA) website can be found at:

<http://www4.nau.edu/ferpa/>

The Arizona Board of Regents policies can be found at:

<http://www.abor.asu.edu/1%5Fthe%5Fregents/policymanual/>

The Arizona Revised Statutes can be found at:

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>