

1 San José State University
2 Academic Senate
3 Professional Standards Committee
4 December 9, 2024
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AS 1884

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

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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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The responsibilities of faculty members mayig4 Respon95TT0 MCID 4As6Qcourse

- 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:

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- 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

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

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

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
hostile, intimidating, offensive, and unrelated to the University’s legitimate inst

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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 Jose 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, BT0eW*0 612 792 Boa8 529 792dActBI