

Policy Recommendation  
**Board of Professional Responsibility**

AS 1870

1 San José State University  
2 Academic Senate  
3 Professional Standards Committee  
4 November 4, 2024  
5 **Final Reading**

6 Legislative History: This proposal would rescind S99-9 (Board of Professional Responsibility)  
7 and replace it with the following policy recommendation.

8 Rationale: The policy establishing the Board of Professional Responsibility has not been updated  
9 in 25 years, while the procedures and university offices for addressing breaches of professional  
10 ethics have undergone many changes in that time. In addition, the current makeup of the Board  
11 dates to a time when the Board of Academic Freedom and Professional Responsibility was a  
12 single unit with a much broader charge. The current Board is difficult to staff and often cannot  
13 operate due to lack of a quorum. Further, the Board has historically operated without sufficient  
14 collaboration with University administration, which has curtailed its effectiveness. Thus,  
15 language about the roles of both the University administration and the Board in resolving  
16 complaints about breaches of professional responsibility has been added. Finally, Amendment A  
17 to S99-8 and S99-9 established an independent Academic Freedom Committee, but the sections  
18 of S99-9 declaring the mission and organization of the Board of Professional Responsibility  
19 were inadvertently deleted. This policy will establish the Board of Professional Responsibility as  
20 a separate entity, including its mission and organization/membership, and address other changes  
21 in reporting structures and procedures.

22 At the final reading in May 2024, the Academic Senate passed AS1870, but it was returned to  
23 Professional Standards by the President for additional clarification. Professional Standards has  
24 worked collaboratively with the Provost's Office and the Senior Associate Vice President for  
25 University Personnel to fine-tune the policy. The current revision maintains the changes included  
26 in the draft that passed in May; new changes primarily reorganize the policy for improved  
27 intelligibility, clarify how complaints are referred to the Board, and clarify the Board's  
28 consultation process. In sum, the proposed changes to S99-9:

- 29 1) Update membership to include Associate Professors and Senior Lecturers
- 30 2) Add information about training requirements for members of the Board
- 31 3) Clarify language about how complaints can be referred to the Board, outlining the  
32 primary role of the University administration, in particular, but not limited to, the Office  
33 for Title IX and Gender Equity and UP-AER (University Personnel-Academic Employee  
34 Relations) in classifying and referring most complaints
- 35 4) Emphasize the Board's function in consultation and in seeking informal resolutions,  
36 whenever possible
- 37 5) Clarify procedures for the Board's consultation process
- 38 6) Change the communication of findings section to require the Board to make a  
39 recommendation if an informal resolution cannot be reached
- 40 7) Remove references to the BPR carrying out investigations
- 41 8) Update the name of the Office for Title IX and Gender Equity

Policy Recommendation  
**Board of Professional Responsibility**

42 Resolved: That S99-9 Board of Professional Responsibility be rescinded and replaced with the  
43 following:

44 Approved:     October 28, 2024

45 Vote:           8-0-0

46 Present:       Magdalena Barrera, Caroline Chen, Farzan Kazemifar, Gilles Muller, Chima  
47                 Nwokolo, Sarika Pruthi, Shannon Rose Riley (Chair), Gigi Smith; James Lee  
48                 (non-voting guest), Kenneth Peters (non-voting guest)

49 Absent:         Priya Raman; Kristin Dukes (non-voting guest)

50 Financial Impact: None anticipated

51 Workload Impact: Some additional workload for the administrative office(s) charged with  
52 directing complaints and referrals to the Board, and specifically for the Office of Faculty  
53 Services and Academic Employee Relations (UP-AER) with regard to the establishment and  
54 posting of procedures, and the evaluation of findings that are proposed to be placed in Personnel  
55 Action Files.

Policy Recommendation  
**Board of Professional Responsibility**

56 **1 Mission**

57 The Board of Professional Responsibility (BPR) is charged with monitoring and ensuring  
58 professional responsibility among San José State University faculty, as defined in S99-8  
59 Professional Responsibility. To carry out this charge, BPR will:

60 1.1 Monitor the state of faculty professional responsibility at the University and make  
61 reports and recommendations to the Academic Senate regarding revisions of policy  
62 and other documents relating to professional responsibility;

63 1.2 Be available to consult with all members of the University on issues within the  
64 Board's purview, with the understanding that as University employees, they may have  
65 a duty to report (*see* § 3 below);

66 1.3 Address complaints of infringements of Academic Freedom brought by members of  
67 the University and issue findings as appropriate;

68 1.4 Advise and assist University Personnel-Academic Employee Relations (UP-AER)  
69 with allegations/complaints of violations/breaches of professional responsibility,  
70 pursuant to § 2, below;

71 1.5 Review and adjudicate disputes regarding Student Fairness Committee (SFC)  
72 recommendations, as described in University Policy S14-3, Student Fairness Dispute  
73 Resolution, § VI;

74 1.6 Review and adjudicate disputes regarding recommendations by the Office of Student  
75 Conduct and Ethical Development (SCED), as described in University Policy F15-7,  
76 Academic Integrity, in the rationale and § 5.0; and,

77 1.7 Present an annual report to the Academic Senate relaying information on the work of  
78 the Board.

79 **2 Referrals**

80 2.1 Complaints containing allegations of faculty professional misconduct may initially be  
81 submitted to any administrative office designated by the University to receive such  
82 complaints and may not necessarily be referred to the BPR, particularly if the  
83 complaint overlaps other policies and/or Executive Orders or involves numerous,  
84 complex, and/or egregious allegations of unprofessional conduct and/or violations of  
85 S99-8 Professional Responsibility that may result in disciplinary action if  
86 substantiated. Only those complaints deemed appropriate to the purview of the BPR,  
87 as determined by these offices, will be referred to the Board. Should a complaint come  
88 directly to the Board, it will immediately refer the matter to the Office for Title IX and  
89 Gender Equity and UP-AER for review and official referral back to BPR, as  
90 applicable.

91 2.1.1 Pursuant to applicable Executive Orders and/or policies, a list of these offices  
92 shall be publicly posted by the University through its various platforms of  
93 communication.

Policy Recommendation  
**Board of Professional Responsibility**

- 94           2.1.2 Pursuant to applicable Executive Orders and/or policies, each office will  
95           assign the responsibilities related to these complaints to a selected  
96           representative in their office.
- 97           2.1.3 UP-AER shall designate a person to consult with and assist BPR with its  
98           responsibilities related to transmitted complaints.
- 99           2.2 Requests for consultations received directly by the BPR that appear to involve, in any  
100          manner, allegations of protected status<sup>1</sup> discrimination, harassment and/or retaliation  
101          as defined by Executive Order<sup>2</sup>, will be immediately referred to the Office for Title IX  
102          and Gender Equity. Such requests include complaints and/or consultations implicating  
103          Article 16<sup>3</sup> of the CSU-CFA Collective Bargaining Agreement.
- 104          2.3 University offices receiving complaints containing allegations of infringements of  
105          Academic Freedom in alignment with University Policy S99-8 shall transmit such  
106          complaints to the BPR within 10 working days of receipt unless the complaint  
107          overlaps other policies and/or Executive Orders, etc. as outlined in Sections 2.1 and  
108          2.2, above.
- 109          2.4 If the Board receives a complaint concerning Academic Freedom and the allegations  
110          appear to overlap with other areas as described in Sections 2.1 and 2.2 above, the  
111          Board shall immediately forward the matter to the Office for Title IX and Gender  
112          Equity and UP-AER for review and official referral back to BPR, as applicable.
- 113          2.5 The Student Fairness Committee shall forward matters to the Board as described in  
114          University Policy S14-3, Student Fairness Dispute Resolution, § VI.
- 115          2.6 The Office of Student Conduct and Ethical Development shall forward matters to the  
116          Board as described in University Policy F15-7, Academic Integrity, § 5.0.

117   **3 Consultation**

118   The members of the BPR shall provide consultation to and shall consult with UP-AER  
119   involving complaints containing allegations of faculty professional misconduct as  
120   appropriate. One of the primary goals of the BPR is to provide private consultation and to  
121   work toward the informal resolution of conflicts. Per CSU policy,<sup>4</sup> all members of the BPR  
122   are responsible employees with a duty to report.

---

<sup>1</sup> Protected Status includes Age, Disability (physical or mental), Gender (or sex), Genetic Information, Gender Identity (including transgender), Gender Expression, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sexual Orientation, and Veteran or Military Status.

<sup>2</sup> <https://calstate.policystat.com/policy/12891658/latest/>

<sup>3</sup> <https://www.calstate.edu/csu-system/faculty-staff/labor-and-employee-relations/Documents/unit3-cfa/article16.pdf>

<sup>4</sup> <https://calstate.policystat.com/policy/12891658/latest/>

Policy Recommendation  
**Board of Professional Responsibility**

123 3.1 In consultation with UP-AER, BPR shall develop and revise, as needed, procedures to  
124 process requests for consultation and complaints from receipt to resolution.

125 3.2 Appendix A includes a list of suggested procedures. BPR's procedures shall be shared  
126 with Faculty Services and publicly posted by the University through its various  
127 platforms of communication.

128 **4 Alleged Infringements of Academic Freedom**

129 BPR will develop and revise, as needed, procedures to evaluate allegations of infringements  
130 of academic freedom in violation of University Policy S99-8 Professional Responsibility.  
131 Findings will be communicated per § 5.2, below.

132 **5 Communication of Findings**

133 5.1 The findings of the BPR related to SFC or SCED cases shall be addressed as described  
134 in University Policy S14-3, Student Fairness Dispute Resolution, and University  
135 Policy F15-7, Academic Integrity.

136 5.2 The findings of the BPR related to breaches of faculty professional responsibility as  
137 outlined in S99-8 Professional Responsibility, including breaches of academic  
138 freedom, shall be presented to the involved parties and UP-AER in writing. Such  
139 findings may fall into three categories:

140 5.2.1 The BPR may find that a complaint is without merit or that the evidence is  
141 insufficient to determine that a complaint has merit. In such cases, the decision  
142 of the BPR is final.

143 5.2.2 The BPR may find that a complaint has merit and that a satisfactory informal  
144 resolution can be reached. In such cases, the findings and resolution achieved  
145 shall be documented and sent to the principal parties and UP-AER.

146 5.2.3 The BPR may find that a complaint has merit and is of sufficient gravity that  
147 an informal resolution is not achievable. In such cases, the BPR shall make  
148 recommendations for further action to the President or their designee. It shall  
149 document such recommendations by following the procedures for placing  
150 material in the PAF as established in the CFA/CSU Collective Bargaining  
151 Agreement.<sup>5</sup>

152 **6 Appointment, Qualifications, and Terms of Membership**

153 6.1 BPR will consist of five faculty members-at-large, each from a different  
154 college/academic unit; membership is restricted to tenured faculty and Senior Lecturer  
155 faculty, with a majority of tenured professors. The members shall be appointed by the  
156 Academic Senate after recommendation by the Senate Executive Committee.

Policy Recommendation  
**Board of Professional Responsibility**

- 157 6.2 Nominees for the BPR must submit a one-page statement to the Academic Senate  
158 Executive Committee indicating their interest and experience. Preference will be given  
159 to nominees with expertise or training in conflict resolution, mediation, and other areas  
160 of BPR’s work, including familiarity with University policy. Faculty nominated for  
161 BPR shall have a reputation for ethical behavior, and their integrity and honor must be  
162 held in the highest regard by their colleagues. Administrative members of the  
163 Executive Committee (the President and Provost) shall review the Personnel Action  
164 Files (PAFs) of nominees and consult with the appropriate Office for Title IX and  
165 Gender Equity administrator(s) and UP-AER, regarding any in-progress matters,  
166 investigations, or other relevant concerns, prior to the Executive Committee’s  
167 deliberations. Any nominees must have completed all systemwide and university-  
168 required compliance training, including training related to gender equity, Title IX, and  
169 discrimination, retaliation, and harassment.
- 170 6.3 BPR members will serve staggered terms of two years, with the potential for  
171 reappointment for up to two additional terms (for a total of three terms). The BPR will  
172 elect a Chair for a one-year term, covering the academic year. Members will be  
173 replaced by the process described above as their terms expire.
- 174 6.4 All members shall sign a statement prepared by UP indicating that they agree to keep  
175 confidential all content of complaints, consultations, and committee deliberations.  
176 Committee members may not participate in deliberations until after having signed the  
177 agreement. Any breaches of confidentiality shall result in removal from the Board.
- 178 6.5 At the start of their term, BPR members will receive standard anti-bias and conflict  
179 resolution training. The appropriate training will be determined and implemented in  
180 consultation with UP.
- 181 6.6 BPR members should recuse themselves when necessary to avoid the possibility—or  
182 appearance—of bias or conflict of interest.

183 **History**

184 1. The procedures of this policy were first provided in S94-5 created by the Professional  
185 Standards Committee, and approved by the Academic Senate on May 2, 1994. S94-5 was  
186 approved and signed as University Policy on May 11, 1994. S94-5 was created to implement  
187 S93-12 on Academic Freedom and Professional Responsibility. S94-5 was slightly amended  
188 by F95-1 and approved as University Policy on October 2, 1996. S94-5 and F95-1 were  
189 modified and reissued as a new policy (S99-9) on May 4, 1999. S99-9 was further modified  
190 by Amendment A to S99-8 and S99-9 on August 21, 2023.

---

<sup>5</sup> See CFA/CSU Agreement 11.3: Any material identified by source may be placed in the PAF.. Identification shall indicate the author, the committee, the campus office, or the name of the officially authorized body generating the material.

Policy Recommendation  
**Board of Professional Responsibility**

191 **Appendix A: Suggested Procedures for Complaints Containing Allegations of Professional**  
192 **Misconduct or Infringements of Academic Freedom**

193 The BPR is charged with developing procedures, in consultation with the UP-AER, to address  
194 and resolve complaints in alignment with University Policy S99-8, Professional Responsibility.  
195 These procedures may include but are not limited to:

- 196 1. Development of a process to examine and discuss an incoming complaint;
- 197 2. Development of standards to determine whether a complaint is amenable to informal  
198 resolution and, the process of conducting an informal resolution
- 199 3. Development of a process that BPR will use to assist in achieving informal resolutions;
- 200 4. Development of a method for determining the Board's final findings and voting on them;
- 201 5. Development of notification procedures including but not limited to the principal parties  
202 and other relevant parties;
- 203 6. Development of a process for the communication of findings to all required parties (*see* §  
204 5 above).