

Attachment to Resolution #07-12/13-FAC-2nd Reading

APPENDIX U CURRENTLY IS UNDERGOING REVIEW BY THE ACADEMIC SENATE

FACULTY HANDBOOK

PREFACE TO THE STATEMENT OF PROFESSIONAL RESPONSIBILITY

The STATEMENT OF PROFESSIONAL RESPONSIBILITY at HSU shall consist of the following ~~three~~ four documents: "The Implementation of the Statement of Professional Responsibility" from the Academic Senate of the California State University, the "Statement on Professional Ethics" from the AAUP, the "Statement on Consensual Relationships between Faculty and Students," and "A Statement of the Association's Council: Freedom and Responsibility," ~~also~~ from the AAUP. The "Statement on Professional Ethics," the "Statement on Consensual Relationships between Faculty and Students," and "A Statement of the Association's Council: Freedom and Responsibility" shall constitute the HSU policy on Professional Responsibility, and "The implementation of the Statement of Professional Responsibility" shall describe the process for the implementation of that policy.

IMPLEMENTATION OF THE STATEMENT ON PROFESSIONAL RESPONSIBILITY

The fundamental purpose of a statement of professional responsibility is to establish a guide to responsible performance that is consistent with the highest ideals of the academic profession. It thus establishes an ideal to which faculty members *can* and *should aspire*, rather than a minimum standard to which faculty members *must adhere*. Hence, such a statement is not intended to serve primarily as a reference for disciplinary action. Nevertheless, when allegations of gross negligence or disregard for principles of professional responsibility occur, the faculty, through its elected representatives, has both a right and a duty to regard these as allegations of unprofessional conduct and to respond appropriately.

Ordinarily such matters are handled within the faculty member's academic unit. If a breach of professional responsibility is alleged which cannot be, or is not, adequately handled thus informally within the individual's academic unit, the matter should be taken up at the institutional level through a body constituted by elected faculty representatives.

The faculty of each campus should designate such an elected body. The members of such a body should be chosen with special attention to the high regard in which they are held by the academic community. The procedures used in such matters should be developed and adopted by the campus Academic University Senate. Such procedures should recognize normal rules of confidentiality and should prohibit the presentation of charges or evidence by anonymous sources.

If the appropriate elected body carries its inquiry to completion, it should prepare a report which presents its conclusions and the basis for those conclusions. A copy of the report should go to the faculty member whose behavior was questioned and a copy should be retained by the body. When in the judgment of the body, the nature of the case suggests such a conclusion, the body may recommend the initiation of formal disciplinary action as described in the current agreement between The Board of Trustees of The California State University and the California Faculty Association for Unit 3 - Faculty.

The intent underlying this procedure is, however, to provide a mechanism whereby the faculty can call unprofessional conduct to the attention of an offending faculty member without the necessity of subjecting him or her to formal disciplinary action.

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Apparent failure to meet professional responsibilities should be approached with a sustained attempt to inform, persuade, and improve; disciplinary action, regardless of the degree of sanction it may eventually suggest, should be a last resort.

STATEMENT ON PROFESSIONAL ETHICS

~~The statement which that follows, a revision of a statement was originally adopted in 1966. Revisions were made and was approved by the Association's Committee on Professional Ethics, Council adopted by the Association's Council in June 1987 and 2009, and endorsed by the Seventy-Third Annual Meeting.~~

Commented [nz1]: These changes bring the statement in line with the AAUP's 2009 revisions.

[Note: marked changes to the Statement brings it in line with the AAUP's 2009 revisions]

INTRODUCTION

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. *The Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and the Committee on Professional Ethics, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

THE STATEMENT

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They

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respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

Commented [nz2]: This change brings us into alignment with the 2009 revised version of the AAUP statement.

4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

A STATEMENT ON CONSENSUAL RELATIONSHIPS BETWEEN FACULTY AND STUDENTS

The following statement was adapted from the 1966 and 1995 statements of American Association of University Professors, with additional language added by the faculty at Humboldt State.

Members of the faculty will not develop sexual relationships with students enrolled in their classes or subject to their supervision. The University will regard such behavior as unprofessional, unacceptable and potentially subject to reprimand or disciplinary procedures contained in the Collective Bargaining Agreement. This is true even when the relationship appears to be consensual; i.e., that both parties have consented, because the voluntary consent of the student is in doubt given the imbalance in a student-faculty relationship. When disparities in authority are present between two individuals, questions about professional responsibility and the mutuality of consent in a personal relationship may well arise.

Where a preexisting relationship exists with a student, members of the faculty are expected to be aware of their professional responsibilities and to avoid the apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, the faculty member's immediate supervisor shall be notified of the relationship, and effective steps shall be taken to ensure unbiased evaluation or supervision of the student.

A STATEMENT OF THE ASSOCIATION'S COUNCIL: FREEDOM AND RESPONSIBILITY

The statement which follows was adopted by the Council of the American Association of University Professors in October 1970. In April 1990, the Council adopted several changes in language that had been approved by the Association's Committee on Professional Ethics in order to remove gender-specific references from the original text.

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For more than half a century the American Association of University Professors has acted upon two principles: that colleges and universities serve the common good through learning, teaching, research, and scholarship; and that the fulfillment of these functions necessarily rests upon the preservation of the intellectual freedoms of teaching, expression, research, and debate. All components of the academic community have a responsibility to exemplify and support these freedoms in the interests of reasoned inquiry.

The 1940 *Statement of Principles on Academic Freedom and Tenure* asserts the primacy of this responsibility. The *Statement on Professional Ethics* underscores its pertinence to individual faculty members and calls attention to their responsibility, by their own actions, to uphold their colleagues' and their students' freedom of inquiry and to promote public understanding of academic freedom. The *Joint Statement on Rights and Freedoms of Students* emphasizes the shared responsibility of all members of the academic community for the preservation of these freedoms.

Continuing attacks on the integrity of our universities and on the concept of academic freedom itself come from many quarters. These attacks, marked by tactics of intimidation and harassment and by political interference with the autonomy of colleges and universities, provoke harsh responses and counterresponses. Especially in a repressive atmosphere, the faculty's responsibility to defend its freedoms cannot be separated from its responsibility to uphold those freedoms by its own actions.

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Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence, but also be given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.

Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their own social behavior. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, or personal beliefs.

It is the mastery teachers have of their subject and their own scholarship which entitles them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for an instructor persistently to intrude material that has no relation to the subject, or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum.

Because academic freedom has traditionally included the instructor's full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and attention to obligations as a citizen and moral agent precludes an instructor from fulfilling substantial academic obligations, the instructor cannot escape the responsibility of that choice, but should either request a leave of absence or resign his or her academic position.

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The Association's concern for sound principles and procedures in the imposition of discipline is reflected in the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, the *Recommended Institutional Regulations on Academic Freedom and Tenure*, and the many investigations conducted by the Association into disciplinary actions by colleges and universities.

The question arises whether these customary procedures are sufficient in the current context. We believe that by and large they serve their purposes well, but that consideration should be given to supplementing them in several respects:

First, plans for ensuring compliance with academic norms should be enlarged to emphasize preventive as well as disciplinary action. Toward this end the faculty should take the initiative, working with the administration and other components of the institution, to develop and maintain an atmosphere of freedom, commitment to academic inquiry, and respect for the academic rights of others. The faculty should also join with other members of the academic community in the development of procedures to be used in the event of serious disruption or the threat of disruption, and should ensure its consultation in major decisions, particularly those related to the calling of external security forces to the campus.

Second, systematic attention should be given to questions relating to sanctions other than dismissal, such as warnings and reprimands, in order to provide a more versatile body of academic sanctions. Third, the faculty needs to assume a more positive role as guardian of academic values against unjustified assaults from its own members. The traditional faculty function in disciplinary proceedings has been to ensure academic due process and meaningful faculty participation in the imposition of discipline by the administration. While this function should be maintained, faculties should recognize their stake in promoting adherence to norms essential to the academic enterprise.

Rules designed to meet these needs for faculty self-regulation and flexibility of sanctions should be adopted on each campus in response to local circumstances and to continued experimentation. In all sanctioning efforts, however, it is vital that proceedings be conducted with fairness to the individual, that faculty judgments play a crucial role, and that adverse judgments be founded on demonstrated violations of appropriate norms. The Association will encourage and assist local faculty groups seeking to articulate the substantive principles here outlined or to make improvements in their disciplinary machinery to meet the needs here described. The Association will also consult and work with any responsible group, within or outside the academic community, that seeks to promote understanding of and adherence to basic norms of professional responsibility so long as such efforts are consistent with principles of academic freedom.