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ARTICLE G. EMPLOYMENT PROVISIONS

6-701 Loyalty Oath

In accordance with A.R.S. 38-231, each employee (excluding aliens) shall be required to affirm his/her allegiance to the United States and the State of Arizona by signing a loyalty oath prior to receiving any compensation. An employee who objects on religious grounds to the loyalty oath form may revise this form or submit an alternative signed loyalty oath which: (1) is acceptable to the employee's religious beliefs and (2) otherwise retains a meaning and intent to the loyalty oath's statutory requirements.

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6-702 Equality of Opportunity and Affirmative Action

A. General Policy

No officer or employee of the Arizona Board of Regents shall discriminate against any person because of race, color, religion, national origin, age, non-disqualifying handicapping condition, veteran status or sex, in any of its programs, activities, contracts, personnel administration practices or any other actions it undertakes. Furthermore, the Board and the universities will maintain and advance those practices, processes, and circumstances that afford equal opportunity to all individuals. The Board and the universities will take affirmative action to ensure equality of opportunity to minorities, females, veterans, and handicapped person in faculty, administrative, professional and classified positions, in educational programs, and in all other Board or university programs and activities.

B. Responsibility for Implementation of Policy

The Executive Director of the Board and each University President have primary responsibility for ensuring equality of opportunity and affirmative action as described in ABOR Policy 6-702A (Equality of Opportunity and Affirmative Action, General Policy). In carrying out this responsibility, these individuals, their vice presidents and other administrators will:

1. Publicly state their support for and commitment to equality of opportunity and affirmative action.
2. Periodically review the statistical composition of their workforces in an effort to achieve a comparable presentation of females and minorities in the relevant labor market communities.
 - a. Recognize demonstrated progress and achievement of affirmative action.
 - b. Where the workforce or job groups are underutilizing females and minorities in comparison with relevant labor markets, establish and maintain affirmative action plans in order to correct the underutilization by:

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- (1) Establishing, communicating and implementing systems of annual goals and timetables to achieve employment patterns in the underutilized workforce or job groups that reflect equality of opportunity and affirmative action for qualified minorities, females, veterans and handicapped persons.
 - (2) Identifying, motivating and training appropriate personnel within the system to achieve the goals and timetables where underutilization exists.
3. Provide an environment that fosters the advancement of females and minorities to higher level and non-traditional job opportunities.
 4. Participate fully in meeting the objectives outlined in the affirmative action plans to include employment, all educational programs, and other board or university programs and activities.

C. Application of Policy

1. The Board and the universities will recruit, hire, train, and promote individuals, in all job classifications, based solely upon their qualifications and ability to do the job and will consider race, color, religion, national origin, age, non-disqualifying handicapping condition, veterans status or sex only where affirmative action, requirement of law, or bona fide occupational qualifications permit.
2. The Executive Director of the Board and each university president and their vice presidents, administrators, managers and supervisors, who have hiring authority, will seek affirmatively to achieve faculty, administrative, professional, and classified staff employment patterns that reflect equality of opportunity for qualified minorities, females, veterans and handicapped persons. These efforts will be reviewed as part of the annual performance evaluation process for those personnel.
3. All personnel administration practices including, but not limited to, compensation, benefits, layoff, return from layoff, discipline, dismissal, sponsored training, education tuition assistance and

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social and recreational programs, will be administered without regard to race, color, religion, national origin, age, non-disqualifying handicapping condition, veteran status, or sex.

4. Educational opportunities shall be open to all qualified applicants without regard to race, color, religion, national origin, age, handicap, veteran status, or sex. The Board and the universities will take affirmative action to ensure equality opportunity for qualified minorities, females, veterans and handicapped persons in all its educational programs.
5. The Board and the universities will operate facilities without regard to factors of race, color, religion, national origin, age, non-disqualifying handicapping condition, veteran status, or sex. The Board and the universities will make facilities and services available only to organizations that do not unlawfully discriminate against any qualified person because of race, color, religion, national origin, age, handicap, veteran status or sex.
6. The Board and the universities will lease, contract, subcontract, and purchase only from those organizations which, if chartered in the United States, do not unlawfully discriminate against any qualified person because of race, color, religion, national origin, age, handicap, veteran status or sex.
7. The Board and the universities will enter into cooperative agreements only with organizations that do not unlawfully exclude or expel from their membership or unlawfully limit their membership on the basis of race, color, religion, national origin, age, non-disqualifying handicapping condition, veteran status or sex.
8. The Executive Director of the Board and each university president shall maintain grievance and disciplinary procedures that allow for the resolution of complaints of discrimination and allegations or violations of this policy.
9. The Board and the universities shall provide reports on equal opportunity and affirmative action programs to the appropriate federal and state agencies and to the Arizona community as

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required by law or deemed appropriate by the Board. Each university and Board office shall develop written affirmative action plans to implement this policy. These plans shall be updated and reviewed annually to reflect changes that have occurred. Annual reports shall be prepared by each university and the Board's central office to highlight equality of opportunity and affirmative action programs and activities.

- D. This policy is to be interpreted and applied in harmony with the requirements of law regarding equality of opportunity and affirmative action. The terms "discriminate" or "discrimination" and the terms "bona fide occupational qualifications", "race", "veteran", and "sex" shall have the meanings ascribed to such terms in their respective federal and state statutes and regulations, as interpreted by the courts.

Policy Number: 6-703	Policy Name: Employment of Aliens - Repealed
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6-703 Employment of Aliens

Repealed

Policy Number: 6-704	Policy Name: Hiring of Relatives
Policy Revision Dates: 2/88	Page 1

6-704 Hiring of Relatives

- A. Persons related to each other may be employed at a university, except that no employee of a university may employ, direct the employment, promote, or direct the promotion, supervise the work, evaluate the performance, or influence the compensation of any person related to the employee within the third degree, or work for, arrange, suggest or be a party to the employment, or promotion of any person in consideration of the appointment or promotion of a person related to the employee within the degree provided by this section.
- B. Persons related to each other may be employed in the same department or other comparable administrative unit except when:
 - 1. An employee is responsible for making decisions in personnel matters involving the appointment, retention or salary level of any person related to the employee within the third degree.
 - 2. An employee is responsible for supervising, evaluating or auditing the work of any person related to the employee within the third degree.
 - 3. Other circumstances exist which place an employee in a situation of actual or reasonable conflict between the interests of the university and that of any person related to the employee within the third degree.
- C. An employee can be related to a person within the third degree either by affinity or consanguinity. Relationships to the third degree include: parents, parents-in-law, brother, sister, spouse, son, daughter, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, great-grandparents, grandchildren, great-grandchildren, aunt, uncle, niece, and nephew.

Policy Number: 6-705	Policy Name: Outside Employment
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6-705 Outside Employment

An employee may obtain outside employment or render professional services provided:

- A. It does not in any way interfere with the university duties of the employee;
and
- B. Outside employment is fully consistent with all rules promulgated by the university and the Board of Regents.

Policy Number: 6-706	Policy Name: Change of Employment from One University to Another
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6-706 Change of Employment from One University to Another

Employees, including regents staff, who change employment from one university or board office to another within thirty calendar days shall maintain all accrued sick leave hours and service credits for vacation computation purposes.

Policy Number: 6-707	Policy Name: Sexual Harassment
Policy Revision Dates: 2/88	Page 1

6-707 Sexual Harassment

A. The Policy

The Arizona Board of Regents and the universities prohibit sexual harassment by employees and students. The Board is committed to creating and maintaining a university system in which students and employees can work and learn together in an environment that is free of objectionable and disrespectful conduct of a sexual nature. Under Board policy, the universities will take whatever action is needed to prevent, correct and, if necessary, discipline persons whose behavior violates this policy.

B. Application of Policy

1. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment, education, or participation in a Board or university activity; (b) submission to, or rejection of, such conduct by an individual is used as a basis of employment or education decisions affecting such individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work, education, or participation, in Board or university activities or creating an intimidating, hostile, or offensive environment.

Each university president and the Executive Director of the Board shall maintain grievances and disciplinary procedures to allow for the resolution of complaints under this policy and protect the interest of all parties involved.

2. Sexual harassment by anyone, including those who are authorized to recommend or take action affecting employees or students, is prohibited and may be cause for dismissal.
3. Retaliatory action against a person for filing a sexual harassment complaint is prohibited.

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4. Anyone charged with supervisory authority who receives a complaint of sexual harassment or who has knowledge of a violation of this policy shall promptly take action to assure adherence of this policy and/or promptly report it to the person designated by each university president or the Board's Executive Director for investigation. Inaction may be cause for disciplinary action.

5. All parties involved in a sexual harassment charge shall have the right to confidentiality insofar as it does not interfere with the legal obligation of the Board and/or the universities to investigate allegations of misconduct and take corrective actions.

Policy Number: 6-708	Policy Name: Mandatory Retirement - Repealed
Policy Revision Dates: 12/93	Page 1

6-708 Mandatory Retirement
 Repealed

Policy Number: 6-709	Policy Name: Mandatory Background Checks for Employees and Process for Hiring, Retaining, or Terminating Employees Convicted of a Felony Offense
Policy Revision Dates: 8/04	Page 1

6-709 Mandatory Background Checks for Employees and Process for Hiring, Retaining, or Terminating Employees Convicted of a Felony Offense

The Arizona University System's faculty and staff are expected to meet high admission, performance and ethical standards. Accordingly, the universities shall develop policies incorporating a common set of principles that mandate comprehensive and reliable reference checks and background investigations before offering employment to candidates. In addition, the universities shall develop policies that result in prompt administrative actions, consistent with due process of law, for any university employee who has been convicted of a felony offense.

A. Definitions

1. "Reference check and background investigation" means any communication with an employee's or applicant's current or former employer that concerns the education, training, experience, qualifications and job performance of the employee or applicant and that is used for the purpose of evaluating the employee or applicant for employment. It may also include the results of any academic credentials check, any state or federal criminal history record check and the results of any state motor vehicle department record check.
2. "Conviction" means a criminal felony offense or other criminal conviction that may indicate unsuitability for university employment.
3. "Security" or "safety sensitive position" will be defined at each university and will include those positions with the potential to expose the university to extensive liability.

B. The hiring policies shall set forth the process for:

1. Requiring disclosure of all convictions by the finalist, including internal hires, for each administrative, service professional, classified, faculty and academic professional position;

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2. Securing criminal background information on each finalist, including internal hires, for employment and fingerprint checks on each finalist who indicates, or is determined through background investigation, that she/he has a prior conviction;
 3. Fingerprinting and conducting criminal history checks on each finalist, including internal hires if this was not conducted when the employee was initially hired, for security, safety-sensitive positions, and such other designated positions as are deemed appropriate by the university; including but not limited to, jobs in programs which require or allow for the unsupervised provision of services directly to minors who are not enrolled students of the university;
 4. Conducting background investigations, which shall include at least reference checks and verification of employment information with past employers on all final candidates for employment;
 5. Conducting academic credentials checks for faculty positions and other designated positions;
 6. Designating felony offenses, based on level of severity, which would require presidential approval before an offer of employment could be extended; and
 7. Taking appropriate action when the finalist makes false representations or omits material factual information.
- C. The policies relating to the retention or termination of an employee who has a record of a criminal conviction prior or subsequent to being hired shall at a minimum include a process for the following measures. The extent of these measures shall be determined based upon the level of severity of the offense, the amount of time that has passed since the offense was committed, and other factors deemed relevant by the university:
1. Placing the employee on administrative leave when the university becomes aware of the felony conviction;

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2. Conducting an immediate review of the circumstances surrounding the commission of the offense;
 3. Providing due process to employees in accordance with Board and university policies before taking disciplinary action; and
 4. Taking disciplinary action commensurate with the offense, which may include dismissal from employment.
- D. In considering whether to hire, retain, or terminate an employee who has been convicted of a felony offense prior to or after employment, the universities shall consider the following factors:
1. Whether the nature of the felony is relevant to the duties of the employee;
 2. If the felonies were committed by a minor for which proceedings were held under the jurisdiction of a juvenile or an adult court;
 3. If the employee or prospective employee has been pardoned or if the sentence has been commuted or reversed on appeal; and
 4. The employee's or prospective employee's employment history since the commission of the felony.
- E. A university may release the results of a reference check and background investigation to another university under the jurisdiction of the Arizona Board of Regents for employment purposes.
- F. The universities shall submit the policies developed pursuant to this policy to the Executive Director of the Board of Regents. The policies shall be subject to review by Board Counsel for consistency with this policy.

Policy Number: 6-710	Policy Name: Severance Agreements
Policy Revision Dates: 4/05	Page 1

6-710 Severance Agreements

Before a university may enter into a severance agreement with an employee who has admitted to or has been found to have intentionally violated ABOR Policy 5-301, et seq., (Code of Conduct) or any university policy for which the employee could have been subject to disciplinary action, the university must seek and obtain a waiver from ABOR Board Counsel if the agreement releases the employee from liability for the employee's misconduct.

Policy Number: 6-711	Policy Name: Internal Control Responsibilities
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6-711 Internal Control Responsibilities

The universities will establish and maintain a system of internal controls to promote effectiveness and efficiency of operations, reliability of financial reporting and, compliance with applicable laws and regulations.

The president and the senior management of each university are responsible for establishing the internal control structure and for providing relevant information regarding policies and controls to all university personnel. Academic and nonacademic administrators at every level are responsible for compliance with university and board policies and controls.

Ultimate accountability for establishing, maintaining and monitoring a system of internal controls at each university rests with the president. The president may, however, delegate all or a portion of the implementation to other senior managers, in conformance with guidelines to be adopted by the Board.