

****Reissued as S99-8 and S99-11**

S93-12 ACADEMIC FREEDOM AND PROFESSIONAL RESPONSIBILITY; ETHICS;
CONFLICT OF INTEREST; PRINCIPAL INVESTIGATOR

Legislative History:

At its meeting of May 3, 1993, the Academic Senate approved the following Policy Recommendation presented by David McNeil for the Professional Standards Committee.

Supersedes F67-17, S88-9.

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lessons of the past but must work to insure that SJSU continues to fulfill the educational needs of society.

Statement of Professional Responsibility⁽³⁾

Preamble:

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

Faculty Responsibilities:

The responsibilities of faculty may be considered from five major perspectives: (1) as members of the teaching profession;⁽⁴⁾ (2) as teachers; (3) as colleagues; (4) as members of an academic institution; and (5) as members of a community.

1. As members of the teaching profession, faculty:

- a. seek and state the truth as they see it.
- b. develop and improve their instructional and scholarly competence.
- c. exercise critical self-discipline and judgment in applying, extending, and transmitting knowledge.
- d. practice, foster, and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus.
- e. do not allow their subsidiary interests to compromise their freedom of inquiry.

2. As teachers, faculty:

- a. treat students fairly and respectfully; they

- assure that their evaluations of students reflect only matters relevant to the students' academic performance.

- guard against improper disclosure of confidential information regarding students.
- insure that their professional contacts with students are free from any exploitation, harassment, or discrimination.
- acknowledge significant academic or scholarly collaboration with or assistance from their students.
- adhere to published descriptions of course content and grading practices, such as those contained in syllabi and course catalogs.

b. encourage the free pursuit of learning; they

- encourage students to make their own judgments and to express them when appropriate.
- allow students to take reasoned exception to or to reserve judgment about the data of views offered in a course of study.
- refuse to tolerate exploitation, harassment, or discrimination by students in an instructional setting.

c. exhibit and uphold the highest scholarly and ethical standards of their disciplines; they

- foster honest academic conduct.
- do not instruct, advise, or supervise students with whom they have personal or professional conflicts of interest⁽⁵⁾

d. serve as intellectual guides and advisors; they

- are available during reasonable, posted hours to assist students who request their intellectual and academic help.
- utilize instructional time to help students learn course materials.

3. As colleagues, faculty:

- a. respect and defend the free inquiry of their associates.
- b. show due consideration for the opinions of others.
- c. acknowledge the contributions of others to their academic work.

- d. seek objectivity in their professional evaluation of colleagues.
- e. do not evaluate or supervise colleagues with whom they have personal or professional conflicts of interest.
- f. avoid exploitation, harassment, or discriminatory treatment of co-workers.
- g. will hold themselves and colleagues to high ethical standards and address ethical abuses when they become known.

4. As members of an academic institution, faculty:

- a. observe the stated regulations of the institution that are consistent with the statement of academic freedom in this document, and with their contractual and legal obligations.
- b. maintain the right to criticize regulations and seek their revision.
- c. assure that their outside interests do not compromise the obligations of their primary appointment.
- d.

inquiry problematic.

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

4. Recognizing a conflict of interest in the area of faculty responsibility is often a matter of common sense. At other times it is a matter of law. But beyond the ethical minimums of law and common sense, there exists a higher standard toward which the faculty should strive. That is, a faculty member ought to avoid actual conflicts of interest as well as the appearance of such conflicts whenever possible. This ethical standard is not born of scrupulosity. Rather, it arises from the faculty's full awareness of the scope of thought and expression it enjoys under the protection of academic freedom.

APPENDIX B (S95-9, Amends S93-12):

CONFLICT OF INTEREST POLICY

FOR PRINCIPAL INVESTIGATORS

Background

San José State University actively encourages increased involvement of academic researchers and educators with industry and with private entrepreneurial ventures. However, such involvements create an increased risk of conflict between the private interests of individuals, the companies with which they are involved, and the public interest that Federal funding serves. SJSU has adopted policies to resolve potential conflicts of interest among its grantees and its investigators in order to protect the funded research from bias.

The National Science Foundation and the Department of Health and Human Services (NIH-PHS) are adopting parallel policies on Investigator Financial Disclosure that are relatively consistent. The CSU has had a policy related to Conflict of Interest in effect since 1985. The SJSU Conflict of Interest Policy incorporates requirements from the federal funding agencies and the CSU into its policy.

- disqualification from participation in the portion of the project that is affected by the significant financial interest
- divestiture of significant financial interests
- severance of relationships that create actual or potential conflicts
- Enforcement Mechanisms and Sanctions

Potential violations of the Conflict of Interest Resolution Plan shall be handled by the Board of Academic Freedom and Professional Responsibility which monitors the state of academic freedom and professional responsibility at SJSU. The Board of Academic Freedom in conjunction with the AVPGS&R will establish and enforce appropriate sanctions based on the specific conduct of an investigator failing to follow the approved Resolution Plan.

Documentation and Record Maintenance

The SJSU Foundation will maintain records related to all disclosures and ensure that follow-up reporting is conducted in a timely manner.