

1 San José State University
2 Academic Senate
3 Professional Standards Committee
4 December 9, 2024

AS 1884

5 **Final Reading**

6 Policy Recommendation
7 **Statement of Faculty Professional Responsibility**
8

9 **Legislative History:** This proposal would rescind S99-8 Professional Responsibility Statement
10 and replace it with two policy recommendations: AS 1884 Statement on Faculty Professional
11 Responsibility and AS 1883 Statement on Academic Freedom and Establishing the Academic
12 Freedom Committee.

13 **Rationale:** The Statement of Professional Responsibility in University Policy S99-8 was not
14 updated for nearly a quarter of a century even as the statements upon which it was based were
15 changed.¹ In recent years, many institutions of higher education have enacted policies to
16 describe unprofessional conduct that does not fall under any specific statutory protections (often
17 described as “bullying”), but which is nevertheless disruptive to the work of the University and
18 undermines the environment for free pursuit of scholarship. Recent amendments to S99-8
19 provided such a definition and framed it as an example of behavior that falls outside of
20 acceptable standards for professional responsibility among faculty. However, when S99-8 was
21 modified by Amendment A to S99-8 and S99-9 on August 21, 2023, the Statement of Academic
22 Freedom and the creation of the Academic Freedom Committee was accidentally embedded into
23 the Statement of Faculty Professional Responsibility, making the former difficult to find. This
24 proposed change rescinds S99-8 and separates it into two distinct policies: “Statement of Faculty
25 Professional Responsibility” and “Statement of Academic Freedom & Establishing the
26 Academic Freedom Committee.” While faculty professional responsibility and academic
27 freedom are deeply interconnected, the policies need separation. Together with the newly-
28 approved F24-2 Board of Professional Responsibility, these policies provide important
29 contemporary guidance on matters related to faculty professional responsibility and academic
30 freedom; creating two new policies out of S99-8 will update the policy numbers and titles to
31 allow ease of identification and indicate their currency. Additional clerical updates were made to
32 section F, Additional References, to reflect current University policy numbers and titles.

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34 Approved: December 2, 2024
35 Vote: 6-0-0
36 Present: Chen, Kazemifar, Nwokolo, Raman, Riley (Chair), Smith, Peter (non-
37 voting guest), Lee (non-voting guest)
38 Absent: Barrera, Pruthi, Muller, Dukes (non-voting guest)

¹ Derived in part from the Academic Senate of California State University proposed policy AS-2080-92/FA-I, May 7-8, 1992. Also consulted were the original sources on which AS-2080-92/FA-I was based, including earlier AAUP documents: primarily the *Statement of Principles on Academic Freedom and Tenure* (1940), the *Statement on Professional Ethics* (1966, revised 1987 and 2009), the *Statement of the Association's Council: Freedom and Responsibility* (1970, revised 1990).

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- 40 Financial Impact: None anticipated
- 41 Workload Impact: None anticipated

42 **Statement of Professional Responsibility for Faculty²**

43 A. Preamble

44 Professional responsibility is the natural complement of the academic freedom essential to the
45 university's mission. Through their responsible professional conduct, faculty members³
46 promote and protect academic freedom. Since faculty members belong to a profession with
47 the rights of self-governance, they also have the obligation to establish standards of
48 professional conduct and procedures to enforce them. The following standards provide
49 guidance for certain ethical questions which may arise over the course of a faculty member's
50 career, but they are not an exhaustive list. They are built upon the foundations of academic
51 freedom; they are the ideals to which all faculty members should aspire.

52 B. Faculty Responsibilities

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54 The responsibilities of faculty members may be considered from five related, but somewhat
55 conceptually distinct, perspectives: (1) as members of an academic profession; (2) as
56 teachers⁴; (3) as colleagues; (4) as members of an academic institution; and (5) as members of
57 a community.

58 1. As members of an academic profession, faculty members:

- 59
60 a. serve as intellectual leaders; they
- 61 - seek and state the truth as they see it.
 - 62 - develop and improve their instructional and scholarly competence
 - 63 - exercise critical self-discipline and judgment in applying, extending, and
 - 64 transmitting knowledge.
 - 65 - practice, foster, and defend intellectual honesty, freedom of inquiry and
 - 66 instruction, and free expression on and off the campus.
 - 67 - promote the free and open exchange of ideas in the classroom as related to the
 - 68 subject matter.
 - 69 - strive to foster a campus environment that i) supports a robust discussion of
 - 70 issues (including political and societal issues), ii) promotes respect for the
 - 71 opinions of others, and iii) encourages sensitivity to the possibility of multiple
 - 72 interpretations of speech and actions.
 - 73 - do not allow their subsidiary interests to compromise their freedom of inquiry.
 - 74
- 75 b. engage in research and other professional and creative activities; they

² Ibid.

³ The faculty of the university include all those who engage in scholarly activities and/or those who directly or indirectly participate in instructional activity. Thus faculty members include professors, lecturers, teaching assistants, research assistants, coaches, counselors, librarians, and all those faculty employees under Unit 3.

⁴ Teaching is meant in an inclusive sense. All those who directly or indirectly contribute to instructional activity are teachers. For example, librarians and other academically related faculty contribute to instructional activity, even in those cases where they do not engage in direct classroom instruction.

- 76 - perform their research with honesty and integrity.
- 77 - respect the ethical and legal considerations⁵ that underlie their work and output,
- 78 as consistent with the ethical principles and guidelines of their discipline.
- 79 - comply with guidelines governing any grant or other funds related to a research
- 80 or creative project.
- 81 - strive to contribute to the body of knowledge in their discipline and to
- 82 disseminate such knowledge appropriately.
- 83 - critically evaluate their work prior to dissemination.
- 84 - use university and other resources with integrity and consideration of the
- 85 mission of the university.

86 2. As teachers, faculty members:

- 87
- 88 a. treat students fairly and respectfully; they
- 89 - assure that their evaluations of students reflect only matters relevant to the
- 90 students' academic performance.
- 91 - guard against improper disclosure of confidential information regarding
- 92 students.⁶
- 93 - ensure that their professional contacts with students are free from any
- 94 exploitation, harassment, or discrimination.
- 95 - acknowledge significant academic or scholarly collaboration with or assistance
- 96 from their students.
- 97 - adhere to published descriptions of course content and grading practices, such as
- 98 those contained in syllabi and course catalogs.
- 99 - maintain awareness of and adhere to University policies governing student rights
- 100 and responsibilities.
- 101 b. encourage the free pursuit of learning; they
- 102 - encourage students to make their own judgments and to express them when
- 103 appropriate.
- 104 - allow students to take reasoned exception to or to reserve judgment about the
- 105 data or views offered in a course of study.
- 106 - refuse to tolerate exploitation, harassment, or discrimination by students in an
- 107 instructional setting.
- 108 - protect student academic freedom
- 109 c. exhibit and uphold the highest scholarly and ethical standards of their disciplines; they
- 110 - foster honest academic conduct.

⁵ Such ethical and legal considerations include compliance with copyright laws and not plagiarizing.

⁶ The confidentiality of student records and information is also governed by law and SJSU policy. See the federal Family Educational Rights and Privacy Act (often referred to as the Buckley Amendment), information available from either the SJSU Division of Student Affairs or the SJSU Office of Faculty Services, and University Policies S66-20 and S90-5 (and any related updates or modifications) available at the Senate Web site.

111 - do not instruct, advise, or supervise students with whom they have personal or
112 professional conflicts of interest.⁷
113 d. serve as intellectual guides and advisors; they
114 - are available during reasonable, posted hours to assist students who request their
115 intellectual and academic help.
116 - utilize instructional time to help students learn course materials.

117 3. As colleagues and co-workers, faculty members:

- 118 a. respect and defend free inquiry even when the methodology used or the findings and
119 conclusions reached differ from their own.
- 120 b. show due consideration for diverse opinions.
- 121 c. acknowledge the contributions of others to their academic work.
- 122 d. seek objectivity in their professional evaluations.
- 123 e. do not evaluate or supervise those with whom they have personal or professional
124 conflicts of interest.⁸
- 125 f. avoid exploitive, harassing, or discriminatory behavior.
- 126 g. hold themselves and colleagues to high ethical standards and address ethical abuses
127 when they become known.

128 4. As members of an academic institution, faculty members:

- 129 a. observe the stated regulations of the institution that are consistent with the statement
130 of academic freedom in Amendment A to University Policy S99-8, and with their
131 contractual and legal obligations.
- 132 b. maintain the right to criticize regulations and seek their revision.
- 133 c. assure that their outside interests do not compromise the obligations of their primary
134 appointment.
- 135 d. request a leave of absence or resign when the claims of outside interests preclude the
136 fulfillment of substantial academic obligations.
- 137 e. give appropriate notice of their intent to interrupt or terminate their services to the
138 university.
- 139 f. share in the responsibilities for governing the university.
- 140 g. share in periodic review and improvement of curriculum.
- 141 h. cooperate in the pursuit of stated goals of one's program, department, college, or
142 university.
- 143 i. help ensure that the university meets its commitment to maintain an environment that
144 values diversity and that is free from discrimination and harassment.

⁷ For a discussion of the concept of "conflicts of interest" in the context of this Statement of Faculty Responsibility, see Section C of this policy. A separate University policy (S99-11) exists dealing with conflicts of interest for principal investigators; see the Senate Web page.

⁸ See note 6.

- 145 5. As members of a community, faculty members:
- 146 a. publicly distinguish when they speak or act as private citizens from when they do so
147 as an official representative of the university so as not to lead others to mistake them
148 as a spokesperson for San José State University or the California State University
149 system.⁹
- 150 b. recognize that breaking legal and civil codes for academic gain is also an
151 infringement of professional ethics.¹⁰
- 152 c. promote conditions of free inquiry.
- 153 d. further public understanding of academic freedom.

154 C. Conflicts of Interest

155 *Definition:* In the context of professional responsibility, a conflict of interest is an agreement,
156 relationship, or other arrangement, be it personal or professional, formal or informal, that
157 undermines the faculty's disinterested performance of its professional duties and obligations.

158 *Importance:* Students have a just expectation that they will be instructed, evaluated and
159 supervised by a disinterested faculty. Faculty members have a similar expectation that their
160 professional and academic evaluations and supervision are free from the self-interest of their
161 peers. Maintaining disinterestedness is one of the faculty's central ethical responsibilities. The
162 disinterestedness of the faculty assures both the academic integrity of the University and the
163 faculty's academic freedom.

164 *Conflicts of interest between faculty and students:* In addition to the legal contracts existing
165 between students and the University, there is an equally important "social contract" between
166 them and the faculty, in which each fulfills its duties and obligations to the other. Many of the
167 faculty's responsibilities under this "contract" are found in Section H-B.2. of this document.
168 Interests that conflict with those obligations include actions or requirements of the faculty that
169 appear to be grounded in private interest or gain, not in professional responsibility. Examples
170 of conflicting interests are: requiring the purchase of course materials from which an
171 instructor makes a profit (texts and other materials professionally reviewed, published, and
172 distributed are excluded); and giving academic credit for student research which the instructor
173 puts to use for private gain or profit.

174 Other conflicts of interest may arise in view of the disproportion of influence and power
175 between faculty and students. Instructors, thus, ought not engage students in their classes or
176 under their supervision in relationships that are so personal that the presumption of
177 professional disinterest is difficult to maintain. Faculty members, for example, ought not
178 instruct or supervise students who are obligated to them financially; and faculty ought not
179 supervise or instruct students with whom they have relationships grounded in interests

⁹ See also California Education Code Section 89005.5.

¹⁰ See also California Government Code Section 8314 on unlawful use of state resources by state employees.

180 inconsistent with their professional responsibility and the mission of the University. These
181 conflicts of interest include but are not restricted to sexual relationships.

182 A similar caveat applies, of course, to the instruction and evaluation of students who are
183 family members, since faculty disinterestedness is problematic in this case as well.

184 Exceptions to these injunctions may be made after consultation with an instructor's
185 department chair or other appropriate party, such as a supervisor or a dean. The grounds for
186 exception must be compelling (e.g., curricular or staffing restrictions in a student's chosen
187 academic program).

188 While acknowledging that the propriety of a personal relationship between a student and an
189 instructor is indeed a sensitive issue for all involved, the faculty holds that the rights of faculty
190 and students to free association must be honored and protected in instances when professional
191 disinterestedness is not expected or required. The faculty also acknowledges that
192 disinterestedness thrives best in an atmosphere free from suspicions of favoritism, nepotism,
193 coercion and harassment.

194 Conflicts of interest in professional relationships: Faculty members rightfully expect unbiased
195 evaluations of their academic and professional performance. The responsibilities of the faculty
196 in this regard are detailed in Section II.B.3. of this document. Examples of conflicts of interest
197 here include evaluating or supervising faculty who are family members or parties in
198 relationships grounded in interests (e.g., personal, professional or financial interests) that
199 preclude disinterestedness.

200 Beyond questions of peer evaluation, the faculty must ensure that its research or comparable
201 activities are consistent with the mission of the University and with professional standards.
202 The faculty must maintain a disinterested pursuit of truth in their professional activities, one
203 uncompromised, for example, by the pursuit of fees, royalties, and other forms of
204 compensation. Disinterestedness comes into question when subsidiary concerns or private
205 gain makes one's intellectual honesty and freedom of inquiry problematic.

206 The faculty holds that the right of a faculty member to freely associate with colleagues must
207 be honored and protected in instances when professional conflicts of interest are not at issue.
208 Following the principle of disinterestedness, the faculty also recognizes that non-academic
209 relationships between faculty members may become sensitive issues when placed in the
210 context of professional evaluation and supervision (e.g., the recruitment, retention, tenure or
211 promotion of faculty). A faculty member should be excused from these duties when a
212 potential conflict of interest exists. If it is not possible to excuse a faculty member in such
213 circumstances, the faculty member who conducts the evaluation or supervision should advise
214 his/her chair or other appropriate party (e.g., a supervisor or dean) of the situation.

215 Importance of ethical conduct in fact and appearance: Recognizing a conflict of interest in
216 the area of faculty responsibility is often a matter of common sense; at other times it is a
217 matter of law. But beyond the ethical minimums of law and common sense, there exists a
218 higher standard toward which the faculty should strive. That is, a faculty member ought to

219 avoid actual conflicts of interest as well as the appearance of such conflicts whenever
220 possible. This ethical standard is not born of scrupulosity. Rather, it arises from the faculty's
221 full awareness of the wide scope of thought and expression it enjoys under the protection of
222 academic freedom.

223 D. Bullying and Other Unprofessional Conduct

224 *Definition¹¹*: In the context of Professional Responsibility, “other” unprofessional conduct is
225 defined as repeated unprofessional behavior that does not fall under statutory protections,
226 including but not limited to Title IX, discrimination, harassment, or retaliation. Of particular
227 concern in this area is bullying. Bullying is behavior that a reasonable person would find
228 hostile, intimidating, offensive, and unrelated to the University’s legitimate instructional or
229 research interests. Such behavior is generally pervasive or severe to the extent that it makes
230 conditions inhospitable and undermines another person’s ability to carry out their
231 responsibilities to the university. A single act will typically not be sufficient to qualify as
232 unprofessional conduct or bullying, but an especially severe or egregious act may so
233 qualify. Examples of bullying could include, but are not limited to:

- 234 1. Abusive expression directed at another person in the workplace, such as derogatory
235 remarks that are outside the range of reasonably accepted expressions of disagreement,
236 disapproval, or critique in an academic or professional setting;
- 237 2. Unwanted physical contact and/or aggressive, derogatory, hateful, or otherwise
238 unprofessional nonverbal and/or nonvocal expressions;
- 239 3. Exclusion and/or isolation leading to harm to another person’s reputation or hindering of
240 another person’s work;
- 241 4. Sabotage of another person’s work and/or impeding another person’s capacity for
242 academic expression;
- 243 5. The sharing of personal or private information about another person causing
244 embarrassment, intimidation, shaming and/or humiliation; and
- 245 6. Cyberbullying, which is the use of electronic/digital communication in any form to engage
246 in any of the behaviors listed herein

¹¹ This definition is partially derived from the following sources:

- The CSU Chancellor’s Strategic Workgroup Black Student Success Report
(<https://www.calstate.edu/impact-of-the-csu/diversity/Documents/CSU-Black-Student-Success-Workgroup-Report-2023.pdf>)
- The University of California, Berkeley definition of “bullying”
(<https://campuspol.berkeley.edu/policies/bullying.pdf>)
- The University of Wisconsin, Madison policy on Hostile and Intimidating Behavior
(<https://hr.wisc.edu/hib/principles-and-policies/>)
- The University of New Mexico Respectful Campus Policy (<http://policy.unm.edu/university-policies/2000/2240.html>)
- The California State University, Chico Policy on Campus Behavior and Violence Prevention
(<https://www.csuchico.edu/pres/em/2012/12-025.shtml>)

247 *Importance:* Severe, persistent, or pervasive unprofessional behavior can undermine other
248 faculty member's performance of their professional duties and obligations with regard to the
249 university's mission, and chill the environment for free pursuit of learning. While it is often
250 easier to recognize conduct of concern when it occurs in a relationship with a power
251 imbalance, this policy is meant to specifically include bullying between individuals of
252 perceived equal levels of power, as well.

253 E. Applicable Laws and Regulations Governing Conduct

254 Various federal and state laws and regulations apply to the university and its employees.
255 Faculty members must take responsibility for awareness of such rules and to comply with
256 them. Many of these laws and regulations are noted in this and other University policies
257 related to faculty responsibilities (a partial list is included at Section F below).

258 Examples of laws and regulations applicable to the university and its employees include:

- 259 1. California law prohibits use of state resources or the "California State University" name
260 to
261 advocate a position regarding a candidate or ballot proposition.¹²
- 262 2. As a recipient of federal and state funds, and other grants, the university and its faculty
263 involved in research projects or programs may be governed by certain laws, regulations,
264 and guidelines.
- 265 3. Federal and California laws dealing with non-discrimination, equal employment
266 opportunity, and affirmative action govern employment practices at SJSU and are
267 relevant to faculty members involved in retention, tenure, promotion, and similar
268 employment decisions.
- 269 4. In order to protect the privacy of students, federal and California laws prohibit certain
270 disclosures of student records.

271 Faculty members may obtain assistance in gaining awareness and understanding of laws and
272 regulations that may govern their conduct from their department chair (or equivalent unit
273 head) and the Office of Faculty Services.

274 F. Additional References

275 University policies that relate to academic freedom and faculty responsibilities include:¹³

¹² See California Government Code Section 8314, California Education Code Section 89005.5, and *Stanson v. Mott*, 17 Cal.3d 206, 210 (1976). The CSU Office of General Counsel's *Handbook of Election Issues*, dated February 1997, provides general guidance to the legal background on the use of state resources in elections. This handbook is available at the Web site for this policy on Professional Responsibility. It is also available from the SJSU President's Office.

¹³ Faculty are encouraged to review University Policies (which are available at <https://www.sjsu.edu/senate/university-policies/> as well as in the Academic Senate Office) to be sure they are fully aware of the most current policies pertaining to their activities as teachers, researchers, mentors, and employees and members of the SJSU/CSU community. Any questions about these policies or matters covered by this policy on Professional Responsibility, or relevant federal and state laws, should be

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1. F24-XXX, Statement of Academic Freedom and Establishing the Academic Freedom Committee
 2. F24-2, Board of Professional Responsibility—provides an implementing mechanism for some of the policies described or referenced in this document
 3. S92-12, Statement on Academic Freedom and Artistic Expression
 4. F12-5, Policy and Procedures for Responding to Allegations of Scientific or Other Misconduct in Funded Research
 5. S99-11, Conflict of Interest Policy For Principal Investigators
 6. S14-6, Policy and Assurance for Humane Care and Use of Animals at San José State University
 7. F17-1, Protection of Human Research Subjects
 8. F18-3, Charge and Membership of the Institutional Review Board (IRB)
 9. S18-5, Research, Scholarship, and Creative Activity: Advisor-Student Relationship, Sponsored Projects, and Proprietary and Confidential Information in RSCA
 10. S16-15, Student Rights and Responsibilities

293 **History**

294 S93-12, Professional Responsibility, superseded F67-17, Academic Freedom and The Common
295 Good (approved February 5, 1968), and S88-9, AAUP Statement on Professional Ethics
296 (approved May 6, 1988). S88-9 superseded S67-10, Professional Ethics (approved May 11,
297 1967). S94-3 added the explanation on conflicts of interest to S93-12 (originally added as
298 Appendix A) and made slight changes to two footnotes. S95-9 added Appendix B on conflicts of
299 interest for principal investigators. S93-12 was approved as University Policy on May 13, 1993,
300 S94-3 was approved on April 12, 1994, and S95-9 was approved on April 6, 1995. S99-8 was
301 further modified by Amendment A to S99-8 and S99-9 on August 21, 2023, which accidentally
302 embedded the Statement of Academic Freedom and the creation of the Academic Freedom
303 Committee into the Statement of Professional Responsibility.

directed to the department chair, college dean, Office of Faculty Services, or Academic Senate Office, as appropriate.