



San José State
UNIVERSITY

A campus of The California State University

Office of the Academic Senate • One Washington Square • San Jose, California 95192-0024 • 408-924-2440 • Fax: 408-924-2410

S99-9

At its meeting of May 3, 1999, the Academic Senate passed the following Policy Recommendation presented by Annette Nellen for the Professional Standards Committee.

POLICY RECOMMENDATION

MODIFICATION TO S94-5/F95-1 BOARD OF PROFESSIONAL RESPONSIBILITY

- Whereas: "Policy and Procedures for Responding to Allegations of Scientific or Other Misconduct in Funded Research" passed by the Senate on May 3, 1999 provides procedures that vary from those currently provided for in S94-5/F95-1 with respect to dealing with allegations of scientific misconduct.
- Whereas: The Associate Vice President for Research (AVP Research) is responsible for dealing with allegations of misconduct in funded research and should work with the Office of Faculty Affairs when such allegations involve Unit 3 faculty members.
- Whereas: The BPR was established in 1994 to implement S93-12, Academic Freedom and Professional Responsibility. BPR'S charge includes advising and assisting the Office of Faculty Affairs on the handling of complaints of breaches of faculty responsibility, including complaints of scientific and other research misconduct.
- Resolved: That S94-5/F95-1 be modified as shown in the attached policy, and as modified, be issued as a new policy.
- Resolved: That, once assigned, the appropriate policy numbers be inserted into this policy per Senate By-Law 13(b), and that passage of this resolution serve as notice to the Senate of such editorial changes.

ACTION BY UNIVERSITY PRESIDENT: Approved by President Robert Caret on May 4, 1999.

BOARD OF PROFESSIONAL RESPONSIBILITY

I. Procedures for Addressing Allegations of Professional Misconduct by the Faculty

1. Allegations of professional misconduct by a faculty member are made in one of the following administrative offices: the office of the dean of the faculty member, the Office of Faculty Affairs, the Office of Student Affairs, or the Office of University Personnel. The office receiving the complaint shall write an intake interview report and transmit it as soon as possible, usually within twenty-four hours, to the Office of Faculty Affairs. Allegations involving misconduct by a faculty member on a funded project shall be transmitted to the Associate Vice President for Research (AVP Research) within twenty-four hours, as required by S99-10, Policy and Procedures for Responding to Allegations of Scientific or Other Misconduct in Funded Research; the AVP Research shall work in consultation with the Office of Faculty Affairs on such allegations.
2. The Office of Faculty Affairs shall refer complaints involving the matters listed below to the offices indicated. Those complaints will not ordinarily be reported to BPR. Complaints of all other alleged violations of S99-8 shall be handled in consultation with BPR, as described in item 3 below.
 - a. Potential violations by one or more faculty members of the civil rights of non-faculty, including potential acts of unlawful discrimination, shall be referred immediately to the Office of Equal Opportunity (OEO) for further processing.
 - b. Complaints from a faculty member about issues that are covered by the Agreement shall be referred immediately to CFA for handling according to formal grievance procedures. Such complaints include allegations from a faculty member that s/he was discriminated against on the basis of certain prohibited factors.
 - c. Allegations by one or more students against a faculty member in relation to instructional issues, including unfair grading, shall be immediately referred to the Ombudsman for handling in consultation with the Academic Fairness Committee.
 - d. Complaints that a faculty member has violated the Americans with Disabilities Act shall be referred to the office of Disabled Student Services for handling in accordance with established procedures for that purpose.
 - e. Complaints of alleged misconduct (including scientific misconduct) on a project funded by the Public Health Service (PHS) or any other grant or contract shall be referred to the AVP Research to ensure that the handling of the complaint conforms to the requirements of S99-10, Policy and Procedures for Responding to Allegations of Scientific or Other Misconduct in Funded Research. For allegations involving Unit 3 faculty members, the AVP Research shall consult with the Office of Faculty Affairs throughout the inquiry phase and any investigation; the Office of Faculty Affairs may involve BPR as appropriate per the procedures of this document and legal requirements governing funded research. (See S99-10).
3. The Office of Faculty Affairs shall be responsible for managing the processing of all complaints in a timely fashion. In doing so, the following steps will ordinarily be completed in the order given. Various laws, government regulations, Trustee policy, collective bargaining agreements, and University policy may indicate the need for variations in the order of the steps and in the time required for each step. Some of the steps below may be omitted, depending on the outcome of

previous steps. It is the intent of this policy that all complaints that a faculty member has violated S99-8, except those listed in item 2 above, be processed with advice from BPR.

- a. Written, confidential intake interview report.
 - b. Initial assessment of complaint.
 - c. Consultation with BPR and management.
 - d. Notification to subject of complaint.
 - e. Informal resolution attempts.
 - f. Confidential investigation.
 - g. Preliminary report.
 - h. Consultation with BPR and management.
 - i. Final disposition and notice to all parties.
 - j. Maintenance of confidential case files.
4. Members of the BPR shall provide consultation to the Office of Faculty Affairs, assist in attempts at informal resolution, and possibly assist in investigations. They shall act under the authority of the President. Their advice shall be sought in the following:
- a. Appropriate questions to be addressed in an initial assessment of the complaint, including whether the complaint involves a violation of S99-8, and whether there needs to be a formal investigation. Members of the BPR may assist in investigations if requested by Faculty Affairs, but shall not be required to do so.
 - b. Whether the complaint is amenable to informal resolution and, if so, along what lines. Members of the BPR will usually assist in achieving informal resolution.
 - c. Monitoring investigations, especially with respect to any discipline-specific issues.

Legislative History

The procedures of this policy were first provided in S94-5 created by the Professional Standards Committee, and approved by the Academic Senate on May 2, 1994. S94-5 was approved and signed as University Policy on May 11, 1994. S94-5 was created to implement S93-12 on Academic Freedom and Professional Responsibility. S94-5 was slightly amended by F95-1 approved as University Policy on October 2, 1996.

Amendment A to S99-8 and S99-9 was approved and signed by President Cynthia Teniente-Matson on August 21, 2023. Amendment A removes Academic Freedom from Board of Academic Freedom and Professional Responsibility and renames it Board of Professional Responsibility. It also removes all reference to Academic Freedom from S99-9 and establishes it in Amendment A along with a new special agency called Academic Freedom Committee.