

SAN JOSÉ STATE  
UNIVERSITY  
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Amendment B to University Policy S 99-8, Amendment B to  
University Policy S99 -8 (Professional Responsibility)

**Legislative History:**

On December 4, 2023, the Academic Senate approved Amendment B to University Policy S99-8, Professional Responsibility presented by Senator French for the Professional Standards Committee.

**ACTION BY UNIVERSITY PRESIDENT:**

Action by University President:

Signed and approved by

2.

## FACULTY PROFESSIONAL RESPONSIBILITY

### Statement of Professional Responsibility for Faculty

#### A. Preamble

Professional responsibility is the natural complement of the academic freedom essential to the university's mission. Through their responsible professional conduct, faculty members 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 certain ethical questions which may arise over the course of a faculty member's career, but they are not an exhaustive list. They are built upon the foundations of academic freedom; they are the ideals to which all faculty members should aspire

<sup>1</sup>Derived in part, from the Academic Senate of California State University proposed per 2009/AS/FAI, May 7 8, 1992. Also consulted were the original sources on which 2009/FAI 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).

<sup>2</sup>The faculty of the university include all those who engage in scholarly activities and/or 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.

<sup>3</sup>Teachings 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.



- guard against improper disclosure of confidential information regarding students.<sup>65</sup>
- ensure 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.
- maintain awareness of and adhere to University policies governing student rights and responsibilities.

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 reasonable exception to or to reserve judgment about the data or views offered in a course of study.
- refuse to tolerate exploitation, harassment, or discrimination by students in an instructional setting.
- protect student academic freedom

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.<sup>66</sup>

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.

<sup>7</sup>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.

<sup>8</sup>Also see California Education Code Section 89005.5.

<sup>9</sup>Also see California Government Code Section 8314 on unlawful use of state resources by state employees.



<sup>7</sup>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.

<sup>8</sup>Also see California Education Code Section 89005.5.

<sup>9</sup>Also see California Government Code Section 8314 on unlawful use of state resources by state employees.

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

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

Other conflicts of interest may arise in view of the disproportion of influence and power between faculty and students. Instructors, thus, ought not engage students in their classes or under their supervision in relationships that are so personal that the presumption of professional disinterest is difficult to maintain. Faculty members, for example, ought not instruct or supervise students who are obligated to them financially; and faculty ought not supervise or instruct students with whom they have relationships grounded in interests inconsistent with their professional responsibility and the mission of the University. These conflicts of interest include but are not restricted to sexual relationships.

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

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

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

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



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

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 academic relationships between faculty members may become sensitive issues when placed in the context of professional evaluation and 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.

Importance of ethical conduct in fact and appearance 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

<sup>10</sup>This definition is partially derived from the following sources:

1. The CSU Chancellor's Strategic Workgroup Black Student Success Report (<https://www.calstate.edu/impactof-the-csu/diversity/Documents/CSBlackStudentSuccessWorkgroupReport2023.pdf>)
2. The University of California, Berkeley definition of "bullying" (<https://campuspol.berkeley.edu/policies/bullying.pdf>)
3. The University of Wisconsin, Madison policy on Hostile and Intimidating Behavior (<https://hr.wisc.edu/hib/principlesand-policies/>)
4. The University of New Mexico Respectful Campus Policy ([http://policy.unm.edu/university\\_policies/2000/2240.html](http://policy.unm.edu/university_policies/2000/2240.html))
5. The California State University, Chico Policy on Campus Behavior and Violence Prevention (<https://www.csuchico.edu/pres/em/2012/12025.shtm>)

2. Unwanted physical contact and/or aggressive, derogatory, hateful, or otherwise unprofessional nonverbal and/or nonvocal expressions;
3. Exclusion and/or isolation leading to harm to another person's reputation or hindering of another person's work;

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3. The University of Wisconsin, Madison policy on Hostile and Intimidating Behavior (<https://hr.wisc.edu/hib/principlesandpolicies/>)
4. The University of New Mexico Respectful Campus Policy ([https://policy.unm.edu/university\\_policies/2000/2240.html](https://policy.unm.edu/university_policies/2000/2240.html))
5. The California State University, Chico Policy on Campus Behavior and Violence Prevention (<https://www.csuchico.edu/pres/em/2012/12025.shtml>)

4. Sabotage of another person's work and/or impeding another person's capacity for academic expression.
5. The sharing of personal or private information about another person causing embarrassment, intimidation, shaming and/or humiliation.
6. Cyberbullying, which is the use of electronic/digital communication in any form to engage in any of the behaviors listed herein.

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

E. Applicable Laws and Regulations

<sup>11</sup> 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 Elections, 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 President's Office.

<sup>11</sup> 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 Elections, dated February 1997, provides general guidance to the legal background on the use of state resources in elections. This handbook is