



A campus of The California State University

Office of the Academic Senate • One Washington Square • San Jose, California 95192-0024 • 408-924-2440 • Fax: 408-924-2451

F01-3

At its meeting of December 10, 2001, the Academic Senate passed the following Policy Recommendation presented by Miriam Donoho for the Curriculum and Research Committee.

POLICY RECOMMENDATION TEACHING ASSOCIATE FEE WAIVERS

- Whereas: teaching associates make valuable contributions to the mission of San Jose State University, and
- Whereas: the recruitment and retention of the highest quality graduate students, which would strengthen graduate and research programs at SJSU, is assisted by the availability of adequately compensated Teaching Associate positions, and
- Whereas: limited use of Teaching Associates can enhance the educational experience of our students by providing enthusiastic and academically strong role models from more diverse backgrounds than provided by the faculty, and
- Whereas: teaching is an important educational experience for our best graduate students, one that helps them prepare for future teaching responsibilities that academic careers would include, and
- Whereas: graduate students who serve as Teaching Associates during their years on campus have a closer connection to the university, both during their tenure here and as alumni, and
- Whereas: graduate students have few other means of obtaining adequate financial assistance on campus, often needing to work off-campus to be able to afford their state university and campus fees, and
- Whereas: the high cost of living in the Bay Area makes being a graduate student at this campus more expensive than at others, and
- Whereas: Teaching Associates at other CSU campuses¹ receive state university fee waivers in recognition of their important contribution, and
- Whereas: some student athletes and international students² are already receiving SJSU fee waivers, partly in recognition of their service to the university, therefore be it
- Resolved: that the attached be approved as University policy on Waivers of State University and Campus Fees for Teaching Associates, effective Fall semester 2002.

ACTION BY THE UNIVERSITY PRESIDENT: Approved by President Robert Caret in December 2001.

Waivers of State University and Campus Fees for Teaching Associates

1. Matriculated graduate students who are appointed and paid as Teaching Associates at SJSU shall be granted waivers, during the semester they teach, of mandatory campus miscellaneous fees and the mandatory state university fees (at the CA-resident tuition level) equal to the “graduate 1.0 to 6.0 units” rate, if they have a fractional hiring time of 0.1 to 0.2.
2. Matriculated graduate students who are appointed and paid as Teaching Associates at SJSU shall be granted waivers, during the semester they teach, of mandatory campus miscellaneous fees and the mandatory state university fees (at the CA-resident tuition level) equal to the “graduate 6.1 or more units” rate, if they have a fractional hiring time greater than 0.2.
3. The Academic Senate will review the impact of the Teaching Associate Fee Waiver Program every two years from the date of implementation. If the Teaching Associate FTEF exceeds 3% of the total FTEF of the University in any semester, the waiver program shall be reevaluated³.

Financial Impact: At current TA usage levels, about \$54,000 per semester⁴.

Significant, perhaps complete, counterbalancing revenue and savings to campus to the extent that either of the following are realized:

- a) availability of fee waivers for graduate students serving as Teaching Associates increases graduate student recruiting success and enrollment (and FTES-based allocations).
- b) reduced section cancellations and/or increased section offerings due to greater availability of exceptional Teaching Associates increases undergraduate enrollment (and FTES-based allocations).

Notes

¹ CSU Humboldt, Pomona, San Diego, Sonoma, Fullerton and Northridge currently have tuition fee waivers for Teaching Associates. Over half are University-funded. The others are externally funded.

² Currently at SJSU 4-6 international students per college per year are granted waivers of their state university fees, generally in exchange for performing some service to the university, though sometimes on the basis of academic achievement and financial need. In total, waivers of 300 non-resident fee units (\$73,800) are awarded each year. These are described in Chancellor’s Office Executive Order 712.

³ Teaching Associate FTEF was 20.157 for Fall 2000 while total FTEF for the university was 1110.227 for the same period. Thus during a typical semester, Teaching Associate FTEF is 1.82% of the total FTEF.

⁴ See Appendix A for Financial Impact Analysis. Appendices B and C provide an analysis of the number of Teaching Associates used in recent semesters by each department at SJSU, the total fractional appointments that Teaching Associates were assigned, and the total cost to the University that the fee waiver program as described here would have incurred had it been in place during AY ‘00-‘01.

Appendix A: Financial Impact Analysis

Definitions and assumptions

- a) The expected roles and conditions of employment for Teaching Associates, the purpose of their employment, their eligibility for employment, and the limitations on their employment are described in Academic Senate Policy S99-2, The Employment of Teaching Associates and Graduate Assistants.
- b) Three weighted teaching units (WTU) are generally considered to involve 3 hours of instruction in a lecture class and 6 hours outside of class for preparation & grading. Slightly different conventions are used for instructors of lab or activity courses.
- c) For the purpose of determining fractional appointment, part-time instructors with one 3-unit course would typically have a fractional appointment of 0.2. Instructors with only two 3-unit courses would generally have a fractional appointment of 0.4.
- d) During the Spring 2001 semester, 64 SJSU graduate students were appointed as Teaching Associates with at least 0.1 fractional appointments. Approximately 60% of the students had a fractional appointment between 0.1 and 0.2 and would have been eligible for the “graduate 1.0 to 6.0 units” waiver. The other 40% had fractional appointments over 0.2 and would have been eligible for the “graduate 6.1 or more units” waiver.

Current and future expense to departments

Cost of graduate student TA	\$2000 - \$3200 / 0.2 fractional appointment
	\$4000 - \$6400 / 0.4 fractional appointment

Fee waiver expense to SJSU

Cost of campus miscellaneous fees	\$240 / miscellaneous campus fee waiver
Cost of state university fees	\$438 / “graduate 1.0 to 6.0 units” waiver
(at the CA-resident graduate level)	\$753 / “graduate 6.1 units or more” waiver (= increase of \$2.79 - \$3.24 / hour)

Example of cost of TA fee waivers if they had been available during Fall 2000

44 TAs would have been eligible for partial waivers:	44 x (\$240 + \$438) = \$29,854
25 TAs would have been eligible for full waivers:	25 x (\$240 + \$753) = \$24,838
	<u>Total cost = \$54,692</u>

Example of cost of TA fee waivers if they had been available during Spring 2001

38 TAs would have been eligible for partial waivers:	38 x (\$240 + \$438) = \$25,783
28 TAs would have been eligible for full waivers:	28 x (\$240 + \$753) = \$27,818
	<u>Total cost = \$53,601</u>

In sum, fee waivers have a modest and defined cost with compelling counterbalancing benefits. Fee waivers will enhance the quality of our graduate programs, allow SJSU to retain the services of the most qualified graduate students as Teaching Associates, and enroll graduate and undergraduate students that might otherwise be lost (at an annual full marginal rate of \$7,414 / FTES). While a precise dollar value cannot be calculated for the program’s benefit to SJSU, it is likely to be significant.

Appendix B: Fall 2000 Teaching Associates

Source: Faculty File (term 004)

			(1)	(2)				(1)	(2)
			Fall 2000 Teaching Associates					Fall 2000 Teaching Associates	
Colleges and Areas	FTEF	Number			Colleges and Areas	FTEF	Number		
College of Applied Sciences & Arts					College of Humanities & the Arts				
Administration of Justice	0.000	0			Art & Design	2.750	9		
Health Professions	0.000	0			English	2.400	6		
Health Sci (w/ Gerontology)	0.000	0			Foreign Languages	0.000	0		
Human Performance	0.560	4			Humanities	0.000	0		
Journalism and Mass Comm	0.000	0			Linguistics & Lang Devl (no WTU)	0.600	2		
Nursing	0.000	0			Music & Dance	0.000	0		
Nutrition & Food Science	0.000	0			Philosophy	1.200	6		
Occupational Therapy	0.000	0			TV, Radio, Film & Theatre	0.000	0		
Recreation & Leisure Studies	0.000	0			College-Wide	0.000	0		
College-Wide	0.000	0			College Total:	6.950	23		
College Total:	0.560	4							
College of Business					College of Science				
Accounting and Finance	0.000	0			Biological Sciences (no WTU)	1.700	10		
Management Info Sys	0.000	0			Chemistry	1.060	3		
Marketing	0.000	0			Geology	1.320	8		
Organization & Management	0.000	0			Math & Computer Science	2.940	8		
College-Wide	0.000	0			Meteorology	0.000	0		
College Total:	0.000	0			Moss Landing Marine Labs	0.000	0		
					Physics	0.260	1		
					College-Wide	0.000	0		
					College Total:	7.280	30		
College of Education									
Child Development	0.000	0			College of Social Sciences				
Educ Leadership & Development	0.000	0			Anthropology	0.000	0		
Special Educ & Rehab Svcs	0.000	0			Communication Studies	1.739	7		
Teacher Education	0.000	0			Economics	0.000	0		
College-Wide	0.000	0			Environmental Studies	0.000	0		
College Total:	0.000	0			Geography	0.200	1		
					History	0.000	0		
College of Engineering					Political Science	0.000	0		
Aviation	0.000	0			Psychology	0.000	0		
Technology	0.000	0			Social Sciences	0.000	0		
Chemical & Materials Engr	0.000	0			Sociology	0.000	0		
Civil & Environmental Engr	0.000	0			College-Wide	0.000	0		
Comp, Info & Sys Engr (1.358 no WTU)	1.628	6			College Total:	1.939	8		
Electrical Engineering (0.260 no WTU)	1.800	9							
Mechanical & Aerospace Engr	0.000	0			College of Social Work				
College-Wide	0.000	0			African American Studies	0.000	0		
College Total:	3.428	15			Mexican American Studies	0.000	0		
					Social Work	0.000	0		
GS&R: School of Libr & Info Sci	0.000	0			Urban & Regional Planning	0.000	0		
					College Total:	0.000	0		
					TOTALS	20.157	80		

Fall 2000 SJSU Fees:

Mandatory State University & Campus Misc. Fees (Graduate 1.0 - 6.0 units)	\$678.50	44	\$29,854
Mandatory State University & Campus Misc. Fees (Graduate 6.1 - or more units)	\$993.50	25	\$24,838
Not Enrolled or less than 0.100 fraction		11	

With 80 Teaching Associates in Fall 2000, the revenue from the fees = \$54,692

Appendix C: Spring 2001 Teaching Associates

Source: Faculty File (term 012)

	(1)	(2)		(1)	(2)
	Spring 2001 Teaching Associates			Spring 2001 Teaching Associates	
Colleges and Areas	FTEF	Number	Colleges and Areas	FTEF	Number
College of Applied Sciences & Arts			College of Humanities & the Arts		
Administration of Justice	0.000	0	Art & Design (0.250 no WTU)	2.500	10
Health Professions	0.000	0	English	2.000	5
Health Sci (w/ Gerontology)	0.000	0	Foreign Languages	0.000	0
Human Performance (0.230 no WTU)	0.470	4	Humanities	0.000	0
Journalism and Mass Comm	0.000	0	Linguistics & Language Development	0.000	0
Nursing	0.000	0	Music & Dance	0.000	0
Nutrition & Food Science	0.000	0	Philosophy (0.200 no WTU)	1.800	8
Occupational Therapy	0.000	0	TV, Radio, Film & Theatre (no WTU)	0.400	1
Recreation & Leisure Studies	0.000	0	College-Wide	0.000	0
College-Wide	0.000	0	College Total:	6.700	24
College Total:	0.470	4			
College of Business			College of Science		
Accounting and Finance	0.000	0	Biological Sciences (no WTU)	1.400	10
Management Info Sys	0.000	0	Chemistry	1.330	3
Marketing	0.000	0	Geology (0.260 no WTU)	1.470	6
Organization & Management	0.000	0	Math & Computer Science	1.910	6
College-Wide	0.000	0	Meteorology	0.000	0
College Total:	0.000	0	Moss Landing Marine Labs	0.000	0
			Physics	0.000	0
College of Education			College-Wide	0.000	0
Child Development	0.000	0	College Total:	6.110	25
Educ Leadership & Development	0.000	0			
Special Educ & Rehab Svcs	0.000	0	College of Social Sciences		
Teacher Education	0.000	0	Anthropology	0.000	0
College-Wide	0.000	0	Communication Studies	2.000	7
College Total:	0.000	0	Economics	0.000	0
			Environmental Studies	0.000	0
College of Engineering			Geography	0.200	1
Aviation	0.000	0	History	0.000	0
Division of Technology	0.000	0	Political Science	0.000	0
Chemical & Materials Engr	0.000	0	Psychology	0.000	0
Civil & Environmental Engr	0.130	1	Social Sciences	0.000	0
Comp, Info & Sys Engr (2.360 no WTU)	3.160	14	Sociology	0.000	0
Electrical Engineering	1.689	7	College-Wide	0.000	0
Mechanical & Aerospace Engr	0.000	0	College Total:	2.200	8
College-Wide	0.000	0			
College Total:	4.979	22	College of Social Work		
GS&R: School of Libr & Info Sci	0.000	0	African American Studies	0.000	0
			Mexican American Studies	0.000	0
			Social Work	0.000	0
			Urban & Regional Planning	0.000	0
			College Total:	0.000	0
			TOTALS	20.459	83

Spring 2001 SJSU Fees:

Mandatory State University & Campus Misc. Fees (Graduate 1.0 - 6.0 units)	\$678.50	38	\$25,783
Mandatory State University & Campus Misc. Fees (Graduate 6.1 - or more units)	\$993.50	28	\$27,818
Not Enrolled or less than 0.100 fraction		17	

With 83 Teaching Associates in Spring 2001, the revenue from the fees = \$53,601



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F03-2

At its meeting of September 29, 2003, the Academic Senate passed the following Policy Recommendation presented by Arash Shokouh for the Executive Committee.

POLICY RECOMMENDATION NAMING OF THE ASSOCIATED STUDENTS HOUSE

- Whereas: The house (sometimes previously known as Building DD, the University House, or Scheller House) was renovated using Associated Students funds in 2001; and
- Whereas: The renovation preserved an historic and architecturally significant building that benefits the campus as a whole; and
- Whereas: The Academic Senate of San José State University expresses its appreciation to the Associated Students of San José State University for their willingness to assume this renovation for the University; and
- Whereas: The government and administrative offices of the Associated Students of San José State University are located in the building; and
- Whereas: The Associated Students of San José State University have entered into a 30-year lease agreement (beginning September 1, 2001, and ending on August 31, 2031) with the University that may be renewed for ten-year increments beyond 2031; now therefore, be it
- Resolved: That the Academic Senate of San José State University recognize and express its gratitude to the students whose fees supported the renovation of this valuable resource for current and future students; and be it further
- Resolved: That the Academic Senate of San José State University endorse the recommendation of the Executive Committee to name the building located on Fifth Street and Paseo de San Carlos on the San José State University campus the Associated Students House.

**ACTION BY UNIVERSITY PRESIDENT: APPROVED BY INTERIM PRESIDENT
JOE CROWLEY, 11/5/2003**



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F03-3

At its meeting of October 27, 2003, the Academic Senate passed the following Policy Recommendation presented by James Brent for the Budget Advisory Committee.

POLICY RESOLUTION PRINCIPLES AND STRATEGIES TO BE OBSERVED AND UTILIZED DURING TIMES OF BUDGET CUTS

- Whereas, due to a downturn in the California economy, SJSU has already experienced reductions in its budget and further reductions seem unavoidable, and
- Whereas, budget cuts invariably raise tensions on campus, and therefore the campus should agree on broad principles and strategies to be utilized in the making of such cuts, and
- Whereas, in Spring 2002, the Academic Senate passed and President Caret signed S02-1, which states, "As soon as possible after the adoption of this policy, the Budget Advisory Committee, collaborating with the president and the vice presidents, shall formulate a resolution outlining a series of budgetary principles and strategies to be utilized in the event that the university general fund budget is cut" and
- Whereas, the Budget Advisory Committee has consulted with the president and the vice presidents on this issue; be it therefore
- Resolved, That the attached principles and strategies be adopted as university policy; be it further
- Resolved, that the strategies suggested below not be considered exhaustive, and that the university may consider other strategies for reducing budgets and increasing revenues; be it further
- Resolved, that the university call upon the state to provide higher levels of funding for the CSU, particularly to increase the percentage of the budget related to instruction.

Principles to Be Observed While Cutting Budgets

When engaged in budget-cutting, SJSU should adhere to the principles laid out in section 1.0 of S02-1, in addition to the following considerations:

- Commitments to students currently enrolled should be fulfilled.
- Programs designed to increase enrollment should be curtailed if state funding is not sufficient to fully pay for such increases.
- All General Fund units should be evaluated for potential budget cuts, taking into consideration their program design, fixed vs. variable costs, and other relevant factors.
- Any decision to make across-the-board cuts versus deep, narrow cuts should be made only after consultation with the BAC and other units across campus.
- When possible and desirable, unfunded mandates from the CSU or the State of California should be cut before funded mandates.
- When possible and desirable, unfunded mandates from the CSU or the State of California should be cut before campus-based initiatives.
- Agreements specifically dealing with the budget situation at hand that are reached by the CSU and its bargaining units must be considered, including the California Legislature's Supplemental Report Language, endorsed by the California Faculty Association and the CSU administration, that would give "priority to funding core classroom instructional needs, student services, and libraries" and would apportion reductions "to mitigate their impact on the quality and availability of [CSU] class offerings, student services and libraries."
- Some level of expenditures must be maintained, such as for continued hiring of tenure-track faculty, student services personnel and Librarians, continuation of student retention programs and maintenance of technology, so that the university is able to function in the near and distant future and program accreditations are not put at risk.

Short-term Budget-cutting Strategies (Temporary steps only – We emphasize that such strategies cannot be pursued for long without endangering the long-term health of the university)

- Impose a partial, rolling hiring freeze
- Re-examine discretionary spending
- Re-examine equipment purchases
- Reduce or eliminate campus-wide initiatives in the context of budget priorities, and on a cost-effective basis
- Re-examine auxiliary contributions and use of resources
- Examine ways of reducing duplication of effort
- Better enforce guidelines regarding low-enrolled courses, and consider offering certain courses less frequently
- Reduce usage of paper by encouraging increased use of existing electronic resources for communication

Longer-term Budget-Cutting Strategies

- Merge departments and schools where appropriate and economies of scale may be achieved
- In consultation with the BAC and relevant parties, re-examine base budgets.
- Increase the proportion of the athletics budget obtained through external sources.
- Institute enrollment strategies that are responsive to changes in demand
- Explore flexible scheduling of facilities

Strategies for Increasing Revenue

- Consider university-, college- and department-based student fees
- Pursue funding opportunities for endowment of faculty positions
- Communicate with the state legislature and Department of Finance about the importance of a graduate fee differential

**ACTION BY UNIVERSITY PRESIDENT: Approved by Interim President
Joe Crowley, 11/06/2003**



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F04-1

At its meeting of October 25, 2004, the Academic Senate passed the following Policy Recommendation presented by Senator Bros for the Professional Standards Committee.

POLICY RESOLUTION

Student Opinion Teaching Evaluation (SOTE) and Student Opinion Laboratory Teaching Evaluation (SOLATE) Interpretation Guides

- WHEREAS, The rescission of S89-4 (Guidelines for the Interpretation of Student Evaluations) and S98-4 (Revision of SOTE and SOLATE Interpretation Guide) by S03-3 (procedures to be followed when administering SOTEs) leaves no current policy regarding the use and distribution of guides for the interpretation of SOTE and SOLATE, produced by the Student Evaluation Review Board (SERB), and
- WHEREAS, the charge of SERB includes writing and distribution of SOTE and SOLATE interpretation guides;
- WHEREAS, the language of an interpretation guide is not policy but primarily factual information, therefore be it
- RESOLVED, that the following be adopted as the policy for the Maintenance and Distribution of interpretation guides for the Student Opinion Teaching Evaluation (SOTE) and the Student Opinion Laboratory Teaching Evaluation (SOLATE).

Maintenance and Distribution of Interpretation Guides for the Student Opinion Teaching Evaluation (SOTE) and Student Opinion Laboratory Teaching Evaluation (SOLATE)

The Student Evaluation Review Board (SERB) shall have the responsibility to maintain and update the interpretation guides for the SOTE and SOLATE instruments as needed.

All individuals involved in the evaluation of faculty are to read the guide and to use it when they interpret the SOTE or SOLATE scores of a faculty member under evaluation.

SERB shall also be responsible for providing the Office of Faculty Affairs with the most current SOTE and SOLATE interpretation guides. The guides shall be posted on a website that is linked to the SJSU home page (e.g. on the Faculty Affairs' web page). Each year, the Office of Faculty Affairs will be responsible for disseminating the interpretation guides for the SOTE and SOLATE instruments to the faculty, Chairs, Deans, Provost, and university Retention and Tenure Committees. Deans and Chairs will be responsible for disseminating the interpretation guides to the appropriate Retention and Tenure Committees.

**ACTION BY UNIVERSITY PRESIDENT: APPROVED BY Interim President Don Kassing
on October 29, 2004**

SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192

F07-2, University Policy, Athletics

Rescinded and replaced: F87-7, F83-4 and F79-4

Legislative History: On November 19, 2007, the Academic Senate approved the following policy recommendation presented by Senator Backer for the Organization and Government Committee. On November 27, 2007, President Don Kassing signed and approved this policy recommendation making it University Policy F07-2.

On February 18, 2008, the Academic Senate passed University Policy S08-2, renamed Amendment A to University Policy F07-2 on March 5, 2019, presented by Senator Backer for the Organization and Government Committee and signed and approved as University Policy S08-2 on February 21, 2008. Amendment A modified F07-2 to rescind University Policies F83-4 and F79-4.

On April 15, 2013, the Academic Senate approved University Policy S13-7, which was renamed Amendment B to University Policy F07-2 on March 5, 2019. Amendment B (S13-7) was signed and approved by President Mohammad Qayoumi on April 18, 2013. Amendment B added the Associate Director for Student Services as an ex-officio, nonvoting, member of the Athletics Board.

On September 11, 2019, President Mary A. Papazian signed and approved University Policy S19-2. S19-2 is Amendment D to F07-2. Amendment C was approved by the Academic Senate on March 4, 2019 and submitted to President Papazian for approval, but was not signed by President Papazian. Amendment C was resubmitted to Interim President Perez on February 4, 2022. Amendment C was approved and signed by Interim President Perez on February 7, 2022. Amendment D changed the charge and membership of University Policy F07-2 and is incorporated into the policy below. Note that the updates in S19-2 supersede and make obsolete Amendment B to F07-2. University policy F07-2 with Amendments A, C, and D is as follows:

UNIVERSITY POLICY

Athletics

Whereas: San José State University is committed to facilitating student learning and to promoting academic excellence through activities both in and out of the classroom; and

Whereas: San José State University is committed to a strong athletics program that enables student-athletes to achieve both academic and athletic success; and

Whereas: San José State University is a member of the Coalition on Intercollegiate Athletics (COIA), and COIA supports “shared oversight of athletics between governing boards, administrations, and faculty;”¹ and

Whereas: the Athletics Board promotes academic excellence and ensures the integrity of the athletic program as well as compliance with NCAA and affiliated conference athletic rules; therefore be it

Resolved: that the attached policy be implemented, replacing F 87-7; and be it further

Resolved: that the Athletics Board continue as a Special Agency of the Academic Senate.

Approved: October 1, 2007

Vote: 8-1-0

Present: Backer (chair), Hendrick, Kauppila, Vanniarajan, McClory, Hebert, Selter, Grabowski, Norton (non-voting)

Absent: Zhou

FINANCIAL IMPACT: None

WORKLOAD: For faculty in general, there will be no workload changes. There might be a slight increase in the workload of the faculty on the Athletics Board

RATIONALE: The SJSU President and the Athletics Director are committed to providing a strong athletic program that enables student-athletes to achieve both academic and athletic success and one that focuses on the athlete as a student first. Thus, this policy is revised to provide a strong program so that the student athletes can achieve excellence in their academic work.

¹ 1 Quotes and the foundation of this policy are from the Coalition on Intercollegiate Athletics, Campus Athletics Governance, the Faculty Role: Principles, Proposed Rules, and Guidelines, [cited September 12, 2005], available at <http://www.math.umd.edu/~jmc/COIA/Gov.html>

SAN JOSÉ STATE UNIVERSITY ATHLETICS BOARD

Introductory Statement

San José State University is dedicated to helping its students achieve academic success. Such success derives from learning experiences and activities both in and out of the classroom. A broad range of co-curricular activities should be provided to address the needs and interests of all students. One of the University's co-curricular activities is its athletic program. San José State University is committed to a strong athletic program that serves the needs of all students, enables student-athletes to achieve both academic and athletic success, defines success in measurable terms, and is compliant with all NCAA, WAC, CSU, and SJSU rules and policies.

The Athletics Board has the responsibility to promote effective programs of athletics, to protect the environmental and educational rights of the athletes, and to insure the integrity of the athletic programs. It has the special responsibility of relating the programs of athletics to the objectives of the University. While the Athletics Board has these generalized responsibilities, the Division of Intercollegiate Athletics has substantial control of its programs through direct administration. However, the President of the University has final responsibility for the programs, and decisions related thereto.

The Athletics Board shall be one that works in cooperation with the Division of Intercollegiate Athletics, the Faculty Athletics Representative (FAR)², the Academic Senate, and the University administration to insure outstanding athletic programs, and simultaneously to maintain the quality of education and environment for each individual within the Athletic program. Furthermore, the Athletics Board shall represent one part of a system of checks and balances necessary to insure the goals of the University community.

In order to enhance the visibility and effectiveness of the Athletics Board, membership should be based on a campus reputation unrelated to athletics, such as excellence in teaching, excellence in research, or an active history of involvement in campus governance or administration. Furthermore, members shall have an understanding and appreciation of the role of athletics in higher education. Their appointments shall be arranged so as to provide for continuing competency of the Board as a whole. The majority (voting) membership shall be full-time faculty. Board composition should meet the requirements of the athletic organizations of which the University is a member.

I. Membership of the Athletics Board

² According to NCAA guidelines, the Faculty Athletics Representative "shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department." (NCAA division I Manual I, 2005-06)

A. The nine voting members shall be:

- Five Faculty-at-Large -- at least three of whom are tenured
- Faculty Athletics Representative
- Student-Athlete Advisory Committee President or designee
- AS President or Designee
- President, Spartan Athletic Fund, or designee

B. The non-voting members shall be:

- Director, Division of Athletics
- President's Designee
- The Senior Athletics Administrator for Compliance
- The Senior Athletics Administrator for Academic and Student Services

C. Conditions concerning membership:

Nominees for the Faculty Members-at-Large seats must submit a one-page statement to the Academic Senate Executive Committee indicating their qualifications and interest in serving. Nominations shall be reviewed by the Academic Senate Executive Committee and approved by the Senate.

The Faculty Members-at-Large shall be appointed by the President after recommendation of the Academic Senate. They shall serve three-year staggered terms and be eligible for reappointment.

Vacancies shall be filled in the same manner as appointments are made.

II. Responsibilities and Functions of the Athletics Board

A. The Athletics Board shall perform such functions as to enable it to carry out its responsibilities to ensure academic integrity of the athletic programs and compliance with NCAA and affiliated conference athletic rules. It shall recommend to the President and to the Executive Committee of the Academic Senate policies that promote a strong environment of rules compliance and provide a positive academic environment for all student-athletes; it shall act in an advisory capacity to the President and his/her designee and to the Director of Athletics; it shall carry out specific responsibilities and functions delegated to it by the President; it shall have an overall awareness of the athletic programs of the University and the rules, procedures and guidelines of the athletic organizations

of which the University is a member, in order to make recommendations pertaining thereto and to act in an advisory capacity.

B. Once policies governing athletics have been approved by the President, the Board shall monitor them to ensure that they are followed and must report non-compliance to the President or the FAR as appropriate.

C. More specifically, the Board shall have the following responsibilities:

1. Statement of Philosophy: To develop and periodically evaluate a statement of philosophy regarding the role of intercollegiate athletics at San José State University.

2. Admissions and Eligibility of Athletes: To receive timely reports from the Faculty Athletics Representative and the Compliance Director for Athletics concerning policies and procedures on eligibility of student-athletes. To receive reports from the Academic Affairs Final Admissions Committee (AAFAC) on the special admit process, the results for the current year admissions, and the status of prior special admit student-athletes.

3. Scheduling:

A. To consult with the Athletics Director on competition scheduling and scheduling policies.

B. To engage in periodic discussions devoted to team practice and other activities for each sport.

C. To provide recommendations for activities not a part of the regular athletic programs.

4. Sports Programs: To consider requests for the Division of Intercollegiate Athletics for the addition of new sports or for the deletion of existing sports. Such action shall require the formal consideration and a recommendation of the Board prior to Presidential decision.

5. Athletics Conferences:

A. To act as consultant on any proposed change in membership in an athletics conference, and to make recommendations to the President.

B. To act in a consultative capacity in the event of any case of irregularity or violation of University or athletics conference regulations.

6. Finance:

A. To be informed on proposed and final budgets of all aspects of the Division of Intercollegiate Athletics.

B. To receive and discuss an annual financial status report and other financial reports as deemed necessary.

7. Personnel:

A. At the request of the President, at least one faculty representative of the Board shall participate in a consultative capacity to make recommendations to the President and/or the Athletics Director concerning the appointment or separation of any non-unit 3 head coach or of the Athletics Director.

B. At the request of the President, the Board shall conduct reviews of the athletics Management Personnel Plan (MPP) staff concerning renewal of their appointments.

C. To receive from the Athletics Director reports of yearly evaluations of Unit 3 coaches and make recommendations concerning renewal of their appointments.

8. Grievances:

A. To establish a mechanism for considering grievances of student athletes (with the exception of financial aid) and to make such procedures known to the student-athletes; and to give initial consideration to such grievances as they arise. When the Board is unable to reconcile differences, it shall refer the case to the appropriate University committee.

B. To refer grievances of employees (coaches, staff, etc.) to the appropriate person or body. Grievances filed by represented employees will be handled in accordance with the applicable Collective Bargaining Agreement.

9. Campus Relations:

A. To advise the Athletics Director on ways to improve awareness of the Division of Intercollegiate Athletics among members of the campus community.

B. To promote faculty awareness of the programs promoting academic success of student athletes.

C. To encourage faculty to complete requested time sensitive academic reports for student-athletes.

D. The Board shall consider and recognize the academic excellence and achievements of student-athletes and coaches.

10. Reporting:

A. To submit to the University President a yearly report on the activities of the Athletics Board. A copy of the report shall be forwarded to the Chair of the Academic Senate.

B. To report to the Academic Senate annually at one of its regular scheduled meetings. Such a presentation may be combined with the FAR's annual report to the Senate.

C. To make special reports during the year, as appropriate, and when requested by the President.

III. Administration of the Board:

A. The officers of the Board shall be a Chair (tenured faculty) and a Vice-chair (faculty). The Chair and Vice-Chair shall be elected at the last meeting of the academic year.

B. Meetings shall be held regularly, at least once a month, and at such other times as deemed necessary.

C. Robert's Rules of Order shall govern the functioning of the Board except as stated policy, rules, or regulations contravene such provisions.



A campus of The California State University

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F07-3

At its meeting of December 10, 2007, the Academic Senate passed the following Policy Recommendation presented by Senator Sivertsen for the Instruction and Student Affairs Committee.

POLICY RECOMMENDATION

Access to Instructional Materials: Timely Identification of Textbooks, Course Readers and Library Reserves

- Whereas: Vision 2010 asserts that San José State University will be known for providing a welcoming, inclusive environment; and
- Whereas: The shared values of San José State University include diversity, and therefore San José State University values and respects diversity, inclusion, civility and individual uniqueness; and
- Whereas: The choice of instructional material should be a faculty prerogative; and
- Whereas: CSU Executive Order No. 926 and Coded Memo AA 2006-41 require that by June 2007, following consultation with local senates, all CSU campuses create plans to support faculty and staff practices that will ensure timely access to instructional materials; and
- Whereas: San José State University and the CSU have ongoing commitments to provide equal access to information resources to individuals with disabilities (per SJSU AS SS-S07-1, CSU AS-2700-05 and Executive Order 926); and
- Whereas: All students benefit when textbooks, course readers and library reserves are identified in a timely manner; and
- Whereas: Textbooks and course-packs are often required courseware and must be available to all students at the same time; and
- Whereas: Textbook publishers are in many cases required by California Statue AB 422 to provide textbooks in digital form; and
- Whereas: San José State University and the CSU are in a continual process of converting textbooks and other instructional material into alternative forms; and

- Whereas: Conversion and processing of campus-wide textbooks and course-packs to accessible formats by the Disability Resource Center takes several weeks; and
- Whereas: There is great diversity among departments at San José State University with regard to who is responsible for the selection of textbooks and other instructional materials; be it therefore
- Resolved: That faculty be encouraged to choose course materials from publishers who provide accessible content as well as course materials identified in our database of converted material; and be it further
- Resolved: That for each semester the University will identify the deadlines for the selection of textbooks, course readers and library reserves to be adopted; and be it further
- Resolved: That each department develop a procedure for selection of textbooks, course readers and library reserves in a timely manner by faculty, including late hires; and be it further
- Resolved: That each department provide all faculty with the Accessible Technology Initiative policy and department procedures for selection of textbooks, course readers and library reserves; and be it further
- Resolved: That departments inform faculty that they must inform the campus bookstore about their selections of textbooks, course readers and library reserves irrespective of the source they choose, and be it further
- Resolved: That compliance with department procedures be reviewed annually by College Deans or their designees.
- Rationale: EO 926, the CSU Board of Trustees Policy on Disability Support and Accommodations states: "it is the policy of the CSU to make information technology resources and services accessible to all CSU students, faculty, staff and the general public regardless of disability."

Coded Memorandum AA-2006-41 establishes a process for ensuring compliance with federal and state laws, and CSU policy regarding access to information technology and resources. One of the three priorities addressed in that plan includes instructional materials accessibility.

Instructional materials (textbooks, course readers and library reserves), to the extent possible, must be accessible to students with disabilities at the same time they are available to other student enrolled in that program. AA-2006-41 states, "By June 2007, following consultation with local senates as appropriate, each campus will create a plan to support faculty and staff practices that will ensure timely access to instructional materials. This plan will include: (1) Timely adoption of textbooks by faculty, and (2) strategy for identification of textbooks for late-hired faculty..." Timely adoption is important to allow time to work with vendors, publishers, and DRC staff to provide the necessary instructional materials.

Approved: December 3, 2007

Present: Brown, David, Fee, Han, Henderson, McDaniel, Reyes, Sivertsen, Willey,

Absent: Campsey, Gao, Hansen, Kelly, Langdon

Vote: 9-0-0

Financial Impact: The fiscal impact of the policy recommendation will reduce the growing cost to produce alternative media for students with disabilities.

Workload Impact: Increased workload for chairs, deans, and some faculty.

**ACTION BY UNIVERSITY PRESIDENT: Approved by President Don Kassing on
December 13, 2007**

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**F08-2, Policy Recommendation, Repetition of Courses;
Academic Renewal with Amendment A**

Legislative History:

University Policy F08-2 was approved by President Jon Whitmore on November 20, 2008. On May 14, 2018, Amendment A to F08-2 was presented to and approved by the Academic Senate (presented by Senator Sullivan-Green for the Instruction and Student Affairs Committee.) Amendment A to F08-2 was signed and approved by President Mary A. Papazian on July 17, 2018. F08-2 replaced University Policies F78-3, S94-4, F94-5, and S00-10 and amended University Policy S04-2.

**Policy Recommendation
Repetition of Courses; Academic Renewal**

- | | |
|----------|---|
| Whereas, | F08-2 prohibits students from registering for a course during Advanced Registration; and |
| Whereas, | this prohibition negatively affects students' progress to degree; and |
| Whereas, | departments have difficulty managing student demand for courses when these students are unable to be tracked in PeopleSoft; and |
| Whereas | Existing University Policies (S94-4, S00-10, F78-3) are inconsistent with CSU Executive Order 1037 (issued 8 September 2008); and |
| Whereas | Existing SJSU terminology "Academic Renewal" (S94-4, S00-10, S04-2) is referred to as "Grade Forgiveness" in EO-1037; and |
| Whereas | Existing SJSU terminology "Disregarding Previous Semesters' Work" (S00-10) is referred to as "Academic Renewal" in EO-1037; therefore be it |
| Resolved | That University Policy S04-2 be amended to replace the words "Academic Renewal" with the words "Grade Forgiveness"; and be it further |
| Resolved | That existing University Policies S94-4, S00-10, F78-3 be replaced as follows: |

I. Repetition of Courses

- A. Undergraduate and post-baccalaureate students (regular enrollment and Open University) may repeat courses only if they earned grades lower than a C (including WU, IC, and NC). Special programs, such as credential programs, that are governed by external standards may require grades higher than a C. In courses specific to those programs, a course repeat may be permitted when the grade does not meet the necessary standard. Graduate students may repeat courses only if they earned grades lower than a B (including WU, IC, and NC). Repeating a course with an Incomplete ("I") grade is not allowed; a grade must be assigned or the "I" must revert to an "IC" prior to repeating the course.
1. Any matriculated student who is repeating a course for the first time shall be allowed to register for the course during the Advance Registration period no earlier than approximately three weeks prior to the start of the semester. Students who have received a grade of "W" will be treated as a first-time registrant for a course. Students who are repeating a class for two or more times shall submit a completed petition to the Registrar's Office (the petition form is available through the Registrar's Office).
 2. Courses designated "Repeatable for Credit" may be repeated even though the original grade was C or better.
 3. The policies regarding repetition of courses with Grade Forgiveness or Grade Averaging (as described below) apply only to courses taken and repeated at SJSU.
- B. Course Repeats with "Grade Forgiveness." (Formerly known as "Academic Renewal" at SJSU, Grade Forgiveness is the circumstance in which the new grade replaces the former grade in terms of the calculation of GPA. The original grade remains on the transcript.)
1. Undergraduate and post-baccalaureate students may repeat a maximum of 16 units of total Grade Forgiveness, consisting of a combination of up to 9 units (maximum) of lower division (numbered 0-99) coursework, and up to 9 units (maximum) of upper division (numbered 100-199) coursework.
 2. Graduate (numbered 200-299) coursework is not eligible for Grade Forgiveness. Graduate students are not eligible for Grade Forgiveness, but may repeat up to 9 units of upper division or graduate coursework through Grade Averaging, according to Section I.C. (below).
 3. Grade Forgiveness will be assigned automatically for all eligible courses as soon as a student registers. Eligible courses include those courses with earned grades lower than a C (including WU,

IC; but excluding NC). Once the pool of available units is insufficient for the next repeated course, unused units may be applied to a future course of lower unit value or simply left unused in the pool. If a repeated course is dropped prior to the Drop Deadline or a "W" is recorded for a repeated course, then the Grade Forgiveness units return to the pool of available lower division or upper division units, as appropriate.

4. A student may petition to have a repeated course NOT be granted Grade Forgiveness. Such petitions must be submitted prior to the Census Date for the term in which the course is repeated. Undergraduate Studies and the Registrar's Office will administer the petition process.
5. Students may repeat an individual course for Grade Forgiveness only once.
6. Grade Forgiveness shall not be applicable to courses for which the original grade was the result of a finding of academic dishonesty.

C. Course Repeats with "Grades Averaged."

1. Undergraduate and post-baccalaureate students may repeat a maximum of 28 units for graduation credit (including units repeated for Grade Forgiveness; excluding grades of "W"). After the pools of Grade Forgiveness units have been depleted or used to the fullest extent allowable under Section I.B. (above), the repeat grade shall not replace the original grade. Instead grade points and units from all attempts shall be calculated in the student's SJSU cumulative GPA and overall GPA.
2. Graduate students may repeat a maximum of 9 units of upper division or graduate coursework for graduation credit.
3. Course repeats with Grades Averaged will be assigned automatically for all eligible courses as soon as a student registers. Once the pool of available units is insufficient for the next repeated course, unused units may be applied to a future course of lower unit value or simply left unused in the pool. If a repeated course is dropped prior to the Drop Deadline or a "W" is recorded for a repeated course, then the Grade Averaged units return to the pool of available units.

D. The limits apply only to units completed at SJSU.

- E. Students who (1) have repeated the maximum allowable units, (2) are otherwise making appropriate progress to degree, and (3) still need to repeat courses to fulfill specific major or minor requirements necessary for graduation may petition for an exception to the 28-unit limit. Undergraduate Studies and the Registrar's Office will administer the petition process. Any course(s) approved for repeating by this petition process will be Grade Averaged.

II. Academic Renewal

- A. Under certain circumstances, the university may disregard up to two semesters of previous undergraduate coursework taken at any institution from all considerations associated with the requirements for a baccalaureate degree. These circumstances are:
- B.
 - 1. The student has formally requested such action and presented evidence that substantiates that the work in question is substandard and not representative of her/his current scholastic ability and/or performance level, and
 - 2. The previous level of performance was due to extenuating circumstances, and
 - 3. All degree requirements except the earning of at least a "C" (2.0) grade point average have or will soon have been met. (University policy regarding academic renewal is not intended to permit the improvement of a student's grade point average beyond what is required for graduation.)
 - 4. Final determination, that one or more terms shall be disregarded, shall be based on careful review of evidence by a committee appointed by the president, which shall include the designee of the chief academic officer and consist of at least three members. At least half the members of the committee shall be faculty.
- C. Such final determination shall be made only when:
 - 1. Five years have elapsed since the most recent work to be disregarded was completed, and
 - 2. The student has earned in residence at SJSU since the most recent work being considered was completed:
 - a. 15 semester units with at least a 3.0 GPA or
 - b. 30 semester units with at least a 2.5 GPA or
 - c. 45 semester units with at least a 2.0 GPA
 - 3. When such action is taken, the student's record shall be annotated so that it is readily evident to users of the record, that NO work taken during the disregarded term(s), even if satisfactory, has been applied towards the meeting of degree requirements. However, all work must remain legible on the record.
 - 4. If another institution has acted to remove coursework from consideration, such action shall be honored in terms of that institution's policy. But, elimination of any coursework's consideration shall reduce by one semester the two semester

maximum on the application of academic renewal to an individual SJSU student's record.

Approved:	October 6, 2008 (revised by I&SA October 27, 2008 based on questions raised at the first reading at the Academic Senate)
Present:	Brown, Castillo, Cavu-Litman, Fee, Gleixner, Han, Hilliard, Kelley, Langdon, Lee, Levy, Linder, Palumbo, Sofish, Stiglitz
Absent:	Campsey, David, Sivertsen
Vote:	14-0-0
Financial Impact:	Uncertain, but no long-term impact is anticipated
Workload Impact:	Short-term impacts primarily on staff (training and implementation); long-term impact on workload should not be significant

**SAN JOSE STATE UNIVERSITY
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F08-4, Policy Recommendation, Sabbatical Leaves Policy

Rescinds University Policy S96-7

Legislative History:

At its meeting of December 15, 2008, the Academic Senate approved the following Policy Recommendation presented by Senator Maldonado-Colon for the Professional Standards Committee. University Policy F08-4 was approved and signed by President Jon Whitmore on December 23, 2008.

Amendment A to University Policy F08-4 was approved and signed by Interim President Steve Perez on April 13, 2022. Amendment A modified Sections IV.B. and IV.C. and Section VII and is incorporated into the policy below.

Amendment B to University Policy F08-4 was approved and signed by President Cynthia Teniente-Matson on November 1, 2023. Amendment B modifies Section II, Eligibility.

**University Policy
Sabbatical Leaves**

Resolved that, to clarify the process of sabbatical leaves—application, evaluation, and recommendation—policy S96-7 be rescinded, and

Resolved that the attached policy be adopted.

Rationale: Under the new Collective Bargaining Agreement (CBA) the manner that awardees for sabbatical leaves are selected has changed. This in turn requires that practices at SJSU be clarified and aligned in order to provide clarity to the process of granting sabbatical leaves. Responding to this need, members of the Professional Standards Committee in collaboration with representatives of the Organization and Government Committee have revised S96-7 to clarify procedures, roles, and responsibilities as presented in the following policy.

Approved: November 24, 2008
Vote: 9-0-0
Present: Daryl Canham, Winncy Du, Kell Fujimoto, Lynda Heiden, Katie Lichty, **Elba Maldonado-Colon (Chair)**, Elizabeth McGee, Joan Merdinger, Gwendolyn Mok
Absent: Asjborn Osland
Financial impact: None
Workload impact: Some increase in faculty workload at the University Committee level.

Sabbatical Leaves Policy

I. Purpose

II. Eligibility

III. Criteria

IV. Procedures

- A. Application**
- B. Calendar**
- C. Levels of Review**

V. College/General Unit Professional Leaves & University Sabbatical Leaves Committees

- A. Selection and Composition of the Professional & Sabbatical Leaves Committees**

- A.1. College/General Unit Professional Leaves Committee**
- A.2. University Sabbatical Leaves Committee**

VI. Reviews by the Department/Unit Chair, College Professional Leaves Committee, Dean, University Sabbatical Leaves Committee

- A.1. Department/Unit Chair**
- A.2. College/General Unit Professional Leaves Committee**
- A.3. Dean of the College/Unit Administrator**
- A.4. University Sabbatical Leaves Committee**

VII. Final Decision by the President

VIII. Sabbatical Report

Sabbatical Leaves Policy

Legislative History:

Rescinds S96-7

POLICY RECOMMENDATION SABBATICAL POLICY

I. Purpose

The purpose of sabbatical leaves is to benefit the University, its students and its programs through the professional development of its faculty as teachers and scholars. Projects that, because of their scope, cannot be undertaken in the course of a faculty member's full-time responsibilities and that propose to benefit the University in at least one of the following ways (not listed in rank order) are eligible for consideration: scholarly, creative, and/or professional activities; activities that enhance a faculty member's pedagogical and/or professional competencies; projects that contribute significantly to the development of a discipline or curricular area.

II. Eligibility

According to the Collective Bargaining Agreement: "A full-time faculty unit employee shall be eligible for a sabbatical leave if they have served full-time for six (6) years at that campus in the preceding seven (7) year period prior to the leave and at least six (6) years after any previous sabbatical leave or difference in pay leave. Credit granted towards the completion of the probationary period for service elsewhere shall also apply towards fulfilling the eligibility requirements for a sabbatical. A leave of absence without pay or service in an academic administrative appointment excluded from the bargaining unit shall not constitute a break in service for eligibility requirements. Sabbatical leave eligibility is calculated starting with the next academic year after a sabbatical is taken."

III. Criteria

The major criterion for evaluating applications for sabbaticals is the benefit to the University in one or more of the following ways, not listed in rank order: through the project's contributions to scholarship, to creative activities and/or professional advances; through the project's contribution to curricular development; through the project's contributions to the improvement of instruction or academically-related areas and/or the instructional or professional skills of the applicant. Additional criteria are the

applicant's ability to carry out the proposal, the planning evidenced in the detailed description of the proposal, and the time-lines for the completion of the project. Evaluators shall consider the quality of the proposed sabbatical project.

IV. Procedures

A. Application

The sabbatical application shall include: (1) a statement of purpose; (2) a detailed description of the plan to carry out the project, including, if appropriate, a description of any preparatory work scheduled before the leave or of pertinent completed work; (3) a statement of the project's benefit to the University in one or more of the ways listed above; (4) the applicant's ability to complete the project; (5) CSU resources needed, if any, to carry out the project; (6) a statement of the time requested, not to exceed one year; and (7) a statement that the final report of a previous San José State University sabbatical leave or difference in pay leave has been filed with the Office of Faculty Affairs, if applicable. The applicant's C.V. or professional resumé shall be attached to the application.

B. Calendar

The President, in consultation with Faculty Services, shall establish the annual sabbatical application and response deadlines for the following: (a) submission by the applicant, (b) review by the Chair of the Department/Unit, (c) review by the College/Unit Professional Leaves Committee, (d) review by the Dean, (e) review by the University Sabbatical Leaves Committee (USLC), a 7-day response opportunity from the candidate at each stage of the process, and (f) a final decision by the President or their designee.

C. Levels of Review

Sabbatical proposals shall be reviewed at the following levels: Department Chair/School Director, College/General Unit Professional Leaves Committee, Dean, and University Sabbatical Leaves Committee (USLC). Following the submission of the sabbatical request to the Chair, the Chair shall write a statement according to the criteria listed in VI.A.1 below. The Chair's statement shall be provided to the College/General Unit Professional Leaves Committee and Dean, with a copy to the applicant, who has seven calendar days to respond in writing to the College Dean with a copy to the Chair. The College/Unit Professional Leaves Committee shall evaluate and rank order individual applications submitted by faculty members in their College/Unit according to the criteria listed in Section III above, and consistent with the current Collective Bargaining Agreement. A copy of the evaluation and recommendation shall be provided to the applicant, who has seven calendar days to respond to the Dean, with a copy to the Department Chair. Following his/her review and recommendation, consistent with VI.A.4, the Dean shall submit each application, the recommendations of the Department/unit's Chair, the College/General Unit Professional Leave Committee,

and any responses from the candidate, to the University Sabbatical Leaves Committee for review (USLC). The USLC shall review all materials provided and shall evaluate and rank order individual applications from all the Colleges and the General Unit according to the criteria listed in III above, and consistent with the current Collective Bargaining Agreement. A copy of the evaluation from the USLC shall be provided to the applicant who has seven calendar days to respond to the Office of Faculty Services, with a copy to the Department Chair and the Dean/appropriate administrator. The USLC shall forward all sabbatical materials to the Office of Faculty Services for review and final decision by the President or their designee.

V. College Professional Leaves and University Sabbatical Leaves Committees

A. Selection and composition of the Professional and Sabbatical Leaves Committees

A. 1 College/General Unit Professional Leaves Committee

Each College/General Unit Professional Leaves Committee shall be composed of tenured full professors elected by probationary and tenured faculty within the college/general unit. The Dean/appropriate administrator shall determine the procedure and timelines for the elections for the College/General Unit Professional Leaves Committee. Faculty applying for sabbatical leave are not eligible to serve on the College/General Unit Professional Leaves Committee.

A.2 University Sabbatical Leaves Committee (USLC)

The USLC shall be made up of one tenured full professor elected from each College, and one tenured Librarian or SSP-AR III elected from the General Unit. Members of the USLC shall be elected by tenured and probationary faculty unit employees. Faculty applying for sabbatical leave are not eligible to serve on the USLC.

Length of service:

Beginning in AY 2009-2010, four representatives will be selected at random to serve for one (1) year; the remaining representatives will serve for two (2) years. Thereafter, all members of USLC shall serve for two (2) year terms.

Convening the USLC:

The AVP/Faculty Affairs will convene the USLC.

VI. Reviews by the Department/Unit Chair, College Professional Leaves Committee, Dean, University Sabbatical Leaves Committee (USLC)

A.1 Department/Unit Chair

The Department/Unit Chair shall receive and review all sabbatical requests, and will write a statement regarding the possible effects of the applicant's leave on the curriculum and the operation of the Department/unit should the applicant be granted a sabbatical. The Chair shall explain any benefits to the Department if the sabbatical application is to be accepted. The Chair's statement shall be provided to the College Professional Leaves Committee and the Dean, with a copy to the candidate, who has seven calendar days to respond in writing to the College Dean, with a copy to the Chair.

A.2 College/General Unit Professional Leaves Committee

The College/General Unit Professional Leaves Committee shall review the proposals submitted by all eligible applicants, rank the proposals, and prepare their recommendation to the Dean/appropriate administrator. The College/General Unit Professional Leaves Committee shall consider the quality of the proposed sabbatical project in rank ordering the proposals. Criteria for selection are listed in Section III above. Applications that do not meet the criteria shall receive a recommendation against funding. For each application, the College/General Unit Professional Leaves Committee shall provide a written evaluation explaining the strengths and weaknesses of the proposal. A copy of the evaluation and recommendation shall be provided to the applicant, who has seven calendar days to respond in writing to the Dean and the Chair.

A.3 Dean of the College/Unit Administrator

The Dean/appropriate administrator shall review the applications, Chair statements, the recommendations of the College/Unit Professional Leaves Committee, and any responses from applicants. The Dean/appropriate administrator shall consider the following in his/her review: the quality of the proposal, possible effects on the curriculum and operation of the Department, other program needs and campus budget implications. The Dean shall recommend in writing, approve or disapprove, and shall state the reason for the recommendation. A copy of the evaluation and recommendation shall be provided to the applicant, who has seven calendar days to respond in writing to the Office of Faculty Affairs, with a copy to the Dean and the Chair. The Dean/appropriate unit administrator shall forward to the USLC the sabbatical requests from the College/General Unit, the Department/Unit Chair's comments, the Dean's comments, as well as candidate's response(s), if any.

A.4 University Sabbatical Leaves Committee (USLC)

The USLC shall convene to review all sabbatical proposals, the recommendations from the Chair, the College/General Unit Professional Leaves Committee, and the Dean/appropriate administrator. The review by the USLC shall consider the quality of the proposed sabbatical project in rank ordering the proposals. Criteria for selection are listed in Section III above. Applications that do not meet the criteria shall receive a recommendation against funding. For

each application, the USLC shall provide a written evaluation explaining the strengths and weaknesses of the proposal. A copy of the evaluation and recommendation shall be provided to the applicant, who has seven days to respond in writing to the AVP/Faculty Affairs, the Dean and the Chair.

VII. Final Decision by the President

The President or their designee, after considering all prior recommendations and any responses from the applicant, shall notify each applicant of the final status of the application. Such notification shall include in writing the reasons for approval or denial, and any conditions of the leave. A copy of this notice shall be provided to the applicant's Department Chair, Dean, College/Unit Professional Leaves Committee, and University Sabbatical Leaves Committee (USLC).

VIII. Sabbatical Report

Within six weeks after returning to service at San José State University, the faculty member shall submit a written report via the Dean to Office of Faculty Affairs. In addition, faculty members returning from leave are encouraged to present the results of the sabbatical leave at Departmental, College or University forums.

**SAN JOSE STATE UNIVERSITY
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F08-5, Policy Recommendation, New Bylaw 16

Legislative History:

At its meeting of December 15, 2008, the Academic Senate approved the following Policy Recommendation presented by Senator Backer for the Organization and Government Committee.

Replaces Senate Bylaw 16

Action by University President: Approved by President Jon Whitmore on December 23, 2008.

**Policy Recommendation
New Bylaw 16**

Resolved: that a new By-Law 16 be adopted, as follows:

16. Specific Designation of Rescinded Policies

Adoption and approval of a new policy resolution overrides all prior conflicting policies, whether or not the previous policies are specifically identified. However, it is best practice to refer specifically in a new policy to all prior policies superseded. If, subsequent to the adoption and approval of a policy resolution, the Senate Administrator finds that not all prior policies which should have been rescinded were specifically so listed in the subsequent policy, s/he shall notify the appropriate policy committee chair. The committee shall review the policies and, if satisfied that the older policies were superseded and should be specifically designated as rescinded, shall authorize the Administrator to note their rescission in the Senate records. The Senate Administrator shall report the committee's decision to the Academic Senate.

Approved November 3, 2008

Vote: 9-0-0

Present: Patricia Backer (chair), Linda Main, Susan McClory, Ted Norton, Angela Rickford, Carol Reade, Swathi Vanniarajan, Tim Hendrick, Gerry Selter, Maricela Contreras

Absent: Chris Hebert

RATIONALE:

Sometimes, after a new policy is enacted, the new policy fails to rescind older obsolete policies. This new bylaw will allow the Academic Senate Administrator to administratively remove obsolete policies.

Workload Impact:

There will be a slight reduction in the workload of the Academic Senate policy committees as there will be no need to revisit policies to rescind outdated policies.

There will be a slight increase in the workload of the Academic Senate Administrator.

Financial Impact: None

**SAN JOSE STATE UNIVERSITY
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F09-2, Policy Recommendation, Policy on Late and Retroactive Enrollment

Legislative History:

At its meeting of December 7, 2009, the Academic Senate approved the following policy recommendation presented by Senator Gleixner for the Instruction and Student Affairs Committee.

Action by University President: **Approved by President Jon Whitmore**

Date: **12-21-09**

Effective Date: **Fall 2010**

**Policy Recommendation
Policy on Late and Retroactive Enrollment**

- Whereas students who add classes or enroll past the census date are not counted in the formula used for enrollment management and allotment of department level resources; and
- Whereas the current process for late enrollment (late adds) does not provide instructors or chairs with any information to verify the student's extenuating circumstances as this verification is done at the registrar and bursar level; and
- Whereas students have the responsibility to check their MySJSU schedules and to work with the bursar's office to manage an installment payment plan; and
- Whereas students and/or their instructors sometimes believe the student is enrolled and do not discover otherwise until the final grade roster is released; and
- Whereas there are some legitimate reasons as to why students may need to add a class or enroll past the census date; so be it
- Resolved that the following policy on late enrollment be adopted effective Fall 2010.

Pre-census date petition for late enrollment

Student initiated petitions for late enrollment (late adds) will only be accepted for the time period between the add date and the census date.

The process for petitioning for late enrollment before the census date will be as follows:

The student submits the late enrollment petition to the Registrar. The petition will require a statement of the extenuating circumstance that prevented the student from enrolling by the add date.

The Registrar will investigate the extenuating circumstance to determine if the student is eligible to late enroll in a class. The Registrar will route late enrollment petitions that are eligible to the department for instructor and department chair level decisions.

The submission deadline and processing time of these petitions will be determined in the process of designing the registration and payment timelines within the academic calendar.

Post-census date petition for late enrollment

After the census date, late enrollment petitions will be initiated by the department chair(s) of the course(s) the student wishes to add. This includes what was formerly known as Retroactive Add. If both the department chair and course instructor approve and department policy allows adding after the census date, the department chair will submit a petition to the Registrar. The petition will include the student's statement of extenuating circumstances. The Registrar will investigate the student's extenuating circumstances within 10 working days. If the student is eligible to late enroll, the petition will be forwarded to the Associate Dean of Undergraduate Studies or Graduate Studies and Research as appropriate for final decision within 10 working days. Departments that do not allow any late enrollment after the add date or census date must have their policy posted on their department website or advertised to their students through another visible means.

After the census date, students will be allowed to add a class or classes or enroll for only one semester during their time at San José State University. Any exceptions to this will be made by petition to the Associate Dean of Undergraduate Studies or Graduate Studies and Research as appropriate and will be approved only under extreme extenuating circumstances.

In the case of University error

To the extent possible, students shall be held harmless for events generated as a result of university error, and every reasonable effort will be made to accommodate them.

Verification of rosters

Faculty are encouraged to reconcile their MySJSU rosters with the students participating in their class before both the add date and the census date. Students are encouraged to reconcile their MySJSU schedule of classes with the courses they think they are enrolled in.

Approved: 11-23-09

Vote: 14-0-0

Present: Megan Baker, Steve Branz (non-voting), Karin Brown,
Bill Campsey, Victor Culatta, Caroline Fee, Stacy Gleixner, Mo Han,
Richard Kelley, James Lee, Elizabeth McGee, Rob Montross, Terry Pollack,
Wiggys Siversten, Eloise Stiglitz

Absent: Eric Armendariz, Lizzie Orr, Marian Sofish

Financial Impact: Could increase the student enrollment before the census date which could
increase or decrease state level funding to campus based on where we are with
respect to enrollment targets

Workload Impact: Reduce workload on registrar as there will be reduced late enrollment petitions
submitted after the census date

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**F10-1, Policy Recommendation, The Use and Abuse of
Alcohol and Other Drugs**

Legislative History: Rescinds S02-5

At its meeting of October 11, 2010, the Academic Senate approved the following policy recommendation presented by Senator Gleixner for the Instruction and Student Affairs Committee.

**Action by University President: Approved by President
Don Kassing**

Date: October 21, 2010

**POLICY RECOMMENDATION
The Use and Abuse of Alcohol and Other Drugs**

- | | |
|----------|---|
| Whereas | the use of, abuse of; intoxication, and a dependency on alcoholic beverages are of concern to the University community, as well as to our society at large; and |
| Whereas | alcohol abuse is a serious and growing problem among college students, one that has direct and indirect effects on the health and academic performance of students; and |
| Whereas | the existing University policy on alcohol, S02-5, does not state the separate responsibilities and possible sanctions of both individuals and organizations; and |
| Whereas | the existing University policy on alcohol, S02-5, does not address the National Drug Free Schools and Communities Act and California State University Executive Order No. 966: Alcohol Sales and Advertising Policy and California State University Executive Order No. 1006: Student Activities; therefore be it |
| Resolved | That University Policy S02-5 be rescinded and that the attached document be adopted as University policy. |

Approved: 9/13/2010

Vote: 13-0-0

Present: Eric Armendariz, Steve Branz (non-voting), Bill Campsey, Victor Culatta, Caroline Fee, Stefan Frazier, Stacy Gleixner (chair), Mo Han, Tomasz Kolodziejek, Deanna Peck, Arlando Smith, Marian Sofish, Christina Solorzano, Kevin Starks

Absent: Rich Kelley, Elizabeth McGee, Terri Thames, Sheryl Walters

Financial Impact: Loss of revenue to Athletics due to no alcohol sales in sporting facilities

Workload Impact: Increased workload on enhanced officer training for student organizations, enhanced orientation for new students and their parents, and assessment by the University's committee on Alcohol and Drug Prevention and the Office of Student Conduct and Ethical Development.

PURPOSE

The purpose of this policy is to delineate University policy concerning alcohol and illegal drugs or substances, provide procedural guidelines, and communicate the consequences of failing to adhere to established policies.

Provision for the purchase, sale, service, and consumption of alcoholic beverages on campus is a privilege accorded to University members with the understanding that they will comply with internal rules, regulations, and relevant legislation (local, state or national). All members of the University community as well as their guests have a responsibility to ensure that alcohol is used in a responsible manner by persons twenty-one (21) years of age or older. The use of alcohol and other drugs should not interfere with the primary mission of the University as an educational institution.

I. EDUCATION

The use or abuse of alcohol, and a dependency on alcoholic beverages and illegal drugs or substances are issues of concern to the University community, as well as to our society at large. To this end, education becomes the responsibility of the entire campus community including individual's peers and any other organization sponsoring an event where alcoholic beverages are served and illegal drugs or substances are used.

Copies of the University's Alcohol and Drug Policy will be distributed to all students and employees on an annual basis in compliance with the Drug Free Schools and Communities Act.

The Division of Student Affairs has the responsibility to inform new students and their parents about the University's Alcohol and Drug Policy, before and after they arrive on campus. A letter and a policy brochure will be provided to all new students and their parents informing them of the campus alcohol and drug policy. This information will be included with materials for all new student orientation sessions for freshman and transfer students. All students will receive information about the policy in the class catalog, online schedule of classes, residential life handbook, University website and/or direct emails/mail.

Human Resources has the responsibility to distribute the policy to all employees annually. Faculty Affairs has the responsibility to distribute the policy to all faculty annually.

Copies of the University's Alcohol and Drug Policy will be made available at the Student Health Center, Student Involvement and the Office of Student Conduct & Ethical Development.

All student organizations must have at least one officer attend an orientation program provided by Student Involvement during the fall semester in order to maintain the organization's recognized status. This orientation program will inform student organization officers on University policy and procedures, event planning, non-alcoholic programming, procedures for handling emergencies, responsible behavior and alcohol usage and campus and community referrals and resources.

All advisors to student organizations will be notified about the University's Alcohol and Drug Policy. They will be strongly encouraged to attend the fall semester officers'

orientation program as well as other alcohol education and prevention programs sponsored by the University.

II. ENFORCEMENT

All students are accountable to the University's policies as outlined in the Student Code of Conduct (Presidential Directive 2007-01) as well as the Student Organization Code of Conduct (Presidential Directive 2007-04).

The Office of Student Conduct & Ethical Development administers both codes of conduct. Student organizations, as well as their members, may be held collectively and/or individually responsible for violations if the misconduct occurs on University property, on premises used or controlled by the organizations, and/or at University-sponsored activities. The officers or leaders of student organizations may be held collectively and/or individually responsible when such violations are committed by individuals associated with their organization.

a. Sanctions for individuals may include and are not limited to

- Administrative Academic Probation
- Administrative Academic Disqualification
- Loss of University housing
- Required alcohol and/or other drugs education program
- Restitution for any damages that result from the conduct of the violator(s)

b. Sanctions for student organizations may include and are not limited to

- Social probation
- Restitution of any damages that result from the conduct of the violator(s)
- Report of violation(s) to the national headquarters
- Required alcohol and/or other drugs education program
- Loss of University recognition

Individual department or campus organization policies must be in compliance with this University Policy on Alcohol and Drugs and may impose more stringent standards. Examples of these departments and campus organizations include University Housing Services, Student Involvement and Athletic Programs.

Management personnel at the campus handle alleged infractions of this policy by employees in accordance with the appropriate bargaining unit and other University policies.

III. INDIVIDUAL CONSUMPTION AND USE

- a. Individuals under the age of twenty-one (21) are not to possess or consume alcohol.

b. Alcoholic beverages may not be sold or consumed in generally accessible open areas on campus that are available to the public. Such areas include the common area of any residence hall, building, classroom, meeting places, recreational facilities, etc. on campus. This does not apply to those alcoholic beverages possessed during University-sponsored events or purchased from Spartan Shops and consumed in designated areas. Exceptions to this apply for the consumption of alcoholic beverages in the parking lots of sporting facilities (tailgating), which is discussed in Section VII.

c. No person will have in his or her possession any alcoholic beverage which has had the seal broken or the contents partially removed while in any public area on campus. This does not apply to those alcoholic beverages possessed during University-sponsored events or purchased from Spartan Shops and consumed in designated areas. Exceptions to this apply for the consumption of alcoholic beverages in the parking lots of sporting facilities (tailgating), which is discussed in Section VII.

d. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations) or public intoxication while on campus or at a University related activity is prohibited.

e. Use, possession, manufacture or distribution of illegal drugs, or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited.

IV. UNIVERSITY HOUSING SERVICES

In addition to compliance under the “Individual Consumption and Use” section, in University Housing:

a. No resident or guest under the age of twenty-one (21) years of age may possess, manufacture, distribute or consume alcohol.

b. No resident or guest under the age of twenty-one (21) years of age may be present in a room with open containers of alcoholic beverages. Open containers may be considered evidence of consumption.

c. The use, possession or sale of any illegal drug or substance is prohibited.

d. Possession, transportation (in plain view) or consumption of open containers of alcoholic beverages is not allowed in common or public areas by any person, regardless of age. Kegs or other “common source” containers such as, but not limited to, party balls or beverage coolers used as mixing units are not allowed in the residence halls.

V. STUDENT ORGANIZATIONS

a. Student organizations must comply with State laws governing possession, sale, use, or consumption of alcoholic beverages which prohibits the sale or giving of any alcoholic beverage to any person under the age of twenty-one (21).

b. All student organization presidents must sign an agreement to abide by and uphold the University’s Alcohol Policy in order to maintain their organization’s recognition with the University.

- c. Per 2007 California State University Executive Order No. 1006 Student Activities, all officers are required to complete an Alcohol Education Training offered by Student Involvement.
- d. Student organizations sponsoring events are responsible for following the appropriate procedures to prevent underage drinking, including providing alternatives to alcohol.
- e. Student organization event sponsors will make every effort to prevent drinking and driving. Designated driver responses, safe ride type activities, or other safety programs at events are recommended.
- f. Members cannot permit, tolerate, encourage or participate in “drinking games” including the promoting of massive consumption of alcohol.
- g. All membership recruitment functions (e.g., fraternities and sororities, departmental clubs, and special interest groups) will be alcohol free.
- h. Alcohol beverages may not knowingly be served to any under-aged or obviously intoxicated individual.
- i. Use, possession, manufacture or distribution of illegal drugs, or drug-related paraphernalia (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited.
- j. Sponsoring/hosting an activity at which illegal drugs or substances are used is prohibited.

VI. EVENTS

- a. Event planners must take responsibility for preventing underage drinking during events sponsored on campus (e.g., socials, parties, concerts, tailgate parties). It is the responsibility of the sponsoring organization and/or University entity in control of the facility being used for an event, to ensure that underage drinking does not occur. This is to be done through the engagement of University police or other approved subcontracted security and their subsequent observations of the designated areas where alcohol is sold, served or consumed.
- b. No re-entry at athletic events, including all events at Spartan Stadium or the Event Center where alcohol is being served. There will be no systematic patron re-entry allowed to any ticketed events where alcohol is being served at Spartan Stadium or the Event Center. However, patron re-entry may be allowed for special circumstances on a case-by-case basis, including evaluation of the person’s behavioral state.
- c. All University sponsored events held off campus will comply with this policy.

VII. ATHLETIC EVENTS

The 2005 CSU Executive Order 966, Alcohol Sales and Advertising Policy, prohibits the sale of alcoholic beverages at any athletic event held in university owned or operated facilities and limits alcohol advertising to beer and wine on California State University campuses in compliance with policy guidelines consistent with the “Guidelines for Beverage Alcohol Marketing” distributed by the National Inter-Association Task Force on Alcohol Issues, a higher education coalition dedicated to the responsible use and advertising of beverage alcohol.

It is recognized that tailgating, including the consumption of alcoholic beverages in sporting event parking lots, is a part of the University tradition. University police and the Athletics department will work together to set reasonable limits on tailgating including arrangement of an appropriate time for the gates to open before the event. Consumption of alcoholic beverages in the parking lot will not be allowed after the start of the event. Underage drinking laws will be strictly enforced by University police.

VIII. ASSESSMENT

The University’s committee on Alcohol and Drug Prevention will establish or ascertain accurate information relative to student alcohol consumption. The reporting systems developed will ensure confidentiality. Policies and programs will be assessed each year using this system and other standard assessment instruments to determine if SJSU is meeting established learning and behavioral outcomes. Coordination of such efforts will be the responsibility of the University’s Committee on Alcohol and Drug Prevention and the Office Student Conduct and Ethical Development’s consultation with various departments. At minimum the assessments will include such characteristics as patterns of student alcohol use; consequences of alcohol use; alcohol-related beliefs and perceptions; protective behaviors; environmental influences; and, effectiveness. This information will be regularly reported to the University’s Committee on Alcohol and Drug Prevention, Academic Senate, University administrators, faculty, and staff in an effort to improve prevention efforts.

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

F11-4, Policy Recommendation, Frosh Housing Requirement at San José State University

Legislative History:

The University established a frosh housing requirement as part of its impaction plan. At its meeting of December 5, 2011, the Academic Senate approved the following policy recommendation presented by Senators Sabalius and Gleixner for the Executive Committee.

**Action by University President: Approved and signed by
President Mohammad Qayoumi
on December 13, 2011.**

**Policy Recommendation
FROSH Housing Requirement at San José State University**

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|----------|--|
| Whereas | The University, as part of its impaction plan, has established a frosh housing requirement to meet SJSU's associated costs of the on-campus housing facilities; and |
| Whereas | SJSU's current 6 year graduation rate for first time frosh is 47%, and the University is striving towards significantly improving that rate. There is substantial evidence in repeated national studies that students benefit by living in an academically supportive environment during their first year in college including substantially higher engagement on campus, GPAs, retention, graduation rates, and overall academic success; and |
| Whereas | SJSU is bringing more resources to students in housing including advising, counseling, and tutoring; so be it |
| Resolved | that the following housing policy be enacted, and be it further, |
| Resolved | that the Housing Exemption Committee will make a report to the Instruction and Student Affairs Committee in Spring 2013 on the exemption petitions received to determine if the policy needs to be re-evaluated. |

Frosh Housing Requirement at San José State University

- I. Housing requirement:
 - A. All first time SJSU frosh are required to reside in University housing.
 - B. Students may be exempted from this requirement on the basis of one of three criteria
 - 1. Categorical Exemption: Students document that they fit a category for exemption as listed in Section II of this policy.
 - 2. Exemption by Petition: Students may petition for exemptions for other reasons, e.g. unique employment situations; care giver need or obligation; documented religious practices not compatible with University housing; documented medical, psychological or disability not compatible with University housing; financial need not covered in II.F; living with an immediate family member or equivalent; international students. Each petition for exemption will be evaluated on a case by case basis.
 - 3. The University is unable to provide a space in University housing.
- II. Categorical Exemptions: The following categories of students will be exempt from the Frosh housing requirement
 - A. Age 21 or older as of the first day of class
 - B. The high school from which they graduated is within 30 miles from SJSU's main campus
 - C. Independent (as defined by Free Application for Federal Student Financial Aid: FAFSA)
 - D. Current active military or U.S. military veteran status
 - E. Married/Domestic partnership and/or with legally dependent children
 - F. Financial hardship, as defined by the following steps
 - 1. If eligible to apply, the student must have applied for financial aid.
 - 2. The student must have unmet financial need or need met only with unsubsidized loans. Financial need is defined as the calculated Cost of Attendance (including the proposed Housing Plan) minus the Expected Family Contribution (as defined by the U.S. Department of Education's Federal Methodology Calculation, calculated via the FAFSA or its successor).
- III. Housing Exemption Committee:
 - A. The charge of the Housing Exemption Committee is to implement this policy.
 - B. Membership of the Housing Exemption Committee will be:
 - 1. Director of Housing or designee who shall Chair the committee
 - 2. A representative from Student Health Services appointed by the Director of the Student Health Center

3. A representative from the Office of Financial Aid and Scholarship appointed by the Director of Financial Aid & Scholarship
 4. A representative from the Disability Resource Center appointed by the Director of the Disability Resource Center
 5. A representative from Enrollment Services appointed by the AVP for Enrollment Services
 6. A representative from Counseling Services appointed by the Director of Counseling Services
 7. A representative from the University housing business operations (non-voting)
 8. Three students appointed by Associated Students. One student must be an AS Officer. The other students must be in at least their second years at SJSU. Preferably one student will have lived in campus housing during her/his frosh year, and one student will have lived off campus during her/his frosh year.
 9. Two faculty appointed by the Academic Senate. The Senate shall give preference to faculty with professional credentials immediately relevant to understanding student demographics, diversity, life and success at a university and to faculty who regularly advise and teach first year undergraduates.
- C. The Housing Exemption committee shall be responsible for determining what documentation will be required for substantiating a student's membership in a particular category of exemption, e.g., letters from employers, financial aid forms, military discharge papers, etc.
- D. The Exemption committee shall be responsible for reviewing the submitted documents and exempting students based on their membership in one of the exemption categories.
- E. The Housing Exemption Committee will provide a report annually to the Instruction and Student Affairs Committee that will be used to review this policy to make appropriate modifications.

Selected References:

Kuh, George D., Kinzie, J., Buckley, Jennifer A., Bridges, Brian K., Hayek, John C., "Piecing Together the Student Success Puzzle: Research, Propositions, and Recommendations," ASHE Higher Education Report, Volume 32, Number 5, (2007).

Pascarella, Ernest and Terenzini, Patrick, How College Affects Students, volume 2: A Third Decade of Research, Jossey-Bass, (2005).

Pascarella, E, Terenzini, P., and Bliming, G, "The Impact of Residential Life on Students", In C. Schroeder and P. Mable (eds.) Realizing the Educational Potential of Residence Halls, Jossey-Bass (1994).

Originally Approved by I&SA:

Approved: October 3, 2011

Vote: 12-1-1

Present: Bill Campsey, Yan Yin Choy, Victor Culatta, Jean-Luc Desalvo, Caroline Fee, Stacy Gleixner (Chair), Richard Kelley, Art King, Deanna Peck, Tanmay Sharma, Arlando Smith, Katrina Swanson, Sheryl Walters, Ken Wharton

Financial Impact: Moderate addition of funds to University, financial burden to some students

Workload Impact: Added workload to Housing and to the Housing Exemption Committee

Modified and endorsed by the Executive Committee

Approved: 11/28/2011

Vote: 15-0-0

Present: Qayoumi, Selter, Nance, Bibb, Bussani, Von Till, Heiden, Kaufman, Sabalius, Bros, McClory, Gleixner, Kimbarow, Ng, Kolodziejek

Absent: None

Financial Impact: See above

Workload Impact: See above

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**F12-3, Policy Recommendation, Amending the Period of Review,
S98-8 Appointment, Retention, Tenure and Promotion Criteria,
Standards and Procedures for Regular Faculty Employees**

Legislative History:

Amends University Policy, S98-8.

At its meeting of October 15, 2012, the Academic Senate approved the following policy recommendation brought to the Senate by Senator Peter for the Professional Standards Committee.

**Action by University President: Approved by President
Mohammad Qayoumi on
October 18, 2012**

**Policy Recommendation
Amending the Period of Review
S98-8 Appointment, Retention, Tenure and Promotion Criteria,
Standards and Procedures for Regular Faculty Employees**

Resolved: The attached be accepted as University Policy.

Rationale: S98-8 states that the “period of review” for faculty undergoing the retention, tenure and promotion process begins on “the effective date” of the “last promotion.” For faculty seeking promotion to Professor, the policy creates a “gap” in the record that is never subject to review. Faculty who have significant achievements during the “gap” are unfairly deprived of credit for those achievements when applying for promotion.

The “gap,” which has become informally known as “the lost year,” is caused because “the effective date of their last promotion” is almost always at the beginning of the Academic Year in August, but the dossier for promotion to Associate is submitted approximately ten months earlier. Achievements earned during those ten months are barred from consideration in the next review because they happened before “the effective date of the last promotion” but—unless permission was obtained to add them late to the dossier—they are too late to be considered in the earlier review either. They can appear on the

curriculum vitae, but cannot be credited to the faculty member in either the Associate level or the Professor level review.

Faculty who earn significant achievements during those ten months, such as major publications, outstanding teaching accomplishments, or significant service, are unfairly deprived of the credit for their good work. These amendments clarify the period of review and allow faculty to submit materials for consideration so long as they represent achievements since ***“the date materials were submitted for the last successful promotion.”***

<i>Approved:</i>	<i>October 1, 2012</i>
<i>Vote:</i>	<i>10-0-0</i>
<i>Present:</i>	<i>Green, Semerjian, Reade, Maldonado-Colon, Gleixner, Winnard, Brown, Hsu, Peter, Condon</i>
<i>Absent:</i>	<i>None</i>
<i>Financial Impact:</i>	<i>No change</i>
<i>Workload Impact:</i>	<i>No change</i>

S98-8 Appointment, Retention, Tenure and Promotion Criteria, Standards and Procedures for Regular Faculty Employees

III. General Procedures...

B. Period of Review and Contents of Dossier:

For retention and tenure candidates, the period of review shall begin with appointment to probationary service and continue to the time of the review. For promotion candidates, the period of review shall begin on the closing date specified for the last successful promotion, on the effective date of their last promotion or, if there has been no prior promotion, on the date of their initial appointment to tenure-track-service and continue to the time of the review. The dossier shall contain material that documents achievements during the period of review and which includes the years for which any service credit was granted. The dossier shall not include documentation of achievements outside the review period except on a comprehensive vita. Materials that were previously submitted as "late additions" for consideration under a previously successful promotion review are considered to be outside the current review period and are excluded from the dossier except on a comprehensive vita.

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VI. Promotion...

B. Standards for Promotion Decisions...

3. Promotion to Professor

Probationary faculty shall not be promoted to the rank of professor. The rank of professor is the highest academic rank and should represent potential realized and genuine achievement. ~~The period of review shall be the period since a faculty member's last promotion or, in the case of those appointed at the associate professor rank, since appointment to probationary status.~~ A comprehensive vita should, however, be included in the dossier. ~~to indicate earlier achievement.~~

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

**F12-4, Policy Recommendation, Omnibus Recision of Lapsed and
Obsolete Policies Previously Recommended by the Professional
Standards Committee**

Legislative History:

**Rescinds S66-16, S66-17, S66-18, S66-19, S68-10, S71-2, S71-3, S71-4, F72-5, S73-2,
S73-3, S73-18, S73-22, S73-26, S74-17, S88-3,**

At its meeting of November 19, 2012, the Academic Senate approved the following policy recommendation brought to the Senate by Senator Peter for the Professional Standards Committee.

**Action by University President: Approved by President
Mohammad Qayoumi on
November 26, 2012**

**Policy Recommendation
Omnibus Recision of Lapsed and Obsolete Policies Previously
Recommended by the Professional Standards Committee**

Resolved: That the attached list of policies (in the left column) be rescinded, for the reasons listed (in the right column.)

Rationale: The Professional Standards Committee has conducted a comprehensive review of policies originating in its committee and signed from 1966-1989. Many of these older policies were found to be obsolete and in need of removal. While Senate Bylaw 16 can help in weeding out these policies, this omnibus measure will create a record and rationale for their removal.

Approved: (October 8, 2012)
Vote: (7-0-0)
Present: (Green, Reade, Maldonado-Colon, Winnard, Brown, Hsu, Peter)
Absent: (Gleixner, Semerjian, Condon)

Financial Impact: (Possible slight savings from wasted efforts tracking obsolete policies)
Workload Impact: (Should help people find valid policies more quickly.)

Policies Originating in the Professional Standards Committee 1966-1990
 To be Rescinded

S66-16	Joint Academic Appointments: means for evaluation	Superseded by Contract
S66-17	Grievance Procedures, Description of College Policies on Faculty to be included in Staff Reference Book	Superseded by Contract
S66-18	Military Temporary Active Duty For Faculty	Superseded by Contract
S66-19	Leaves of Absence Without Pay	Superseded by Contract
S68-10	Substitute Motion on Emeritus Faculty	Obsolete by F92-6
S71-2	Amendment to the President's Directive on Interim Retention, Tenure and Promotion Standards and Procedures	Superseded in RTP policies
S-71-3	Replacement for section II, B 2nd paragraph of President's Interim Retention, Tenure, and Promotion Standards and Procedures -- regarding the doctorate for tenure.	Superseded in RTP policies
S71-4	"Policy and Minimum Procedures for Reclassification"	Superseded by terminal degree language in RTP policy.

F72-5	Interim Procedures and Guidelines for the Implementation of Merit Salary Adjustments Under the New Faculty, Academic Salary Structure.	Obsolete and sunsetted.
S73-2	Addition to Interim, Retention, Tenure and Promotion Standards and Procedures	Obsolete by newer RTP policy
S73-3	Amendment to the Interim, Retention, Tenure and Promotion Standards, paragraph	Obsolete by newer RTP policy
S73-18	Substitute Motion on Emeritus Faculty	Obsolete by F92-6
S73-22	R/T/P -- "Personnel Policies and Procedures for academic Employees"	The first truly comprehensive RTP policy, now obsolete.
S74-17	Amendment to S73-22	Obsolete.
S73-26	Policy Statement on Non-Teaching Academic Personnel	Obsolete. Would be considered an SofS today.
S88-3	Meritorious Performance and Professional Promise Awards	Implements a now-obsolete merit pay portion of the contract. Obsolete.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F12-5, Policy Recommendation, Responding to Allegations of
Research Misconduct**

Legislative History: Replaces S99-10

At its meeting of February 8, 2021, the Academic Senate approved Amendment A to University policy F12-5. On May 10, 2021, President Mary A. Papazian signed and approved Amendment A to University policy F12-5. Amendment A is incorporated into the policy below.

At its meeting of November 19, 2012, the Academic Senate approved the following policy recommendation brought to the Senate by Senator Peter for the Professional Standards Committee. University Policy F12-5 was signed and approved by President Mohammad Qayoumi on November 26, 2012.

**Policy Recommendation
Responding to Allegations of Research Misconduct
Replaces S99-10**

Resolved: That the attached document be accepted as University Policy.

Rationale: The University has been notified that its current policy (S99-10) on scientific misconduct in funded research is insufficient to meet federal requirements. For SJSU to continue to receive federal research funds it must bring its policies into compliance with new federal regulations. The attached proposal was drafted by Pam Stacks, Associate Vice President for Research (AVP Research), in conjunction with Jerri Carmo, Director of Sponsored Programs for the University Foundation. They worked from a template provided by the federal government and also from modifications to that template already approved at CSU Chico. The draft was reviewed by Dr. Sandra Titus, Compliance Reviewer for ORI (Office of Research Integrity.) This policy complies with federal requirements as specified in the Code of Federal Regulations (42CFR93).

The Professional Standards Committee discussed the draft with AVP Stacks at some length. There are limits to our ability to modify the policy without creating issues with federal compliance, and so Professional Standards made minimal changes—chiefly to be more specific about the composition of the relevant committees created by this policy. We did feel it was useful to issue this as a University Policy rather than a Presidential Directive since we believe that the enforcement of ethical standards ought to be supported by the faculty's elective body and not be imposed from above. Furthermore, passage by the Senate will help to increase awareness of the policy and its standards.

The new federal regulations require that a university receiving federal funds have in place a rigorous system for investigating and responding to allegations of research misconduct. This differs from prior policy in that the system must be available for all forms of research and not strictly “scientific” research, and it must also apply to all research and not just government funded research. Research can include faculty, staff, and students—all of whom could be subjected to the provisions of this policy. These changes dramatically expand the scope of the SJSU policy.

The federal template is highly legalistic and controls, step by step, the procedures to be used from the first allegation of misconduct, through a preliminary assessment, to a formal inquiry, to a formal investigation, to a final decision. Key figures in the process are the Responsibility Integrity Officer who will be our Associate Vice President for Research (AVP Research), the Deciding Officer who will be the President, and three member committees of experts who assist in the investigation. The policy assures confidentiality, lack of retaliation, due process for both the complainant and the respondent (accused), and compliance with ORI regulations.

*Approved: (October 1, 2012)
Vote: (10-0-0)
Present: (Green, Semerjian, Reade, Maldonado-Colon, Gleixner, Winnard, Brown, Hsu, Peter, Condon)*

*Amended: October 29, 2012
Vote: (10-0-0)
Present: (Green, Semerjian, Reade, Maldonado-Colon, Gleixner, Winnard, Brown, Hsu, Peter, Condon)*

Financial Impact: Adoption will probably have no net impact since cases of misconduct must be dealt with in one way or another. Failure to adopt this measure though, would put us out of compliance with Federal Regulations and endanger all federal funding to SJSU.

Workload Impact: Serious cases of misconduct arise rarely, perhaps only once every few years. There probably would be no net impact on workload, although this policy will shift workload from the existing system to a new model.

Responding to Allegations of Research Misconduct

I. Introduction

A. General Policy

All members (faculty, staff, and students) of the San José State University (SJSU, University) community are expected to perform their scholarly and scientific activities with the highest ethical standards, honesty, and integrity. Instances of misconduct in research threaten the academic commitment to truth. San José State University will not tolerate misconduct in any aspect of research or scholarly endeavor and will vigorously investigate allegations of misconduct, taking all reasonable steps to protect the rights and interests of individuals whose work or performance is questioned.

B. Scope and Application

This policy applies to research conducted under an externally funded sponsored project that is awarded to the University or one of its auxiliary organizations, internally funded research and unfunded research conducted by faculty, staff, or students. Any individual who may work on or contribute to such a project, whether for monetary compensation or not, is covered by this policy.

When an allegation is made and an inquiry (preliminary assessment) is warranted, the Associate Vice President for Research (AVP Research) will act as the Research Integrity Officer (RIO) and recommend to the Deciding Officer (DO, the campus President) who will determine if the inquiry will be investigated (formal development of a factual record to determine whether research misconduct has been committed, by whom, and to what extent). If the RIO is unavailable to carry out these duties, the VPRI will serve as SJSU's RIO.

Allegations of misconduct directed at faculty research involving sponsored projects will be adjudicated through the policy and procedures established by this policy. Allegations of misconduct directed at faculty research, whether funded by a source other than sponsored projects or unfunded but falling within the scope of the individual's employment for SJSU will be adjudicated through these procedures in consultation with the Division of Academic Affairs.

Allegations of misconduct directed at student research involving sponsored projects will be adjudicated through the policy and procedures established by this policy. Allegations of misconduct directed at student research, funded by a source other than sponsored projects or unfunded, will be adjudicated through these procedures in consultation with the Division of Student Affairs.

The scope of this policy includes any research proposed, performed, reviewed or reported, or any research record generated from that research, regardless of whether an application or proposal for external funds resulted in an award. The scope of this policy

does not apply to authorship or collaboration disputes. It applies only to allegations of research misconduct that occurred within six years of the date the institution or the sponsor received the allegation, subject to the subsequent use, health and safety of the public, and grandfather exceptions in 42CFR93.105(b).

II. Definitions

- **Allegation** means a disclosure of possible research misconduct through any means of communication. The disclosure may be by written or oral statement. Anonymous allegations will not be accepted.
- **Complainant** means a person who in good faith makes an allegation of research misconduct.
- **Deciding Official (DO)** is the person responsible for making the final decision on misconduct findings, administrative actions, and other items as listed in this policy and procedures. The Deciding Official will be the campus President since the CSU Chancellor's Office Executive Order 890 names the campus president as ultimately responsible for the implementation of this policy.
- **Evidence** means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.
- **Fabrication** means making up data or results and recording or reporting them.
- **Falsification** means manipulating research materials, equipment, or processes or changing or omitting data or results such that the research is not accurately represented in the research record.
- **Good Faith** as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have based on the information known to the complainant or witness at the time. A report is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the charges. Good faith as applied to a committee member means cooperating with the purpose of helping the University meet its responsibilities under any applicable federal regulations and this policy. A committee member does not act in good faith if his/her acts or omissions on the

committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceedings.

- **Inquiry** means preliminary information-gathering and preliminary fact-finding that meets the criteria and follows the procedures set forth in federal regulations, currently 42CFR93.307-93.309.
- **Investigation** means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions.
- **Office of Research Integrity (ORI)** means the office to which the Health and Human Services Secretary has delegated responsibility for addressing research integrity and misconduct issues related to Public Health Service supported activities.
- **Plagiarism** means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- **Preponderance of Evidence** means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.
- **Research** means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) relating broadly to a particular discipline or subject by establishing, discovering, developing, elucidating or confirming information about the discipline or subject of the research.
- **Research Integrity Officer (RIO)** means the institutional official responsible for: (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by 42 CFR Part 93, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquiries and investigations; and (3) the other responsibilities described in this policy. For this policy, the RIO is the Associate Vice President for Research (AVP Research), unless otherwise designated by the President. If the RIO is unavailable to carry out these duties, the VPRI will serve as SJSU's RIO unless otherwise designated by the President.

- **Research Misconduct** is fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reporting research. Misconduct does not include honest error or honest differences in interpretations or judgments of data. This definition will be used to define research misconduct where “research” means all basic, applied, and demonstration research in all fields of inquiry.
- **Research Record** means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to a university official by a respondent in the course of the research misconduct proceeding.
- **Respondent** means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
- **Retaliation** means an adverse action taken against a complainant, witness, or committee member by the University or one of its members in response to a good faith allegation of research misconduct or good faith cooperation with a research misconduct proceeding.

III. Rights and Responsibilities

A. Research Integrity Officer (RIO)

The Associate Vice President for Research (AVP Research) will serve as the RIO. The RIO will have primary responsibility for implementation of the University’s policies and procedures on research misconduct. If the RIO is unavailable to carry out these duties, the VPRI will serve as SJSU’s RIO. These responsibilities include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receive allegations of research misconduct;

- Assess each allegation of research misconduct in accordance with this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- When an inquiry is warranted, determine if the inquiry will be investigated by the RIO, by Faculty Affairs, or by Student Affairs and refer the investigation to the appropriate university officer;
- As necessary, take interim action and, when required, notify the Federal Office of Research Integrity (ORI) of special circumstances, in accordance with this policy and current federal regulation;
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with this policy and maintain it securely in accordance with this policy and applicable law and regulation;
- Provide confidentiality to those involved in the research misconduct proceeding as required by 42CFR93.108, other applicable law, and University policy;
- Notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports in accordance with this policy;
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the inquiry and investigation committees, when the need arises, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
- In cooperation with other University officials, take all reasonable and practical steps

to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other institutional members;

- Keep the Deciding Official and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- Notify and make reports to ORI as required by 42CFR93 or any other relevant federal regulations and/or notify and make reports to the appropriate regulatory agency or sponsor as required by regulations and this policy;
- Ensure that administrative actions taken by the University and/or ORI, when appropriate, are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions; and
- Maintain records of the research misconduct proceeding and make them available to ORI or other regulatory agency, as required by law or regulation, in accordance with this policy and any relevant regulations.

B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant will be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation, and be given the transcript or recording of the interview for correction. On a case-by-case basis, the University may provide to the complainant for comment: (1) relevant portions of the inquiry report (within a timeframe that permits the inquiry to be completed within 60 days of its initiation); and (2) the draft investigation report or relevant portions of it. Comments on the draft investigation report shall be submitted within 30 days of the date on which the complainant received the draft report. The University will take into consideration any comments made by the complainant on the draft investigation report and include those comments in the final investigation report.

C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;

- An opportunity to comment on the inquiry report and have his/her comments attached to the report;
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to 42CFR93 (where appropriate and any subsequent or other relevant regulatory requirements) and the University's policies and procedures on research misconduct;
- Be notified in writing of the allegations to be investigated within a reasonable time

after the determination that an investigation is warranted, but before the investigation begins (within 30 days after the University decides to begin an investigation), and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;

- Be interviewed during the investigation, have the right to be accompanied by a representative of his/her choosing during the interview, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
- Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and have the corrected recording or transcript included in the record of investigation; and
- Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised access to the evidence on which the report is based, and be notified that any comments must be submitted within 30 days of the date on which the copy was received and that the comments will be considered by the University and addressed in the final report.

The respondent will be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO (when appropriate) and/or other University officials, the Deciding Official may terminate the University's review of an allegation that has been admitted, if the University's acceptance of the admission and any proposed settlement is approved by the Office of Research Integrity (when appropriate) or other involved regulatory agency or sponsor.

D. Deciding Official (DO)

The campus president, as the Deciding Official, shall receive the inquiry report and after consulting with the RIO or other involved regulatory agency or sponsor, decide whether any investigation is warranted under the criteria in any applicable regulations, including federal regulations such as 42CFR93.307(d). Any finding that an investigation is warranted shall be made in writing by the Deciding Official and shall be provided to ORI (when appropriate) or other involved regulatory agency or sponsor, together with a copy of the inquiry report meeting the requirements of the appropriate federal or other regulations, within 30 days of the finding. If it is found that an investigation is not warranted, the Deciding Official and RIO or other involved regulatory agency or sponsor shall ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry, so that ORI or other appropriate parties may assess the reasons why the University decided not to conduct an investigation.

The Deciding Official shall receive the investigation report and, after consulting with the RIO, or other involved regulatory agencies or sponsor, and other appropriate officials, decide the extent to which the University accepts the findings of the investigation and, if research misconduct is found, decide what, if any, University administrative actions are appropriate. The Deciding Official shall ensure that the final investigation report, the findings of the Deciding Official and a description of the any pending or completed administrative action are provided to ORI or the appropriate regulatory agency or sponsor, as required by federal or other regulations and this policy.

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All University members will report observed, suspected, or apparent research misconduct to the Research Integrity Officer (RIO). If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

B. Cooperation with Research Misconduct Proceedings

University members will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. University members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other University officials.

C. Confidentiality

The RIO shall (1) limit disclosure of the identity of respondents, complainants and witnesses to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding consistent with applicable laws and regulations; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use appropriate mechanisms to ensure that there is no disclosure of identifying information.

D. Protecting Complainants, Witnesses, and Committee Members

University members may not retaliate in any way against complainants, witnesses, or committee members. University members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent

As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made. During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in federal regulations and the policies and procedures of the University.

F. Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal or other sponsor funds and equipment, or the integrity of the PHS or other sponsor supported research process. In the event of such a threat, the RIO will, in consultation with other University officials and ORI or other appropriate regulatory agencies and/or sponsor, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal/sponsor funds and equipment, reassignment of personnel or of the responsibility for the handling of federal/sponsor funds and equipment, additional review of research data and results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI or any other appropriate regulatory agency and/or other sponsor immediately if he/she has reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- U.S. Dept. of HHS or other sponsor resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of possible violations of civil or criminal law;
- Federal action is required to protect the interests of those involved in the research misconduct proceeding;
- The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.

V. Conducting the Assessment and Inquiry

A. Assessment of Allegations

Upon receiving an allegation of research misconduct, the RIO shall immediately assess the allegation to determine whether it is sufficiently credible and sufficiently specific so that potential evidence of research misconduct may be identified, whether it is within the jurisdictional criteria of federal agencies, and whether the allegation falls within the definition of research misconduct in this policy and any applicable federal regulations. An inquiry shall be conducted if these criteria are met.

The assessment period should be brief. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The RIO shall, on or before the date which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding, as provided in the Notice to Respondent; Sequestration of Research Records section below.

B. Initiation and Purpose of Inquiry

If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process after consultation with the DO. The purpose of the inquiry is to

conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

C. Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the RIO must notify the respondent in writing. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO shall take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult with the appropriate regulatory agency for advice and assistance in this regard.

D. Appointment of Inquiry Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an inquiry committee of at least three members including a committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee shall consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

The Inquiry Committee will be Chaired by a tenured full Professor of San José State University who will be selected for professional objectivity regarding both the complainant and respondent to the case. It is desirable but not mandatory that the Chair have the appropriate scientific or professional expertise necessary to evaluate the evidence and issues related to the inquiry. The committee shall have two additional members who must have the appropriate scientific or professional expertise necessary to evaluate the evidence and issues related to the inquiry. One or both of these members may be drawn from other universities and each shall be a tenured full Professor.

The respondent shall be notified of the proposed committee membership and shall have 10 calendar days to object to a proposed member based upon a personal, professional, or financial conflict of interest. The Deciding Official (the President of San José State University or his/her designee) shall make the final determination of whether a conflict exists. If a conflict is found then a new committee member shall be appointed and a new period for objection shall be granted.

E. Charge to the Committee and First Meeting

The RIO shall prepare a charge for the inquiry committee that:

- Sets forth the time for completion of the inquiry;
- Describes the allegations and any related issues identified during the allegation assessment;
- States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to provide information to the RIO who will communicate to the DO whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of the appropriate federal code; and, (2) the allegation may have substance, based on the committee's review during the inquiry.
- Informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this policy.

At the committee's first meeting, the RIO shall review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO shall be present or available throughout the inquiry to advise the committee as needed.

F. Inquiry Process

The inquiry committee shall normally interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. The inquiry committee shall evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and in any applicable federal or other appropriate regulations. The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by

the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the University shall promptly consult with the appropriate federal regulatory agency to determine the next steps that should be taken. If a non-federal sponsor is involved without federal funds, the RIO will consult with appropriate University officials to determine the next steps.

G. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the Deciding Official on whether an investigation is warranted, shall be completed within 60 calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report shall be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the funding support, if any, for example, grant numbers, grant applications, contracts and publications listing specific financial support; (4) the names and titles of the committee members and experts who conducted the inquiry; (5) a summary of the inquiry process used; (6) a list of research records reviewed; (7) summaries of any interviews; (8) the basis for recommending or not recommending that the allegations warrant an investigation; (9) any comments on the draft report by the respondent or complainant and (10) whether any actions should be taken if an investigation is not recommended. University counsel and/or other official with compliance background should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee.

B. Notification to the Respondent and Opportunity to Comment

The RIO shall notify the respondent whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment within 10 working days, and include a copy of or refer to the applicable federal or other appropriate regulations and the University policy on research misconduct.

Any comments that are submitted shall be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

C. University Decision and Notification

1. Decision by Deciding Official

The RIO will transmit the final inquiry report and any comments to Deciding Official (DO), who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

2. Notification to ORI

Within 30 calendar days of the DO's decision that an investigation is warranted, the RIO will provide ORI or other appropriate regulatory agency and/or sponsor with the DO's written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the DO's decision. The RIO must provide the following information to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

3. Documentation of Decision Not to Investigate

If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for 7 years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by ORI of the reasons why an investigation was not conducted. These documents must be provided to ORI or other authorized HHS personnel upon request.

VII. Conducting the Investigation

A. Initiation and Purpose

The investigation shall begin within 30 calendar days after the determination by the Deciding Official that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. In conducting the investigation, the RIO will pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion. If in the course of the investigation, the RIO determines there are additional instances of research misconduct, he or she will notify the Respondent.

B. Notifying ORI and Respondent; Sequestration of Research Records

On or before the date on which the investigation begins, the RIO shall: (1) notify the ORI Director of the decision to begin the investigation and provide any appropriate regulatory agency or sponsor a copy of the inquiry report; and (2) notify the respondent in writing of the allegations to be investigated. The RIO shall also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceedings that were not previously sequestered during the inquiry. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C. Appointment of the Investigation Committee

The RIO, in consultation with other University officials as appropriate, shall appoint an investigation committee and the committee chair within 10 days of the beginning of the investigation or as soon thereafter as practical. The investigation committee shall consist of at least three individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation nor is a complainant.

The Investigation Committee will be Chaired by a tenured full Professor of San José State University faculty member who will be selected for professional objectivity regarding both the complainant and respondent to the case. It is desirable but not mandatory that the Chair have the appropriate scientific or professional expertise necessary to evaluate the evidence and issues related to the allegation. The committee shall have two additional members who must have the appropriate scientific or professional expertise necessary to evaluate the evidence and issues related to the allegation. One or both of these members may be drawn from other universities and each shall be a tenured full Professor. The committee should interview the respondent and complainant and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The respondent shall be notified of the proposed committee membership and shall have 10 calendar days to object to a proposed member based upon a personal, professional, or financial conflict of interest. The Deciding Official (the President of San José State University or his/her designee) shall make the final determination of whether a conflict exists. If a conflict is found then a new committee member shall be appointed and a new period for objection shall be granted.

D. Charge to the Committee and First Meeting

1. Charge to the Committee

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- Describes the allegations and related issues identified during the inquiry;
- Identifies the respondent;
- Informs the committee that it must conduct the investigation as prescribed below in the Investigation Process section;
- Defines research misconduct;
- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
- Informs the committee that in order to determine that the respondent committed research misconduct it must find that a preponderance of the evidence establishes that: (1) research misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community; and (3) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and
- Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and any applicable federal regulations.

2. First Meeting

The RIO shall convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee shall be provided with a copy of this policy and any applicable federal regulations. The RIO shall be present or available throughout the investigation to advise the committee as needed.

E. Investigation Process

The investigation committee and the RIO shall:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

F. Time for Completion

The investigation is to be completed within 120 days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI or other appropriate regulatory agency or sponsor. However, if the RIO determines that the investigation will not be completed within this 120-day period, when appropriate, he/she will submit to ORI a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with ORI, if ORI grants the request for an extension and directs the filing of such reports.

VIII. The Investigation Report

A. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- Describes the nature of the allegation of research misconduct, including identification of the respondent;

- The respondent's c.v. or resume;
- Describes and documents the PHS and/or other support, including, for example, the numbers of any grants that are involved, grant applications, contracts, publications listing sponsor support, and any other documentation found;
- Describes the specific allegations of research misconduct considered in the investigation;
- Includes the University policies and procedures under which the investigation was conducted, unless those policies and procedures were provided to ORI previously;
- Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings shall: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by the respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify the specific financial support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with any federal agencies or other sponsors.

B. Comments on the Draft Report and Access to Evidence

1. Respondent

The RIO shall give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent shall be allowed 30 days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments shall be included and considered in the final report.

2. Confidentiality

In distributing the draft report, or portions thereof, to the respondent, the RIO shall inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. The RIO may require that the recipient sign a confidentiality agreement.

C. Decision by the Deciding Official

The RIO shall assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's comments are included and considered, and transmit the final investigation report to the DO, who shall determine in writing: (1) whether the University accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate University actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO shall, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.

When a final decision on the case has been reached, the RIO shall normally notify both the respondent and the complainant in writing. After informing the appropriate federal regulatory agency and/or other sponsors, the DO shall determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO shall be responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

D. Notice to the Appropriate Federal Agency and/or Other Sponsor

Unless an extension has been granted, the RIO shall within the 120-day period for completing the investigation prepare the following: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

E. Maintaining Records for Review by ORI

The RIO must maintain and provide to ORI, or other appropriate regulatory agencies or sponsors, upon request "records of research misconduct proceedings" as that term is defined by 42 CFR § 93.317 or any subsequent regulations. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification

requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

IX. Completion of Cases; Reporting Premature Closures to Appropriate Regulatory Agency

Generally, all inquiries and investigations shall be carried through to completion and all significant issues will be pursued diligently. The RIO shall notify the appropriate regulatory agency, specifically including ORI when required, in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage.

X. Institutional Administrative Actions

If the Deciding Official determines that research misconduct is substantiated by the findings, he or she shall decide on the appropriate actions to be taken, after consultation with the RIO when required. The administrative actions may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment as guided by appropriate university officials and Collective Bargaining Agreements;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the misconduct.

XI. Other Considerations

A. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities under federal law. If the respondent, without admitting to the misconduct, elects to resign his or her position after the institution receives an allegation of research misconduct, the assessment of the allegation shall proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any

inquiry or investigation committee shall use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

B. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct and upon the request of the respondent, the RIO shall undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO shall, publicize the final outcome in any forum in which the allegation of research misconduct was previously publicized. Any institutional actions to restore the respondent's reputation should first be approved by the Deciding Official

C. Protection of Complainant, Witnesses and Committee Members

During the research misconduct proceeding and upon its completion, regardless of whether it was determined that research misconduct occurred, the RIO shall undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO shall determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO shall be responsible for implementing any steps the Deciding Official approves.

D. Allegations Not Made in Good Faith

If relevant, the Deciding Official shall determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the Deciding Official determines that there was an absence of good faith he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

XII. References

1. *Title 42 Code of Federal Regulations, Part 93, Subparts A,B,C,D,E* – Public Health Service Policies on Research Misconduct.
2. PHS Sample Policy and Procedures for Responding to Allegations of Research Misconduct.
<http://ori.hhs.gov/ori-policies>

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F12-6, Policy Recommendation, Evaluation in
Effectiveness in Teaching for all Faculty**

**Legislative History: Replaces S91-9, S06-6, F83-2, S08-1,
S83-12, S08-6, S89-6, S73-8, F12-1**

At its meeting of December 10, 2012, the Academic Senate approved the following policy recommendation brought to the Senate by Senator Peter for the Professional Standards Committee. University Policy F12-6 was then signed and approved by President Mohammad Qayoumi on January 7, 2013.

At its meeting of March 11, 2013, the Academic Senate approved Amendment A to University Policy F12-6. Amendment A was originally approved as University Policy S13-5 by President Mohammad Qayoumi on April 18, 2013. S13-5 was renamed Amendment A to University Policy F12-6 on March 6, 2019.

At its meeting of March 10, 2014, the Academic Senate approved Amendment B to University Policy F12-6. Amendment B was originally approved as University Policy S14-1 by President Mohammad Qayoumi on April 7, 2014. S14-1 was renamed Amendment B to University Policy F12-6 on March 6, 2019.

At its meeting of October 7, 2019, the Academic Senate approved Amendment C to University Policy F12-6. Amendment C was approved and signed by President Mary A. Papazian on December 2, 2019.

At its meeting of December 5, 2022, the Academic Senate approved Amendment D to University Policy F12-6. Amendment D was approved and signed by Interim President Steve Perez on December 9, 2022.

At its meeting of March 17, 2025, the Academic Senate approved Amendment E to University Policy F12-6, Evaluation in Effectiveness in Teaching for all Faculty, presented by Senator Riley for the Professional Standards Committee. Amendment E was approved and signed by Cynthia Teniente-Matson on April 1, 2025.

On April 14, 2025, the Academic Senate approved Amendment F to University Policy F12-6, Evaluation in Effectiveness in Teaching for all Faculty, presented by Senator

Riley for the Professional Standards Committee. Amendment F was approved and signed by Cynthia Teniente-Matson on May 30, 2025.

University policy F12-6 with Amendments A, B, C, D, E, F are incorporated as follows:

University Policy Evaluation in Effectiveness in Teaching for all Faculty

Resolved: The attached be accepted as University Policy.

Resolved: The policy will be effective beginning with the 2013-14 Academic Year, except for provisions concerning the administration of SOTES (sections E, F, G, and H) which shall be used to regulate the administration of SOTES beginning Spring 2013. Departments should prepare and seek approval of their guidelines for Direct Observations (section C.1) by the end of Spring semester, 2013.

Resolved: The President's assent to this policy constitutes approval of "a requirement to evaluate fewer classes after consideration of the recommendations of appropriate faculty committees" as stated in the CSU/CFA Collective Bargaining Agreement.

Rationale: This is a general revision and consolidation of numerous policies that regulated the evaluation of teaching at San José State University. Part of the need for the revision is obsolescence—for example, there is no provision for adjusting "classroom visits" to the requirements of online courses. Part of the need for revision is that the California State University (CSU) and the California Faculty Association (CFA) have recently approved a new contract. The new contract significantly changes article 15.15, which concerns the administration of student evaluations of teaching.

One major issue addressed here is the contract change on selection of SOTES. The new contract mandates that all classes be evaluated, "unless the President has approved a requirement to evaluate fewer classes after consideration of the recommendations of appropriate faculty committee(s)." The old contract allowed for faculty to select the courses they wanted to have evaluated, and the old contract language was paralleled in S91-9, rendering the language of S91-9 in conflict with the new contract.

A second major issue addressed by this policy is the conversion to electronic evaluations. S06-6 regulates how paper SOTES are administered, but was not designed to protect the integrity of an online electronic evaluation system. Much of the old policy concerned proctoring the paper SOTES, for example, and is clearly irrelevant to an online survey instrument.

A third major issue addressed by this policy is the timing of classroom visits for temporary faculty. S91-9 mandates visits every third semester, but temporary faculty contracts are renewed annually and then sometimes extended into three year contracts after they earn six years of seniority. The three-semester interval is too infrequent to correspond to the review period early in a temporary faculty's SJSU career and too frequent to correspond to the three year contracts that often characterize a temporary faculty's later career.

Numerous other changes are also contained in this policy, and language has been updated to reflect new teaching methods that were not customarily practiced in 1991 when the last major revision of this policy occurred.

To aid in understanding the scope of this policy, the following is a list of policies being replaced and short descriptions of what they contained.

- | | |
|--------|---|
| S73-8 | “Tower List--Not to be used in evaluation of faculty members' performance.” This policy prevented an independent student-run faculty evaluation system from being used in the official faculty rating process. Therefore, the attached policy updates this restriction to cover more modern equivalents, such as Rate My Professor.com. |
| S83-12 | “Student Evaluation of Teaching Effectiveness: prohibition on reporting with percentiles.” We are not entirely sure what this one was about, but it seems to have been intended to prevent an excessively precise “labeling” of teachers on a percentile basis. The attached policy requires a sophisticated norming system that protects faculty more effectively than this restriction. |
| F83-2 | “Student Evaluation of Teaching Effectiveness: Written (Open Ended) Responses Mandated.” This was considered a major reform at the time—students would be allowed to express their specific opinions through written remarks. |

Therefore, the attached policy preserves the opportunity for students to provide qualitative remarks.

- S89-6 “Guidelines for Interpretation of Student Evaluations.” Henceforth student evaluation results would be accompanied with an interpretation guide designed to educate people about appropriate and inappropriate ways to interpret the results. The attached policy preserves this requirement.
- S91-9 “Evaluation of Effectiveness in Teaching for All Faculty.” This is the core policy being amended here. It insisted on a holistic evaluation of faculty that used several sources of data—not just the SOTES. It required peer evaluations for all teaching faculty as a way of balancing the escalating importance of SOTES with a different source of information. The attached policy preserves the holistic approach taken by S91-9, although it introduces numerous reforms.
- S06-6 “Procedures to be Followed when Administering SOTES.” This contained the practical regulations used to administer paper SOTES, including proctoring and signatures. Many elements of this policy will be discarded as irrelevant with the implementation of the electronic SOTES.
- S08-1 “Administration of Online Student Opinion of Teaching Effectiveness (SOTE) Evaluations for Online Courses.” This was an amendment to S06-6 concerning the evaluation of online courses and conflicts with the old contract. This should be rescinded since S06-6 is being replaced by this new policy.
- S08-6 “Developing Baseline Values (Norms) for the Student Opinion of Teaching Effectiveness (SOTE) Surveys for Use in Periodic and Performance Evaluations.” The norming of paper SOTES was difficult because it required all classes be evaluated—something that the old contract did not permit without special permission. The attached policy allows for continual re-norming, eliminating the need for S08-6.
- F12-1 “Administration of Student Opinion of Teaching Effectiveness Surveys (SOTES) Evaluations Online.” This recently passed policy set us on course to move to online SOTES. Its key

provisions are absorbed here in order to unify our teaching evaluation policy.

Approved: (December 3, 2012 email vote after November 26 discussion)

Vote: (10-0-0)

Present: (Green, Reade, Maldonado-Colon, Gleixner, Winnard, Brown, Peter, Condon, Semerjian, Hsu)

Financial Impact: (Savings for electronic SOTES that were already considered in F12-1.)

Workload Impact: (Generally fewer peer reviews, but some will be more thorough, depending on department culture. Department Chairs are assigned responsibilities for implementing Direct Observations, but will often be following procedures similar to existing responsibilities. There will be some work for the Center for Faculty Development and for the Office of Institutional Effectiveness and Analytics in implementing this policy.)

Policy Recommendation

Evaluation in Effectiveness in Teaching

For all Faculty

(Replaces S91-9, S06-6, F83-2, S08-1, S83-12, S08-6, S89-6, S73-8, F12-1, with Amendments A, B, C, D, and E)

Effectiveness in teaching is the primary consideration in evaluating most faculty members' performance. (In the case of faculty who do not teach, or who teach rarely, some or all of the provisions of this policy may be waived by the appropriate college dean.) When evaluating effectiveness in teaching, chairs, committees, and administrators are required to conduct a holistic evaluation. This means that teaching must be considered in context and must be evaluated using multiple sources of information. The factors to be considered include the following categories:

A. Context, Purpose, and Objectives of the Course

1. Relation of course objectives to the purposes of curriculum and the particular course taught.
2. Circumstances such as the nature of the particular course, whether required, experimental, a revision of an older course, a new course or new preparation, a course outside the faculty member's primary area of specialization, a team-taught course, a course using technological mediation, or a course involving close coordination of labs and lectures. Other relevant considerations might be whether a course is taken to fulfill major or General Education requirements.

B. Implementation of the Course

1. Course materials in relation to "A" above, including syllabi and texts used; method, rigor, and level of instruction; tests; and papers.
2. The faculty member's knowledge of the subject, attitudes toward teaching and students, preparation, and grading practices. (Some departments may wish to review at least one set of graded papers or examinations.)

C. Direct Observation by Peers.

As one component of the evaluation of teaching, faculty will be observed by their peers. These direct observations are designed to evaluate teaching within the broad context of factors "A" and "B" cited above. Direct observations may consist of visits to the classroom, laboratory, or supervisory sessions. For courses with majority electronic or online content, direct observations will consist

of peer observers experiencing the course content from the vantage-point of the students. Each faculty evaluation should include at least one direct observation, which may be made in either regular or special session classes.

1. Guidelines for Direct Observations

- a. Creation of Guidelines: Each department shall adopt guidelines for the conduct of direct observations of teaching faculty by peers. Departments may adopt their own unique guidelines, or they may opt to adopt guidelines that are widely shared throughout the college or across the university. In all cases, guidelines will be approved by a majority vote of the department faculty, following standard department voting rights. The Center for Faculty Development shall provide model guidelines, and instruments, and suggestions which a department may use to develop and implement its own guidelines. The adopted guidelines must then be approved by the appropriate college Dean.
- b. Content of Guidelines: Observation guidelines will:
 - 1) Provide details on the frequency of direct observations (if greater than the minimum established by this policy) and on the frequency of any required formative observations (reference section “I” of this policy).
 - 2) Provide either a specific observation instrument (form) or a list of the content to be included in a direct observation report. Through either a form or content list, guidelines will be constructed to reflect what the department deems relevant to teaching within its discipline, so that direct observation reports will comment on all relevant factors listed above in sections “A” and “B” of this policy.
 - 3) Require reports to acknowledge any unfavorable conditions in the learning environment beyond the control of the faculty member.
 - 4) Indicate whether training by the Center for Faculty Development is optional or required for peer observers.
 - 5) Elaborate as needed on any aspects of the criteria, procedures, or conduct of direct observations, provided the guidelines remain in accordance with this policy, the

collective bargaining agreement, and any other current university policy.

- c. Enforcement of Guidelines: Department Chairs will be responsible for ensuring that all reports of direct observations follow the adopted guidelines. Any reports that do not follow these guidelines will be returned to the respective peer observer for revision, or else discarded and reassigned.
2. Assignment of Direct Observations.
- a. All peer observers will be assigned by the department chair or the department personnel committee. The peer observers must be currently employed as SJSU faculty members of at least equal academic rank as the faculty member being observed, and preferably of higher academic rank.
 - b. A faculty member may request additional direct observations.
3. Training for Peer Observers. The Center for Faculty Development shall make available training materials and will conduct group sessions, as needed, to instruct peer observers on best practices when conducting direct observations.
4. Frequency of Direct Observations.
- a. For candidates seeking tenure or promotion to Associate Professor, direct observations will be made for a minimum of one course per year. Over the entire period of review, observations must be made to view the full range of courses taught.
 - b. For candidates seeking promotion to Professor, direct observations shall be made in at least two different courses during the period of review.
 - c. For tenured full professors, direct observations may be made upon request of a faculty member with the observations used for professional development.
 - d. An appropriate departmental committee of equal or higher rank, such as the personnel committee, may at its discretion require direct observations when problems of instruction come to its attention. The committee or its evaluators may make appropriate

recommendations for the improvement of instruction (e.g. referral to appropriate faculty development resources).

- e. Faculty in temporary positions shall receive a direct observation in at least one course during their first semester of appointment. Subsequently, they shall receive at least one direct observation during each appointment (e.g., one-year or three-year appointments). Observations will be made for a representative sampling of courses over time.
- f. Departments who have too few qualified peer observers to complete the required number of observations may request assistance from another department. If a sufficient number of peer observers is still not identified, a temporary reduction in the number of required direct observations may be authorized by the appropriate college Dean. Under these circumstances, departments will give priority to faculty who need direct observation reports for impending reviews. Any faculty denied their request for a required observation will instead receive an explanatory letter from the Department Chair that will take the place of the missing observation report in any periodic review.
- g. A faculty member who has not received the required number of direct observations will remind the department Chair of the need for additional observations at least one month prior to a periodic review.
- h. When departments create their guidelines for direct observations, they may choose to encourage or require a higher number of direct observations than the minimum set by this policy (see C.1.b earlier in this policy). Departments may also specify whether the additional observations shall be used for periodic evaluations or whether they will be formative evaluations (see I.3 later in this policy).

5. Procedures for Direct Observations.

- a. Faculty shall be notified a minimum of five working days in advance of his/her direct observation. Advanced consultation is required so that the peer observer can understand how to put the observation into the context of the overall course and curriculum.
- b. Direct Observation Report: A written report must be provided by the peer observer to the faculty member and the Department Chair

within fifteen working days. The faculty member has the right to respond to or rebut in writing the report within five working days after receiving the report.

D. Student Testimonials, Complaints and Unofficial Surveys

1. Any student communications or opinions provided outside of the regular evaluation process must be identified by name to be included in a Personnel Action File.
2. Student opinions published separately (e.g., “Rate My Professor,” “The Tower List,” etc.) are specifically excluded from consideration in any periodic review.
3. Individual faculty, departments and other academic units may choose to administer unofficial student surveys designed to provide various forms of feedback for faculty. These surveys are unofficial and the results may not be placed in the faculty member’s personnel file.
4. SERB (Student Evaluation Review Board) may elect to administer one qualitative question at the same time as the SOTES (Student Opinion of Teaching Effectiveness Surveys), for the purpose of collecting student advice to share with other students. This is subject to the following provisions:
 - a. While administered at the same time as the SOTES, the results of this question will not be part of the SOTES, will not be entered into the faculty personnel file, and will be limited as per D.2. above (i.e., excluded from consideration in faculty periodic reviews.) The question will be clearly demarcated as separate from the SOTE so that students will be aware that their answers to this question will be made available to other students, while their answers to the SOTES will be confidential.
 - b. Only the faculty member, and current San José State University students who completed SOTES during the previous semester, will have access to the results of this survey question.
 - c. The specific question will allow for students to offer advice to other students who are considering taking the course. The question shall be the following or a close approximate: “What advice do you have for future students taking this course to assist them to learn the most they can?”

- d. The responses to this question will be anonymous. The AVP for Institutional Effectiveness and Analytics (IEA) and SERB will determine the best method for distributing the information obtained from this question.
- e. There shall be a reasonable time period when faculty can examine the responses before the results are released; faculty will have the option to prevent release if, in their view, the comments would not be helpful to future students.
- f. If technically feasible, first-time students both transfer and freshmen, would be able to view these comments with the same status as responding students.

E. Student Opinion of Teaching Effectiveness Surveys (SOTES); both Qualitative and Quantitative

1. Caveat. Since student opinion surveys measure student satisfaction rather than student learning, they cannot be considered perfect indicators of teaching quality. Students can be dissatisfied with good teaching and satisfied with poor teaching. Despite this inherent limitation in student opinion surveys, class satisfaction is positively correlated with effective teaching; better teachers in general (not all) have more satisfied students and thus higher evaluation scores.¹ To guard against the limitations of the

¹ For just a few of the thousands of articles available in the literature on the effective use of student evaluations of teaching effectiveness, the AVP for IEA and SERB recommend the following:

Abrami, P.C., d'Apollonia, S. and Cohen, P.A. (1990), Validity of student ratings of instruction: what we know and what we do not, *Journal of Education Psychology*, 82(2), 219-31.

Carrell, S.E. and West, J.E. (2010), Does professor quality matter? Evidence from random assignment of students to professors, *Journal of Political Economy*, 118(3), 409-432.

Cashin, William E. (1995), Student Ratings of Teaching: The Research Revisited. Idea Paper #32. Center for Faculty Evaluation and Development, Kansas State University.

Clayson, D.E. (2009), Student evaluations of teaching: Are they related to what students learn? A meta-analysis and review of the literature. *Journal of Marketing Education*, 31(1), 16-30.

Dowell, D.A. and Neal, J.A. (1983), A selective review of the validity of student ratings of teachings, *Journal of Higher Education*, 53(1), 459-63.

Feldman, Kenneth A. (1996), Identifying Exemplary Teaching: Using Data from Course and Teacher Evaluations, *New Directions for Teaching and Learning*, 65 (Spring 1996), 41-50.

Nuhfer, E.B. (2010), A fractal thinker looks at student ratings. Retrieved from <http://sites.bio.indiana.edu/~bender/resources/Assessment/fractalevals10.pdf>

instrument, all those using SOTES as part of the SJSU evaluation process must consult the official interpretation guide referenced elsewhere in this policy. Information from SOTES is *but one* source of information for assessing teaching effectiveness. Additional sources of information pertaining to faculty teaching effectiveness must also be considered when reaching any personnel decision.

2. Terminology. Throughout this policy the term SOTES is understood to also apply to parallel survey instruments (e.g. the SOLATE--Student Opinion of Laboratory Effectiveness) and other instruments that may be created by SERB and approved by the Senate to better fit various forms of instruction.
3. The AVP for IEA in consultation with SERB may create a list of classes which will be excluded from all SOTE administration on technical or ethical grounds (e.g., individual studies, supervisions, experimental classes). Provisions will be made to allow faculty to individually request that SOTES be administered in a class that is normally excluded.
4. Other than those classes excluded in E3 (above), SOTES shall be administered in all classes with enrollments of 5 or more students, and shall not be administered in classes with fewer than 5 enrollees.² In courses with enrollments of 5-9 students, faculty may choose that SOTES not be administered in the course. Results of SOTE evaluations will be placed in the faculty personnel file. Faculty may submit a written rebuttal to be included in the faculty personnel file with a class's SOTES when they believe that additional information is needed or that there are student biases (as per the Collective Bargaining Agreement, Article 15). Rebuttals shall be sent to the Faculty Services office within 10 academic year duty days following the release of official SOTES. Faculty may choose to exclude the survey results from one course per year from their periodic evaluations, provided that they teach at least fifteen WTUs (equivalent of five typical three unit courses in either regular and/or special sessions) evaluated via the SOTE instrument during that year. (Issues in interpreting the 15 WTU requirement shall be resolved by the Provost or designee.) For this purpose, the "year" shall correspond to the review cycle of the

Theall, M. (2002) Student ratings: Myths vs. research evidence: Focus on Faculty, Faculty Center newsletter article, BYU. Retrieved from <http://studentratings.byu.edu/info/faculty/myths.asp> See especially the bibliography.

² In this policy, "administration" refers to the collection of data via the SOTE instrument; "reporting" is a separate process that occurs after administration of the instrument. They are two distinct processes for the purpose of this policy. To say that SOTES shall not be administered means that the data shall not be collected at all in such classes.

faculty member; i.e., for tenured/tenure-track faculty beginning in Fall; for lecturer faculty beginning in Spring. When the periodic review covers multiple years, only one course in any year may be excluded, and the remaining SOTES shall be representative of the teaching assignment. In consultation with the Professional Standards Committee, Faculty Services will develop a process for exclusion and rebuttal of SOTES and issue guidelines and a calendar describing that process.

5. When SOTES are included in a periodic evaluation, both the quantitative scores and the associated qualitative comments will be included (as will any rebuttal). When SOTES are excluded from a periodic evaluation, both the quantitative scores and the associated qualitative comments will be excluded (as will any rebuttal).
6. SERB shall prepare the specific questions and survey instrument to be used to measure student opinions of teaching effectiveness. It shall decide the scale, format, and layout of the instrument, and determine the information that is provided in the reports generated by the surveys. The instrument shall be approved by the Senate upon recommendation of SERB and the Professional Standards Committee, and may only be amended by SERB.
7. SERB shall prepare a suitable interpretation guide which explains how the quantitative results of the SOTES will be interpreted, complete with analysis of factors expected to influence ratings and an explanation of statistical norms, etc. It is the responsibility of the Provost to see that the interpretation guide is provided to all personnel committees and administrators responsible for evaluating the teaching of faculty.
8. Any SOTE with a response rate of less than fifty (50)% or with fewer than 10 responses will be flagged as potentially unreliable and interpreted with caution.
9. Surveys from students earning the grades “W, WU, and AU” are to be excluded from results.
10. The SOTE instrument must be compliant with all pertinent accessibility regulations.

F. SOTES: Qualitative Surveys

1. All SOTES shall provide opportunity for unsigned, open-ended (qualitative) student comment. When a SOTE is included in a periodic

evaluation, all qualitative comments associated with that SOTE must be included (with the exception only of F.3 below). However, comments may be reported in ways that minimize the use of space, provided that the comments from each student are grouped together.

2. Summaries of qualitative remarks for use in performance reviews or periodic evaluations of a faculty member are to follow the guidelines below:
 - a) Departments may, at their option, devise methods to provide unbiased summaries of qualitative remarks.
 - b) The AVP for IEA, after consultation with SERB, may implement a system to provide faculty with unbiased summaries of qualitative remarks.
 - c) When summaries of qualitative remarks are provided, they may supplement but may not replace a copy of all student qualitative remarks.
 - d) Only summaries approved by the Department Chair or the AVP for IEA may be used in a performance review or periodic evaluation. Use of any summaries will be at the discretion of the faculty member under review.
3. Faculty may request the removal of remarks in the qualitative surveys that are completely unrelated to teaching, such as comments that are bigoted, hateful, comment on personal appearance, or otherwise violate campus policies.
 - a) Such remarks will be removed after verification of their content by the Department Chair.
 - b) The AVP for IEA, upon consultation with SERB, may implement software that “flags” and removes such remarks. To assist in evaluating possible bias in the SOTES, faculty will receive a full report that includes the text and frequency of all such remarks.

G. SOTES: Quantitative Surveys

1. The survey instrument shall include a quantitative component as per provision 15 in the Collective Bargaining Agreement.

2. Results shall be reported as the means, standard deviations, and medians for each item by class. The mean for each class will be compared against the mean and norms for the particular College and University, when appropriate. The frequencies of responses (e.g., the number of “5”s and “4”s and “3”s etc.) for each question will also be reported.
3. Norming. Norms (an indicator of the middle range of scores) shall be provided to assist in the interpretation of quantitative SOTES. The results of all quantitative evaluations will be used for norming purposes. Norms will be established and reported for all courses rated at the university and college levels.
4. When possible, an additional report will adjust norms for factors that may influence ratings (e.g., level of instruction, classification of course, size of class, average expected grades for a class, or any other relevant differentiation). The specific norms provided shall be determined by SERB in consultation with the AVP for IEA.
5. Reports will include average ratings by expected grades for each class, to enable users to distinguish the opinion of students expecting high grades in a class from the opinion of students expecting low grades in the same class.
6. Refreshing norms. New norms may be established each semester, but norms must be refreshed
 - a) At a minimum of once every five years,
 - b) After each change in the survey instrument,
 - c) As often as practicable.

H. Procedures to be used in administering and managing SOTES

1. SOTES shall be collected by electronic means.
 - a) The AVP for IEA shall arrange for all students to receive regular electronic reminders to complete their SOTES, and these reminders will inform students how to connect to and complete the survey instrument. The reminders will also inform them of on-campus locations where they can obtain connectivity if they do not have independent access.
 - b) SERB shall prepare statements that clearly explain to students the seriousness with which SJSU takes the results of the survey; students should know its importance for the performance evaluation of faculty as well as its benefits for course design and the

improvement of instruction. These statements should be provided both in the electronic reminders and at the beginning of the survey instrument.

2. SERB will be responsible for researching "best practices" and for determining collection and incentive methods that work for SJSU to achieve response rates comparable to paper-and-pencil evaluation response rates—an absolute minimum of 60%. A variety of incentives may be used, provided they are approved by SERB and the AVP for IEA. Incentives may include the avoidance of a temporary delay in the ability for students to access their official grades until after submitting their SOTES. However, this incentive is subject to the following limitations:
 - a) The delay must be temporary and reasonable (e.g. no more than three weeks.)
 - b) The Registrar shall always have the option of releasing grades more promptly for serious academic purposes (e.g. to inform students of academic disqualification.)
 - c) Students shall have the option of accessing the SOTE survey and opting out; deliberately opting out shall count as completing a survey for the purpose of avoiding any penalties.
 - d) Students who complete their surveys will receive their grades at the normal time; students who do not will have their grades delayed for a period after the final faculty deadline for reporting grades.
3. Students shall be able to complete SOTES outside of class through secure electronic access.
4. Faculty may provide time so that students may complete the SOTES in class, subject to the following provisions:
 - a) Students must be informed that they may complete the SOTE outside of class if they prefer, or if they do not have an appropriate electronic instrument with them in class.
 - b) If faculty provide class time, it must be at least a 15 minute block.
 - c) The faculty member must not be present while the survey is being completed.
5. The period of time in which the SOTES will be administered shall be set by SERB in consultation with the Senior Director of IRSA, but must conclude no later than the final day of the University-published timeframe

for culminating activities, guaranteeing their completion before final grades are due. If the course is part of a standard semester, a minimum of the final ten calendar days of the course term will be provided to respond. If a course term is 15 instructional days or fewer, then the final four calendar days of the course term will be provided for students to respond. The specific timeframe for administration of the survey shall conform with these requirements and be established to best enhance the integrity and quality of the survey results.

6. All SOTES must be administered in such a way as to maintain absolute confidentiality for the student respondents. SOTEs shall not be administered in classes with four or fewer enrolled students. Official SOTE reports shall include responses to a question that asks respondents about any undue influence from others while completing the SOTE.
7. No SOTE results—either quantitative or qualitative-- may be released to faculty until after grades for the class are officially submitted.
8. No students will be allowed to submit SOTES after they have seen their official semester grade for a course.
9. Results for SOTES will be stored on a secure server and the server shall be considered an extension of the personnel file. The AVP for Faculty Affairs shall determine procedures for secure access to this extension of the faculty personnel file. The AVP for Faculty Affairs, in consultation with the AVP for IEA and SERB, shall determine the most appropriate method for providing faculty and appropriate evaluators with access to the results of SOTEs.
10. Additional technical and implementation details not covered in this policy will be decided by the AVP for IEA in consultation with SERB and the Professional Standards Committee. Changes in implementation procedures will be reported to SERB and the Professional Standards Committee.

I. Use of SOTES and Observations for Formative Purposes

1. All evaluations of teaching are ultimately intended for the improvement of instruction, and will be implemented and interpreted in that spirit.
2. Formative use of SOTEs. SERB, the Center for Faculty Development (CFD), and the AVP for IEA will collaborate on ways to use the SOTE design and SOTE feedback for the improvement of instruction. This collaboration may use SOTE results to alert faculty to resources that are

available to help improve instruction, such as links to help sites, interpretive reports, and invitations to work on particular issues with faculty development personnel. Any contact with faculty on the basis of SOTE results must be subject to the following provisions:

- a) Department Chairs may initiate contact with faculty to suggest development opportunities that address possible concerns identified by their SOTES. As technology permits, the AVP for IEA, in consultation with SERB and CFD, may develop automated ways of confidentially screening SOTES to help Department Chairs to identify faculty who could benefit from available resources for teaching development.
 - b) Faculty development activities resulting from this contact will be kept strictly separate from faculty evaluation.
 - c) Participation in faculty development programs resulting from this contact are voluntary.
3. Formative Use of Direct Observations. So long as the minimum number of formal direct observations for evaluative purposes (under “C”) are collected, departments are encouraged to make use of additional observations for formative purposes. A formative observation is designed to assist a faculty member to improve his/her teaching but is completely confidential and the results are not to be used in any periodic review. For example, the very first direct observation of a faculty member might best be done according to formative guidelines. Faculty with serious teaching concerns will usually be helped first through the formative process. If departments wish to make use of formative observations, they can adopt the relevant procedures as part of their observation guidelines (described in C1.)
- a) Formative teaching reviews are frequently initiated by faculty request to the Center for Faculty Development; however, reviewing bodies for periodic or performance reviews (as specified in the CFA-CSU Agreement) may also request a formative review. In the latter situation, the reviewing bodies may not obtain the results of that review.
 - b) Individuals must have received training from the Center for Faculty Development (CFD) in relation to conducting a review in order to perform formative teaching evaluations. Reviewers who have received training will receive a document indicating that they have completed the training. Reviewers will, in most cases, be members

of the same department or college as the faculty member being reviewed.

- c) The review process shall consist of three components:
 - 1) A pre-instruction conference between the faculty member and the reviewer to determine areas for which the faculty member would like to be reviewed.
 - 2) As determined in the pre-conference, the reviewer will follow established guidelines and determine observation tools needed to perform the review. The reviewer will spend a minimum of one hour observing.
 - 3) The reviewer will use strategies presented to coach the faculty member to indicate where the faculty member might try to improve and to suggest workshops, seminars, or other resources that would be beneficial.
- d) The results of the formative review shall be disclosed only to the reviewer and to the faculty member being reviewed, though appropriate procedures will be adopted to track that reviews have taken place and to acknowledge the participation of the observer and the faculty member. Faculty members may request certificates of completion for any workshops or seminars attended but records of attendance at those functions shall not be public.
- e) Faculty members are encouraged to consider the recommendations of the reviewer but are not required to follow them.

**SAN JOSE STATE UNIVERSITY
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F12-7, Policy Recommendation, Enrollment Priorities for Former Students Returning (FSRs)

Legislative History:

At its meeting of December 10, 2012, the Academic Senate approved the following policy recommendation brought to the Senate by Senator Du for the Instruction and Student Affairs Committee.

**Action by University President: Approved by President
Mohammad Qayoumi on
January 7, 2013**

**Policy Recommendation
Enrollment Priorities for Former Students Returning (FSRs)**

- Whereas Prior to Fall 2009, there were relatively few barriers to the admission and (re)enrollment of Former Students Returning (FSRs) who met the minimum CSU criteria for admission; and
- Whereas Beginning in Fall 2009, due to the severe budget crisis in the CSU, SJSU implemented strict practices and deadlines for all phases of the admissions/enrollment process (including application, document submission, intent to enroll, registration for and attendance at mandatory orientation sessions, and all payments); and
- Whereas Beginning with the application cycle for the Fall 2009 term, SJSU's authority to accept applications from resident students to state-supported programs in Spring term has varied from year to year, including some years that had no Spring admission; and
- Whereas Beginning with the application cycle for the Fall 2010 term, SJSU implemented impaction criteria for applicants to all programs; and

- Whereas SJSU does not accept lower division transfers, including FSRs seeking lower division transfer, nor post-baccalaureate (excluding credential) students for either Fall or Spring admission; and
- Whereas Beginning with the Fall 2013 admission cycle, impact criteria will apply to all applicants to all majors, including both Undeclared and Assigned Undeclared students (meaning that an “All College GPA” greater than 2.0 may be required for admission as an Upper Division transfer student); and
- Whereas Current SJSU Policy S10-6 treats FSRs as equivalent to new transfer students, which means that FSRs seeking admission as Upper Division (UD) transfer students may be denied admission because of an “All College GPA” which falls below the impact thresholds for both a desired major and the category of Assigned Undeclared; and
- Whereas FSRs (whether in Good Standing or on probation) may not have the opportunity to complete their degrees at SJSU, despite the verified interest of their departments and colleges to have them do so; and
- Whereas Reinstatement is an existing procedure for departments and colleges to indicate their verified interest in having formerly disqualified FSRs return to complete their degree programs, but there is no comparable procedure for departments and colleges to indicate their verified interest in having previously disenrolled FSRs (now in good academic standing or on probation), return to complete their degree programs; therefore be it
- Resolved That an FSR petition procedure, parallel to that currently used for reinstatement, be created for FSRs who stopped out from SJSU in Good Standing or on Probation, and that this petition be created jointly by Academic Affairs (Undergraduate Studies, and Graduate Studies & Research) and Student Affairs (Registrar’s Office); and be it further
- Resolved That if an academic department or college wishes to provide the opportunity for an FSR to complete an SJSU degree as a regularly enrolled student, a petition-based approval should grant a higher priority than afforded to a new applicant in the admissions process (never matriculated at SJSU); and be it further
- Resolved That with the obvious exception that current students maintaining matriculation (in Good Standing, Probation, or on Leave of Absence), the SJSU priority for determining enrollment capacity (including admission and enrollment) should be provided to FSRs who are supported by their departments and colleges, even when such prioritization is at odds with impact GPA thresholds for admission; and be it further
- Resolved That the following priorities should govern admission of undergraduate students:
(1) Upper Division (UD) FSRs in Good Standing approved by their departments/colleges for return to major
(2) Upper Division (UD) FSRs on Probation approved by their departments and colleges for return to major

- (3) Upper Division (UD) FSRs Reinstated in Good Standing approved by their departments and colleges for return to major
- (4) Upper Division (UD) FSRs Reinstated on Probation approved by their departments and colleges & AD/UGS for return to major
- (5) New Admits (Frosh and Transfers), including FSRs not approved by their intended departments and colleges for return to major; and be it further

Resolved That FSRs who seek approval for a new major should be treated as “return to major”; and be it further

Resolved That the following priorities for admission should govern admission of graduate students:

- (1) Uninterrupted Enrollment through successful Program of Study; reinstated on Probation or in Good Standing
- (2) Interrupted Enrollment in Good Standing approved by their departments and colleges for return to major
- (3) Interrupted Enrollment on Probation approved by their departments and colleges & AD/GS&R for return to major
- (4) Interrupted Enrollment ≥ 5 years; with Disregard of Prior Work approved by their departments and colleges & AD/GS&R for return to major
- (5) New Admits

and be it further

Resolved That the following priorities for admission should govern admission of credential students:

- (1) Interrupted Enrollment in Good Standing approved by their departments and colleges for return to major
- (2) New Admits

and be it further

Resolved That the processes for determining departmental/college approval of the admission of FSRs be completed with sufficient lead time prior to the determination of impact GPA thresholds (typically January for Fall term admission) so that Enrollment Services may process new student admissions knowing how many FSRs will be admitted; and be it further

Resolved That the implementation of these priorities be managed by Enrollment Services with consultation and timely input from Academic Affairs (Undergraduate Studies, Graduate Studies & Research, departments and colleges, and Academic Advising and Retention Services (AARS)); and be it further

Resolved That the Instruction & Student Affairs Committee will draft a comprehensive policy incorporating (a) the principles of this resolution and (b) change of major guidelines into (c) a revision of University Policy S10-6; and be it further

Resolved That this policy is to be effective for the every available admission cycle unless prohibited by the Chancellor’s Office.

Approved: 11/26/12
Vote: 13-0-0
Present: Baker, Culatta, Du, Frazier, Goyal, Hagie, Jeffrey, Kelley, King, Kress, Postovoit, Vanniarajan, Walters
Absent: Aggarwal, Holsey, Sofish, Wilson, Worsnup
Non-voting Member: Branz

Curricular Impact: For some students, this will permit more timely graduation, improving retention & graduation rate, and better use of scarce state resources.

Financial Impact: No significant impact anticipated.

Workload Impact: No significant impact, with small increase in advising duties falling primarily on Academic Affairs major advisors and chairs.

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F13-2, University Policy, Technology Intensive, Hybrid and Online Courses and Programs

Legislative History: Rescinds S01-10 and S97-6

At its meeting of December 9, 2013, the Academic Senate approved the following policy recommendation presented by Senator Gleixner for the Curriculum and Research Committee. University policy S01-10 deals with Distance Education Courses and Programs, and S97-6 with Technology Mediated Instruction. This policy replaces both S01-10 and S97-6 with an updated policy as SJSU moves forward in incorporating technology intensive, hybrid, and online instruction into mainstream instruction at SJSU. University policy F13-2 was approved by President Mohammad Qayoumi on January 13, 2014.

Amendment A to F13-2 was approved by the Academic Senate on April 25, 2016 and signed by Interim President Susan W. Martin on May 2, 2016. Amendment A changed section ii.A.1.c. to remove proctoring as an extra fee exemplar. Amendment A is included in the policy as follows.

**University Policy
Technology Intensive, Hybrid, and Online Courses and Programs**

Resolved: That S01-10 (Distance Education Courses and Programs) and S97-6 (Technology Mediated Instruction) be rescinded; and be it further

Resolved: That the following policy for technology mediated instruction be adopted

Rationale

Technology is changing quickly and influencing the development of new models of teaching and learning. At the same time, these new technologies are playing an increasingly important role in society. The purpose of this policy is to provide continuity in the quality of education and transparency in the use of instructional modes and technological tools as we move forward to incorporate technology intensive, hybrid, and online instruction into the mainstream of instruction at SJSU.

The faculty has final responsibility for determining the pedagogies and instructional methods most appropriate for the courses and academic programs that the university offers. The review process for technology intensive, hybrid, and online courses and programs will follow the same criteria, guidelines, and processes as those used for the review of in-person courses and programs, thus taking into consideration

issues of curricular quality and infrastructure needs (e.g., reliability and sustainability of technology, student support services, assessment of student learning outcomes, faculty workload). Technology intensive, hybrid, and online courses and programs will be held to the same student learning outcomes, assessment requirements, and credit hour assignments as in-person courses and programs when reviewed by department, college, and university curriculum committees.

The maintenance and continued enhancement of an appropriate infrastructure to support technology intensive, hybrid, and online courses and programs are basic university responsibilities (not those of departments and colleges). All technology and infrastructure required to support high-quality course delivery, such as enhancement in areas of access to library resources and information technology, support for instructional design and development, faculty development, computer and network support, and student services is the responsibility of San José State University.

Approved: 11/4/2013

Vote: 12-0-0

Present: Buzanski, Cheruzel, Gleixner, Harris, Hart, Jaehne, Kohn, Nellen, Schultz-Krohn, Stacks, Swanson, Trulio

Absent: Sujitparapitaya

Financial impact: The continued maintenance and development of a robust technology infrastructure will require the ongoing allocation of resources for hardware, software, cloud computing services, technical and support staff, and faculty development. If enrollment increases through technology intensive, hybrid, and online modalities of teaching, enhanced resources may be needed to support larger class sizes (e.g. faculty workload allocation, graders, student assistants).

Workload Impact: There is a significant faculty workload involved with creating and delivering technology intensive, hybrid, and online courses. In addition, as the need for greater flexibility in course offerings increases, the migration of existing in-person courses and/or degree programs will require a considerable investment of time on the part of faculty and departments. As the development and implementation of technology intensive, hybrid, and online courses and degree programs increase, staff (e.g., SJSU Online, eCampus; Center for Faculty Development) supporting the faculty and departments will see an increase in demands on their time and expertise.

Technology Intensive, Hybrid, and Online Courses and Programs

I. Definitions

Technology Intensive Instruction—Instruction that requires intensive use of technology beyond the norm of current classes.

Hybrid Instruction—Instruction takes place both in person and online. This mode is selected even if one campus meeting is required, because it precludes geographically distributed students.

Online Instruction—All instruction takes place online, with no physical in-person or on campus meetings or activities required.

II. Principles for Technology Intensive, Hybrid, and Online Education

A. Course Delivery Support and Information

1. Students have the right to know the modes of delivery including any on-campus meeting requirements and technology requirements of each course section, program and degree offered by the University.
 - a. For hybrid or online courses, students will be notified of the mode of delivery before enrolling in a course section or program.
 - b. Any course section that uses technology intensive, hybrid, or online instruction shall indicate in the course syllabus and inform students about the required technology access and any necessary materials, equipment, software, or online account access.
 - c. Any course that requires students to pay extra fees for field trips (only allowable course fee according to CSU Executive Order 1078) must indicate so on the syllabus.
 - d. Students shall be notified that all course material developed by the instructor is the intellectual property of the instructor and is to be used for private, study purposes only, and cannot be shared publicly or uploaded without the instructor's approval (see University policy S12-7).
2. All technology intensive, hybrid and online courses shall provide the opportunity for appropriate and timely interactions between faculty and students and among students as directed by University policy (F68-18 or as revised).
3. Criteria will be as rigorous and comprehensive in all delivery modes, and these criteria will be clearly communicated to students on the course syllabus.
4. Technical support, consistent with support available to all other SJSU students, shall be made available to students in technology intensive, hybrid, or online course sections and programs commensurate with student needs.

5. Hybrid and online classes should have a final exam or culminating experience. Hybrid and online classes must abide by University policy S07-2 in which examinations should be appropriately proctored or monitored. The syllabus for the hybrid or online course must indicate the proctor protocol for each class.

6. Technology intensive, hybrid, and online sections of courses in which enrollment is set by other University policies (such as General Education courses) must abide by those class size limits. For other technology intensive, hybrid, or online courses, class size shall be determined by the same department procedure as in-person classes.

B. Faculty Support, Rights and Responsibilities

1. Faculty have a right to know, and department chairs and school directors have the responsibility to inform faculty, of the modes of delivery, including any on-campus meeting requirements, and technological requirements of relevant course sections, programs, or degrees offered by the department or the program. Faculty shall have access to this information before being assigned any course.

2. In accordance with the provisions of the CSU/CFA Collective Bargaining Agreement, faculty shall have the same control and ownership of the substantive and intellectual content of their technology intensive, hybrid, and online course-related materials that faculty have with respect to their in-person courses. The ownership of intellectual property in the collective bargaining agreement is determined based on whether the materials were created with or without extraordinary level of University support. Creation of technology intensive, hybrid, or online classes within the normal workload allocation and utilizing normal University resources is not considered extraordinary support. Separate contracts for course development should explicitly define the level of support as extraordinary or not.

3. In the case where a faculty member who shares ownership of technology intensive curriculum with the University departs the University, the faculty member may teach the curriculum in other venues without prior University approval, and the University may continue to teach the curriculum without prior faculty approval.

4. Because technology intensive, hybrid, and online instruction involve the use of technologies and teaching methods that require specialized training, the university will offer training and technical support to faculty. The University shall provide technical support to faculty to ensure their curriculum meets current accessibility requirements.

5. Any instructor assigned to a technology intensive, hybrid, or online course will be provided with appropriate technology and technical support services to develop and teach the class effectively.

6. Though the outcomes may differ, colleges and departments shall use the same procedures to determine support (such as ISAs and TAs) and workload allocation for technology intensive, hybrid and online courses that they use for in-person courses. This procedure should address the support faculty need for developing new curriculum, learning new technology, ensuring the modality is accessible, and teaching large class sections.

7. The university will provide faculty with the information and/or mechanisms, as appropriate, to ensure legal use (e.g. intellectual property, copyright, FERPA) of external tools or online services that require students to register with external sites.

III. Approval of Technology Intensive, Hybrid, and Online Courses and Degree Programs

A. New Technology Intensive, Hybrid, and Online Degree Programs

New technology intensive, hybrid, and online degree programs or program modifications (including majors, minors, options, certificates and subject matter preparation programs) shall be reviewed in accordance with the usual Program Proposal process.

B. New Technology Intensive, Hybrid, and Online Courses

New technology intensive, hybrid, and online courses are approved through the regular curriculum review process, following the same process as any new course.

C. Converting Existing Courses or Programs to a Technology Intensive, Hybrid and Online Format

In the case of existing courses or programs, approval for the use of technology intensive, hybrid, or online instruction is within the purview of the department and/or program subject to the principles set forth in this Policy. These courses will follow department procedures for reviewing changes in pedagogy for in-person courses. The college dean must be informed by the department chair of these modality changes so that the dean can consider resource implications. The offering department, college or school is responsible for ensuring that students are notified of the change.

IV. Contracts for Technology Intensive, Hybrid, or Online Courses

A. No individual, program, or department shall agree in a contract with any private or public entity to deliver technology intensive, hybrid, or online courses or programs on behalf of SJSU without prior approval of the President or designee.

B. As departments and faculty control and determine the appropriate pedagogies for their courses, the university will not agree in a contract with any private or public entity to deliver technology intensive, hybrid, or online courses or programs without the prior approval of

the relevant department, through the same department procedure that the department reviews pedagogical changes in in-person courses.

C. Agencies providing funding for special certificates, degree programs, or courses shall not acquire any privileges regarding admission standards, academic continuation standards or degree requirements for students or faculty attached to a university-approved academic program.

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F14-2, University Policy, Emeriti Faculty

Legislative History:

Rescinds F92-6 and F96-7

At its meeting of December 1, 2014, the Academic Senate approved the following policy recommendation presented by Senator Peter for the Professional Standards Committee. This policy replaces University policies F92-6 and F96-7. F92-6 established criteria for conferral of “Emeritus Status” to tenured faculty members. F96-7 amended the way the title was granted in the first paragraph of F92-6. The current policy amends criteria for conferral to include lecturers, and rescinds both F92-6 and F96-7. On December 18, 2014, University Policy F14-2 was approved and signed by President Mohammad Qayoumi.

At its meeting of May 8, 2023, the Academic Senate approved Amendment A to University Policy F14-2. On June 20, 2023, President Cynthia Teniente-Matson approved and signed Amendment A to University Policy F14-2. Amendment A is incorporated into F14-2 below.

**University Policy:
Emeriti Faculty**

Resolved: That F92-6 and F96-7 be rescinded and replaced with the following policy,
effective immediately.

Rationale: *F92-6 established the conferral of “Emeritus Status” and F96-7 slightly*

revised the way in which this title was granted. While the current policy unambiguously states that all tenured faculty will normally be granted emeritus standing when they retire, the status of non-tenured faculty—whether Lecturers or other categories within Unit 3—is less well defined and is at the discretion of the President. Some Presidents dating back to Gail Fullerton have occasionally granted Emeritus status to Lecturers, for example, but others Presidents are less inclined to do so.

Under what circumstances should a non-tenured faculty member receive Emeritus status? In crafting this proposal, the Committee has tried to

balance important concerns. The title *Emeritus* is a significant honorific title in part because it carries the meaning that the recipient has contributed to our university in an honorable way over the course of a career, and has been judged worthy by peers. The committee believes that the RTP review process is sufficiently rigorous to assure that tenured faculty meet this requirement, and hence the existing policy's standards are appropriate for tenured faculty and no change for them is needed.

In the years since the last major revision of the policy in 1992, however, San José State has come to rely ever more heavily upon the long-term contributions of non-tenured faculty. Some non-tenured faculty invest decades of their professional lives at San José State and become vital contributors to their departments. The activities of non-tenured faculty often feature years of devoted teaching and mentoring and sometimes extend further, such as those who take on service activities, advising duties, or who participation in research and creative activities. The contributions of non-tenured may be different, but can be just as honorable and as lengthy as those of their tenured peers. Non-tenured faculty, however, by definition have not undergone the review associated with the RTP process. This redrafted policy establishes some simple criteria so that non-tenured faculty may be considered for *Emeriti* status after a peer review.

In examining this issue, the Professional Standards Committee has considered information from several sources. First, we acknowledge AS-3157-13/FA (Rev), a resolution of the Academic Senate of the CSU that states that "in acknowledgement of the historic and current contributions of lecturers" the ASCSU expresses "its support for the inclusion of criteria for lecturers in all campus faculty emeritus policies."

Second, we examined the policies of other CSU campuses, and found numerous examples of other campuses that confer emeritus status on some Lecturers. Three examples include the following:

1. San Diego State requires that meritorious faculty be nominated and voted on by the Academic Senate to be awarded emeritus status; no Presidential action is required. Lecturers may be nominated.
2. San Francisco State confers emeritus status on every faculty member who retires after 10 years of service.
3. CSU Long Beach confers emeritus status on all faculty (including lecturers) who retire after 10 years of service.

Third, we polled the SJSU *Emeritus* and Retired Faculty Association (ERFA) to determine if they had useful advice about the policy. We received about a dozen responses, some of which were quite detailed and thoughtful. From what we could determine, most retired faculty think the title "*Emeritus*" is symbolically significant. While many *Emeritus* faculty make use of some of the privileges associated with the title, usage of these privileges did not seem to be particularly heavy and—especially given that our dozen respondents are probably among the more highly motivated ERFA members—the privileges do not seem to be a significant financial burden for the University.

When we inquired whether ERFA members thought that Lecturers should be granted *Emeritus* standing and (if so) under which conditions, all but one respondent said "yes" but many had qualifications. Generally the respondents thought that Lecturers should have at least ten years of service and should have demonstrated a significant commitment to the University. One respondent said "yes" but suggested "*Emeritus* Lecturer"

be the title. One Emeritus President wrote to note that she had once granted Emeritus standing to a temporary faculty member over the objections of faculty.

*Finally, the committee rather unexpectedly stumbled into a controversy over the appropriate use of Latinate titles and gender neutral language. After consultation with our resident Greek and Latin Professor and style manuals, we have rewritten the policy to correspond with a more contemporary and gender-neutral usage. See for example the Chicago manual of style:
<http://www.chicagomanualofstyle.org/qanda/data/faq/topics/Usage/faq0012.html>*

Approved: (November 17, 2014)

Vote: (6-0-0)

Present: (Peter, Green, Mathur, Riley, White, Romero)

Absent: (Fatoohi, Dresser, Fujimoto, Lee)

Financial Impact: Few direct impacts. Emeritus faculty are entitled to some small benefits such as occasional parking passes and use of the Library. These privileges tend not to be exercised frequently.

Workload Impact: Department personnel committees will be asked to make recommendations concerning the granting of emeriti standing for temporary faculty.

Some departments may choose to create additional criteria to evaluate their applicants.

Emeriti Faculty Policy

1. Eligibility for Emeriti Faculty Status

- 1.1. Emeritus standing shall normally be conferred on each tenured faculty member upon retirement from the University.
- 1.2. Emeritus standing shall normally be conferred on non-tenured faculty upon retirement from the University who meet the following conditions:
 - 1.2.1. They have been employed for a minimum of ten years. Those years shall be continuous except for leaves consistent with the Collective Bargaining Agreement.
 - 1.2.2. They have been approved by a Department personnel committee, which must find that the faculty member has made significant contributions to the University, allowing for the particular character of the academic assignment, i.e., most Lecturers are employed strictly as teachers, non-tenured Counselor faculty are employed as counselors, etc. As evidence of its approval, the committee shall summarize its decision in writing and shall provide a copy of the decision to the President or their designee.
- 1.3. In special circumstances the President may withhold the awarding of emeritus standing for cause. Prior to the conferral of emeritus standing, the President may ask appropriate officials and the Board of Academic Freedom and Professional Responsibility whether there is cause to withhold this standing.
- 1.4. The President may confer emeritus standing on any other retiring faculty member.
- 1.5. Faculty participating in the Early Retirement Program are considered to be tenured faculty and therefore are not yet eligible for emeritus standing.

2. Privileges of Faculty Emeriti

- 2.1. Faculty emeriti may place the Latin designation *emeritus* or *emerita* following the title of their highest academic position on official correspondence, (i.e. Professor Emerita, Professor Emeritus, or Lecturer Emeritus, Lecturer Emerita, Librarian Emerita, Librarian Emeritus, Counselor Faculty Emeritus, Counselor Faculty Emerita, etc.)

- 2.2. New faculty emeriti shall be listed in the program of the commencement ceremony closest to their retirement. Faculty emeriti will be listed in a position of honor on a prominent University website and in appropriate University publications.
- 2.3. Faculty emeriti shall be given a certificate of emeritus status and a permanent ID card indicating their status as emeritus members of the faculty.
- 2.4. Faculty emeriti shall be granted the same library privileges and held to the same responsibilities as all other faculty.
- 2.5. The University should, so far as space, resources, and priorities permit, assist faculty emeriti in their scholarly or professional pursuits. Such assistance may include, but is not limited to, the assignment of an appropriate office space if available, access to equipment or services, and the right to compete for research grants through the University Foundation. Decisions about the provision of resources should be broadly consultative and should include officials from affected units (i.e., Chairs when Department resources are involved, Deans when college resources are involved, etc.)
- 2.6. Faculty emeriti should have access to campus recreational facilities and to cultural and athletic events on the same basis as all other faculty.
- 2.7. Upon request, faculty emeriti shall be granted, insofar as space allows, free parking permits.
- 2.8. Faculty emeriti shall be permitted to keep and continue to use their official SJSU email accounts.
- 2.9 Faculty emeriti shall have access to campus buildings on the same basis as all other faculty.

3. Association for emeriti and retired faculty

- 3.1. A voluntary association has been established to serve the needs of emeriti and retired faculty, and to help them maintain a continuing and fruitful association with the University.
- 3.2. All emeriti and retired faculty are eligible for membership, and the association's members should elect its officers. The association shall determine its own name and constitution, and is presently named the Emeritus and Retired Faculty Association (ERFA).

- 3.3. The association endeavors to keep emeriti and retired faculty informed of University affairs, and to develop means to facilitate their participation as may be appropriate in the life of the University.

**SAN JOSE STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

F15-3, University Policy, Establishing a Committed Presence in a Class

Legislative History: **Amends University Policy S05-12
Amended by University Policy S22-6.**

University Policy F15-3 was presented by Senator Kaufman for the Instruction and Student Affairs Committee and approved by the Academic Senate at its meeting of October 5, 2015. Interim President Susan W. Martin signed and approved F5-3 on October 18, 2015.

Background: University policy S05-12 set the guidelines and some procedures for a refund schedule for students when they drop a class as well as for use of the “W” symbol on transcripts. According to that policy, instructors are permitted to drop students from in-person classes if they did not attend the first class meeting. Since that time, however, online classes have become far more prevalent, which has led to the question of how to track student commitment to a class that does not meet in person. This policy revision adds a clause to determine how students establish a committed presence in online classes (section 2b below). It also shortens the time during which students are required to establish their presence and makes the requirements parallel between in-person and online classes.

Amendment A to University Policy F15-3 was passed by the Academic Senate on May 9, 2022 and was signed and approved by Interim President Steve Perez on June 1, 2022 as University Policy S22-6. Amendment A changes the sentence “Six instructional days before Census Day, i.e. the 14th day of instruction, is the last day for the student to add a class,” to read, “One instructional day before Census Day is the last day for the student to add a class.” Amendment A is incorporated into the policy below.

**University Policy:
Establishing a Committed Presence in Class**

Resolved: The first full paragraph of Section 2 of S05-12 shall be modified to read:

One instructional day before Census Day is the last day for the student to add a class ; this is also the last day for an instructor to drop a student who fails to establish a committed presence in the class. “Establishing a committed presence” is defined as the following options for the student:

- In-person classes. Attending the first class meeting or informing the instructor of the intention to continue in the class before 48 hours after the first official class meeting.
- Online classes. Logging on to the LMS class shell on the first scheduled day of the class or informing the instructor of the intention to continue in the class before 48 hours after the official class start date.

Approved: 9/21/15
 Vote: 15-0-0
 Present: Walters, Sofish, Kelley, Kaufman, Sullivan-Green, Medina, Sen, Khan, Wilson, Branz (non-voting), Bruck (non-voting), Medrano, Gay, Abdukheir, Amante, Brooks, Rees
 Absent: Campsey
 Financial Impact: None
 Workload Impact: None

**SAN JOSE STATE UNIVERSITY
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F15-7, University Policy, Academic Integrity

Legislative History: Rescinds S07-2

At its meeting of November 2, 2015, the Academic Senate approved the following policy recommendation presented by Senator Kaufman for the Instruction and Student Affairs Committee.

S07-2 laid out the University's Policy on Academic Integrity. Since that time, it has been determined that:

- academic sanctions for infractions of academic integrity have been imposed in inconsistent ways across campus;
- student misconduct often goes unreported, resulting in a lack of university knowledge, input, and oversight and an inability of the university to recognize patterns of conduct;
- no formal grade appeal process currently exists for accused students who are found not responsible in the student conduct process or whose cases are dismissed.

Partly for these reasons, the University has not been in complete compliance with CSU executive orders on academic integrity (E.O. 1037, 1068, and 1098). This policy addresses the problems.

**Approved and signed by
Interim President Susan W. Martin on
November 5, 2015.**

**University Policy:
Academic Integrity**

Resolved: That the attached be implemented as policy, rescinding S07-2.

Rationale: There is a need for faculty members to report all instances of academic misconduct and provide a complete record of accused students' academic performance; equal treatment demands it. The University can gain awareness of patterns of infraction only if it has a record of student infractions.

Student rights must also be upheld. Currently, student conduct violations and faculty academic sanctions are reviewed by the Office of Student Conduct and Ethical Development (SCED). When SCED reaches a finding in favor of the student – either the finding of not responsible or a lack of evidence of the violation – the faculty member may appeal the decision to the Board of Academic Freedom and Professional Responsibility (BAFPR).

However, a student has no comparable avenue of appeal when the faculty member refuses to lift a sanction after a SCED finding in the student's favor. At present, faculty members who have imposed academic sanctions on students accused of misconduct are not required to remove those sanctions if the student is found not responsible by SCED. The BAFPR has both the expertise and infrastructure to review this kind of dispute regardless of which party brings the issue to BAFPR's attention.

Approved:	9/21/15
Vote:	15-0-0
Present:	Walters, Sofish, Kelley, Kaufman, Sullivan-Green, Medina, Sen, Khan, Wilson, Branz (non-voting), Bruck (non-voting), Medrano, Gay, Abdukheir, Amante, Brooks, Rees
Absent:	Campsey
Financial Impact:	None
Workload Impact:	Increase for members of the Board of Academic Freedom and Professional Responsibility

SAN JOSE STATE UNIVERSITY POLICY ON ACADEMIC INTEGRITY

The university emphasizes responsible citizenship and an awareness of ethical choices inherent in human development. Academic honesty and fairness foster ethical standards for all those who rely on the integrity of the university, its courses, and its degrees. University degrees are compromised and the public is defrauded if faculty members or students knowingly or unwittingly allow dishonest acts to be rewarded academically.

This policy sets the standards for such integrity and shall be used to inform students, faculty, and staff of the university's Academic Integrity Policy.

STUDENT ROLE

The San José State University Academic Integrity Policy requires that each student:

1. know the rules that preserve academic integrity and abide by them at all times, including learning and abiding by rules associated with specific classes, exams, and course assignments;
2. know the consequences of violating the Academic Integrity Policy;
3. know the appeal rights and procedures to be followed in the event of an appeal;
4. foster academic integrity among peers.

FACULTY ROLE

The San José State University Academic Integrity Policy requires that each faculty member:

1. provide a clear and concise course syllabus that appraises students of the Academic Integrity Policy and the ethical standards and supporting procedures required in a course;
2. make every reasonable effort to foster honest academic conduct. Specifically, examinations should be appropriately proctored or monitored by university personnel to prevent students from copying, using non-cited resources, or exchanging information. Examinations and answers to examination questions should be kept private. Efforts should be made to give unique and varied assignments;

3. take action against a student in accordance with this policy when supporting evidence indicates that the student has violated the Academic Integrity Policy;
4. comply with the rules and standards of the Academic Integrity Policy.

ROLE OF THE OFFICE OF STUDENT CONDUCT AND ETHICAL DEVELOPMENT

The San José State University Academic Integrity Policy requires that the student conduct administrator, the Director of the Office of Student Conduct and Ethical Development (SCED),

1. comply with and enforce the Student Conduct Code¹, which includes the Academic Integrity Policy;
2. adjudicate student conduct cases and assign administrative sanctions to students who have violated the Student Conduct Code;
3. serve as a resource for faculty, staff, and students on matters of academic integrity and this policy;
4. ensure dissemination of the policy to the campus community when changes are made to the policy or procedures.

1.0 DEFINITIONS OF ACADEMIC DISHONESTY

1.1 CHEATING

San José State University defines cheating as the act of obtaining credit, attempting to obtain credit, or assisting others to obtain credit for academic work through the use of any dishonest, deceptive, or fraudulent means. Cheating includes:

- 1.1.1 copying, in part or as a whole, from another's test or other evaluation instrument, including homework assignments, worksheets, lab reports, essays, summaries, and quizzes;
- 1.1.2 submitting work previously graded in another course without prior approval by the course instructor or by departmental policy;

¹ Currently available at
<http://www.sjsu.edu/studentconduct/docs/Student%20Conduct%20Code%202013.pdf>.

- 1.1.3 submitting work simultaneously presented in two or more courses without prior approval of all course instructors or by the departmental policies of all departments;
- 1.1.4 using or consulting sources, tools, or materials prohibited by the instructor prior to or during an examination;
- 1.1.5 altering or interfering with the grading process;
- 1.1.6 sitting for an examination by a surrogate or as a surrogate;
- 1.1.7 any other act committed by a student in the course of his or her academic work that defrauds or misrepresents, including aiding others in any of the actions defined above.

1.2 PLAGIARISM

San José State University defines plagiarism as the act of representing the work of another as one's own without giving appropriate credit, regardless of how that work was obtained, and submitting it to fulfill academic requirements.

Plagiarism includes:

- 1.2.1 knowingly or unknowingly incorporating the ideas, words, sentences, paragraphs, parts of sentences or paragraphs, or the specific substance of another's work without giving appropriate credit, and representing the product as one's own work;
- 1.2.2 representing another's artistic or scholarly works, such as computer programs, instrument printouts, inventions, musical compositions, photographs, paintings, drawings, sculptures, novels, short stories, poems, screen plays, or television scripts, as one's own.

2.0 NOTIFICATION OF STANDARDS OF DETECTING PLAGIARISM

San José State University or its faculty may subscribe to or use plagiarism-detection services. Any plagiarism-detection service used by faculty or with which San José State University contracts shall ensure compliance with FERPA, university data security policies, and accessibility requirements.

Except for the stated purpose of storing submitted work in databases solely for the purpose of detecting plagiarism, any plagiarism-detection service with which San José State University contracts shall, to the fullest extent possible, agree to assure that ownership rights of all

submitted work shall remain with the work's author and not with the plagiarism-detection service.

3.0 SANCTIONS

There shall be two major classifications of sanctions that may be imposed for violations of this policy: academic and administrative. Academic sanctions are actions related to coursework or grades and are determined by the faculty member. Administrative sanctions are actions that address a student's status on campus and are determined by SCED. Academic sanctions and administrative sanctions may be imposed simultaneously.

3.1 ACADEMIC SANCTIONS

Faculty members are responsible for determining academic sanctions. Faculty members may find it helpful to consult with their department chair or school director, senior faculty members, or the director of SCED in consideration of appropriate academic sanctions. Such sanctions shall be proportional to the offense. The academic sanction is usually a form of "grade modification." Before sanctions can be employed, the faculty member must have verified the instance(s) of academic dishonesty by personal observation or documentation. The faculty member is expected to maintain in confidence notes and communications between the student and the faculty member as they may be relevant in subsequent disciplinary proceedings or any subsequent legal actions.

Recommended academic sanctions include:

- 3.1.1 oral reprimand;
- 3.1.2 repetition of the assignment with sufficient change in instructions such that none of the original assignment can be utilized;
- 3.1.3 lower grade on the evaluation instrument;
- 3.1.4 failure on the evaluation instrument;
- 3.1.5 reduction in course grade;
- 3.1.6 failure in the course;
- 3.1.7 recommendation of additional administrative sanctions (SCED to review for possible violations of the Student Conduct Code).

Faculty Discretion

Incidents involving the careless or inept handling of quoted material that fall short of the definitions of cheating or plagiarism, as defined in Items 1.1 and 1.2 of this policy, may be dealt with at the discretion of the faculty member concerned.

The faculty member also has the discretion and obligation to determine whether specific acts by a student fall under the description in 1.1.7.

3.2 ADMINISTRATIVE SANCTIONS

As stipulated in Executive Order 1098 (Student Conduct Procedures), violations of the Student Conduct Code (Title 5 of the California Code of Regulations Section 41301), including cheating or plagiarism in connection with an academic program, may warrant expulsion, suspension, probation, or a lesser sanction. Administrative action involving academic dishonesty shall be the responsibility of SCED. SCED shall respond to referrals from the faculty of violations of the Academic Integrity Policy. It shall further respond to repeat violations as brought to its attention by the centralized reports filed with SCED.

SCED shall notify faculty members when action has been taken. It shall maintain a record of students who have been reported for violating the Academic Integrity Policy.

4.0 EVALUATION AND REPORTING

When a faculty member suspects a violation of the Academic Integrity Policy and is in possession of evidence to substantiate that violation (not excluding a statement of personal observation of the infraction by the faculty member or other SJSU personnel or students in the class), it is the faculty member's responsibility to take the following steps:

- 4.1 Confront the situation discretely; that is, faculty members shall not discuss specific charges of cheating, plagiarism, or any other violations involving specific individuals in the classroom or elsewhere before other members of the class.
- 4.2 Communicate with the student concerning the alleged violation and arrange for a conference to present documentation. In this conference, the student should be advised of the allegation and be made aware of the supporting evidence and probable consequences. The student should be provided the opportunity to provide his/her perspective and respond to the allegation. Faculty members should make their best effort to meet with the student in person, but if that is not feasible, they can communicate in writing. The faculty member is expected to maintain in confidence notes and communications between the student and the faculty member except as they may be relevant in subsequent disciplinary proceedings or any subsequent legal actions.

- 4.3 Inform the student of the sanctions imposed in accordance with Section 4.0 if the faculty member still believes that a violation of the Academic Integrity Policy has occurred.
- 4.4 Report the alleged violation and the action taken to SCED on the Academic Integrity Reporting Form². The form identifies the faculty member, student involved, and type of violation (cheating or plagiarism) and includes a description of the incident and the academic sanctions imposed. SCED shall review the academic sanctions imposed by the faculty member and determine whether they are justified in light of the provisions of the Student Conduct Code and commensurate with university norms of severity. SCED shall further determine whether it will impose administrative sanctions. The faculty member must submit a copy of the supporting documentation to the Academic Integrity Reporting Form. After this initial report, no additional academic sanctions may be levied. Academic sanctions may not be imposed without a report to SCED. Should the faculty member neglect to file an appropriate report to SCED, any academic sanction imposed is invalid until the report is filed. All instances of ethical misconduct should be known to the university and reported to SCED. They should be reviewable and alterable by university oversight personnel, specifically the Director of SCED.
- 4.5 The instructor may impose the academic sanction and make the report called for in Section 4.4 without a conference when a student fails to attend a scheduled conference or discuss the alleged dishonesty and the faculty member makes a good-faith, albeit unsuccessful, effort to contact the student in writing. In either case, the student's right to appeal is preserved.

5.0 PROTECTION OF STUDENT RIGHTS

- 5.1 Students are guaranteed due process, including the right to be informed of the charges and nature of the evidence supporting the charges and to have a meeting with the faculty member, SCED, or other decision makers. At any such meeting, statements and evidence on behalf of the student may be submitted. This policy is not intended to deny the right to appeal of any decision through appropriate university channels.
- 5.2 SCED shall review the academic sanction imposed by a faculty member on a student and determine whether evidence exists in support of the instructor's allegation. It shall also make an assessment of the proportionality of the sanction

² Currently available at https://publicdocs.maxient.com/reportingform.php?SanJoseStateUniv&layout_id=2. Reporting of infractions is mandated by CSU Executive Order 1098.

to the severity of the infraction and may recommend a reduction or increase in sanction severity. This assessment shall be made in consideration of consistency across the campus.

- 5.3 If upon review by SCED, the student is found not responsible of the charges or if insufficient evidence has been presented by the instructor to establish responsibility, then the student shall be exonerated and the case dismissed. In this event, the record of the alleged violation shall be expunged and academic sanctions against the student prohibited, barring an appeal by the faculty member to the Board of Academic Freedom and Professional Responsibility (BAFPR). If SCED finds that sanctions should be modified, the instructor must make those modifications, again barring an appeal by the faculty member to the BAFPR. Should the instructor refuse to lift or modify the sanctions recommended by SCED, the case shall be referred to the BAFPR. This section represents an exception to University Policy S99-9, Section IV.2.
- 5.4 If the BAFPR upholds the findings of SCED to exonerate the student or to modify the sanction, the instructor must lift the sanction imposed or modify it accordingly. If the instructor refuses to do so, as per CSU Executive Order 1037, "it is the responsibility of other qualified faculty to do so ... [i.e.] one or more persons with academic training comparable to the instructor of record who are presently on the faculty at that campus." Preferably, the department chair or school director, in conjunction with associate dean of the relevant college, shall be compelled to do so. If the remedial action has not been taken within a reasonable time as determined by the BAFPR, a request to the President, Provost or appropriate vice president can be made by the BAFPR chair and/or student to expedite the resolution.
- 5.5 All reasonable accommodations shall then be provided to the exonerated student if there is a fear of retaliation by the instructor. Accommodations might include the ability to retake the course without charge from a different instructor or to substitute a different course (the latter if approved by the student's advisor). If retaking the same course, credit for assignments completed in the previous attempt shall be afforded if comparable. Academic standing shall revert to the standing that would have existed if the sanction had not been imposed.
- 5.4 **Student Appeal Process.** An appeal must be filed in writing to the BAFPR before the last day of instruction of the semester following that in which the academic sanction was imposed. The sanctions imposed and the SCED findings shall be taken up by the BAFPR within 30 days of the official filing of the appeal. Evidence submitted by both student and faculty member shall be considered and the determination of responsibility shall be assessed.

6.0 THREATS

Threats against any member of the faculty as a consequence of implementing this policy on academic integrity shall be cause for disciplinary action under the Student Conduct Code (Title 5 of the California Code of Regulations Section 41301), and may also result in civil and criminal action.

7.0 DISSEMINATION OF INFORMATION

- 7.1 The Academic Integrity Policy shall be published in the university catalog and on the university website. Copies of this policy shall also be held in every department office and SCED.
- 7.2 Dissemination of this information shall be the responsibility of SCED. Information is available at <http://www.sjsu.edu/studentconduct/>.
- 7.3 SCED shall submit a statistical report on the number and types of violations and their eventual disposition to the Academic Senate annually.
- 7.4 College and departments/schools are encouraged to discuss periodically this policy at faculty meetings, including discussion of strategies for ensuring academic integrity among students and consistency among faculty.
- 7.5 Department chairs, school directors, and program directors should ensure that new faculty members receive a copy of this policy and an oral explanation at the time they are given their first class assignment.

**SAN JOSE STATE UNIVERSITY
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F15-9, University Policy, Budget Advisory Committee

Legislative History: **Amended by SM-S11-1 (Amendment A)**
 Amended by SM-F17-3 (Amendment B)
 Amended by S19-2 (Amendment C)
 Amended by Amendment D to F15-9
 (Amendment D)
 Rescinds SM-S03-1, Amends S09-6,
 Amends Bylaw 10.1

At its meeting of November 2, 2015, the Academic Senate approved the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee. F15-9 was signed and approved by Interim President Susan W. Martin on November 5, 2015.

Rescinds SM-S03-1 (which placed the Budget Advisory Committee in rotation with policy committees on the Senate agenda); Modifies S09-6 (to remove content related to a budget advisory committee from our current strategic planning policy); Amends Senate Bylaw 10.1 which provides a listing of special agencies.

A coded memo from the Chancellor in 1987, provides the directive behind the guidance and establishment of Campus Budget Advisory Committees. Historically, S05-10 abolished the existing Budget Advisory Committee and replaced it with a Resource Planning Board. S07-3 then established a Resource Review Board noting that “In practice it was found that the role for the Resource Planning Board envisioned by S05-10 has proved to be unworkable due to budget timelines and the composition of the board. This proposal, if adopted, abolishes the Resource Planning Board and creates a new special agency, the Resource Review Board”. Subsequently S09-6 (Strategic Planning Policy) rescinded S07-3 and established a Strategic Planning Board which would serve as the budget advisory committee. SM-S11-1 (Amendment A to F15-9) then temporarily assigned responsibilities of the Budget Advisory Committee to the Senate Executive Committee (plus 3 additional members) noting that “the SPB has had limited meetings, due to management transitions and considerable uncertainty in the CSU budget. Those same budget uncertainties, however, make it all the more important that the Senate and the campus remain connected to the budget advisory role.” Finally, SM-F17-3 (Amendment B to F15-9) revoked the temporary assignment of Budget Advisory Committee responsibilities and returned responsibilities to the Strategic Planning Board.

On September 11, 2019, President Mary A. Papazian signed and approved University Policy S19-2. S19-2 is Amendment C to F15-9. Amendment C updates the charge of the Budget Advisory Committee and is incorporated into the policy below.

On December 16, 2021, President Mary A. Papazian signed and approved Amendment D to University Policy F15-9. Amendment D changes the seat for the “AS President or designee” to the “AS Controller or designee.”

University Policy: Budget Advisory Committee

- Whereas: S09-6, which defined the Strategic Planning Board as the body to serve in the role of a Budget Advisory Committee, is under reconsideration this fall, and
- Whereas: The SJSU statement on shared governance notes that effective shared governance depends on judicious use of fully collaborative and consultative decision making, and
- Whereas: The campus has not had an active budget advisory committee as called for in the 1987 coded memo from the Chancellor (BA 87-14) in recent years, therefore be it
- Resolved: That until such time as S09-6 is updated, provisions in that policy related to a budget advisory committee be removed, and be it further
- Resolved: That Senate bylaw 10.1 be amended to add the Budget Advisory Committee to the list of special agencies, and be it further
- Resolved: That SM-S03-1 be rescinded since reporting responsibilities are part of this policy recommendation.
- Resolved: That effective with the approval of this policy recommendation a special agency titled ‘Budget Advisory Committee’ be established in accordance with the structure, membership, and charge detailed below.

Rationale: A budget advisory committee is critically important in the areas of education, engagement, and transparency when it comes to (a) understanding our decentralized budgeting process, (b) identifying problem areas connected to budget allocations and expenditures, (c) serving in an advisory capacity to campus leadership highlighting issues and concerns from the Academic Senate and campus community on budget-related matters, and (d) serving as a resource to the campus community on budget-related questions. This proposal is meant to provide for a budget advisory committee whose charge and responsibilities are in alignment with the principles articulated in the SJSU Statement on Shared Governance and provided by the System Budget Advisory Committee working with the Statewide Academic Senate and California State Student Association and endorsed by the CSU Chancellor in BA 87-14.

Approved: 9/28/15
Vote: 8-0-0
Present: Grosvenor, Mathur, Curry, Gleixner, Shifflett, Elmiaari, Beyersdorf, Becker
Absent: Laker
Financial Impact: None expected.
Workload Impact: Additional workload for members of the Budget Advisory Committee.

1. Budget Advisory Committee

A Budget Advisory Committee is an integral part of the effort to engage the campus community in developing an understanding of our decentralized budgeting process. Working closely with the Vice President for Administration and Finance the Budget Advisory Committee will on a regular basis review reports related to budget/finance situations, identify areas of concern, and provide feedback and input on priorities and solutions. Meeting regularly, the Budget Advisory Committee will be in a good position to address and communicate budget issues to the Academic Senate and faculty as they emerge throughout an academic year.

The Budget Advisory Committee will be a special agency. In conducting their budget-related work, the President and the Budget Advisory Committee should remain cognizant of the principles in BA 87-14 (Chancellor's coded memo) regarding access to information and consultation. In collaboration with campus leadership the Budget Advisory Committee should strive to serve the campus through education, communication, and transparency.

1.1 Charge

Advises the President of the University by providing input and recommendations throughout the planning, implementation and subsequent review of budget expenditures including advice on key campus priorities. Assists with identifying challenges and problem areas and proposes solutions. Acts as a resource for the campus community in understanding statewide, CSU, and university-wide budgeting processes. Provides advice concerning the planning, development, and implementation of materials to communicate budget-related information to the campus community, ensuring alignment of campus resources with the strategic plan.

1.2 Membership

Senate Vice Chair (Co-chair)
VP Administration & Finance/CFO (Co-chair)
AVP Academic Budgets & Planning (EXO)
1 Dean
1 Department Chair
2 Faculty Senators

2 Faculty-at-large
AS Controller or Designee
Academic Affairs Staff Member (finance/budget responsibilities)

1.2.1 Recruitment and Appointment of Members

Members (other than ex-officio) serve a 3-year term which is renewable for one additional 3-year term. When filling initial appointments, the Chair of the Committee on Committees will stagger the terms of non ex-officio seats. The student member serves a 1-year term and can be re-appointed. Solicitation of applications to serve on the Budget Advisory Committee will be made through the normal Committee on Committees process for the seats designated for faculty, staff, dean, and student members. When multiple applications are submitted for a seat, the Executive Committee of the Academic Senate will select individuals to serve. In considering applicants, attention should focus on the person's expertise in areas related to the planning and allocation of budget resources and the need for continuity over time in membership for a portion of the seats. In addition, to expand engagement in shared governance, efforts would be made to keep membership on the Budget Advisory Committee separate from that on the Strategic Planning Steering Committee.

1.2.2 Interim Appointments.

When a seat will be vacant for no more than 1 semester (e.g., sabbatical) an interim appointment can be made following normal Committee on Committee processes. Any seat that will be vacant for a year or more will require a replacement for the remainder of the term associated with that seat.

1.2.3 Replacing Members

If a member is absent from three regularly scheduled committee meetings in an academic year, the chairs of the Budget Advisory Committee may request that the Associate Vice Chair of the Senate initiate action to recruit a replacement. If a member repeatedly does not perform assigned committee duties, the chairs of the Budget Advisory Committee may request that the Associate Vice Chair of the Senate initiate action to recruit a replacement.

1.3 Responsibilities

The co-chairs of the Budget Advisory Committee will convene and preside at meetings, prepare agendas, propose and maintain time-lines for its activities, and take responsibility for the effective operation of the committee. The BAC shall:

1.3.1 Participate in and facilitate a highly transparent, informative, and participatory campus budget planning and allocation process.

1.3.2 Participate in a budgeting process that integrates campus strategic goal setting, budget review and planning, and allocations set by the president.

1.3.3 Participate in the review of the accomplishment of finance goals across divisions and other appropriate units in the context of accountability with respect to the proper use of funds.

1.3.4 Advise the President regarding the timing and content of annual budget calls.

1.3.5 Advise the President during the fiscal year regarding significant or unanticipated events that have a significant effect upon campus budget allocations.

1.3.6 Advise the President regarding the content and format for reporting annual budget data to the campus community in a thorough and consistent manner such that annual changes in the budget are easily tracked and understood.

1.3.7 Provide annual recommendations to the President regarding the proposed budget allocations across the University's several divisions in line with the University Strategic Plan.

1.3.8 Receive reports related to enrollment targets and yield and contribute to discussions on proposed budget allocations.

1.3.9 Review, analyze, and advise the President regarding significant budget actions external to the campus that could impact the University's Operating Fund; e.g., the initial CSU budget proposal and the Governor's May Revise.

1.3.10 Provide information to the Strategic Planning Committee regarding the alignment of campus resources with the strategic plan.

At the conclusion of each academic year the Vice Chair of the Senate will complete the summary report required of all special agencies and communicate, at an appropriate level of detail, information related to the Budget Advisory Committee's work directly to the Senate.

2. Considerations for the Budget Advisory Committee

Information and input from multiple sources and perspectives should be examined whenever possible. Information reported out to the campus community should be in a format that is readily understood and facilitates productive dialogue. The tenor and nature of communication with all individuals and groups providing and receiving budget-related information should be constructive, inclusive, and transparent.

The Budget Advisory Committee may access as needed all documents related to the campus annual budget as well as expenditures. Committee members would receive the training needed to access available data.

Given the complexity of our decentralized budgeting processes, the Budget Advisory Committee will need to become knowledgeable with regard to a wide range of SJSU resources, operations and organizations. These are likely to include the following:

University

- Operating Fund Budget & Resources
- University Sources and Uses of Funds
- Expenditures by Division
- Comparisons to other CSU Campuses

Self Support Operations & Funds

- Continuing Education Reserve Fund
- Student Health
- University Housing
- University Parking
- Capital Outlay & Deferred Maintenance
- Intercollegiate Athletics
- Lottery
- Student Fees (e.g., Student Success, Excellence, & Technology Fee)

Auxiliary Organizations

- Associated Students
- Research Foundation
- Spartan Shops, Inc.
- Student Union, Inc.
- Tower Foundation

3.0 Policy Modifications

Following implementation, if modifications to this policy appear needed the Vice Chair of the Senate will provide the Academic Senate Chair with the Budget Advisory Committee's suggestions. The Chair of the Academic Senate will then refer the recommendation(s) out to the appropriate policy committees for timely review and subsequent action.

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**F15-10, University Policy, Dissolving the Heritage, Preservation
and Public History Committee**

**Legislative History: Rescinds SM-S09-1, and S05-5
 Amends S08-4**

At its meeting of November 2, 2015, the Academic Senate approved a Senate Management Resolution (SM) presented by Senator Shifflett for the Organization and Government Committee that dissolved the Heritage, Preservation, and Public History Committee. On November 9, 2015, the Executive Committee met and voted to make the SM resolution a policy resolution and forward to the President for approval. The Executive Committee took this action because the Heritage, Preservation, and Public History Committee was created by University policy and therefore must be rescinded by a policy.

S05-5 created the Heritage, Preservation & Public History Committee with a charge to “advise the Senate and the President and propose resolutions and policies as appropriate” with regard to preserving buildings, sites, papers and other items related to SJSU’s history. SM-S09-1 changed the membership to remove the SJSU History Webmaster. The referral to the O&G committee in March of 2013 noted that the chair of the Committee on Committees and the chair of the Heritage, Preservation & Public History Committee were having difficulty finding individuals to serve in the 11 open seats at the time.

In addition, University Policy F15-10 is Amendment A to University Policy S08-4 and adds section 2.c. Section 2.c. provides advice to the President on matters related to historical buildings and grounds. Section 2.c. was combined into Section 2.b. by Amendment B to University Policy S08-4 (University Policy S19-2).

**Approved and signed by
Interim President Susan W. Martin on
November 19, 2015.**

University Policy

Dissolving the Heritage, Preservation, and Public History Committee

- Whereas: The Heritage, Preservation & Public History Committee has not been engaged in much activity in recent years; and
- Whereas: The Heritage, Preservation & Public History Committee voted this fall to dissolve the committee; therefore be it
- Resolved: That the Heritage, Preservation & Public History Committee be dissolved effective with the approval of this resolution, and be it further
- Resolved: That S08-4 (Campus Planning Board) be modified to add a third item (2.c) to the Campus Planning Board's responsibilities as follows: As needed provide advice to the President on matters related to historical buildings and grounds.
- Rationale: Minutes from the fall 2013 O&G meeting with the chair of the Heritage, Preservation & Public History Committee noted as challenges for the committee: lack of participation, type of participation, lack of financial support, no champion, no significant action items or substance. The question was raised at that time about dissolving the committee. The referral (which originated with the committee chair) to the O&G committee also noted that the public history component of the committee's charge had not been addressed over the eight years since the committee was formed. This fall, members of the Heritage, Preservation & Public History Committee met and voted to dissolve the committee. In addition, components of the committee's charge are embedded in other committee's work: The new library policy has language specific to the preservation of materials unique to SJSU, rare and valuable materials, and materials relevant for historical research; the campus planning board has responsibilities that include advising the president regarding the planning, location, construction and operation of structures, facilities, plantings, and landscape design. Therefore, at this point in time the Heritage, Preservation & Public History Committee should be dissolved.

Vote by O&G on this resolution:

Approved: 9/28/15

Vote: 8-0-0

Present: Grosvenor, Mathur, Curry, Shifflett, Elmiaari, Gleixner, Becker, Beyersdorf

Absent: Laker

Financial Impact: None

Workload Impact: None

Vote by the Executive Committee on changing to a Policy Recommendation:

Approved: 11/9/15

Vote: 8-0-1

Present: Kimbarow, Shifflett, Peter, Kaufman, Heiden, Frazier, Backer, Lee, Mathur

Absent: Amante, Blaylock

Financial Impact: None

Workload Impact: Minimal additional work for the Senate Administrator to convert to a policy and the President to review and sign

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F15-12, University Policy, Attendance and Participation

Legislative History: Rescinds F69-24

At its meeting of November 30, 2015, the Academic Senate approved the following policy recommendation presented by Senator Kaufman for the Instruction and Student Affairs Committee.

University Policy F69-24 ('Attendance') established that "attendance, per se, could not be used as a criterion for grading." University policy F06-2 ('Greensheets') reiterated this and stated that "if you grade on participation (which can be used) some indication of how participation will be assessed should be included,..." Despite this clarification, there is still confusion about the distinction between attendance and participation, and a significant number of cases still come to Student Fairness in which faculty have not disclosed the manner in which participation shall be included in a course grade. This replacement for F69-24 further clarifies what is necessary if a faculty member wants to use participation as part of a course grade.

**Approved and signed by Interim President
Susan W. Martin on January 12, 2016.**

**University Policy
Attendance and Participation**

Whereas: Confusion exists among faculty and students about University policy about grading on attendance and participation

Resolved: that F69-24 (Attendance) be rescinded.

Resolved: Attendance shall not be used as a criterion for grading.

Resolved: Students are expected to attend all meetings for the courses in which they are enrolled as they are responsible for material discussed therein, and active participation is frequently essential to ensure maximum benefit to all class members. In some cases, attendance is fundamental to course objectives; for example, students may be required to interact with others in the class. Attendance is the responsibility of the student.

Resolved: Participation may be used as a criterion for grading when the parameters and their evaluation are clearly defined in the course syllabus and the percentage of the overall grade is stated.

Approved: November 16, 2015

Vote: 14-1-0

Present: Walters, Sofish, Kaufman, Medina, Sen, Khan, Wilson, Medrano, Gay, Abukhdeir, Amante, Campsey, Simpson, Branz (non-voting), Bruck (non-voting), Rees, Brooks

Absent: Sullivan-Green

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**F15-13, University Policy, Updating the General Education
Advisory Committee (formerly known as the Board of General
Studies) Membership, Charge, and Responsibilities**

Legislative History: Rescinds S02-7 and S96-9

At its meeting of November 30, 2015, the Academic Senate approved the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee. On December 16, 2015, University Policy F15-13 was approved and signed by Interim President Susan W. Martin.

The language in S02-7 said, “Resolved: that University Policy S96-9 be amended and replaced as follows”, however, the record shows S02-7 as having modified rather than rescinded S96-9.

On September 11, 2019, President Mary A. Papazian approved and signed University Policy S19-2. S19-2 is Amendment A to University Policy F15-13. S19-2 corrected the membership of the Board of General Studies (BOGS) to show the AVP of Undergraduate Studies or designee (EXO, Non-Voting) instead of the AVP of Graduate and Undergraduate Programs or designee (EXO, Non-Voting). This change has been incorporated into the policy below.

On May 5, 2020, President Mary A. Papazian approved and signed Amendment B to University Policy F15-13. Amendment B amends the name, charge, and membership of BOGS and is incorporated into the policy below.

**University Policy
Updating the General Education Advisory Committee (previously known as
the Board of General Studies) Membership, Charge, and Responsibilities**

Whereas: A request has been made to review the membership of the BOGS along with who should chair this committee, and

Whereas: Addition of the Director of Assessment to BOGS could facilitate the work of this committee, and

Whereas: Recently substantial changes have been made to our General Education program (see 2014 Guidelines for General Education [GE], American Institutions [AI], and the Graduation Writing Assessment Requirement [GWAR]) in part to (a) respond to Executive Order 1100 (EO-1100) governing GE, and to (b) define categories for double counting in the major to help high-unit degree programs comply with the CSU's 120 unit degree program requirement, and

Whereas: Sections of S02-7 are outdated, therefore be it

Resolved: That S96-9 and S02-7 be rescinded and replaced with the information provided in this policy recommendation.

Rationale: In the process of working on referrals that impact S02-7, it was noted that S96-9 had been superseded by S02-7. In addition, update of S02-7 was needed with respect to duplication of content in the 2014 Guidelines, references to CSU Executive Order 1100, and deletion of sections no longer relevant. Hence, this policy recommendation provides an update of University Policy with respect to the membership, charge, and responsibilities of BOGS and keeps the content of this policy distinct from information in the 2014 Guidelines for GE, AI, and GWAR.

The changes proposed brings policy language up to date to reflect our structure of seven rather than eight colleges and provides support, through addition of the Director of Assessment, for the ongoing work of the Board with respect to the assessment of curricula and courses.

Summary of changes:

- Updates titles.
- Membership updates. BOGS shall consist of ten members: seven teaching faculty (representing seven colleges), one student, the Vice Provost for Undergraduate Education or designee (EXO; non-voting), and the Director of Assessment (EXO; non-voting).
- Establishing a faculty chair. The Chair shall be a faculty member with at least one year of service on the Board.
- Modification with respect to voting. Ex officio members will be non-voting members with the exception that in the case of ties, the Vice Provost for Undergraduate Education or designee may vote.
- Updates information related to the relevant CSU Executive Order.
- Updates policy to accurately reflect current practices in BOGS in alignment with the current GE, AI, and GWAR Guidelines.
- Adds to procedures section, including discipline-specific faculty, as needed, in discussions concerning proposals when the board determines additional expertise is needed.
- Adds to procedures section, provisions for the appointment of General Education Advisory Panels.

Approved: 11/16/15
Vote: 9-0-0
Present: Mathur, Shifflett, El-Miaari, Beyersdorf, Gleixner, Becker, Laker,
Grosvenor, Curry
Absent: Beyersdorf
Financial Impact: None expected
Workload Impact: Additional short-term workload for individuals serving on a General
Education Advisory Panel

General Education Advisory Committee Membership, Charge, and Responsibilities

(Includes Amendments A and B)

1.0 General Education Advisory Committee

The General Education Advisory Committee (GEAC) shall be an operating committee reporting to the Curriculum and Research Policy Committee. Executive Order 1100 (revised 8/23/17) provides guidance on a range of issues including implementation and governance pertaining to CSU General Education Breadth Requirements. Specifically, section 6.2.2 notes that “The effectiveness of a campus GE program is dependent upon the adequacy of curricular supervision, internal integrity and overall fiscal and academic support. Toward this end, each campus shall have a broadly representative GE committee, a majority of which shall be instructional faculty and shall also include student membership. The committee will provide oversight and make recommendations concerning the implementation, conduct, and evaluation of requirements specified in this executive order. As a companion to the GE committee, a campus may choose to establish a GE program assessment committee to conduct the work described in 6.2.5 of this executive order.”

1.1 Charge

The GEAC receives and solicits courses and reviews curricular proposals designed to satisfy General Education (GE), American Institutions (AI) graduation requirement, and Graduation Writing Assessment Requirements (GWAR) from all colleges and departments of the University; provides support to departments seeking to develop GE, AI, or GWAR courses; recommends approval of new curricular proposals for purposes of GE, AI, and GWAR; reviews the GE portion of materials submitted in the program planning process; and, evaluates curricula according to the current GE Guidelines. The GEAC evaluates modifications requested by degree programs in accordance with the current Guidelines.

1.2 Membership. Faculty appointments should be made on the basis of interest, competence, and experience teaching General Education curricula. The at-large faculty seats should be used to provide the committee with expertise in areas of general education not covered by college faculty representatives. Tenured, tenure-track, and lecturer faculty are all eligible to serve.

Vice Provost for Undergraduate Education or designee (EXO, non voting)

Director of Assessment (EXO, non voting)

1 faculty Business

1 faculty Education

1 faculty Engineering

1 faculty Health and Human Sciences

- 1 faculty Humanities & the Arts
- 1 faculty Science
- 1 faculty Social Sciences
- 1 to 3 faculty-at-large (GE area representatives)
- 1 AS Board member

1.2.1 Appointment of Members

1.2.1.1 Each non-ex officio faculty member will initially serve a 3-year term renewable for one additional 3-year term. Faculty can return to serve in future years (after a break in service) when a seat becomes available. Student members serve a one-year term and can be re-appointed. Recruitment of applicants to serve on the GEAC will be done through the normal Committee on Committees process for the seats designated for a faculty member and student. Each person interested in serving on the committee shall prepare a brief statement summarizing their experience (including GE area of teaching) and interest in General Education.

When there are multiple applications for a seat, the Executive Committee of the Academic Senate will recommend individuals to serve. Selection of faculty shall be based on interest, competence, and experience teaching in the General Education curricula; selection shall also consider the need to have GE areas represented. Student appointments should be made on the basis of interest, experience in the General Education curricula, and a scholastic record of academic excellence.

When a seat will be vacant for no more than 1 semester (e.g., sabbatical or leave of absence) an interim appointment can be made following normal Committee on Committee processes. Any seat that will be vacant for a year or more will require a replacement for the remainder of the term associated with that seat.

The chair will be a faculty member from the committee, with at least one year of service on GEAC, selected each spring by faculty members with continuing appointments for the subsequent year.

1.2.3 Ex officio members will be non-voting members.

1.2.4 If a member is absent from three regularly scheduled committee meetings in an academic year the chair of the GEAC may request that the Associate Vice Chair of the Senate initiate action leading to the appointment of a new member for the remainder of that seat's term. If a member repeatedly does not perform assigned committee duties, the chair of the GEAC may request that the Associate Vice Chair of the Senate initiate action leading to the appointment of a new member for the remainder of that seat's term.

2.0 Responsibilities of the General Education Advisory Committee

2.1 Members are expected to be familiar with the current SJSU Guidelines for GE, AI and GWAR.

2.2 As needed, the GEAC may solicit curricular proposals to satisfy General Education requirements from all colleges and departments of the University. It shall review and, where appropriate, make recommendations to the Provost's designee related to the approval of new curricular proposals. The GEAC will also, following review of the GE portion of materials submitted in the program planning process, provide its recommendations, in writing, to the Program Planning Committee and the relevant department in a timely manner.

2.3 The committee, in consultation with the appropriate college deans and department chairpersons, shall provide for and recommend to the Curriculum and Research Committee modifications to requirements requested by degree programs in accordance with the current GE Guidelines.

2.4 Policy proposals affecting General Education curricula shall be brought to the Academic Senate by the Curriculum and Research Committee (C&R). The Organization and Government Committee shall present policy proposals relating to the charge, membership, and responsibilities of the GEAC.

2.5 Annually, early in Fall Semester, the GEAC chair will provide for the Senate and the Curriculum and Research Committee a written report on its activities for the preceding academic year.

2.6 The GEAC shall liaise with SJSU GE coordinators, college curriculum committees, and the CSU GE Advisory Council to facilitate communication as needed.

2.7 As part of its program planning process, the GEAC shall solicit input from campus stakeholders and take into consideration the feedback from previous institutional accreditation reviews, the GEAC's previous program plan and related reports. Any proposed modifications shall be forwarded to C&R for final review, and consideration by the Senate, before implementation.

2.8 The GEAC will participate in the periodic review of current GE guidelines.

3.0 Procedures

3.1 Meetings of the committee shall be open to the campus community, except in cases where the GEAC elects to conduct votes in closed session.

3.2 Review of New GE Course Proposals. Departmental representatives (normally the faculty who developed/teach the course and chairs/directors) shall be invited in a timely manner by the GEAC to attend meetings at which their course(s) will be discussed.

3.2.1 If the GEAC plans to reject of a new course proposal, it shall provide the department chair with written feedback, explaining the reasons for a recommendation to reject the proposal and an opportunity for department representatives to meet with the GEAC to discuss the recommendation and provide additional documentation as needed. The GEAC may not raise, in subsequent proceedings on the same course, additional objections, except those that apply to new materials submitted.

3.2.2 All final recommendations from the GEAC pertaining to new curricular proposals shall be forwarded to the administrator designated by the Provost to receive recommendations regarding new GE curricular proposals.

3.3 Periodic Review of Existing GE Courses. GE courses will be periodically reviewed by the GEAC as called for in SJSU's Program Planning Policy (S17-11). Following its review of the GE materials from a department's program planning documentation, the GEAC will forward its written recommendations to the Program Planning Committee and the relevant department.

3.4 At the committee's discretion, discipline-specific faculty will be invited to participate in discussions concerning new curricular proposals when the GEAC determines additional expertise is needed.

3.5 The GEAC may appoint ad hoc General Education Review Panels (GRP). Each GRP shall be focused on a specific curricular requirement or set of requirements that is under the purview of the GEAC. The creation of GRPs shall be at the discretion of the committee, except for the American Institutions GRP which is required. A GRP may be constituted for the short duration needed to review and subsequently advise the GEAC on specific proposals.

3.5.1 Purpose. A GRP shall provide the GEAC with advice drawn from disciplinary expertise and may assist the committee with the workload associated with reviewing new courses associated with a particular curricular requirement.

3.5.2 Membership. The membership of Review Panels shall be determined by the GEAC but shall be no less than three persons, and shall consist of individuals with subject-matter expertise and teaching experience relevant to the particular curricular requirement. The GEAC chair will work with the Associate Vice Chair of the Senate to organize outreach to constitute a GRP.

3.5.2.1 American Institutions. The American Institutions GRP shall include, at a minimum, a representative with a doctorate in Political Science who specializes in American and California Government, a representative with a doctorate in History who specializes in United States History, and a representative who has

taught American Institutions requirements in an interdisciplinary context outside of the Political Science and History departments. The AI review panel may advise the GEAC on the GE content of curricular proposals that seek to meet both AI and GE requirements, and it will advise the GEAC on the AI content of all curricular proposals that seek to meet AI requirements. The GEAC will strongly consider the panel's advice. In the event that the GEAC rules differently than the AI panel, the GEAC will provide the rationale for its ruling and members of the review panel may appeal the ruling to the Curriculum and Research Committee for a final decision.

3.6 If the GEAC would like to propose modifications to the GE guidelines regarding criteria for approval of GE courses in addition to those prescribed by university policy, the proposed changes to the guidelines shall be submitted to the Curriculum and Research Committee for policy review and, if approved, will subsequently be made available to all course coordinators and department chairs.

3.7 The GEAC may make additional rules for the conduct of its proceedings, but they must be consistent with university policy.

4.0 **Assessment of the General Education Program**

4.1 The GEAC will be consulted when GE program-level learning outcomes are developed or modified.

4.2 In collaboration with the Provost's designee, and any other entity charged with assessment of the General Education Program overall, GEAC, as needed, will be consulted regarding plans for assessment of the GE program as expressed in EO 1100 section 6.2.5.

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**F16-2, University Policy, Modification of Senate Bylaw 6.13:
Conversion of College Seats to At-Large Seats**

Amends: Senate Bylaw 6.13

Legislative History:

Modifies bylaw 6.13 which pertains to the timing of the change in college seats to at-large seats on committees.

At its meeting of October 24, 2016, the Academic Senate approved the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee.

**Approved and signed by
President Mary A. Papazian on
January 24, 2017.**

**University Policy F16-2
Modification of Senate Bylaw 6.13: Conversion of College
Seats to At-Large Seats**

Whereas: Vacancies may have arisen since the call in the spring, and it is important that colleges have the opportunity to fill their vacant seats, and

Whereas: It is critical that committees have a full slate of members as soon as possible to make timely progress on their work, and

Whereas: Due to the requirement to approve the at large seats on consent calendars at both the Senate Executive committee and the Senate, the length of time seats go unfilled under the current provision is significantly longer than four weeks. Depending on the calendar, it can be at best seven weeks and as long as nine weeks, therefore be it

Resolved: That bylaw 6.13 be modified as follows:

- a) Each year the Senate Executive committee will approve a calendar (referred to below as “appointment calendar”) for appointing faculty to operating committees and policy committees. The calendar will be structured such that colleges are given ample notification of vacancies before the start of the fall semester and also allow for faculty-at-large appointments to be confirmed at the first Senate meeting of the semester.
- b) Notwithstanding the provisions of bylaw 6.10.1, college seats on both policy and operating committees for which no faculty from that college willing to serve have been found by the date specified on the appointment calendar shall become faculty-at-large seats for the balance of the academic year.
- c) By the date specified on the appointment calendar, the Associate Vice Chair of the Senate shall inform each college representative and college dean which of that college’s operating committee seats are still vacant and invite them to recommend faculty for those seats within one week’s time. The college representative and deans shall be reminded that the seats will become faculty-at-large seats for the year if no college faculty to fill them can be found. The dean’s recommendations shall be forwarded to the college’s Committee on Committees representatives who shall present one name to the Associate Vice Chair of the Senate to be reported to the Senate or to the Executive Committee, as appropriate under bylaw 6.2.
- d) By the date specified on the appointment calendar, all vacant college seats on operating committees for which no faculty from the college have been recommended under paragraph (c) above (or otherwise identified) shall become faculty-at-large seats for the balance of the year and all members of the Committee on Committees shall be requested to supply names of faculty from any representative unit to fill these vacancies.
- e) By the date specified on the appointment calendar, all vacant college seats on policy committees shall become faculty-at-large seats for the balance of the year. First priority in filling these vacancies shall be given to elected faculty representatives not assigned to other policy committees. If all elected faculty representatives (other than Senate officers) have been appointed to policy committees and there are policy committee seats still remaining vacant, they shall be filled as provided in 6.13c for policy committees and 6.13d for operating committees.
- f) The Associate Vice Chair of the Senate shall coordinate this selection process so as to maintain as far as possible a representative balance across committees and shall report one name for each vacancy to the Senate or the Executive Committee as appropriate under bylaw 6.2.

g) Elected faculty representatives (other than Senate officers) not appointed to seats designated for representative units and also not appointed to faculty-at-large seats as provided above shall be appointed as additional members-at-large of policy committees. If there is only one such member, s/he shall be appointed to the Organization and Government Committee. If there is a second, s/he shall be appointed to the Instruction and Student Affairs Committee. A third shall be appointed to the Professional Standards Committee and a fourth to the Curriculum and Research Committee. The provision shall be implemented in a manner consistent with Academic Senate bylaw 6.10.1.

Rationale: The length of time seats go unfilled under the current provisions in Senate bylaws often leaves committees with vacancies. For example, in the fall 2016 semester, following the four-week rule, the earliest the executive committee of the Senate could review a consent calendar for at-large appointments would be during their meeting the first week of October. Connecting the calendar to the first Senate meeting allows for the flexibility needed in setting deadlines for the transition of college seats to at-large seats.

Approved:	10/3/16
Vote:	6-0-1
Present:	Curry, Bailey, Shifflett, Rajkovic, Higgins, Boekema, Boylan-Ashraf
Absent:	Grosvenor, Laker, Ormsbee, Hart
Financial Impact:	None expected
Workload Impact:	No change from current situation

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**F16-3, University Policy, Modification of Senate Bylaw 15
Pertaining to Editorial Changes in Policies and Senate
Management Resolutions**

Amends: Senate Bylaw 15c

Legislative History:

Modifies Senate Bylaw 15c passed in Spring 2016 which pertains to the correction of errors in Policy Recommendations and Senate Management Resolutions.

At its meeting of November 21, 2016, the Academic Senate approved the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee.

**Approved and signed by
President Mary A. Papazian on
November 28, 2016.**

**University Policy F16-3
Modification of Bylaw 15 Pertaining to Editorial Changes in
Policies and Senate Management Resolutions**

Whereas: The revisions made to bylaw 15c in Spring 2016 were intended to permit changes to be made to documents by the Executive Committee rather than have minor matters brought to the full senate, and

Whereas: The language in the modification was subsequently found to actually restrict action, therefore be it

Resolved That section c of bylaw 15 be modified as follows:

c) When a policy recommendation or Senate Management Resolution is found to contain editorial errors, that when corrected would not change the intent of the policy or resolution, the Senate Chair, following consultation with and unanimous consent from,

the Executive Committee can correct the error(s). The edited version of the policy recommendation approved by the executive committee will be submitted to the President for final review and signature. Approved editorial corrections shall be recorded in the Senate Executive Committee meeting minutes and changes will be made by Senate staff to the document being corrected. If the editorial changes are not approved by the Executive Committee or the President, the document will be returned to the appropriate policy committee for revision and brought to the Senate for debate and vote.

Rationale: This modification recognizes that the need for editorial corrections are often not detected until after a recommendation has gone to the President or has been implemented. The matter of timing should not result in the Senate having to take up discussion of changes to documents that do not change the intent of a policy or resolution. In addition, the change does not alter the President's final signature authority on University Policies.

Approved:	11/14/16
Vote:	11-0-0
Present:	Laker, Bailey, Shifflett, Rajkovic, Higgins, Ormsbee, Boekema, Hart, Boylan-Ashraf, Tran, Curry
Absent:	Grosvenor
Financial Impact:	None expected
Workload Impact:	No change from current situation

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**F16-4, University Policy, Concurrent Membership on
Operating and Policy Committees**

Amends: Senate Bylaw 6.11

Legislative History:

Modifies Senate Bylaw 6.11 which pertains to membership on Senate Operating and Policy committees. In Fall 2016, an amendment to Senate Bylaw 6.11 was approved by the Senate and submitted to President Papazian for signature. President Papazian requested a change to allow administrators to serve as voting members on both policy and operating committees if necessary. On March 13, 2016, the Academic Senate approved the following modification to bylaw 6.11 which includes the changes suggested by President Papazian.

**Approved and signed by
President Mary A Papazian
on April 12, 2017**

**University Policy F16-4
Modification of Bylaw 6.11 Concurrent Membership on
Operating and Policy Committees**

Whereas: There is a conflict of interest when a committee member concurrently serves on an operating committee and the parent policy committee, and

Whereas: Encouraging diversity in the formation of university senate committees is an essential component of shared governance, and

Whereas: Administrative representatives might concurrently serve on policy and operating committees out of necessity, therefore be it

Resolved That bylaw 6.11 be modified as follows: (addition of new 6.11 a, b, & c)

6.11 Appointments of faculty to operating committees shall be for staggered three-year terms unless otherwise specified. After service for a full three-year term, members

should be reappointed only in special circumstances. Appropriate administrative officers or their officers or designees shall be included on operating committees as ex officio members.

- a) *Faculty serving on a policy committee are ineligible to serve on any operating committee reporting to that same policy committee.*
- b) *The Committee on Committees chair will assure that when appointments are made they take into consideration part (a).*
- c) *To the extent possible, administrative designees to operating committees and their parent policy committee should not result in concurrent membership.—If concurrent membership is unavoidable, the administrator will serve as an exofficio non voting member on the operating committee and an exofficio voting member on the parent policy committee unless otherwise dictated by policy pertaining to committee membership.*

Rationale: There is a potential conflict of interest if a committee member serves on an operating committee that makes a recommendation to the parent policy committee and in essence is voting twice on the same item. The recommendation proposed would keep policy and operating committees operating independently and diminish the possibility of crossover membership. In addition, since the new RTP standards established in the fall of 2016 include explicit expectations for service, this bylaw change would result in more service opportunities for faculty.

Approved:	2/20/17
Vote:	8-0-0
Present:	Laker, Shifflett, Higgins, Ormsbee, Boekema, Hart, Tran, Rajkovic
Absent:	Bailey, Grosvenor,
Financial Impact:	None expected
Workload Impact:	No change

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**F16-5, University Policy, Modification of The Senate
Constitution Related to Membership**

Amends: Senate Constitution Article II, Section 2

Legislative History: At its meeting of November 21, 2016, the Academic Senate passed the following constitutional amendment presented by Senator Shifflett for the Organization and Government Committee (39-0-0). This amendment was then sent to the faculty for ratification. On December 12, 2016, the faculty of the SJSU campus approved this constitutional amendment (108-8-1). This amendment modifies article II, section 2 of the constitution of the Academic Senate. The amendment removes from the representatives of the administration on the Senate the position of Vice President for University Advancement, and adds the Chief Diversity Officer.

**Approved and signed by
President Mary A. Papazian on
January 10, 2017.**

**University Policy F16-5,
Modification of The Senate Constitution Related to
Membership**

- Whereas: Periodic examination of the needs of the senate for robust collaboration and communication with the administration along with the changing roles and responsibilities of administrative positions over time are important, and
- Whereas: A new Chief Diversity Officer for SJSU has been appointed, and
- Whereas: Opportunities to connect with and receive information from the Vice President for Advancement can be achieved without the necessity of a designated seat on the Senate, therefore be it
- Resolved That article II, section 2 of the Senate's constitution be modified as follows:

Article II, Section 2. Administration representatives shall consist of the President, the Provost, the Vice President for Administration and Finance, ~~Vice President for Advancement~~, the Vice President for Student Affairs, and Chief Diversity Officer, ex officio; and four (4) academic deans, at least two of whom shall be deans of colleges, elected by the academic deans for staggered two-year terms.

Rationale: This modification is recommended in light of the demands on the time of the Vice President for Advancement being predominantly external. The linkage for the Senate to the person in this position may be best achieved through targeted communication and reporting to the Senate and Executive Committee. In addition, the Senate and the new Chief Diversity Officer will benefit significantly from direct participation of the person in this role with the Senate.

Approved: 12-0-0
Date: 10-7-16
Present: Laker, Curry, Shifflett, Rajkovic, Higgins, Ormsbee,
Boekema, Bailey, Grosvenor, Hart, Tran, Bailey
Absent: None
Financial Impact: None expected
Workload Impact: No change from current situation.

Campus-wide Faculty Vote:
Date: 12-12-16
Approved: 108-8-1

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F16-6, University Policy, Modification of Senate Bylaw 4.1
Pertaining to Senate Executive Committee Membership**

Amends: Senate Bylaw 4.1

Legislative History: At its meeting of December 12, 2016, the Academic Senate passed the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee (39-1-3). On December 12, 2016, the SJSU faculty ratified the constitutional amendment to remove the seat for the Vice President for University Advancement from the Senate and replace it with a seat for the Chief Diversity Officer (108-8-1). This amendment modifies bylaw 4.1, which pertains to the membership of the Senate Executive Committee by removing the seat for the Vice President for University Advancement and adding the seat for the Chief Diversity Officer.

**Approved and signed by
President Mary A. Papazian on
January 10, 2017.**

**University Policy F16-6,
Modification of Senate Bylaw 4.1, Pertaining to Senate
Executive Committee Membership**

Whereas: The Senate's Executive Committee needs to include members of the administration whose work most directly intersects with the development of university policy, and

Whereas: The evolution of the role of the Vice President for Advancement has led to the need for extensive off campus engagements, and

Whereas: Issues related to campus diversity remain central to our ability to create and sustain a welcoming environment for faculty, staff, students, and administrators, therefore be it

Resolved That bylaw 4.1 be modified as follows:

4.1 The Executive Committee shall be composed of all Senate officers (as defined in bylaw 2), the President, the Provost, the Vice President for Administration and Finance, the Vice President for Student Affairs, the ~~Vice President for Advancement~~, the Chief Diversity Officer, and the President of the Associated Students. For purposes of these bylaws, the elected members of the Executive Committee are the Senate officers.

Rationale: This change to the representation of administrators on the Senate Executive Committee is recommended to best meet the needs of the Senate leadership to have ongoing dialogue with the administrators most directly connected to the work of the Senate. Information from the VP for advancement can still be obtained through reporting to the Senate and Executive Committee. In addition, the senate and the new chief diversity officer will benefit significantly from direct participation of the person in this role on the Executive Committee.

Approved:	11/14/16
Vote:	11-0-0
Present:	Laker, Curry, Shifflett, Rajkovic, Higgins, Ormsbee, Boekema, Hart, Boylan-Ashraf, Tran, Bailey
Absent:	Grosvenor
Financial Impact:	None expected
Workload Impact:	No change from current situation.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F17-1, University Policy, Protection of Human Research Subjects (includes Amendments A, B, C and D)

Legislative History:

On May 8, 2023, the Academic Senate approved Amendment D to University Policy F17-1 presented by Senator Hart for the Organization and Government Committee. On June 20, 2023, President Cynthia Teniente-Matson signed and approved Amendment D to University Policy F17-1. Amendment D modifies section 4.2.3.

On February 8, 2021, the Academic Senate approved Amendment C to University Policy F17-1 presented by Senator Sasikumar for the Organization and Government Committee. Amendment C establishes the Vice President for Research and Innovation (VPRI) as the backup for the Associate Vice President for Research (AVPR) and replaces the term Associate Vice President for Research with SJSU's Institutional Officer wherever it appears in F17-1. President Mary A. Papazian approved Amendment C on March 10, 2021. Amendment C is incorporated into the policy below.

On October 1, 2018, the Academic Senate approved Amendment B to University Policy F17-1 presented by Senator Shifflett for the Organization and Government Committee. Amendment B removes the charge and membership of the Institutional Review Board from F17-1 and establishes it in a separate policy, F18-3. President Mary A. Papazian approved Amendment B on October 15, 2018. F17-1 has been amended to remove the charge and membership as follows.

On February 12, 2018, the Academic Senate approved Amendment A to University Policy F17-1 presented by Senator Schultz-Krohn for the Curriculum and Research Committee. Amendment A corrects an oversight to University Policy F17-1 by rescinding University Policy F08-1. President Mary A. Papazian approved Amendment A on March 5, 2018. Amendment A is incorporated into the policy below.

On October 23, 2017, the Academic Senate approved the following policy recommendation presented by Senator Schultz-Krohn for the Curriculum and Research Committee. This policy recommendation rescinded S08-7 and provided a Human Research Subjects policy that is in compliance with the

Federal Government requirements. Federal regulatory changes were passed in January 2017 with the requirement that institutions have a policy reflecting these new regulations as of January 2018. President Mary A Papazian approved and signed F17-1 on November 2, 2017.

Rescinds and Replaces: S08-7 and F08-1

UNIVERSITY POLICY Protection of Human Research Subjects

- Whereas: San José State University recognizes the need to address the ethical issues concerning human research subjects; and
- Whereas: San José State University must have a current policy that complies with the Federal Regulations; and
- Whereas: The San José State University Institutional Review Board has reviewed the current Federal Policy regulating Human Research Subjects (HRS); and
- Whereas: The San José State University HRS Policy **S08-7 does not comply with forthcoming Federal requirements**; and
- Whereas: The suggested policy submitted by the SJSU Institutional Review Board to the Curriculum and Research Committee was reviewed and disseminated to the SJSU community for comment; therefore be it
- Resolved: That S08-7 be rescinded, and be it further
- Resolved: That the attached policy be implemented
- Approved: 12-0-1
Vote: 10-16-2017
Present: Anagnos, Bacich, Buzanski, Cargill, Chung, Gilles (for Stacks) De Guzman, Liu, Matoush, Rodan, Schultz-Krohn
Absent: None
- Workload Impact: Minimal; as needed, additional training for new members of the SJSU IRB Committee
- Financial Impact: Minimal; cost for additional training as needed

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LIST OF ACRONYMS

- IRB – Institutional Review Board
- LAR – Legally Authorized Representative
- OHRP – Office of Human Research Protections
- PI – Principal Investigator

0.0 Intention

San José State University acknowledges and accepts responsibility for protecting the rights and welfare of human subjects in research. SJSU shall comply with all appropriate statutes governing human research. In addition, non-federally funded or unfunded research shall undergo the same review as if it were federally funded. This policy shall apply to all protocol submissions, including active protocols submitted prior to the 2018 effective date of this policy.

1.0 Definitions

1.1 Engaged Institution – SJSU is considered engaged in human subjects research when its employees or agents obtain informed consent, collect and analyze data, and/or obtain private individually identifiable data for the purposes of contributing to generalizable knowledge under the auspices of SJSU. Such activities trigger either the need for SJSU IRB review or entering into a reliance agreement with another engaged institution whose IRB will review the research instead of the SJSU IRB. The following are examples of scenarios describing the types of institutional involvement that would make SJSU **not** engaged in human subjects research:

- When an SJSU employee or agent consults on research but does not receive or possess identifiable and private information about persons participating in the study.
- When an SJSU employee or agent is engaged in research as a consultant through a non-institutional contract. In this case, research activities must occur outside of his/her institutional employment and he/she may not reference the institution in documents or publications associated with any reported outcomes.
- When an SJSU employee or agent performs commercial or other services for external investigators, provided that the services performed do not merit professional recognition or publication privileges; the services performed are typically performed for non-research purposes; or SJSU employees or agents do not administer any study intervention being tested or evaluated under the protocol.
- When SJSU employees or agents inform prospective subjects about the availability of research; provide prospective subjects with information about the research (which may include a copy of the relevant informed consent document and other IRB approved materials) but do not obtain subjects' consent for the research or act as representatives of the investigators; provide prospective subjects with information about contacting investigators for information or enrollment; and/or seek to obtain the prospective subjects' permission for investigators to contact them.
- When SJSU permits use of campus facilities for recruitment, intervention, or interaction with subjects by investigators from another institution.

1.2 Exclusion – Activities that do not meet the definition of human subjects research as outlined in both sections 1.3 and 1.6 are excluded from oversight by the IRB and the Office of Research. Investigators may self-determine whether their work qualifies for exclusion by using a decision tool developed by the Office of Research for this purpose. Exclusion should not be confused with exemption, as described in section 4.2.1, a category of human subjects research for which there is limited oversight and which must be registered with the Office of Research.

1.3 Human Subject – A living individual about whom an investigator (whether professional or student) conducting research:

- (i) Obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or
- (ii) Obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens.

Although an activity may be considered research, it may not involve human subjects. Except for the populations as defined in (i) and (ii) above, persons involved in a research activity are not considered to be human subjects when the following apply:

- The information collected is not about the individual. That is, the person interviewed/surveyed is asked to provide information specific to his/her expertise or profession as opposed to personal information about him/herself (opinions, thoughts, or perceptions). For example, a welder asked to describe the composite of shielding gas, shielding gas flow rate, and formation of the weld bead is not disclosing information

about him/herself and, as such, is not a research subject. Likewise, an entomologist who describes the varieties of pesticide used to control a specific pest and to identify the types of pesticides that are used most frequently is contributing his/her expertise rather than information about him/herself.

- The information must be about a living individual to qualify as a human subject. Review of death records does not involve human subjects. However, analyses of identifiable biological specimens or identifiable private records of living individuals do require review and approval before analysis may begin.
- When an activity uses diagnostic or classification data for epidemiologic and analytic purposes that are not identifiable by individual or group and when such data are not proposed for a use that conflicts with the conditions under which the data were originally obtained.
- When research data are taken from the public domain and may include data traceable to known individuals or social groups who have clearly made both the information and their identities available for any forms of scrutiny and analysis within the limitations set by statutes concerning libel.
- When observed behavior takes place in a public arena or locale and is observed as aggregate behavior in such a way as to preclude any post-facto identification of individuals.

1.4 Identifiable Private Information – Information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (e.g., a medical record). Private information is identifiable when the identity of the subject is or may readily be ascertained by the investigator or associated with the information.

1.5 Minimal Risk – The probability and magnitude of harm or discomfort anticipated in the research are not greater than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

1.6 Research – A systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. The following activities are deemed not to be research:

- Scholarly and journalistic activities (e.g., oral history, journalism, biography, literary criticism, legal research, and historical scholarship), including the collection and use of information that focus directly on the specific individuals about whom the information is collected.
- Public health surveillance activities, including the collection and testing of information or biospecimens, conducted, supported, requested, ordered, required, or authorized by a public health authority. Such activities are limited to those necessary to allow a public health authority to identify, monitor, assess, or investigate potential public health signals, onsets of disease outbreaks, or conditions of public health importance (including trends,

signals, risk factors, patterns in diseases, or increases in injuries from using consumer products). Such activities include those associated with providing timely situational awareness and priority setting during the course of an event or crisis that threatens public health (including natural or man-made disasters).

- Collection and analysis of information, biospecimens, or records by or for a criminal justice agency for activities authorized by law or a court order solely for criminal justice or criminal investigative purposes.
- Authorized operational activities (as determined by each agency) in support of intelligence, homeland security, defense, or other national security missions.
- Studies conducted for the purpose of program evaluation, needs assessment, or quality control in which findings are solely intended for use in internal program planning and development and are not designed to contribute to generalizable knowledge.
- Student classroom work intended as research practicum (see Section 2.3.2 for restrictions).

2.0 Scope of Policy

2.1 Federal Regulations

SJSU human research activities are to be conducted according to the requirements of the code of federal regulations [TITLE 45, PUBLIC WELFARE: DEPARTMENT OF HEALTH AND HUMAN SERVICES, PART 46: PROTECTION OF HUMAN SUBJECTS](#) as if all SJSU research were federally supported. The federal regulations represent the minimum compliance requirements for human research activities

2.2 Other Applicable Regulations and Guidelines

2.2.1 State, Federal, and Tribal Law – Where state, federal , or tribal laws require more stringent principles, those will be applied.

2.2.2 Professional Associations – Where professional representative organizations such as the American Medical Association, the American Nursing Association, or the American Psychological Association, have established more stringent principles, investigators are encouraged to consider those principles when designing or submitting research proposals for review.

2.2.3 Foreign Countries – Where research takes place in foreign countries, comparable foreign statutes which provide additional protections for human subjects will also apply.

2.3 Applicability to Research When SJSU is an Engaged Institution

2.3.1 To Whom Does SJSU Policy Apply? Policies and procedures presented here are applicable to all research that, in whole or in part, involves human subjects if the research is sponsored by SJSU, or the research is conducted by or under the direction of SJSU employees, auxiliary employees, and/or students (including student/faculty collaborative research) under the auspices of SJSU. Student research must be supervised by a member of the faculty.

2.3.2 Student Research vs. Classroom Activities – Policies and procedures presented here

are applicable to any student-initiated and/or student conducted work that meets the definitions outlined in both sections 1.3 and 1.6.

Policies and procedures presented here are explicitly not applicable to courses that deal with established research methodology and which have been identified by faculty supervisors as research practicum. Numerous departments offer courses that require students to undertake small projects in which people are interviewed, observed, or otherwise serve as human subjects. The primary purpose of providing training in research methods is for the student to become more knowledgeable about the research process. Instructors may assign a project, in conjunction with the course, in which students design a study, recruit participants, collect and analyze data, and report their findings in the form of a final paper. Since the intent of the project/assignment is to train students, the assignment is not considered to be research as defined within the federal regulations and section 1.6 of this policy and is not subject to IRB review. The course instructor is responsible for including information about ethical research practices and providing direct supervision of each project. Projects conducted for this purpose should not exceed minimal risk, target special populations, or include sensitive subject matter. The instructor of such a course is required to assure that procedures associated with, and data collected from, human subjects within these settings conforms to the ethical principles and guidelines established within the discipline and any other related rules.

If the course assignment produces results that may be of interest to the academic community, the IRB recommends that the student replicate the study under an IRB-approved protocol. The IRB does not have the authority to approve research retrospectively. If the primary intention of the student and faculty supervisor is to contribute to generalizable knowledge, then IRB approval is needed prior to commencement of the research.

2.3.3 Collaborative Research and Reliance Agreements – SJSU will abide by the single IRB mandate outlined in the federal regulations at [45 CFR 46.114 \(b\)\(1\)](#). When both SJSU and another domestic institution are engaged in collaborative research, only one IRB need review the IRB proposal. The non-reviewing institution will establish a reliance agreement with the reviewing institution. The reviewing IRB will be identified either by the funding agency, by the lead institution, or by consensus between the institutions.

2.4 Applicability to Research When SJSU is not an Engaged Institution

2.4.1 External Investigators with External IRB Approval – SJSU IRB approval is not needed in cases where a non-SJSU investigator conducts research at SJSU or recruits SJSU students or employees as research participants, provided that the investigator has obtained IRB approval from a supporting institution. The external investigator should register their IRB-approved work with the Office of Research using a form developed for this purpose. Nothing in this policy prevents SJSU department heads from declining to assist external investigators with their research endeavors.

2.4.2 External Investigators from Institutions Lacking IRBs – Federal regulations give common rule departments and agencies authority to enforce compliance directly against IRBs. For this reason, SJSU does not require its IRB to review research projects by external investigators who either come from an institution lacking an IRB or who are conducting research independent of any institutional support. SJSU will not take responsibility for or provide institutional support for external investigators' research activities.

3.0 SJSU Personnel Responsibilities and Authority

3.1 Principal Investigator —The principal investigator (PI) is responsible for conduct consistent with the ethical treatment of research participants and data. A PI is the individual in charge of a research project and must be qualified in the area of the proposed human subjects research. The PI must assume responsibility for compliance with the present policy. A student may not serve as PI but may be supervised by a faculty member to be a student investigator. PI responsibilities include:

- Completing the training requirement for the protection of human subjects in research as outlined on the Office of Research website and ensuring all research personnel are adequately trained.
- Submitting a complete proposal that is clearly written for a general audience.
- Adhering to all proposed actions that have been approved.
- Informing the IRB of any modifications to the proposed research.
- Informing the IRB of unanticipated problems, adverse events, or injuries within no more than one week (7 calendar days).
- Carefully monitoring research by students, staff, or associates conducted under the guidance and supervision of the PI.
- Complying with an SJSU IRB decision to suspend or withdraw its approval for the project.
- Applying all relevant professional standards.

3.2 Institutional Review Board (IRB) Members – See Amendment B to University Policy F17-1 also known as University Policy F18-3.

3.3 Institutional Officer (IO) – SJSU’s Institutional Officer, the Associate Vice President for the Office of Research (AVPR), has administrative authority for the protection of human subjects. If the AVPR is unavailable to carry out these duties, the Vice President for Research and Innovation (VPRI) will serve as SJSU’s Institutional Officer. The IO responsibilities and authority include:

- Maintaining federal wide assurance with the Office of Human Research Protections (OHRP) at the Department of Health and Human Services.
- Reporting unanticipated harms to OHRP, when applicable.
- Proposing actions for various compliance issues, including suspension and termination of research. The IO may suspend research; only the convened committee may terminate research.

3.4 Other Institutional Officials – Research that has received IRB approval may be subject to further review by officials of the University; however, no official (including the IO) may approve and authorize research that has not been approved by the IRB.

4.0 Description of Procedures

4.1 Protocol Submission Procedures

4.1.1 Training Requirements – Prior to submission of a research protocol to the IRB, any

SJSU employee planning to perform or to supervise student research involving human subjects must complete and file with the Office of Research an affirmation attesting to the successful completion of all training courses required of PIs. The nature of the training and access to it is provided on the IRB website.

IRB members are required to complete a training requirement within one month of joining the committee. The nature of the training and access to it is provided on the IRB website.

4.1.2 Protocol Documents – The protocol shall provide a complete description of the purpose and background of the research, the methods and procedures used to recruit participants and obtain data, the data management plan, and the risks and benefits of the research. In the protocol, the PI shall make provisions for the adequate protection of the rights and welfare of prospective research participants, delineate the research team’s responsibilities toward the subjects involved in the research, and ensure that pertinent regulations are observed.

For all research, the PI is required to provide adequate information about the research to potential subjects so that an informed decision can be made regarding participation. The procedures for providing this information must be outlined in the protocol. The expectations for the consent process for both exempt and expedited research are outlined in section 5.0.

Regardless of the type of review that is applied to a research protocol (exempt, expedited, convened committee), all protocol submissions must be complete, written in a manner that is comprehensible to a general audience, and apply relevant professional standards and best practices, including the minimization of risk to participants and a plan to mitigate conflicts of interests and/or situations that present undue influence.

4.1.3 Protocol Routing – Protocols that present minimal risk to subjects, if not found to be exempt under an administrative review by a qualified IRB staff member for the Office of Research, shall be assigned to individual IRB members on a rotating basis by a qualified IRB staff member. IRB staff may screen protocols to ensure they are complete and coherent before routing them an IRB member.

Protocols that present greater than minimal risk to subjects, as determined by a qualified IRB staff member who is also a member of the IRB or by an individual IRB member, must be reviewed by the convened committee.

Subsequent modifications to approved protocols shall undergo an administrative review by a qualified IRB staff member for the Office of Research, unless the modifications increase the risks to subjects. Modifications that increase the risks to subjects shall be reviewed by an IRB member or by the convened committee.

4.2 Review Categories

4.2.1 Exempt Review and Registration – The federal regulations exempt several classes of research from IRB review. SJSU bases recognition of these exemptions on two assumptions: (1) the risk to participants in research is so minimal that requiring an IRB review represents unwarranted intrusion into the research process; and (2) investigators (faculty, students, staff) understand, accept, and will implement the principles of informed consent contained in this policy.

Table 1 lists the categories of research that qualify for exemption from IRB review under the federal regulations at [45 CFR 46.104](#). The table also shows how these categories apply to the regulatory subparts protecting certain vulnerable subjects (pregnant women, human fetuses, and

neonates; prisoners; and children). SJSU has adopted the application of the exemption categories to these protected groups according to the federal regulations. Table 1 outlines the type of consent process which SJSU requires of research qualifying for exemption. In most cases, a written consent notice is provided to subjects but documentation of consent (i.e., a signature on a consent form) is not required. The expectations for the consent process for all review categories are outlined in greater detail in section 5.0.

Exemption is not the same as exclusion. Investigators may not self-determine exempt status and must register a complete protocol with the Office of Research for activities that may qualify for exemption. Protocols shall be screened by a qualified IRB staff member and those protocols that are determined to be exempt from IRB review will undergo an administrative review by the Office of Research only. Registration is not complete until confirmation from the Office of Research has been received by the investigator. The Office of Research reserves the right to evaluate the risk to human subjects in research identified as exempt and to require formal IRB review if the risk is greater than minimal or if it is deemed that expedited or full review is required.

The federal regulations identify the concept of “limited IRB review” for some categories of exempt research at [45 CFR 46.111\(a\)\(8\)](#). For the purposes of SJSU policy, the limited IRB review is akin to an administrative review conducted by the Office of Research which takes into consideration the privacy and confidentiality protections afforded to subjects as well as the consent procedures outlined in the protocol (when applicable).

An administrative review can be conducted by a qualified staff member for the Office of Research. In cases where the work is also subject to a limited IRB review under the federal regulations, the review can be conducted by a qualified staff member who is also a member of the IRB or through an expedited review by an IRB member.

4.2.2 Expedited Review – An expedited review procedure consists of a review of research involving human subjects by the IRB chairperson or by one or more experienced reviewers designated by the chairperson or a qualified staff member from among members of the IRB in accordance with the requirements set forth in [45 CFR 46.110](#). In reviewing the research, the reviewer may exercise all of the authorities of the IRB except that the reviewer may not disapprove the research. Only a convened committee may disapprove research protocols. IRB members are informed of initial review, continuing review, and protocol modifications using expedited procedures via a tracking system provided by the Office of Research.

Research is eligible for an expedited review if it presents no more than minimal risk to human subjects and involves procedures or activities outlined by OHRP and listed in Table 2.

The activities listed should not be deemed to be of minimal risk simply because they are included on this list. Inclusion on this list merely means that the activity is eligible for review through the expedited review procedure when the specific circumstances of the proposed research involve no more than minimal risk to human subjects.

The expedited review procedure may not be used where identification of the subjects and/or their responses would reasonably place them at risk of criminal or civil liability or be damaging to the subjects financial standing, employability, insurability, or reputation, unless reasonable and appropriate protections will be implemented so that risks related to invasion of privacy and breach of confidentiality are no greater than minimal risk.

The expedited review procedure may not be used for classified research involving human subjects.

Federal regulations describe the general requirements for informed consent and allowable waivers at

[45 CFR 46.116](#) and [45 CFR 46.117](#) respectively. The fundamentals of informed consent are discussed in greater detail in section 5.0 of this policy.

4.2.3 Convened Committee / Full Review – If the research is not eligible for an exempt or expedited review because it involves more than minimal risk to subjects, the protocol must be reviewed by the convened IRB membership at the monthly meeting. Full review will take place with a quorum of the IRB, defined as a majority of the total membership, including at least one member whose primary concerns are in a nonscientific area. Research protocols shall be distributed to the full membership at least one week in advance of the scheduled meeting. A protocol shall be approved if it receives the approval of a majority of those members present at the meeting. A primary reviewer is identified to present a specific protocol to other members in attendance. Following presentation and discussion, the committee will vote on a motion to either: 1) approve the protocol as it stands; 2) request revisions to the protocol to secure approval; 3) request that additional information be provided prior to further review by the convened committee; or 4) disapprove the protocol.

The IRB shall apply the criteria for approval outlined in the federal regulations at [45 CFR 46.111](#) and shall approve the research if:

- Risks to subjects are minimized by using procedures that are consistent with sound research design and that do not unnecessarily expose subjects to risk and, whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes.
- Risks to subjects are reasonable in relation to anticipated benefits from the research.
- Selection of subjects is equitable, considering the purpose of the research, the setting, and the population from which subjects will be recruited, with special consideration for vulnerable populations and/or subjects who may be vulnerable to undue influence or coercion.
- Subjects are fully informed of their rights and of the potential risks and benefits of participation in the research.
- Informed consent will be obtained from each prospective subject, as needed, and appropriately documented unless a waiver of documentation of consent is granted.
- Where appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects, protecting the privacy of subjects, and maintaining the confidentiality of data.

4.2.4 Continuing Review – Continuing annual review for approved protocols that qualified for exemption or expedited review is not required unless modifications to the ongoing research significantly change the risks to subjects or the IRB has documented the need for continuing review for a specific protocol.

Protocols approved under a convened committee must undergo a continuing review at least annually. Investigators are responsible for submitting an extension request for continuing review prior to the expiration date of the protocol approval.

Regardless of the type of initial review (exempt, expedited, convened committee) or whether continuing review is needed, investigators are responsible for communicating any changes or modifications to the approved research protocol to the IRB. Submitting modification requests to an approved protocol and obtaining approval for the modification is required before the modification can be implemented except where the modification is necessary to eliminate apparent immediate hazards to subjects.

4.2.3 Convened Committee / Full Review – If the research is not eligible for an exempt or expedited review because it involves more than minimal risk to subjects, the protocol must be reviewed by the convened IRB membership at the monthly meeting. Full review will take place with a quorum of the IRB, defined as a majority of the total membership, including at least one member whose primary concerns are in a nonscientific area. Regarding the Community-at-large seat, the alternate shall vote only in the absence of the primary Community-at-large member, keeping the total number of votes for that seat at one. Research protocols shall be distributed to the full membership at least one week in advance of the scheduled meeting. A protocol shall be approved if it receives the approval of a majority of those members present at the meeting. A primary reviewer is identified to present a specific protocol to other members in attendance. Following presentation and discussion, the committee will vote on a motion to either: 1) approve the protocol as it stands; 2) request revisions to the protocol to secure approval; 3) request that additional information be provided prior to further review by the convened committee; or 4) disapprove the protocol.

4.3 Communication between the IRB and Investigators

4.3.1 Written Communication to Investigator – Protocol forms, including consent templates, shall be provided on the IRB website.

Approvals, recommendations, restrictions, conditions, or disapprovals shall be communicated to the PI in written form. Reasons for disapproval shall be set forth in detail with IRB recommendations for modification of the proposal.

4.3.2 Written Communication from Investigator – All changes to a protocol in response to IRB recommendations must be made in writing.

4.3.3 Appeal Procedures – If an investigator believes that his/her protocol has been disapproved because of incorrect, unfair, or improper evaluation by the IRB, s/he may appeal to the IRB chairperson. Likewise, if an investigator believes requests made by an IRB member are unfair or improper, s/he may appeal to the IRB chairperson. If the IRB chairperson upholds the disapproval or the IRB request made by an individual IRB member, the investigator shall show cause in writing within 3 weeks after the negative decision as to why the IRB decision should be reversed. The appeal shall be considered by a full convened committee review.

4.3.4 Compliant Procedures – Complaints about failure to protect human subjects

participating in research activities covered by this policy shall be made in writing to the IRB chairperson and to SJSU's Institutional Officer.

Upon receipt of a complaint, the IRB Chairperson and one IRB member shall investigate the complaint and shall make a report with a recommended action to the full IRB and to the SJSU's Institutional Officer. If the report includes recommendations to modify or terminate approval for the activity, the chairperson shall convene the IRB no later than the next scheduled meeting to discuss the complaint and all other pertinent information. After reviewing all the evidence and addressing all appropriate questions, the IRB may decide to affirm the appropriateness of the activity, to request modification(s), or to terminate approval for the activity. The IRB decision shall be communicated to the complainant, the PI, and SJSU's Institutional Officer in writing.

4.3.5 Reporting Procedures for Unanticipated Problems, Adverse Events or Injuries — Any unanticipated problems, adverse events or injuries to human subjects during the course of the research must be reported to the IRB via the Office of Research promptly, within no more than one week (7 calendar days), by the principal investigator, using a form designated for this purpose that is posted on the IRB website.

An unanticipated problem is characterized as being:

- (1) Unexpected (in terms of nature, severity, or frequency) in relation to the IRB-approved research procedures described in protocol documents;
- (2) Related or possibly related to participation in research; and
- (3) Suggests that the research places subjects or others at greater risk of harm than was previously known.

An adverse event or injury is any untoward or unfavorable medical occurrence in a human subject, including any abnormal sign, symptom, or disease temporally associated with the subject's participation in the research. Adverse events encompass both physical and psychological harms.

A qualified IRB staff member shall triage such reports and any follow up information to SJSU's Institutional Officer and the IRB chair. The IRB chair shall determine whether any corrective actions or substantive changes are required to the protocol with the assistance of at least one other IRB member or a sub-committee designated by the chair. SJSU's Institutional Officer shall determine whether further reporting to other institutional officials or to OHRP is required. The PI shall be notified by the Office of Research of any corrective actions or changes the IRB has determined are needed. These may include, but are not limited to: modification to selection criteria; modification to consent documents; provision of additional information to previously enrolled subjects; implementation of additional procedures for monitoring subjects; suspension of enrollment of new subjects; suspension of research procedures.

4.4 IRB Records and Reports

4.4.1 IRB Documentation – The IRB shall prepare and maintain adequate documentation of IRB activities. Records of specific human subjects research activity shall be maintained for three years after termination of the last IRB approval period for the activity. Records shall include the following:

- Current IRB membership and operating procedures.

- Copies of all human subjects research proposals reviewed, with all pertinent materials that accompany the proposals, progress reports, and any reports of unanticipated or adverse events.
- Minutes of IRB meetings in sufficient detail to show names of attendees, actions taken with the votes specified, basis for requiring changes in or disapproving human subjects research, summaries of discussions of controverted issues and their resolution. If any member has a conflicting interest regarding any research, the minutes shall show that this member did not participate in the review, except to provide information requested by the IRB.
- Reports of continuing review activities, including the rationale for conducting continuing review of research that would otherwise not require it.
- Copies of all IRB correspondence.

4.4.2 IRB Reporting – The IRB shall report promptly to OHRP these matters of information:

- Any serious or continuing noncompliance by research investigators, SJSU, or its agencies with the requirements of this policy.
- Any unanticipated problems or adverse events that meet the OHRP reporting criteria.
- Suspension or termination of IRB approval (with a statement of reasons for the IRB action), when required by OHRP.

4.4.3 Audits of Research Activities – The Office of Research and the IRB have the authority to obtain any original research records from the PI for the purposes of auditing the research activity for compliance; records that may be requested include, but are not limited to, signed consent documents and raw data.

5.0 Fundamentals of Informed Consent

OHRP states that “informed consent is one of the primary requirements underpinning research with human subjects; it reflects the basic principle of respect for persons.” Informed consent is the knowing consent of an individual or his/her legally authorized representative (LAR) which is obtained without undue influence or coercion. Obtaining informed consent is a process in which an individual is given enough information about a study to make a decision about whether to participate in the research. The consent process involves discussing the details of study participation with a knowledgeable member of the research team, as well as reading and signing a consent form to document that the process has occurred. The consent process must be conducted in a way that facilitates the comprehension of prospective subjects.

5.1 Investigator Responsibilities – It is the responsibility of the research team to provide complete information about a study and to obtain meaningful informed consent from the subject or his/her LAR prior to enrolling them in the study. Guided by the federal regulations at [45 CFR 46.116](#), SJSU requires investigators to maximize the meaningfulness of the consent process by:

- Providing complete information about the study, including beginning with a focused and concise presentation of the key information that is most likely to assist a prospective subject or LAR in understanding the reasons one might or might not want to participate in the research. The standard elements of consent outlined in section 5.3.2 can be considered to

satisfy the key information that must be communicated to subjects at the outset of the consent process.

- Facilitating comprehension by using layman's language and text that is well-written and has been proofread.
- Using a clean and clutter free presentation in written consent documents.
- Describing and following alternatives to written consent for subjects with limited reading skills, who are illiterate, or who are members of a distinct cultural group or community for whom signing documents is not the norm.
- Conducting the consent process in the primary language of subjects and providing them with translations of written documents.
- Providing information about the limits to confidentiality, such as mandated reporting, when appropriate.
- Conducting the consent process under circumstances that offer the subject or the LAR sufficient opportunity to consider whether the subject should or should not participate, including minimizing the possibility of undue influence or coercion, and refraining from the use of exculpatory language.

Where documentation of consent is required or utilized by the research team, the PI is required to maintain such documentation for three years.

Consent is not required for access to identifiable private information from stored records or directly via oral or written communication with prospective subjects for the purposes of recruitment, screening, and determining eligibility for participation as long as there are adequate confidentiality and privacy safeguards for these preparatory-to-research activities.

5.2 SJSU-Specific Requirements

5.2.1 Exempt Research – Investigators must utilize the most appropriate consent option discussed in section 5.3 for their research. SJSU requires a consent process for research that is granted exempt status by the Office of Research. However, documentation of consent is waived for most exempt research except where the subjects are minors or where other laws or regulations require a participant's written authorization. Table 1 summarizes the type of consent process which SJSU requires of research qualifying for exemption.

5.2.2 Parental Permission – Parental permission is required when recruiting children or minors as subjects in research. In California, a minor is identified as a person under the age of 18 years. Parental permission must be obtained in advance of enrolling a minor subject into a study even if the research qualifies for exemption. The exception to the requirement for parental permission is for college students providing their consent for participation in school-based research, such as enrolling in a business or psychology department subject pool for extra credit. The standard elements of consent, as outlined in section 5.3.2, are used when developing a parental permission form. Text should reflect the activities that the child (and the parent, if they are also considered a subject) will be asked to participate in as a research subject.

5.2.3 Assent – The assent of children is required in cases where obtaining assent is

appropriate, regardless of whether the protocol undergoes an administrative review for exemption or an IRB review. In determining whether a child is capable of assenting, reviewers shall take into account the age, maturity, and psychological state of the children involved. This judgment may be made for all children to be involved in research under a particular protocol or for each child, as is deemed appropriate during the review. If the reviewer determines that the capability of some or all of the children is so limited that they cannot reasonably be consulted, or that the intervention or procedure involved in the research holds out a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the research, the assent of the children is not a necessary condition for proceeding with the research. Even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement under the same circumstances in which consent may be waived in accordance with section 5.4. The PI is required to provide an explanation in the IRB protocol of how assent will be obtained or a justification for why it would not be appropriate to obtain assent in a specific case.

5.2.4 Translations – Non-English speaking persons must be presented with a consent form and other written materials in their primary language. The investigator must provide the IRB with translations for review and approval prior to recruiting subjects. It is recommended that the investigator secure preliminary IRB approval of the English documents prior to having them translated. The IRB does not require that a certified translator perform the document translation, but the IRB does require a verification of the accuracy of the translation(s). The verification may be provided by a member of the Department of World Languages, an individual who has the equivalent of a bachelor's degree in that language, an individual who has received an education through secondary school with that language as the language of instruction, or from a certified translator. Research team members may translate their research documents if they are fluent in the language, but they may not verify their own translations.

5.3 Types of Informed Consent

The Office of Research shall provide templates for all consent options discussed below, including consent notice, a standard consent form for adults, and a parental permission form.

5.3.1 Consent Notice – This type of document or script can be used for research that qualifies for exemption. It includes all of the information needed to help prospective adult participants make an informed decision about whether or not to participate in the research, but this document does not include a place for participants to indicate with a signature that they agree to take part in the research. This means that the reviewer is asked to waive the requirement for documented (signed) consent. This option can be used when the study is either:

- (1) No greater than minimal risk and involves no procedures for which written consent is normally expected, or
- (2) The only record linking the participants to the research would be the consent document and the primary risk would be potential harm resulting from a breach of confidentiality (e.g., an anonymous survey).

At a minimum the consent notice should include:

- (1) The investigator's name, institutional affiliation, academic status, and contact information.
- (2) The purpose of the study.
- (3) A brief description of what subjects will be asked to do and the time involved.
- (4) That participation is voluntary and that the person may withdraw at any point.

- (5) How data will be recorded and maintained as well as who will have access.
- (6) A description of incentives/compensation offered or costs that may be incurred.

The signature line on the standard consent form is replaced with a statement such as “your completion of the survey indicates your willingness to participate. Please keep this information for your records and do not write any information that could identify you on the survey.”

The consent notice must be in the primary language of the participants.

The consent notice option may not be used with parents or legal guardians consenting for participants in their care – written consent is needed in those cases from the LAR.

5.3.2 Standard Elements of Consent – This form includes all of the required information designed to help prospective participants make an informed decision about whether or not to participate in the research. This form can also be used to seek permission from parents of minors and other types of guardians who are LARs. The form must be in the primary language of the participants or their LARs and must include a signature line and date line for the consenting individual to sign. The form must also be signed by the primary investigator and a copy provided to the participant and/or LAR.

The standard elements of informed consent as outlined in the federal regulations at [45 CFR 46.116\(b\)](#) are:

- (1) A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures that are experimental;
- (2) A description of any reasonably foreseeable risks or discomforts to the subject;
- (3) A description of any benefits to the subject or to others that may reasonably be expected from the research;
- (4) A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject;
- (5) A statement describing the extent, if any, to which confidentiality of records identifying the subject will be maintained;
- (6) For research involving more than minimal risk, an explanation as to whether any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained;
- (7) An explanation of whom to contact for answers to pertinent questions about the research and research subjects' rights, and whom to contact in the event of a research-related injury to the subject;
- (8) A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled; and
- (9) One of the following statements about any research that involves the collection of identifiable private information or identifiable biospecimens:
 - (i) A statement that identifiers might be removed from the identifiable private information or identifiable biospecimens and that, after such removal, the information or biospecimens could be used for future research studies or distributed to another investigator for future research studies

without additional informed consent from the subject or the legally authorized representative, if this might be a possibility; or

(ii) A statement that the subject's information or biospecimens collected as part of the research, even if identifiers are removed, will not be used or distributed for future research studies.

5.3.3 Additional Elements of Consent – The following elements of information, when appropriate, shall also be provided to each subject or their LAR:

- (1) A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) that are currently unforeseeable;
- (2) Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's or the legally authorized representative's consent;
- (3) Any additional costs to the subject that may result from participation in the research;
- (4) The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject;
- (5) A statement that significant new findings developed during the course of the research that may relate to the subject's willingness to continue participation will be provided to the subject;
- (6) The approximate number of subjects involved in the study;
- (7) A statement that the subject's biospecimens (even if identifiers are removed) may be used for commercial profit and whether the subject will or will not share in this commercial profit;
- (8) A statement regarding whether clinically relevant research results, including individual research results, will be disclosed to subjects, and if so, under what conditions; and
- (9) For research involving biospecimens, whether the research will (if known) or might include whole genome sequencing (i.e., sequencing of a human germline or somatic specimen with the intent to generate the genome or exome sequence of that specimen).

5.3.4 Verbal Consent (Standard Consent Short Form and Script) – This method may be used in circumstances where oral presentation of consent information is necessary (e.g., participants are illiterate in their primary language or they come from an oral rather than written tradition). The standard consent form is presented as a "short form" document stating that the required elements of informed consent have been presented orally to the participant. When the short form method is used, a script of the information that is presented to the participant must also be provided to the IRB for approval and there must be an impartial witness to the oral presentation. The witness and the PI must sign both the script and the short form, while the participant must sign the short form only and is given a signed copy for his/her records. The short form usually contains appropriate contact information in addition to the statement that the elements of informed consent have been presented orally. The oral presentation and short form must be provided in the primary language of the participant.

5.3.5 Broad Consent – In accordance with the recommendations of the CSU IRB Working Group, SJSU chooses not to apply the broad consent option and the corresponding exemption categories at [§11.104\(d\)\(7\)](#) and [§11.104\(d\)\(8\)](#). The broad consent option enables the creation of data repositories that are primarily of interest to institutions that support biomedical research and clinical trials. Apart from potentially being a source of confusion for PIs in the social and behavioral sciences, the broad consent option raises questions about data ownership, security concerns, and burdensome tracking requirements that have yet to be addressed by regulatory guidance.

5.4 Waivers

5.4.1 Waiver of Documentation of Consent – An IRB may waive the requirement for the investigator to obtain a signed informed consent form for some or all subjects if it finds any of the following:

- (1) The only record linking the subject and the research would be the consent form and the principal risk would be potential harm resulting from a breach of confidentiality. Each subject or LAR will be asked whether the subject wants documentation linking the subject with the research, and the subject's wishes will govern;
- (2) The research presents no more than minimal risk of harm to subjects and involves no procedures for which written consent is normally required outside of the research context; or
- (3) If the subjects or LARs are members of a distinct cultural group or community in which signing forms is not the norm, that the research presents no more than minimal risk of harm to subjects and provided there is an appropriate alternative mechanism for documenting that informed consent was obtained.

In cases in which the documentation requirement is waived, the IRB may require the investigator to provide subjects or LARs with a written statement regarding the research.

5.4.2 Waiver of Some or All Consent Elements – The IRB may approve a consent procedure that omits some, or alters some or all, of the elements of informed consent set forth in sections 5.3.2 and 5.3.3, provided the IRB finds and documents all of the following:

- (1) The research involves no more than minimal risk to the subjects;
- (2) The research could not practicably be carried out without the requested waiver or alteration;
- (3) If the research involves using identifiable private information or identifiable biospecimens, the research could not practicably be carried out without using such information or biospecimens in an identifiable format;
- (4) The waiver or alteration will not adversely affect the rights and welfare of the subjects; and
- (5) Whenever appropriate, the subjects and/or LARs will be provided with additional pertinent information after participation.

Table 1. Exemption Review Categories

Exemption Category SJSU	Application to Subparts and to Consent at
(1) Research, conducted in established or commonly accepted educational settings, that specifically involves normal educational practices that are not likely to adversely impact students' opportunity to learn required educational content	Pregnant women Human Fetuses and Neonates (subpart B): exemption applies. Prisoners (subpart C): exemption does not apply except for research aimed at involving a broader

<p>or the assessment of educators who provide instruction. This includes most research on regular and special education instructional strategies, and research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.</p>	<p>subject population that only incidentally includes prisoners.</p> <p>Children (subpart D): exemption applies.</p> <p>Consent: Notice for adults except when other policies require participant written authorization (e.g., FERPA). Written parental consent required except for college students providing consent for their participation in school-based research.</p>
<p>(2) Research that only includes interactions involving educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior (including visual or auditory recording) if at least one of the following criteria is met:</p> <p>(i) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects;</p> <p>(ii) Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; or</p> <p>(iii) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination required by §11.111(a)(7).</p>	<p>Pregnant women Human Fetuses and Neonates (subpart B): exemption applies.</p> <p>Prisoners (subpart C): exemption does not apply except for research aimed at involving a broader subject population that only incidentally includes prisoners.</p> <p>Children (subpart D): (i) and (ii) exemption applies if PI does not participate in the activity being observed; (iii) exemption does not apply.</p> <p>Consent: Notice for adults except when other policies require participant written authorization (e.g., FERPA, HIPAA). Written parental consent required except for college students providing consent for their participation in school-based research.</p>
<p>(3)(i) Research involving benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording if the subject prospectively agrees to the intervention and information collection and at least one of the following criteria is met:</p>	<p>Pregnant women Human Fetuses and Neonates (subpart B): exemption applies.</p> <p>Prisoners (subpart C): exemption does not apply except for research aimed at involving a broader subject population that only incidentally includes prisoners.</p> <p>Children (subpart D): exemption does not apply.</p>

<p>(A) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects;</p> <p>(B) Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; or</p> <p>(C) The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination required by §11.111(a)(7).</p> <p>(ii) For the purpose of this provision, benign behavioral interventions are brief in duration, harmless, painless, not physically invasive, not likely to have a significant adverse lasting impact on the subjects, and the investigator has no interventions that are offensive or embarrassing. Provided all such criteria are met, examples of such benign behavioral interventions would include having the subjects play an online game, having them solve puzzles under various noise conditions, or having them decide how to allocate a nominal amount of received cash between themselves and someone else.</p> <p>(iii) If the research involves deceiving the subjects regarding the nature or purposes of the research, this exemption is not applicable unless the subject authorizes the deception through a prospective agreement to participate in research in circumstances in which the subject is informed that he or she will be unaware of or misled regarding the nature or purposes of the research.</p>	<p>Consent: Notice for adults except when other policies require participant written authorization (e.g., FERPA, HIPAA).</p>
<p>(4) Secondary research for which consent is not required: Secondary research uses of identifiable private information or identifiable biospecimens, if at least one of the following criteria is met:</p>	<p>Pregnant women Human Fetuses and Neonates (subpart B): exemption applies.</p> <p>Prisoners (subpart C): exemption does not apply except for research aimed at involving a broader</p>

<p>(i) The identifiable private information or identifiable biospecimens are publicly available;</p> <p>(ii) Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects;</p> <p>(iii) The research involves only information collection and analysis involving the investigator's use of identifiable health information when that use is regulated under HIPAA at 45 CFR parts 160 and 164, subparts A and E, for the purposes of "health care operations" or "research" as those terms are defined at 45 CFR 164.501 or for "public health activities and purposes" as described under 45 CFR 164.512(b); or</p> <p>(iv) The research is conducted by, or on behalf of, a Federal department or agency using government-generated or government-collected information obtained for non-research activities, if the research generates identifiable private information that is or will be maintained on information technology that is subject to and in compliance with section 208(b) of the E-Government Act of 2002, 44 U.S.C. 3501 note, if all of the identifiable private information collected, used, or generated as part of the activity will be maintained in systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, and, if applicable, the information used in the research was collected subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 <i>et seq</i></p>	<p>subject population that only incidentally includes prisoners.</p> <p>Children (subpart D): exemption applies.</p> <p>Consent: Not applicable unless another policy applies (e.g., FERPA). [Note: SJSU PIs who have access to individually identifying health info are not covered by (iii) of this exemption, unless the covered entity providing the access is a collaborator in the research and there is a business associate contract between the covered entity and the SJSU PI].</p>
<p>(5) Research and demonstration projects that are conducted or supported by a Federal department or agency, or otherwise subject to the approval of department or agency heads (or the approval of the heads of bureaus or other subordinate agencies that have been delegated authority to conduct the research and demonstration projects),</p>	<p>Pregnant women Human Fetuses and Neonates (subpart B): exemption applies.</p> <p>Prisoners (subpart C): exemption does not apply except for research aimed at involving a broader subject population that only incidentally includes prisoners.</p>

<p>and that are designed to study, evaluate, improve, or otherwise examine public benefit or service programs, including procedures for obtaining benefits or services under those programs, possible changes in or alternatives to those programs or procedures, or possible changes in methods or levels of payment for benefits or services under those programs. Such projects include, but are not limited to, internal studies by Federal employees, and studies under contracts or consulting arrangements, cooperative agreements, or grants. Exempt projects also include waivers of otherwise mandatory requirements using authorities such as sections 1115 and 1115A of the Social Security Act, as amended.</p> <p>(i) Each Federal department or agency conducting or supporting the research and demonstration projects must establish, on a publicly accessible Federal Web site or in such other manner as the department or agency head may determine, a list of the research and demonstration projects that the Federal department or agency conducts or supports under this provision. The research or demonstration project must be published on this list prior to commencing the research involving human subjects.</p>	<p>Children (subpart D): exemption applies.</p> <p>Consent: (i) of this exemption covers the SJSU notice requirement.</p>
<p>(6) Taste and food quality evaluation and consumer acceptance studies:</p> <p>(i) If wholesome foods without additives are consumed, or</p> <p>(ii) If a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.</p>	<p>Pregnant women Human Fetuses and Neonates (subpart B): exemption applies.</p> <p>Prisoners (subpart C): exemption does not apply except for research aimed at involving a broader subject population that only incidentally includes prisoners.</p> <p>Children (subpart D): exemption applies.</p> <p>Consent: Notice for adults. Written parental consent required except for college students providing consent for their participation in school-based research.</p>

Table 2. Expedited Review Categories

(1) Clinical studies of drugs and medical devices only when condition (a) or (b) is met.

(a) Research on drugs for which an investigational new drug application ([21 CFR Part 312](#)) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)

(b) Research on medical devices for which (i) an investigational device exemption application ([21 CFR Part 812](#)) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.

(2) Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:

(a) from healthy, nonpregnant adults who weigh at least 110 pounds. For these subjects, the amounts drawn may not exceed 550 ml in an 8 week period and collection may not occur more frequently than 2 times per week; or

(b) from other adults and children, considering the age, weight, and health of the subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.

(3) Prospective collection of biological specimens for research purposes by noninvasive means. Examples: (a) hair and nail clippings in a nondisfiguring manner; (b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction; (c) permanent teeth if routine patient care indicates a need for extraction; (d) excreta and external secretions (including sweat); (e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue; (f) placenta removed at delivery; (g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor; (h) supra- and subgingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques; (i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings; (j) sputum collected after saline mist nebulization.

(4) Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice, excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.) Examples: (a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the subject or an invasion of the subject's privacy; (b) weighing or testing sensory acuity; (c) magnetic resonance imaging; (d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electroretinography, ultrasound, diagnostic infrared imaging, doppler blood flow, and echocardiography; (e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.

<p>(5) Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt from the regulations for the protection of human subjects. This listing refers only to research that is not exempt.)</p>
<p>(6) Collection of data from voice, video, digital, or image recordings made for research purposes.</p>
<p>(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt from the regulations for the protection of human subjects. This listing refers only to research that is not exempt.)</p>
<p>(8) Continuing review of research previously approved by the convened IRB as follows:</p> <p>(a) where (i) the research is permanently closed to the enrollment of new subjects; (ii) all subjects have completed all research-related interventions; and (iii) the research remains active only for long-term follow-up of subjects; or</p> <p style="padding-left: 40px;">(b) where no subjects have been enrolled and no additional risks have been identified; or</p> <p style="padding-left: 40px;">(c) where the remaining research activities are limited to data analysis.</p>
<p>(9) Continuing review of research, not conducted under an investigational new drug application or investigational device exemption where categories two (2) through eight (8) do not apply but the IRB has determined and documented at a convened meeting that the research involves no greater than minimal risk and no additional risks have been identified.</p>

* Categories one (1) through seven (7) pertain to both initial and continuing IRB review.

* Children are defined in the regulations as "persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted." [45 CFR 46.402\(a\)](#).

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F17-2, University Policy, Rescinds S88-7; Conditional Admissions

Legislative History:

On October 23, 2017, the Academic Senate approved the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee. This proposal rescinds a policy that has been superseded by CSU Executive Order 962.

Rescinds: S88-7

**Approved and signed by
President Mary A. Papazian
on November 2, 2017.**

**UNIVERSITY POLICY
Rescinds S88-7; Conditional Admissions**

Whereas: When the CSU declared impaction, SJSU implemented campus level impaction, and

Whereas: At that time the Chancellor's office mandated that all applicants meet all CSU requirements to attend an impacted campus, therefore be it

Resolved That S88-7 (Conditional Admissions) be rescinded.

Rationale: In 2009, when the CSU declared impaction, SJSU implemented campus level impaction. At that time the Chancellor's office mandated that all applicants meet all CSU requirements to attend an impacted campus. This meant the Special (Exceptions) Admissions Committee was disbanded.

Presently, the Undergraduate Admissions and Outreach office is guided by the Chancellor's Executive Order 962 that allows admission exceptions under Title 5.

Annually, SJSU receives an allocation of exception codes to use for those students who do not meet the requirements due to administrative error or general life circumstances. All cases for exceptions are reviewed and authorized by the Director of Undergraduate Admissions and Outreach.

Approved:	10/16/17
Vote:	9-0-0
Present:	Curry, Grosvenor, Hart, Higgins, Ormsbee, Rajkovic, Ramasubramanian, Rangasayee, Shifflett
Absent:	Bailey, Tran
Financial Impact:	None
Workload Impact:	None

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F17-3, University Policy, Selection and Review of Department
Chairs and Directors**

Legislative History:

On December 11, 2017, the Academic Senate approved the following policy recommendation presented by Senator Peter for the Professional Standards Committee. This replacement of S14-8 incorporates the voting procedures for nominating Department Chairs and Directors that were formerly only available in a separate policy. The need to consult two separate policies each time a department nominates a Chair has led to confusion and procedural errors in the past. In addition, the policy has been reformatted for easier use and numerous corrections and clarifications have been incorporated at the suggestion of the University Council of Chairs and Directors and the Deans. Among those changes is a reordering of the policy to align chronologically with the stages of a Chair's nomination, election, evaluation, and possible removal. This policy was originally signed and approved by President Mary A. Papazian on December 20, 2017.

Amendment A was signed and approved by President Cynthia Teniente-Matson on March 18, 2024 and is incorporated below.

Rescinds: S14-8

**UNIVERSITY POLICY
Selection and Review of Department Chairs and Directors**

Resolved: That S14-8 be rescinded and replaced with the following policy, effective immediately for all new nominations and reviews.

Rationale: *This revision began with a referral from Organization and Government regarding the consolidation of voting procedures for Chairs that became necessary as the Department Voting Rights policy was revised. Next, a version was vetted before UCCD last year which actively participated in crafting some of the changes. We additionally received two rounds of suggestions and amendments from the Deans—most of which were accepted and incorporated. This revision appeared for a first reading on March 13, 2017 and for a final reading on April 10, 2017, but was pulled from the April 10 meeting to allow time for additional consultation with the Provost. The Provost appeared before*

Professional Standards on September 25 and relayed two concerns. The committee has responded to both concerns and it is our understanding that the policy language is now considered acceptable.

Following questions that occurred on the Senate floor at a final reading on November 20, the policy was postponed to allow for revisions that would clarify voting procedures for the various categories of faculty. This version incorporates the “friendly” amendments that arose from the floor on November 20 and adds provision 3.8 to clarify how different categories of faculty vote. Much of this language is imported directly from the Voting Rights Policy, but there is greater clarity for defining the voting procedures for joint appointments and for FERP and PRTB faculty (Articles 29 and 30 of the CSU/CFA Agreement.)

Approved: November 6, 2017

Vote: 10-0-0

Present: Chin, He, Marachi, Hamed-Hagh, Kauppila, McKee, White, Peter, Donahue, Kimbarow

Absent: none

Reapproved with amendments shown: December 6, 2017

Vote: 9-0-0 email vote

Present: Chin, He, Marachi, Hamed-Hagh, Kauppila, McKee, White, Peter, Kimbarow

Absent: Donahue

Financial Impact: No direct impacts. It is possible that this policy, by clarifying process, could result in some savings.

Workload Impact: No direct impacts, although the clarification of methods for selection and review of department chairs could potentially prevent some time consuming failures of process.

University Policy

Selection and Review of Department Chairs and Directors

1. INTRODUCTION

1.1. Preamble

Department Chairs are the leaders of communities of faculty as well as the most important stewards of the mission of the University at the local level. Their effectiveness depends upon the continual support of the faculty they represent. The selection of a Department Chair is therefore the most important collective decision of department faculty. This policy is designed to assure that Chairs are chosen and reviewed in a manner that assures their continual legitimacy and effectiveness as they carry out the numerous functions assigned to them by university policies and the Collective Bargaining Agreement.

1.2. Definitions

1.2.1. Throughout this policy, the term “Chair” refers both to Chairs of Departments and Directors of Schools, while the term “Department” refers both to Departments and to Schools.

1.2.2. Departments elect a “nominee” to be department Chair; the President appoints a nominee to become Chair. Hence department elections are a nomination process with the outcome of choosing a “Chair nominee” and are called “nomination elections.”

1.2.3. The terms “Professor” and “Associate Professor” are also understood to include the equivalent titles in faculty disciplines that use alternative names, such as librarians and counselors.

1.2.4. This policy uses the generic term “chair” to refer collectively to all categories of chairs regardless of the manner of nomination and appointment. When there is a need for greater differentiation, the policy will refer to “acting chair” and “interim chair” as defined later in the policy, and “regularly appointed chair” to refer to a chair who has been nominated by the department and appointed by the President for the standard four-year term.

1.2.5. Throughout this policy, the term “semester” shall be defined as Spring and Fall terms.

2. QUALIFICATIONS

Chairs should preferably be Professors but may be Associates, and should have earned rank and tenure prior to the time their appointment to Chair becomes effective. Exceptions should only be made in rare instances and for compelling reasons.

3. DEPARTMENT NOMINATING PROCESS

Every four years, the department faculty shall identify a nominee for Department Chair by secret ballot vote following these procedures. These are also the procedures for departments to recommend candidates for the role as acting Chair (in section 10 below.)

3.1. The Chair's job description should be developed by the Dean in consultation with the Department, and include the fraction of assigned time to be provided to the Chair.

3.2 Charging the Department. Deans and departments should communicate about the nomination process as early as possible. The Dean should attend a Department meeting at the beginning of the nomination process (no later than the tenth week of the current chair's final full semester) to present this policy, the Chair's job description and fraction of assigned time, and to explain the process for nominating a Chair.

If following the charge, the Department proceeds immediately to a department meeting as per section 3.3 below, then all persons who are not members of the Department should depart at that time, unless specifically invited to remain by a majority vote of the faculty present.

3.3. Department meeting. A meeting shall be held to begin the election of a nominee to serve as Department Chair. The department may determine the nature and medium of the meeting according to its own preferences, but the meeting must be open to all faculty in the department and publicized a minimum of one week in advance.

3.4. College Election Committee. The College will create a College Election Committee that will consist of three individuals: 1) The Dean or the Dean's designee, 2) a member of the College RTP committee (chosen by the committee from a department other than the one holding the nomination election), and 3) one tenured faculty member from the department (chosen by the department tenured and tenure track faculty) who will be excluded from candidacy for nomination to be department chair. In departments with three or fewer tenured faculty members, the department may choose a faculty member from another department within the College to be the third member of their College Election Committee.

¹See CFA/CSU Agreement 20.30: Department chairs shall normally be selected from the list of tenured or probationary faculty employees recommended by the department for the assignment. ²See CFA/CSU Agreement Article 29. FERP employees are limited by contract to 50% of their previous time base. ³See CFA/CSU Agreement Article 30. PRTB employees are reduced by contract to 2/3, 1/2, or 1/3 of their previous time base.

3.5. Responsibilities of the College Election Committee. The College Election Committee (1) shall inform the department of this policy's requirements, (2) shall count and certify the department's votes, (3) shall deliver the results of the department's voting to the President and to the Department in all appropriate formats, and (4) shall (with the assistance of Faculty Services) interpret and explain this policy to the department if any questions arise after the results are distributed.

3.6. Decision to seek permission for an external search. The department may decide at this stage, through normal voting procedures, to seek permission to search for an external chair (as per section 4.1 below) instead of proceeding immediately with a normal nominating election. If permission is denied, the department should proceed with the normal process to nominate a department Chair.

3.7. Faculty may suggest names of any tenured or tenure-track faculty member¹ to appear on the ballot for the nominating election. All nominated persons must accept or decline their nomination. All candidates will be given the opportunity to make statements and answer questions from department faculty.

3.8. Voting for Chair Nominees.

3.8.1. Tenured and tenure track faculty members have one full vote in the department to which they are permanently assigned, but no vote in a department to which they are temporarily assigned. Tenured and tenure track faculty holding joint appointments shall vote only in the department which holds the majority of their permanent assignment or, if equal, in the department that is responsible for their tenure. Tenured and tenure track faculty members on an approved leave retain their voting rights.

3.8.2. Faculty participating in the Faculty Early Retirement Program (FERP)² or the Pre-Retirement Reduction in Time Base Program (PRTB)³ shall have a proportional vote equal to their annualized time base (i.e, 1/2, 1/4) regardless of their academic assignment in a given semester, through the last semester of their teaching appointment.

3.8.3. Lecturers have departmental voting rights in proportion to their assignment in a department. Proportional voting rights of lecturers may fluctuate with fall and spring appointments. Lecturers on an approved partial leave retain the proportional voting rights of their teaching assignment. Those on full leave relinquish their voting rights.

3.8.4. Faculty suspended under article 17 (Temporary Suspension) of the CBA retain their voting rights.

3.8.5. Voting rights of any faculty member are suspended for any semester in which the individual holds a full-time administrative (i.e. MPP) or other full-time non-faculty position within the university.

3.8.6. Faculty on reassigned time engaged in administrative duties remain Unit 3 faculty and retain their voting rights.

3.8.7. Visiting Professors or Interim or Acting Chairs from outside the department do not vote in a Chair nomination election.

3.8.8. Qualified faculty on approved leaves should be provided a means to vote in a chair nomination election. However, no faculty member may grant their vote by proxy or other assignment to another individual.

3.9. The nominating election. Faculty must vote by secret ballot on all candidates proposed and willing to serve. Secret balloting must be available for a minimum of 5 working days and provide the opportunity for individuals to abstain.

3.9.1. If there is only one candidate, secret balloting must still occur, with the choices provided to “recommend” or “do not recommend” the candidate.

3.9.2. If there are two or more candidates, secret balloting will provide a choice between the candidates and the choice “do not recommend any of the candidates.”

3.9.3. If an election with three or more candidates fails to produce a majority for any one candidate, there must be a second round of secret balloting between the two candidates who received the most votes in the first round.

3.10. Counting the votes. The college election committee will meet to count votes. The candidates will be notified of the time and place of the count at least one business day in advance, and each may send one observer (a person other than themselves). The committee is responsible for an accurate count and review of all submitted ballots. The committee will must assure that the balloting was secret, that all votes are entered in the correct category, and that proper proportions are applied. The results shall be certified (signed) by each member of the college election committee. ⁴See CFA/CSU Agreement 20.30.

3.11. Forwarding the results of the nominating election. Only the name of a candidate who receives a majority of votes cast by the tenured and probationary faculty shall be recommended to the President via the College Dean as the nominee of the department.⁴ The names of candidates who were not recommended by the department, together with all vote totals, shall also be forwarded to the President to provide context for the recommendation. This shall include a statement of all votes, broken down into two groups– votes by tenured/tenure track faculty and votes by lecturers -- including the actual number of votes cast in each category.

3.12. Distributing the results. The department voting results shall also be distributed to the department’s faculty. If the final vote total in either group of votes as described in paragraph 3.10 contains a fraction, it shall be rounded to preserve anonymity.

3.13. Second round nomination elections. If a department is unable to nominate a Chair by a majority vote of the eligible probationary and tenured faculty, it may continue to try to select a nominee by repeating the process if department faculty are willing and the Dean determines that there is sufficient time. Otherwise the situation will be resolved via section 6 “Failure to Obtain...”

4. EXTERNAL SEARCHES

4.1. Request for an external search. Department faculty may request an external search for department chair. An external search is a search in which candidates from outside San José State University are invited to apply to be hired as a tenured faculty member and as department Chair. Any department request for an external search must be supported by a majority vote of the department's eligible to vote faculty (following the procedures for department voting rights as outlined in University Policy S17-6). Such requests are not automatically granted.

4.2. Procedures for an external search. Successful completion of an external search for a department Chair requires coordination of two separate tasks: (1) the appointment of a new faculty member in accordance with the appointment policy and (2) the recommendation to the President of a Chair nominee in accordance with this policy. To expedite the successful conclusion of such a search, departments may combine procedures that are common to both processes as outlined below. Departments should determine which of these three alternatives they will use by majority vote (following the normal procedures for department voting rights), and they must do so prior to the start of a search. Whichever method the department adopts, the recruitment committee must conform to the normal requirements of the appointments policy.

4.2.1. Departments may designate all tenured and tenure track faculty as the recruitment committee so that the appointment recommendation and the nomination recommendation are coterminous. When this method is chosen, the recruitment committee must provide lecturers with the opportunity to provide confidential feedback on the search prior to final recommendations. A department may only use this method when there are more tenured faculty than probationary faculty. If it chooses this method, the normal prohibition of faculty serving on a personnel committee evaluating faculty of higher rank is suspended.

4.2.2. Departments may use separate processes for the appointment and for the nomination functions associated with an external search for a department Chair. Using this method, a smaller recruitment committee makes a recommendation under the normal appointment policy. Then the department as a whole votes to endorse or not to endorse the recommendation of the recruitment committee. For each candidate, the department's endorsement must specify whether or not that candidate is acceptable as a Chair. If more than one candidate is acceptable, then the department must rank them in order of preference. The department's endorsement serves to nominate a candidate to be Chair, but should be accompanied by the recruitment committee's report to justify the appointment of the candidate. In the event of conflict between the recommendation of the recruitment committee and the department's endorsement of that recommendation, the department makes the final Chair recommendation, but may only select a nominee nominate from among those candidates deemed to be acceptable finalists by the recruitment committee. When this method is chosen by a department, time must be allowed for these procedures to take place at the conclusion of the external search.

4.2.3. Departments may choose to delegate their right to nominate a Chair exclusively to their recruitment committee.

4.3. In conformity with the Appointments policy, an external nominee for Chair shall be reviewed and must receive a favorable recommendation for tenure from the appropriate personnel committee of the department before the appointment can be completed.

5. APPOINTMENT

5.1. The President appoints and removes the Department Chair in consultation with the Provost, College Dean, and department faculty. The term of the Department Chair appointment is normally four years.

5.2. When a department follows the procedures of this policy to successfully elect a Chair Nominee, the President shall -- except in rare instances and for compelling reasons—appoint that individual to serve as Department Chair.

5.3. Administrative details concerning the appointment of a Chair (appointment letters, salary adjustments, etc.) will be coordinated by the Office of the Provost.

6. FAILURE TO OBTAIN CHAIR NOMINEES AS DESCRIBED IN SECTIONS 3 (Nominations), 8 (Reappointment), and 10 (Acting)

Departments may be unable to successfully conclude a normal nomination for Department Chair. This could be the case in a department with no senior leadership qualified to be Chair, or no willing candidates. If a department fails to reach consensus (majority vote of the tenured and probationary faculty) following a normal nomination process (Section 3), the Dean shall consult with the faculty at a department meeting to determine the best course of action. This could be (1) the nomination of an interim or acting Chair, (2) initiation of an external search, (3) extension of a prior interim appointment, or (4) the nomination of a non-departmental interim Chair per the relevant sections of this policy.

6.1. External Search. An external search may be requested as per section 4 of the policy, although such requests are not automatically granted.

6.2. Extended interim Chairs. If there has been a failure to reach consensus, and an interim Chair is serving and was not a candidate for Chair, the interim Chair's service may be extended by six months for the department to find more permanent solutions. The extension of an interim appointment beyond one year should be avoided. If this occurs the Organization and Government Committee of the Academic Senate shall inquire into the reasons for the situation.

6.3 Non departmental interim Chairs. In extreme cases, and only when all of the aforementioned measures fail, the President may appoint an SJSU faculty member from outside the department to serve as interim Chair, after consultation with the College Dean and department faculty. External departmental interim Chairs are subject to all the normal limits provided in section 9. Consultation with the department faculty is normally done by the Provost and Dean soliciting advice at a department meeting.

7. REVIEW OF DEPARTMENT CHAIRS

7.1. Timing of Normal Review: The Dean shall initiate the formal review of each Department Chair no earlier than during the Chair's sixth semester in office and no later than the beginning of the Chair's seventh semester in office, ⁵See CFA/CSU Agreement Article 15 unless the incumbent states that they will not be a candidate to continue as Chair beyond the fourth year.

7.2. Early Review: Department faculty may initiate a formal review of the Department Chair by submitting a petition to the Dean, provided that at least one academic year has passed since the Chair's appointment or previous review. The petition shall state simply that "The undersigned faculty call for a prompt review of our Department Chair." If the petition is signed by department faculty totaling more than 50% of the eligible to vote department faculty, the College Dean will initiate a formal review of the Department Chair. The petition should preferably be delivered to permit the review to be completed before the end of the current semester, but an early review must be completed within 40 duty days from receipt of the department's petition. To determine if the petition exceeds the 50% threshold, all signatures of tenure/tenure track faculty and lecturers will be counted, with the signatures of lecturers weighted according to the proportion of their appointment. The Dean will announce to the department the number of signatures and whether the petition exceeds the threshold, but will keep the petition itself and the signed names confidential from the incumbent chair.

7.3. Appointment and Composition of Review Committee: College Deans shall determine the timing of reviews of Department Chairs. Such review shall begin no earlier than during the Chair's sixth semester in office and no later than the beginning of the Chair's seventh semester in office. Under the direction of the College Dean, the tenured and tenure-track department faculty shall elect from its ranks a peer review committee to evaluate the Department Chair's performances. The members of the review committee are excluded from being the department's nominee for chair. In departments with insufficient tenured or tenure-track members to populate the review committee, the department may supplement the review committee with external faculty members. The review committee, in consultation with the College Dean, will determine the procedures and scope of the review.

7.4. Criteria for Review: The review committee, in consultation with the College Dean, shall specify the criteria for evaluating the incumbent's job performance. The principal criteria shall be derived from the job description that was provided to the Chair at the time of appointment to Chair. The incumbent shall be asked to examine the criteria developed and to make such comments or suggestions as may seem advisable.

7.5. Procedures for Review: The review committee, in consultation with the College Dean, shall develop procedures for conducting the review. ⁵See CFA/CSU Agreement Article 15
The procedures shall be designed to secure appropriate information and appraisals of performance from as many persons as may be feasible who are knowledgeable of the incumbent's performance. If he/she so desires, the incumbent shall be given an opportunity to provide the review committee with a self-evaluation based upon the criteria developed by the committee. The opinions and judgments received by review committees, the deliberations and reports of such committees, and any accompanying materials, shall be confidential.

Professional Standards, in consultation with the University Council of Chairs and Directors, the Council of Deans, the Center for Faculty Development, and Institutional Research and Strategic Analytics, will develop a set of guidelines that may be used by departments to help develop procedures for review.

7.6. Report of the Review Committee: At the conclusion of its evaluative activities, the review committee shall prepare a written report embodying its findings and conclusions. This report shall include a statement of strengths found and improvements desired in the incumbent's performance with respect to the evaluative criteria. All raw data collected for review shall accompany, but not be part of, the review committee's summary narrative. Before forwarding the final report to the College Dean, the review committee shall:

7.6.1. Provide a draft copy of the narrative portion of the report to the incumbent;

7.6.2. Provide the incumbent with an opportunity to meet with the review committee in order to discuss the report;

7.6.3. Provide the incumbent with the opportunity to submit to the committee a written statement which shall become part of the report to the College Dean.

The review committee shall forward its final report to the College Dean no later than the end of the Chair's seventh semester in office. The College Dean will discuss the findings with the Department Chair no later than in the first month of the Chair's final semester and will report in general to the department faculty. On completion, the final report from the review committee, additional evaluation by the College Dean, and any response from the Department Chair will be forwarded to the Provost.

7.7. Confidentiality. The members of the review committee, college dean, and officers of the University shall hold in confidence data received by the review committee, its report, and accompanying materials. The members of the review committee shall sign a confidentiality statement. ⁵See CFA/CSU Agreement Article 15

8. REAPPOINTMENT OF A DEPARTMENT CHAIR

In order to serve one or more subsequent terms, the Department Chair must proceed through the review process and regular nominating process.

9. SELECTION OF AN INTERIM CHAIR

An interim appointment occurs when a Department Chair's position has or will be vacated and there is insufficient time or it is otherwise impractical to complete the regular nomination process explained in Section I (Nominations). The interim Chair serves only as long as required to complete the appointment of a regularly appointed chair.

9.1. Appointment procedure. The President may make interim appointments after consultation with the College Dean and department faculty, normally by soliciting advice from as many faculty as possible at a department meeting called for this purpose.

9.2. Interim Chair requirements. Interim appointments should normally be a member of the department in which they will serve and they should be tenured faculty members (see section 6 for exceptions.)

9.3. Transition to a regularly appointed Chair. While overseeing all the complex tasks of the department, the interim Chair's ultimate responsibility is to prepare the department for an orderly transition to a regularly appointed Chair. The interim Chair should serve until a regularly appointed Chair takes office, normally before the beginning of the next academic year when taking office in the summer or Fall, or by the beginning of the following Spring semester when taking office in the Spring. If the department cannot transition to a regularly appointed Chair within one year, the situation should be resolved under section 6 (Failure to Obtain) of this policy.

9.4. Technical details concerning the appointment of an interim Chair (appointment letter, salary adjustments, etc.) will be coordinated by the Office of the Provost.

10. SELECTION OF AN ACTING CHAIR

An acting appointment occurs when a Department Chair is on a temporary absence (illness, vacation, or leave) but is expected to return within a year. If the absence is less than one month, the Dean, in consultation (if possible) with the continuing Chair may determine that there is no need for an acting Chair. Otherwise, an acting Chair is appointed and serves only until the regularly appointed Chair returns. ⁵See CFA/CSU Agreement Article 15

10.1. Planned need for acting Chair. When the short-term absence of a Chair can be anticipated, the Department should nominate an Acting Chair using the procedures outlined in section 3 (normal nomination.)

10.2. Sudden need for acting Chair. When there is insufficient time or it is otherwise impractical to complete the regular nomination process explained in section 3, an Acting Chair should be designated using the procedures outlined in section 9 (interim.)

10.3. Limit on length of service. An Acting Chair should not serve more than one full academic year, and possibly the summer before or after the academic year. A Chair who is absent for more than one year should be replaced.

10.4. Technical details concerning the appointment of an acting Chair (appointment letter, salary adjustments, etc.) will be coordinated by the Office of the Provost.

11. REMOVAL OF DEPARTMENT CHAIR

In rare circumstances it may become necessary to remove a Department Chair prior to the expiration of the four-year term. There are two possible situations in which a Chair may be removed.

11.1. Administrative removal. The administrative removal of a Chair previously recommended by the faculty of a department is a very serious matter, and should only be undertaken for compelling reasons. A Chair will be given an opportunity to meet with the Provost and Dean to defend their record prior to removal. Following removal, the President or Provost should meet with the Dean and the faculty assembled in a department meeting to announce the action and

solicit advice on the transition. Replacement of the Chair should be initiated according to the procedures in sections 3 or 9 of this policy.

11.2 Faculty initiated removal. Faculty may not initiate the removal of their Chair unless a formal review has been completed within the previous six months. (They may initiate such a review as per 7.2 of this policy.) Following the conclusion of any faculty-initiated early review, the department will vote to determine if their Chair should be removed. A removal vote will follow the same procedures as a vote to recommend a Chair nominee as described in section 3 of this policy, save only that it requires a vote of 2/3 of the tenure/tenure track faculty to forward a recommendation to the President that the Chair be removed, with the votes of lecturers also reported as per the above procedures. If removed, replacement of the Chair should be initiated according to the procedures in sections 3 or 9 of this policy

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F17-4, University Policy, Priority Registration

Rescinds and Replaces: F14-1

Legislative History:

At its meeting of December 11, 2017, the Academic Senate approved the following policy recommendation presented by Senator Sullivan-Green for the Curriculum and Research Committee. Senate Bill 412, passed on September 21, 2016, defines the California Promise program and legislates the requirement of priority registration for California Promise students. This program is available to freshman and to transfer students with an associate degree for transfer. It facilitates four-year graduation for freshman and two-year graduation for transfer students with commitments on the part of the university and the student. One such commitment on the university side is priority registration. This policy integrates the priority registration for students in the California Promise program into the registration for all students by class level in order to balance the requirement to give priority registration to students in the California Promise program with the need to maintain access to classes for all students. On December 20, 2017, President Mary A. Papazian approved and signed University Policy F17-4.

At its meeting of May 8, 2023, the Academic Senate approved Amendment A to University Policy F17-4. On June 20, 2023, President Cynthia Teniente-Matson signed and approved Amendment A to University Policy F17-4. Amendment A is incorporated into University policy F17-4 below.

At its meeting of March 18, 2024 the Academic Senate approved Amendment B to University Policy F17-4. On September 26, 2024 President Cynthia Teniente-Matson signed and approved Amendment B to University Policy F17-4. Amendment B is incorporated into University policy F17-4 below.

University Policy

Amendment B to F17-4, University Policy, Priority Registration

Amends: F17-4

Whereas, California Education Code §66025.9 was updated to include Homeless

and Former Homeless Youth as a population to be granted priority registration; and

Whereas, The previous policy was unclear that all members or former members of the US armed forces and state reserves, not just those affiliated with the Veterans Resource Center, are to be granted priority registration (Cal. Educ. Code §66025.8); and

Whereas, Further clarification of the criteria used by Undergraduate Education to approve eligible student groups/organizations is needed; be it therefore

Resolved: That F17-4 be amended to accommodate homeless/former homeless youth within the priority registration structure; and be it further

Resolved: That the process by which registered student organizations or other university-recognized sponsoring organizations apply for and receive approval for priority registration be clarified as noted below.

Approved: March 4, 2024

Vote: 12-0-0

Present: Ravisha Mathur, Kelly Masegian, Romey Sabalius, Gilles Muller, Soma Sen, Lisa Giampaolo, Julian Vogel, Estevan Guzman, Diya Doshi, Sarab Multani, Melinda Jackson (non-voting), Jon Tucker, Samuel Brown

Absent: Laura Sullivan-Green, Eric Rollerson, Greg Wolcott

Financial Impact: None anticipated.

Workload Impact: Additional workload in the Undergraduate Education and Registrar's office in processing and tracking category registrations.

University Policy

Priority Registration

1.0 Scheduling of Registration Groups

Students shall be allowed to register in the following order:

- Group 1: Specific Priority Students (see 2.0 below). Students with priority registration on the first day(s) of registration will be organized by class level.
- Group 2: Graduating students (Undergraduate- and graduate-level students who have a graduation application on file with an anticipated graduation date for the current or next term)
 - Group 2a: Graduating group 2 students in the California Promise program
 - Group 2b: Graduating group 2 students identified as student parents
 - Group 2c: Remaining graduating students
- Group 3: Graduate students
 - Group 3a: Graduate students identified as student parents
 - Group 3b: Remaining graduate students
- Group 4: Seniors
 - Group 4a: Seniors in the California Promise program
 - Group 4b: Seniors identified as student parents
 - Group 4c: Remaining seniors
- Group 5: Second baccalaureate students
- Group 6: Juniors
 - Group 6a: Juniors in the California Promise program
 - Group 6b: Juniors identified as student parents
 - Group 6c: Remaining juniors
- Group 7: Sophomores and continuing first-year
 - Group 7a: Sophomores and continuing first-year in the California Promise program
 - Group 7b: Sophomores and continuing first-year identified as student parents
 - Group 7c: Remaining sophomores and continuing first-year

Students in Groups 2-7 will register on the basis of rotating alphabetical cycles within each group.

Note: First year students' registration is based on orientation. Incoming transfer students have a registration date dependent on when they matriculate and/or attend orientation.

2.0 Categories of Group 1: Specific Priority Students

Students in Group 1 are those whose participation in an activity or their designation within a special group poses significant restrictions on their ability to register for courses.

2.1 Category A includes:

Students who are required by external agencies such as the National Collegiate Athletic Association (NCAA), or by law, to receive priority.

- This category excludes students covered by the California Promise program or who are identified as student parents unless they fall under another group with required priority registration. Priority registration for students in the California Promise program or who are identified as student parents is addressed in the registration scheduling as outlined in Section 1.0.

Students whose contributions through university-sanctioned activities are recognized as being so extensive that their enrollment opportunities may be compromised due to schedules mandated by the sponsoring organization. These activities must meet the following criteria:

- The sponsoring organization is acknowledged as significantly promoting the mission of the University;
- The activity has a regularly scheduled class, event, or practice offered only at specific times that conflict with classes;
- Participation at every scheduled class, event, or practice is mandatory; Mandatory meetings must be set prior to the first day of the semester.

The sponsoring organization must initially apply for priority registration via Undergraduate Education. They must provide a justification for the request, an estimation of the number of students affected each semester, as well as a minimum GPA threshold and progress-to-degree criteria for students to qualify, and monitor students' progress each semester.

2.1.1 Groups in Category A do not require regular review due to the nature of the organization's mission and activities. A review may be

requested if/when circumstances change. Organizations in this category that do not require regular review/renewal include:

- Accessible Education Center (AEC)
 - Note: Students served and note takers are included
- AS Board of Directors
- Student Fairness Committee
- NCAA Athletics
- Foster/Former Foster Youth (including Guardian Scholars) as defined in Cal. Educ. Code §66025.9
- Homeless/Former Homeless Youth as defined in Cal. Educ. Code §66025.9
- Reciprocal Exchange programs (e.g., incoming study abroad)
- Members or former members of the Armed Forces of the United States or State Military Reserve as defined in Cal. Educ. Code §66025.8 and verified by the director of the Veterans Resource Center as defined in Cal. Educ. Code §66025.8
- Active Air Force ROTC Members
- Any recognized student organization or other university-recognized sponsoring organization that has a contractual agreement with SJSU to provide a full course load.

2.2 Category B includes:

Students who participate in a recognized student organization or other university-recognized sponsoring organization whose participation requires students to attend scheduled activities, but the organization's inclusion in priority registration must be reviewed and approved per Section 3 below.

The organization's university-related activities must meet all of the following criteria:

- The activities require significant time contributions by the student.
- The activities are regularly scheduled classes, events, or practices offered only at specific times.
- Participation at each class, event, or practice is mandatory;
- Mandatory meetings must be set prior to the first day of the semester.

The sponsoring organization must apply/reapply per Section 3 below.

2.3 Category C includes:

Students enrolled in an integrated package of courses that meets all of the following criteria:

- Requires an integrated package of courses that are taken as a cohort;
- Involves being part of a cohort group of students from multiple colleges;
- Requires enrollment together in a specified course sequence occurring over multiple semesters.

Priority registration will be granted to students in this category beginning with the second semester of enrollment. If significant changes are made to the package of courses, eligibility for priority registration should be reviewed.

3.0 Approval and Management of Priority Registration for Student Organizations

Undergraduate Education will review and approve applications from organizations or offices seeking priority registration for their students. Groups A and C do not need to reapply unless significant changes have been made to their mission or activities.

- 3.1 Organizations or offices covered in Categories A and C must initially apply for priority registration. Review of their status must only be done if significant changes have been made to:
 - Their mission or activities provided in their justification has significantly changed
 - The number of students receiving priority registration via the group has increased significantly
 - The scheduled meetings have changed
- 3.2 Approval will typically be granted for five years. Undergraduate Education will be required to provide justification for denial or for approval of shorter terms.
- 3.3 Organizations or offices requesting priority registration must submit an application that includes the following:
 - A summary of the organization/office and its mission
 - A justification for priority registration, including an explanation of the schedule that impacts students' ability to register for courses
 - An estimation of the number of students who will be impacted each semester
 - Standards that students must meet in order to remain eligible for priority registration, including a minimum GPA and progress-to-degree criteria
- 3.4 Undergraduate Education and the Registrar's Office will maintain records of student organizations with priority registration, including:

- Contact information for the faculty/staff member(s) responsible for overseeing the organization's roster and student eligibility.
- Approved estimated number of students receiving priority registration for each group
- Historical data on the number of students who actually received priority registration through the organization each semester

3.5 All faculty/staff member(s) who apply for priority registration for students are responsible for:

- Maintaining an accurate roster of students eligible for priority registration.
- Providing names and SJSU ID numbers to the Registrar by the required deadline for granting priority registration.
- Reporting changes in the organization's duties/mission that may affect eligibility for priority registration and/or the number of students eligible for priority registration through the organization to Undergraduate Education.
- Applying or reapplying for their priority registration no less than one semester prior to the desired start/expiration of the organization's priority registration.

3.6 Undergraduate Education has the right to review/revoke approval of student groups'/organizations' eligibility for priority registration in Categories B or C if circumstances related to eligibility change.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F18-1, University Policy, Metropolitan University Scholars Experience (MUSE) New Student Seminar Program in Core General Education

Rescinds: S02-6

Legislative History:

On September 17, 2018, the Academic Senate approved the following policy recommendation presented by Senator Schultz-Krohn for the Curriculum and Research Committee. S09-4 rescinded S04-2 which was amended by F08-2 that superseded S01-11. S09-4 established a new first year experience on campus. However, S02-6 was not rescinded at the time S09-4 was approved, because there were MUSE courses still running that semester. This policy recommendation rescinds S02-6. MUSE classes are no longer offered.

**Approved and signed by
President Mary A. Papazian
On October 2, 2018.**

**UNIVERSITY POLICY
Rescind S02-6: Metropolitan University Scholars Experience
(MUSE) New Student Seminar Program in Core General
Education**

Resolved: That S02-6 be rescinded, effective immediately.

Rationale: University Policy S09-4, First Year Experience (FYE) courses, established a new first year experience process on campus. This process replaced the discontinued MUSE Program which was rescinded (S04-2). However, S02-6 was not rescinded at the time because there were MUSE courses still running in that semester. However, MUSE courses have all been removed from the books and those classes are no longer offered.

Approved: 9/10/2018
Vote: 9-0-1
Present: Anagnos, Buzanski, Fernandez-Rios, Heil, Matoush,
Ramasubramanian, Schultz-Krohn, Stacks, Trulio, Brandon White
Absent: Khavul, Mok
Workload Impact: None anticipated
Financial Impact: None anticipated

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F18-2, University Policy, Admission of Disqualified Students
to Extension Courses**

Rescinds: S73-10

Legislative History:

On September 17, 2018, the Academic Senate approved the following policy recommendation presented by Senator Schultz-Krohn for the Curriculum and Research Committee. S16-16 rescinded S10-6, S11-1, and S15-5. Previously, S10-6 rescinded F96-11. F96-11 replaced S73-20 as amended by S75-3 and S84-11; F96-11 also replaced S83-6 as amended by S85-1. S73-10 was not rescinded when S16-16 was passed, but its contents are either redundant with, or superseded by, S16-16, and it is no longer needed.

**Approved and signed by
President Mary A. Papazian
On October 2, 2018.**

**UNIVERSITY POLICY
Admission of Disqualified Students to Extension Courses**

Resolved: That S73-10 be rescinded, effective immediately.

Rationale: S16-16, University Policy Probation and Disqualification, provided a comprehensive university policy on academic probation and disqualification, including the use of Open University credits for reinstatement, and rescinded most of the previous policies covering aspects of academic disqualification and reinstatement. S73-10 was not rescinded at the time, but its contents are either redundant with, or superseded by, S16-16, and it is no longer needed.

Approved: 09/10/2018
Vote: 10-0-0
Present: Anagnos, Buzanski, Fernandez-Rios, Heil, Matoush,
Ramasubramanian, Schultz-Krohn, Stacks, Trulio, Brandon White
Absent: Khavul, Mok
Workload Impact: None anticipated
Financial Impact: None anticipated

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F18-3, University Policy, Charge and Membership of the
Institutional Review Board (Also Amendment B to F17-1)**

Amends: F17-1

Legislative History:

This proposal amends the membership of the Institutional Review Board Committee to remove the Associate Dean, Research. This would supersede the charge/membership section of F17-1 (Protection of Human Research Subjects) and re-establish in this policy, membership details that were contained in F15-8 (Modification of Human Subjects Institutional Review Board Membership). This policy amendment was approved and signed by President Mary A. Papazian on October 15, 2018.

On May 8, 2023, the Academic Senate approved Amendment A to University Policy F18-3 presented by Senator Hart for the Organization and Government Committee. On June 20, 2023, President Cynthia Teniente-Matson approved and signed Amendment A to University Policy F18-3. Amendment A modifies the membership of the Institutional Review Board. Amendment A is incorporated below.

Whereas: There are presently two administrative representatives from the same office serving on IRB, and

Whereas: The IRB-HS Committee recommends eliminating the Associate Dean for Research seat, therefore, be it

Resolved That the Ex-Officio position for the Associate Dean, Research be removed, and be it further

Resolved That the charge and membership provided here replaces the section of F17-1 pertaining to the charge and membership of IRB.

Rationale: O&G this past year invited all committees to review their charge and membership. The IRB committee proposed the change in membership and the AVP for Research concurred noting that in the past, from the Office of Graduate Studies and Research, the AVP had a seat on the IRB committee. We received feedback (from OHRP, Office of Human Research Protection, a federal office) that it was a conflict to

have the AVP sit on the committee and also at the end of the process approve the protocols for the institution.

The senate then passed a change to replace the AVP with the Associate Dean, but as a non-voting member. Over time, we were able to hire an Analyst Exempt III with Human Protections Analyst as her title. The senate then changed the policy to move the IRB coordinator to a voting member.

It is not necessary to have the Associate Dean on the IRB - two seats from the same office. The AVP stays informed of issues through Chair and the IRB Coordinator.

Finally, policy pertaining specifically to the charge and membership of committees is best contained in its own document rather than embedded in other policies (e.g., F17-1 (Protection of Human Research Subjects). F17-1 rescinded S08-7 which had been modified by F15-8. However, the details regarding IRB membership contained in F15-8 were not carried forward. This update corrects that oversight and puts information related to the charge and membership of the IRB in its own policy.

Approved:	9/24/18
Vote:	8-0-0
Present:	Bailey, Capizzi, French, Gallo, Higgins, Ormsbee, Rodan, Shifflett
Absent:	Curry, Grosvenor, Saldami
Financial Impact:	None
Workload Impact:	None

Charge and Membership of Institutional Review Board – Human Subjects Committee

Charge: Facilitates the responsible conduct of inquiry by reviewing all proposals for human subject research to be conducted under the direction of University personnel, including University students; ensures that, before data collection is begun, all appropriate measures have been taken to protect the safety, personal rights and dignity of all individuals and social groups involved as participants in the project. The Board may also provide information to the campus community on IRB-HS procedures and compliance with applicable rules and regulations.

Recruitment and Appointment of Members.

1.0 Each faculty member serves a 3-year term renewable for one additional 3-year term. Student and community members serve 1-year terms. Recruitment of faculty and student members to serve on the IRB-HS will be done through the normal Committee on Committees process for the seats designated for faculty and student members.

(2) All applicants will submit a one page written statement describing their qualifications to serve on the board. It is strongly recommended that applicants attach their certificate verifying completion of one of the approved human subjects research courses (see <http://www.sjsu.edu/research/irb/irb-researcher-training/index.html>). Upon appointment members must complete an approved IRB reviewer course prior to voting at their first scheduled meeting.

(3) Recommendations for a physician to serve as Kinesiological Consultant will be solicited from the SJSU Kinesiology Department Chair.

(4) When there are multiple applications for any seat, the Executive Committee of the Academic Senate will select individuals to serve. In considering potential IRB-HS members, attention should focus on the person's research skills and experience and careful consideration of the balance of new and continuing members so the board retains experienced members yet also brings on new members.

Membership:

IRB Coordinator [EXO]

1 Faculty, College of Business

2 Faculty, College of Education

1 Faculty, College of Engineering

1 Member, General Unit

2 Faculty, College of Health and Human Sciences

1 Faculty, College of Humanities & Arts

1 Faculty, College of Science

2 Faculty, College of Social Science

1 student

1 Community-at-large member who is not otherwise affiliated with SJSU

For this Community-at-large seat, the IRB may appoint one alternate community-at-large member who may serve in the absence of the primary Community-at-Large seat holder.

Physician or licensed health professional

Prisoner Advocate

Note: To be compliant with federal regulations, the IRB must have a Physician or Nurse Practitioner, a student, and a community member. Link to the relevant portion in the regulations - see 46.107c

[https://www.ecfr.gov/cgi-](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=83cd09e1c0f5c6937cd9d7513160fc3f&pitd=20180719&n=pt45.1.46&r=PART&ty=HTML#se45.1.46_1107)

[bin/retrieveECFR?gp=&SID=83cd09e1c0f5c6937cd9d7513160fc3f&pitd=20180719&n=pt45.1.46&r=PART&ty=HTML#se45.1.46_1107](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=83cd09e1c0f5c6937cd9d7513160fc3f&pitd=20180719&n=pt45.1.46&r=PART&ty=HTML#se45.1.46_1107)

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F18-5, University Policy, University Grading System Policy

Rescinds: S73-23, S73-24, S83-15, F88-6, S99-6, S10-2, S11-5

Legislative History:

On December 10, 2018, the Academic Senate approved the following policy recommendation presented by Senator White for the Curriculum and Research Committee. F18-5 was approved and signed by President Mary A. Papazian on January 17, 2019.

On May 4, 2020, President Mary A. Papazian approved and signed Amendment A to F18-5. Amendment A modified the percent of credit/no credits that a graduate student may apply towards a graduate degree and rescinded University Policy S73-23.

- Whereas: EO1100 designates the minimum satisfactory grade for general education courses in Written Communication (A2), oral communication in the English language (A1), critical thinking (A3), and mathematics/quantitative reasoning (B4), (Title 5 Sections 40803, 40804, 40804.1), and
- Whereas: EO1100 allows each campus to establish the minimum grades for satisfactory completion of the remaining general education breadth courses, and
- Whereas: Six university policies address various aspects of the university grading system making it difficult to locate relevant policy governing specific grading issues. Therefore, be it
- Resolved: That S73-24, S83-15, F88-6, S99-6, S10-2, S11-5 be rescinded, effective immediately, and be it further
- Resolved: That F18-5 be adopted as university policy
- Rationale: In bringing SJSU university policies in alignment with EO1100, the Curriculum and Research Committee was responsive to requests to generate a single policy that addresses grading requirements for undergraduate and graduate degree programs was appropriate and would facilitate consultation.

Approved: 12/04/2018
Vote: 9-0-1
Present: Scott Heil, Winifred Schultz-Krohn, Susana Khavul, Toby Matoush,
Thalia Anagnos, Pam Stacks, Peter Buzanski, Lynne Trulio,
Brandon White, Cynthia Fernandez-Rios
Absent: Cara Maffini, Anand Ramasubramanian, Gwendolyn Mok
Workload Impact: None anticipated
Financial Impact: None anticipated

The Grading System of SJSU

1. Plus/Minus grading is allowed for all undergraduate, graduate, and professional courses using the A through F letter grading system as authorized in Title 5, Section 40104.
 - a. For computing purposes, the plus adds a 0.3 value and a minus subtracts a 0.3 value from a letter grade assigned on a 4.0 scale.
 - i. An A+ shall be calculated as a 4.0 per Title 5, Section **40104**.
 - ii. There shall be no plus/minus associated with a grade of F.
 - b. In any situation regarding undergraduate courses wherein a substitution has been allowed for the course, the substituted course shall be passed at the minimum specified grade level of the original course.
2. Course credit received by challenge examination shall be assigned Credit/No Credit.
3. Exceptions to 1 will be for courses that apply Credit/No Credit. These courses may consist of:
 - a. Fieldwork, Practicum, and Internships,
 - b. Multi-Semester linked courses where the grade is assigned at the end (e.g. Stretch English),
 - c. Projects, Portfolios, Individual Studies, or Directed Reading,
 - d. Clinical Rotation,
 - e. Activity and Laboratory Courses,
 - f. Workshops,
 - g. Selected Seminars (Colloquia), and
 - h. Thesis and Dissertation courses

4. A graduate student may accumulate a maximum of 40% of the total units required to graduate as Credit/No Credit grades toward the master's or doctoral degree. A graduate student may petition for a maximum above 40% to the College of Graduate Studies. That petition must be approved by their Department Chair and/or Department Graduate Coordinator.
5. An upper-division undergraduate student shall have the option of taking and applying to the undergraduate degree a maximum of 12 semester units outside the major, the minor and general education on the basis of Credit/No Credit for courses normally graded using the plus/minus grading system as described in section 1.

The student shall elect this option at the registration period and may within the first four weeks of instruction change the option from Credit/No Credit to a traditional grading system.

6. When the Credit (CR) grade is given for an undergraduate course, the CR will mean at a minimum, C- or better.
7. When the CR grade is given for a graduate course, the CR will mean, at a minimum, B- or better.
8. Exceptions to this policy must be initiated by the department chair or associate dean and approved by the Provost or designee.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F19-1, University Policy, Combined Bachelor's and Master's Programs Policy

Legislative History:

At its meeting of September 16, 2019, the Academic Senate approved the following policy recommendation presented by Senator White for the Curriculum and Research Committee. No current university policy exists that guides the development of a combined Bachelor's to Master's degree program at San José State University. The following policy establishes guidelines in accordance with Coded Memorandum AA-2012-01.

**Approved and signed on September 27,
2019 by Mary A. Papazian, President,
San José State University**

**University Policy
Combined Bachelor's and Master's Programs**

- Whereas: No current university policy exists to guide the development of a combined Bachelor's to Master's degree program at San José State University, and
- Whereas: [Coded Memorandum AA-2012-01](#) specifies the minimum requirements for establishing a "blended degree model", which at SJSU shall be referred to as the Combined Bachelor's and Master's Programs (CBMP) Policy, and
- Whereas: The CBMP would support students in the pursuit of advanced degrees in the same or different fields, and
- Whereas: Adopting this model may streamline students' pathway to completing the Master's degree program, and
- Whereas: Title 5 requires completion of a minimum of 120 units for a Bachelor's degree and a minimum of 30 units for a Master's degree, and
- Whereas: This policy supplements university policy [S89-2](#) on graduate credit for undergraduates.

Whereas: The decision to offer a CBMP would be exclusively the decision of the department/school faculty with curricular approval following SJSU processes; therefore, be it

Resolved: That programs interested in establishing a CBMP be allowed to offer the program as described in this policy.

Approved: 09/09/2019

Vote: 12-0-0

Present: Thalia Anagnos, Raquel Coelho, Marc d'Alarcao, Tabitha Hart, Anoop Kaur, Susana Khavul, Cara Maffini, Kelly Masegian, Anand Ramasubramanian, Winifred Schultz-Krohn, Pam Stacks, Brandon White

Absent: None

Workload Impact: A temporary increase in workload at department, college, and university level for curriculum committees, chairs, associate deans, Undergraduate Education staff and College of Graduate Studies staff as programs develop curriculum and application processes for a CBMP.

A significant increase in workload is anticipated for Graduate Admissions Program Evaluation, Registrar's Office, and financial aid staff members to develop business processes and PeopleSoft applications for tracking and implementation.

Financial Impact: None anticipated

Combined Bachelor's and Master's Programs Policy

I. Establishment of a CBMP

Academic units that choose to establish a CBMP must follow the same curricular approval process as for a new degree program. This program must meet the following minimum criteria:

1. Curricula for a CBMP must adhere to existing campus curriculum policies for both Bachelor's and Master's degrees.
2. The roadmap for the program must include at least one semester in which students enroll in a combination of undergraduate and graduate courses.
3. The College of Graduate Studies, Undergraduate Education, and the Registrar shall develop guidelines and processes for administration of a CBMP.

II. Minimum Admissions Requirements to a CBMP

1. Minimum admission requirements must be consistent with existing policy (including policy guiding combined programs, currently found in Coded Memorandum AA-2012-01).
2. Students must be enrolled in or have completed the undergraduate Graduation Writing Assessment Requirement (GWAR) prior to admission into the program.
3. The student must successfully have completed a minimum of 60 undergraduate degree applicable units and not more than 120 undergraduate degree applicable units at the time of application.
4. A program may stipulate more rigorous standards for admission than the minimum criteria.

III. Change to Graduate Status in a CBMP

1. The Registrar's Office in consultation with the College of Graduate Studies shall develop processes for transitioning students from undergraduate to graduate status following all appropriate policy (including policy guiding combined programs, currently found in Coded Memorandum AA-2012-01).

IV. Award of Undergraduate Degree and Graduate Credits

1. The student applies to graduate for the Bachelor's degree the semester before the student will complete the Bachelor's degree requirements. Upon evaluation of the Bachelor's degree requirements, if the student has satisfied all requirements for the Bachelor's degree, the degree is awarded.
2. If a student admitted into a CBMP opts out of, or fails to complete, the Master's degree portion of the program, the following will apply:

- a. Credit earned for graduate coursework and used to complete the Bachelor's degree may not be used to satisfy unit requirements of the Master's degree
- b. Credit earned for graduate coursework, counting toward the Master's degree, shall be available for application to an SJSU graduate program upon subsequent approval by the program and subject to [University Policy S17-7](#), graduate course revalidation.

A student who reapplies after leaving the CBMP will reapply as a regular Master's degree seeking student subject to the admissions requirements of the program at SJSU.

**SAN JOSÉ STATE UNIVERSITY
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**F19-2, University Policy, Rescinds University Policy F85-8,
Performance Evaluation Procedures and Criteria for
Employees in Unit 4 - Academic Support**

Rescinds: University Policy F85-8

Legislative History:

At its meeting of November 18, 2019, the Academic Senate approved the following policy recommendation presented by Senator Peter for the Professional Standards Committee. This policy recommendation rescinds University Policy F85-8 which is obsolete.

**Signed and Approved by
Mary A. Papazian, President,
San José State University
on May 4, 2020.**

Resolved: That F85-8 be rescinded.

Rationale: F85-8 is a rather basic set of evaluation procedures and criteria for members of Unit 4, some of whom happen to be classified as members of the General Unit of the Academic Senate. Since this policy was implemented in 1985, however, Unit 4 has collectively bargained system-wide evaluation procedures and criteria that supplant any previous local policies. Furthermore, there is no provision in the Unit 4 CBA (as there is in the Unit 3 CBA) for Senate involvement in recommending implementation policies. Therefore, F85-8 has been defunct for a very long time, and its presence “on the books” is confusing at best and deceptive at worst.

Professional Standards would have liked to consult, if only as a matter of courtesy, the affected staff before recommending the appeal of this old policy. However, we were informed that any effort to reach out to Unit 4 to seek their input on evaluation procedures “would be considered direct

dealing/bargaining with represented employees” and thus a violation of their CBA.

Approved: October 21, 2019.

Vote: 8-0-0

Present: He, Riley, Chin, Cargill, Peter, Monday, Kumar, Mahendra,
Kemnitz, Birrer

Absent: Riley, Kemnitz

Financial Impact: No direct impacts

Workload Impact: No direct impacts

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F19-3, University Policy, University Governance Award for
Students; Student Service**

Rescinds: S97-4

Legislative History:

At its meeting of November 18, 2019, the Academic Senate approved the following policy recommendation presented by Senator Sullivan-Green for the Instruction and Student Affairs Committee. This policy recommendation rescinds and replaces University Policy S97-4.

**Approved and signed on May 4, 2020
by President Mary A. Papazian**

University Policy

University Governance Awards for Students; Student Service

Whereas: Many students work very hard as volunteers to support the governance of San José State University, and

Whereas: The university wishes to honor these students for the contributions they make to the campus, and

Whereas: Recognizing the efforts of these students will encourage other students to become involved in SJSU boards and committees, and

Whereas: Most of these students serve without any financial or other benefits, therefore be it

Resolved: That the attached policy be implemented.

UNIVERSITY GOVERNANCE AWARDS FOR STUDENTS; STUDENT SERVICE

1. University Governance Awards

This award shall fall under the auspices of the Academic Senate Office and is designed to recognize students who have contributed to the University through engagement with university governance. This is not an academic honor, nor is it tied to academic performance.

1.1. Eligibility

- 1.1.1. Students who serve as members of the student government, student Senators, and students serving on University or Academic Senate boards or committees shall be granted the award if they attend at least 80% of the meetings of the committee/board to which they were elected/appointed, and have a recommendation from the committee chair for the term of appointment. Associated Students and the Academic Senate Office will collaborate to establish a final list of eligible students that will be forwarded to the Registrar's Office.

1.2. Recognition

The University will recognize eligible students in the following ways:

- 1.2.1. Notation of "University Governance Award" will be placed on the student's transcript. This will be noted at the end of each academic year for which the student qualifies;
- 1.2.2. Students serving on the Academic Senate and its policy or operating committees will be presented with a certificate at the last Senate meeting of the Academic Year.

2. President's University Governance Award

The President's University Governance Award will be awarded annually to recognize a student who has demonstrated exceptional leadership in support of the university's governance.

2.1. Eligibility

- 2.1.1. Students who receive a University Governance Award are eligible for the President's University Governance Award for that same year;
- 2.1.2. Any member of the Academic Senate, Academic Senate Committees, or Associated Students Board may submit a nomination to the Academic

Senate Office for consideration by the Senate Executive Committee and the President.

2.2. The Senate Executive Committee will recommend finalists to the President, who will make a final determination for the award.

Approved: November 4, 2019

Vote: 11-0-0

Present: Delgadillo, Haight, Honda, Johnson, Khan, Kitajima, Muller, Roque, Sen, Sullivan-Green, Trang, Wilson, Wolcott

Absent: Hill, Parent, Rollerson, Sorkhabi, Walters, Yao

Financial Impact: None.

Workload Impact: Little to none. The proposed work is similar to that already being done.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F19-4, University Policy, Updating and Changing Titles
Associated with Faculty Affairs**

Legislative History:

At its meeting of December 16, 2019, the Academic Senate unanimously approved this resolution presented by Senator Kenneth Peter for the Professional Standards Committee.

Effective: Immediately upon approval.

Rescinded: Immediately after the updates are made.

**Approved and signed by
President Mary A. Papazian
San José State University
on May 4, 2020.**

**University Policy
Updating and Changing Titles Associated with Faculty
Affairs**

Resolved: Bylaw 15a shall be used to editorially correct university policies that contain obsolete references to the Academic Vice President for Faculty Affairs (AVP FA), to the Office of Faculty Affairs, or to other obsolete variations of those titles; be it further

Resolved: The title replacing the various versions of the AVPFA will be either the “Senior Director, Faculty Affairs” (SDFA) or “Provost or designee” depending upon whether the policy reference concerns primarily the implementation of policy (SDFA) or whether it concerns primarily the creation of policy or occasions when academic judgment is required (Provost or designee), respectively; be it further

Resolved: The Professional Standards Committee shall collaborate with representatives of the Provost and UP Faculty Affairs to recommend a list of titles that should be changed to the “Provost or designee.” Upon approval of this list by the Provost and the Senior Associate Vice President for University Personnel, bylaw 15a shall be invoked and the titles on the list changed to “Provost or designee,” with all other AVPFA references changed to “Senior Director, Faculty Affairs;” be it further

Resolved: References to title of the office (e.g., “Office of Faculty Affairs”) will be handled in the same manner as references to titles of the officer.

Resolved: This policy will expire immediately after the title changes referred to above are complete.

Rationale for the Recommendation:

The reorganization of the Office of Faculty Affairs from the Academic Division to University Personnel came with changes in the title of the officer in charge of the organization as well as a change in title to the organization. Unfortunately, there are more than 200 references to the titles and offices in policy that were made obsolete by the reorganization. Editing policies to conform to the new titles is possible under our existing bylaw 15a. However, there are a few functions of the old AVPFA that need to be under control of the Provost, according to the division of labor between policy matters (Provost) and implementation matters (SDFA) as we understand it. For example, “Provost or designee” should be used where academic judgment is required. So while use of bylaw 15a is desirable, care must be taken to be sure the old responsibilities get distributed to the appropriate new officers. This recommendation seems to us the most efficient way to take care of the problem.

Approved: November 4, 2019

Vote: 8-0-0

Present: He, Cargill, Peter, Monday, Kumar, Mahendra, Kemnitz, Birrer

Absent: Riley, Chin

Financial Impact: No direct impact

Workload Impact: No direct impact

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F20-1, University Policy, Adding Classes After Advance
Registration**

Rescinds: S93-7

EFFECTIVE IMMEDIATELY

Legislative History:

At its meeting of December 7, 2020, the Academic Senate approved the following policy recommendation presented by Senator Sullivan-Green for the Instruction and Student Affairs Committee. University Policy F20-1 was approved and signed by President Mary A. Papazian on December 8, 2020.

At its meeting of April 19, 2021, the Academic Senate approved Amendment A to University Policy F20-1. On April 26, 2021, President Mary A. Papazian approved and signed Amendment A to University Policy F20-1. Amendment A is incorporated into the policy below.

At its meeting of November 7, 2022, the Academic Senate approved Amendment B to University Policy F20-1. On November 28, 2022, Interim President Steve Perez signed and approved Amendment B to University Policy F20-1. Amendment B is incorporated into the policy below.

Whereas: SJSU has historically used the waitlists only up to the end of Advance Registration, and

Whereas: Faculty spend a significant amount of time managing student enrollment after Advance Registration through the use of permission codes that would be alleviated with an improved waitlist process, and

Whereas: Automated waitlists provide clarity and consistency in enrollment procedures for students and faculty once the semester begins, and

Whereas: Improved waitlist processes will assist departments and colleges in enrollment planning, and

Whereas: Graduating seniors have been granted priority for enrollment after Advance Registration in earlier policies and that priority must be maintained in an automated waitlist process, therefore be it

Resolved: That S93-7 be rescinded and the following be adopted.

Rationale: In Fall 2020, the university piloted using the waitlists after advance registration. A manual process of accommodating graduating seniors who were on waitlists was implemented. As a result of the positive outcomes reported through a survey sent to department chairs, faculty, and advisors, the university has taken steps to automate the prioritization of graduating seniors. The process should be complete for Spring 2021 for graduating seniors, but additional time will be necessary to incorporate graduating graduate students in the process.

POLICY RECOMMENDATION

Adding Classes After Advance Registration

When demand for a course exceeds the enrollment cap for the course, students who wish to enroll may place themselves on a waitlist. When a department elects to use waitlists to automatically enroll courses, students who are on the waitlist will be automatically enrolled up to the enrollment cap of the course should a space become available.

Departments, in consultation with the Office of Undergraduate Education and/or the College of Graduate Studies, may opt out of using waitlists for select courses both during Advance Registration and after the term begins.

Waitlists will remain active through the seventh business day after the first day of instruction for the semester as indicated by the SJSU Academic Year Calendar and will continue to automatically enroll students from waitlists up to course enrollment caps. The waitlists will remain active only for the Advance Registration Period for the Winter and Summer sessions.

The students on waitlists will primarily be ordered based on the date a student signed up for the waitlist, though the waitlists will be adjusted to give priority to graduating seniors and graduating graduate students. Due to this adjustment, a student's position on the waitlist may change over time.

Graduating seniors will be given priority to enroll in courses from the waitlists. Graduating seniors are defined as those who have an approved graduation application on file for the current term or the subsequent two terms, including the summer term. Graduating seniors will be moved to the top of waitlists on an ongoing basis, both during Advance Registration and after the term begins.

- Graduating seniors must have an approved graduation application on file for the current or subsequent two terms, including summer term, in order to be moved to the top of the waitlist.
- Graduating seniors must meet all necessary conditions for the waitlist.

Graduating graduate students will be given priority to enroll in courses from the waitlists. Graduating graduate students are defined as those who have an approved candidacy form on file for an active program and at least 21 units completed. Graduating graduate students will be moved to the top of waitlists on an ongoing basis, both during Advance Registration and after the term begins. Graduating graduate students will be moved to the top of the waitlists for upper division and graduate level courses with the same standing as graduating seniors.

- Graduating graduate students must have an approved candidacy form on file for an active program and at least 21 units completed, in order to be moved to the top of the waitlist.
- Graduating graduate students must meet all necessary conditions for the waitlist.

When multiple graduating students are moved to the top of the list, they will be ordered based on the time they signed up for the waitlist.

Waitlists will be used to automatically enroll a course up to the enrollment cap. Students who are on the top of waitlist may not be enrolled if they are not able to satisfy all necessary conditions. These conditions may include the following:

- Waitlisted students will not be enrolled if they are enrolled in another section of the course.
- Waitlisted students will not be enrolled if they have a time conflict with another course.
- Waitlisted students will not be enrolled if the additional units will cause the student to exceed any maximum-unit limit that applies to the student, such as first-semester freshman, first-semester-transfer students, or those on academic probation, etc.

Approved: November 30, 2020

Vote: 14-0-0

Present: Chuang, French, Gomez Marcelino, Hill, Jackson (non-voting), Khan, Lee, Leisenring (non-voting), Rao, Sen, Sullivan-Green, Walker, Wilson, Wolcott, Yang, Yao

Absent: Delgadillo, Sorkhabi, Walters

Financial impact: Some resources will be needed to program the software to manage the new process.

Workload impact: Workload is anticipated to be eased for faculty at the start of the semester. There will be increased workload for IT to amend the necessary PeopleSoft programs to implement the policy.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F20-2, University Policy, Grading Changes to Support
Maximum Flexibility for SJSU Students During the Prolonged
COVID-19 Pandemic**

Legislative History:

At its meeting of December 7, 2020, the Academic Senate approved the following policy recommendation presented by Senator Sullivan-Green for the Instruction and Student Affairs Committee with significant amendments from the floor. President Mary A. Papazian approved and signed F20-2 on December 8, 2020.

At its meeting of April 19, 2021, the Academic Senate approved Amendment A to University Policy F20-2. On April 26, 2021, President Mary A. Papazian approved and signed Amendment A to University Policy F20-2. Amendment A removes the strike-out language in the following sentence in F20-2, "That SJSU should, so far as is legally possible, convert all WU grades in Fall 2020 ~~and Spring 2021~~ to W grades." Amendment A also encourages SJSU to, "...consider, so far as legally possible, converting all grades of Unauthorized Withdrawal (WU) to No Credit (NC) for Winter and Spring 2021." Amendment A is incorporated into University Policy F20-2 below:

**University Policy
Grading Changes to Support Maximum Flexibility for SJSU Students
During the Prolonged COVID-19 Pandemic**

Whereas: The COVID-19 pandemic continues its unprecedented disruption of university operations; and

Whereas: The SJSU campus and its community were also heavily impacted by unprecedented wildfire activity across the Bay Area in the first weeks of the Fall 2020 semester that resulted in evacuations for faculty, students, and staff, canceled classes, and campus closure; and

Whereas: The SJSU Academic Senate has repeatedly advocated for maximum flexibility and understanding on the part of faculty while working with students; and

Whereas: Student senators are advocating for student voices to be heard regarding decisions related to grading and student success during virtual learning; and

Whereas: Students continue to need accommodation for a variety of hardships including, but not limited to, stress, anxiety, depression, other mental health issues, unexpected disruptions in work schedules, financial difficulties, shifts in housing and study environments, an increase of family responsibilities, and the ability to access adequate or regular computer equipment or internet service; and

Whereas: Students should continue to be afforded the opportunity to request assistance in reducing the potential negative impact that the COVID-19 pandemic and other emergency incidents may have on their academic record; and

Whereas: An overly rapid change to the grading policy without adequate time to properly advise students regarding choosing Credit/No Credit could result in a negative outcome, especially in light of data from Spring 2020 that shows choosing Credit/No Credit had a negative impact for many students despite having time to consult with advisors and faculty and may create educational inequities in progress towards degree; therefore be it

Resolved: That SJSU should, so far as is legally possible, convert all WU grades in Fall 2020 to W grades; and be it

Resolved: That SJSU should, so far as is legally possible, consider converting all F grades in Fall 2020 and Spring 2021 to No Credit.

Approved by I&SA: November 30, 2020

(Note: This approval was for the Whereas Clauses)

Vote: 14-0-0

Present: Chuang, French, Gomez Marcelino, Hill, Jackson (non-voting), Khan, Lee, Leisenring (non-voting), Rao, Sen, Sullivan-Green, Walker, Wilson, Wolcott, Yang, Yao

Absent: Delgadillo, Sorkhabi, Walters

Approved by the Academic Senate: December 7, 2020

(Note: This approval includes the Whereas Clauses and the two Resolved clauses, created and amended on the senate floor)

Vote: 35-8-1

Financial impact: Some resources may be needed to provide additional support for support staff, advisors and faculty.

Workload impact: There would be additional workload from support staff and advisors to serve students and train faculty.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F24-1, University Policy, Adoption of Guidelines for General Education (GE), American Institutions (AI), and Writing in the Disciplines (WID)

Legislative History:

On September 30, 2024, the Academic Senate approved the University Policy, Adoption of Guidelines for General Education (GE), American Institutions (AI), and Writing in the Disciplines (WID), presented by Senator Wong for the Curriculum and Research Committee.

Rescinds: S22-5

ACTION BY UNIVERSITY PRESIDENT:

Date: October 3, 2024

Signed and approved by: 
**Cynthia Teniente-Matson, President,
San José State University**

University Policy, Adoption of Guidelines for General Education (GE), American Institutions (AI), and Writing in the Disciplines (WID)

Rescinds: University Policy S22-5

Whereas: The California State University (CSU) [General Education \(GE\) Requirements Policy](#) was updated to reflect the requirements of AB928 (Student Transfer Achievement Reform Act of 2021: Associate Degree for Transfer Intersegmental Implementation Committee); and

Whereas: This update led to the reduction and elimination in some GE areas; be it therefore

Resolved: That C&R shall use the consent calendar as a mechanism for updating GE Guidelines; and

Resolved: That C&R submit GE Guidelines to the Senate to be adopted effective Fall 2025; and be it further

Resolved: That the General Education (GE), American Institutions (AI) and Writing in the Disciplines (WID) Guidelines shall undergo a full university review initiated by the General Education Advisory Committee beginning in AY 2034/35. Any recommended changes to the GE Guidelines shall be referred to C&R for deliberation.

Resolved: That the following becomes university policy.

Approved:	September 16, 2024
Vote:	8-0-0
Present:	Megan Chang, Marc d'Alarcao, Stefan Frazier, Marie Haverfield, Melinda Jackson, Scott Shaffer, Cristina Velarde, Hiu Yung Wong (chair)
Absent:	Sehtej Khehra, Jessica Trask
Workload Impact:	The university catalog and website will need to be updated. Faculty and staff advisors need to be informed and trained on the new guidelines.
Financial Impact:	No financial impact is anticipated at the university level although FTES distribution changes will undoubtedly impact departments.

UNIVERSITY POLICY

Guidelines for General Education (GE), American Institutions (AI), and Writing in the Disciplines (WID)

1. Contextual preface:

- a. CSU GE requirements have been designed to complement the major program and electives completed by each baccalaureate candidate. These requirements are designed to provide the knowledge and perspectives that will enable CSU students to confront personal, cultural, moral, and social issues that are an inevitable part of human life, and cultivate enthusiasm for lifelong learning. (CSU Policy on (GE) General Education Requirements)¹
- b. The authority for this policy on GE guidelines relies on the unique role of faculty in shared governance in institutions of higher learning with respect to policies on academic and professional matters as recognized in Section 3561 of the California Higher Education Employee Relations Act (HEERA) of 1978.
- c. Consistent with section 6.2 Campus Responsibility of the CSU Policy on (GE) General Education Requirements, the SJSU implementation of the General Education requirements for SJSU students may add additional content requirements to the minimum specified by the CSU Policy on (GE) General Education Requirements. That is, individual CSUs can provide additional learning outcomes and content in given areas of GE.
- d. Consistent with section 6.2.5 GE Review and Assessment of the CSU Policy on (GE) General Education Requirements, SJSU shall engage in the assessment of GE areas, courses, and the GE program.

2. Role of GE guidelines

- a. **Guidelines have the force of policy.**

¹ The chancellor's office-driven response to update CSU GE requirements removed five lower-division units from GE requirements. It does this by: adding a one-unit laboratory for Biological or Physical Science, deleting one of three Arts or Humanities courses (formerly Area C), and deleting Lifelong Learning and Self-Development (formerly Area E). A total of five units were removed from lower-division CSU GE requirements. It is up to the individual CSU campuses to determine how to respond to these reductions.

The GE Guidelines are the implementation of CSU GE policy. The expectation is that SJSU specific elements and interpretations will be required of SJSU-approved GE courses

3. Faculty oversight

- a. All new courses (GE or non-GE) are approved through the normal curricular approval process. GE certification is a part of this process. Continuing GE certification of already certified GE courses is a process currently tied to departmental program planning.

4. Roles of different entities with regard to GE guidelines

- a. Curriculum & Research (C&R) Committee
 - i. C&R is the body responsible for maintaining, updating, and interpreting the GE Guidelines. C&R shall be authorized to recommend changes to the GE Guidelines as needed. All recommended changes shall be presented on the Consent Calendar to the Academic Senate;
- b. SJSU General Education Advisory Committee (SJSU GEAC)
 - i. As the campus experts on GE, GEAC provides recommendations to C&R during the GE Guidelines update;
- c. Director of General Education
 - i. Shall maintain records of suggestions for modification to the guidelines and communicate, at least annually, with C&R and GEAC regarding the suggestions.
 - ii. Shall oversee GE program assessment

**SAN JOSÉ STATE UNIVERSITY
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**University Policy
F24-2, Board of Professional Responsibility**

Rescinds: S99-9

Legislative History:

On November 4, 2024, the Academic Senate approved University Policy, Board of Professional Responsibility, to rescind University Policy S99-9, presented by Senator Riley for the Professional Standards Committee.

ACTION BY UNIVERSITY PRESIDENT:

Date: November 13, 2024

Signed and approved by: 
**Cynthia Teniente-Matson, President,
San José State University**

**University Policy
Board of Professional Responsibility**

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

Rationale: The policy establishing the Board of Professional Responsibility has not been updated in 25 years, while the procedures and university offices for addressing breaches of professional ethics have undergone many changes in that time. In addition, the current makeup of the Board dates to a time when the Board of Academic Freedom and Professional Responsibility was a single unit with a much broader charge. The current Board is difficult to staff and often cannot operate due to lack of a quorum. Further, the Board has historically operated without sufficient collaboration with University administration, which has curtailed its effectiveness. Thus, language about the roles of both the University administration and the Board in resolving

complaints about breaches of professional responsibility has been added. Finally, Amendment A to S99-8 and S99-9 established an independent Academic Freedom Committee, but the sections of S99-9 declaring the mission and organization of the Board of Professional Responsibility were inadvertently deleted. This policy will establish the Board of Professional Responsibility as a separate entity, including its mission and organization/membership, and address other changes in reporting structures and procedures.

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

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

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

Approved: October 28, 2024

Vote: 8-0-0

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

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

Financial Impact: None anticipated

Workload Impact: Some additional workload for the administrative office(s) charged with directing complaints and referrals to the Board, and specifically for the Office of Faculty Services and Academic Employee Relations (UP-AER) with regard to the establishment and

posting of procedures, and the evaluation of findings that are proposed to be placed in Personnel Action Files.

1 Mission

1. The Board of Professional Responsibility (BPR) is charged with monitoring and ensuring professional responsibility among San José State University faculty, as defined in F24-7 Statement of Faculty Professional Responsibility. To carry out this charge, BPR will:

- 1.1 Monitor the state of faculty professional responsibility at the University and make reports and recommendations to the Academic Senate regarding revisions of policy and other documents relating to professional responsibility;
- 1.2 Be available to consult with all members of the University on issues within the Board's purview, with the understanding that as University employees, they may have a duty to report (*see* § 3 below);
- 1.3 Address complaints of infringements of Academic Freedom brought by members of the University and issue findings as appropriate;
- 1.4 Advise and assist University Personnel-Academic Employee Relations (UP-AER) with allegations/complaints of violations/breaches of professional responsibility, pursuant to § 2, below;
- 1.5 Review and adjudicate disputes regarding Student Fairness Committee (SFC) recommendations, as described in University Policy S14-3, Student Fairness Dispute Resolution, § VI;
- 1.6 Review and adjudicate disputes regarding recommendations by the Office of Student Conduct and Ethical Development (SCED), as described in University Policy F15-7, Academic Integrity, in the rationale and § 5.0; and,
- 1.7 Present an annual report to the Academic Senate relaying information on the work of the Board.

2 Referrals

- 2.1 Complaints containing allegations of faculty professional misconduct may initially be submitted to any administrative office designated by the University to receive such complaints and may not necessarily be referred to the BPR, particularly if the complaint overlaps other policies and/or Executive Orders or involves numerous, complex, and/or egregious allegations of unprofessional conduct and/or violations of F24-7 Statement of Faculty Professional Responsibility that may result in disciplinary action if substantiated. Only those complaints deemed appropriate to the purview of the BPR, as determined by these offices, will be referred to the Board. Should a complaint come directly to the Board, it will immediately refer the matter to the Office for Title IX and Gender Equity and UP-AER for review and official referral back to BPR, as applicable.

- 2.1.1 Pursuant to applicable Executive Orders and/or policies, a list of these offices shall be publicly posted by the University through its various platforms of communication.
- 2.1.2 Pursuant to applicable Executive Orders and/or policies, each office will assign the responsibilities related to these complaints to a selected representative in their office.
- 2.1.3 UP-AER shall designate a person to consult with and assist BPR with its responsibilities related to transmitted complaints.
- 2.2 Requests for consultations received directly by the BPR that appear to involve, in any manner, allegations of protected status¹ discrimination, harassment and/or retaliation as defined by Executive Order², will be immediately referred to the Office for Title IX and Gender Equity. Such requests include complaints and/or consultations implicating Article 16³ of the CSU-CFA Collective Bargaining Agreement.
- 2.3 University offices receiving complaints containing allegations of infringements of Academic Freedom in alignment with University Policy F24-7 shall transmit such complaints to the BPR within 10 working days of receipt unless the complaint overlaps other policies and/or Executive Orders, etc. as outlined in Sections 2.1 and 2.2, above.
- 2.4 If the Board receives a complaint concerning Academic Freedom and the allegations appear to overlap with other areas as described in Sections 2.1 and 2.2 above, the Board shall immediately forward the matter to the Office for Title IX and Gender Equity and UP-AER for review and official referral back to BPR, as applicable.
- 2.5 The Student Fairness Committee shall forward matters to the Board as described in University Policy S14-3, Student Fairness Dispute Resolution, § VI.
- 2.6 The Office of Student Conduct and Ethical Development shall forward matters to the Board as described in University Policy F15-7, Academic Integrity, § 5.0.

3 Consultation

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

¹ 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.

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

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

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

- 3.1 In consultation with UP-AER, BPR shall develop and revise, as needed, procedures to process requests for consultation and complaints from receipt to resolution.
- 3.2 Appendix A includes a list of suggested procedures. BPR's procedures shall be shared with Faculty Services and publicly posted by the University through its various platforms of communication.

4 Alleged Infringements of Academic Freedom

2. BPR will develop and revise, as needed, procedures to evaluate allegations of infringements of academic freedom in violation of University Policy F24-7 Statement of Faculty Professional Responsibility. Findings will be communicated per § 5.2, below.

5 Communication of Findings

- 5.1 The findings of the BPR related to SFC or SCED cases shall be addressed as described in University Policy S14-3, Student Fairness Dispute Resolution, and University Policy F15-7, Academic Integrity.
- 5.2 The findings of the BPR related to breaches of faculty professional responsibility as outlined in F24-7 Statement of Faculty Professional Responsibility, including breaches of academic freedom, shall be presented to the involved parties and UP-AER in writing. Such findings may fall into three categories:
 - 5.2.1 The BPR may find that a complaint is without merit or that the evidence is insufficient to determine that a complaint has merit. In such cases, the decision of the BPR is final.
 - 5.2.2 The BPR may find that a complaint has merit and that a satisfactory informal resolution can be reached. In such cases, the findings and resolution achieved shall be documented and sent to the principal parties and UP-AER.
 - 5.2.3 The BPR may find that a complaint has merit and is of sufficient gravity that an informal resolution is not achievable. In such cases, the BPR shall make recommendations for further action to the President or their designee. It shall document such recommendations by following the procedures for placing material in the PAF as established in the CFA/CSU Collective Bargaining Agreement.⁵

6 Appointment, Qualifications, and Terms of Membership

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

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

3. 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 and approved as University Policy on October 2, 1996. S94-5 and F95-1 were modified and reissued as a new policy (S99-9) on May 4, 1999. S99-9 was further modified by Amendment A to S99-8 and S99-9 on August 21, 2023.

⁵ 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.

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

The BPR is charged with developing procedures, in consultation with the UP-AER, to address and resolve complaints in alignment with University Policy F24-7, Statement of Faculty Professional Responsibility. These procedures may include but are not limited to:

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

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F24-3, University Policy, Organization of the
Academic Planning Process at San José State
University**

Rescinds: S17-11 and S75-14

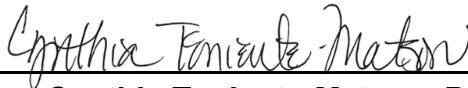
Legislative History:

On November 4, 2024, the Academic Senate approved University Policy, Organization of the Academic Planning Process at San Jose State University, to rescind University Policies S17-11 and S75-14, presented by Senator Frazier for the Curriculum and Research Committee.

ACTION BY UNIVERSITY PRESIDENT:

Date: November 13, 2024

Signed and approved by:



**Cynthia Teniente-Matson, President,
San José State University**

University Policy

**Organization of the Academic Planning Process
at San José State University**

Whereas: The policy “Organization of the Program Planning Process at San José State University” ([S17-11](#)) is the campus guiding policy for performance review of existing programs; and

Whereas: The term “program planning” does not represent the full scope of the self-study process, and “academic planning” is deemed to be a more suitable term; and

Whereas: Academic planning represents a process of continuous improvement and reflection in areas not outlined in [S17-11](#), even though these areas were expected to be covered in the department/school self-study (hereafter referred to as Academic Program Plan); and

Whereas: Some of the terminology in [S17-11](#) around committee membership is outdated; and

Whereas: Policy [S75-14](#), which describes the program planning process and the use of “consultants” (external reviewers), contains outdated terminology and does not describe current practice; and

Whereas: The use of external reviewers is documented in the Academic Planning Guidelines; and

Whereas: Academic planning steps and procedures are deemed more appropriate to be documented in the Academic Planning Guidelines, be it therefore

Resolved: that [S17-11](#) and [S75-14](#) be rescinded and the following become university policy.

Approved,

all but Part III.B, C&R: October 21, 2024

Vote: 7-0-0

Present: Marc d’Alarcao, Megan Chang, Stefan Frazier, Marie Haverfield, Melinda Jackson, Scott Shaffer, Cristina Velarde, Hiu-Yung Wong (Chair)

Absent: Sehtej Khehra, Raha Shojaei, Jessica Trask

Approved,

Part III.B, O&G: April 8, 2024

Vote: 6-0-0

Present: Andreopoulos, Baur, Chierichetti, Jochim, Johnson, Wright

Absent: Gambarin, Lee, Long, Muñoz-Muñoz

Workload Impact: The optional college strategy meeting would add one meeting every program cycle (~every 7 years) that will involve the Dean's office and faculty/staff from the relevant department/school.

Financial Impact: None

UNIVERSITY POLICY

Organization of the Academic Planning Process at San José State University

I. Authorization of the Academic Planning Process

San José State University continually monitors, updates, and improves its curriculum through the *academic planning process*. While this process is mandated by a Trustee policy as found in the Chancellor's Memorandum AA 71-32, "Performance Review of Existing Degree Major Programs," SJSU's implementation of the process is also independently authorized, augmented, and supported through this policy.

II. Academic Planning Goals

Academic Planning represents an opportunity for each program's faculty to improve their ability to accomplish goals that attract them to their profession, including educating students, advancing their discipline through research, scholarship, and creative activity, and serving the community. By embracing

rigorous internal and external examination of their program, faculty gain the perspective necessary to adapt to changing conditions, promote department/school health, and provide an excellent quality education for their students.

The four key goals of the Academic Planning process are:

- 1) To promote a continuous internal review and planning process that will provide programs with purposeful future improvement.
- 2) To serve as a vehicle to help programs support the mission of the university, college, and department/school.
- 3) To provide an opportunity for programs to systematically assess their course offerings, achievement of student learning outcomes, student success, retention, and graduation rates, and the faculty and instructional resources necessary for providing an excellent educational experience to students.
- 4) To provide an opportunity for programs to review their activities and how these activities strengthen the program and its goals.

III. Establishment of the Academic Planning Committee and its tasks.

A. Charge:

Implements the academic planning process, including the review of programs, as provided in the academic planning policy and guidelines. Recommends changes in the policy and guidelines and other matters relating to academic planning and review to the Curriculum and Research Committee (C&R).

B. Membership:

The Academic Planning Committee (APC) shall be made up of the following members:

- i. Provost designee (EXO)
- ii. Undergraduate Education designee (EXO)
- iii. Division of Research and Innovation designee (EXO)

- iv. College of Graduate Studies designee (EXO)
 - v. Director of Institutional Effectiveness (EXO)
 - vi. Two faculty members from each of the represented academic colleges per Senate constitution
 - vii. Two members from the General Unit, at least one of whom is a library faculty
 - viii. One graduate student
 - ix. One undergraduate student
 - x. Staff member
- C. Recruitment and Appointment of Members: Faculty members (other than ex-officio) shall be appointed for two-year staggered terms. The student members serve a 1-year term. Solicitation of applications to serve on the Academic Planning Committee will be made through the normal Committee on Committees process for the seats designated for faculty and student members. When multiple applications are submitted for a seat, the Executive Committee of the Academic Senate will select individuals to serve. In considering applicants, attention should focus on the person's expertise in areas related to curriculum and academic planning and the need for continuity over time in membership for a portion of the seats.
- i. The committee shall elect its chair from the faculty representatives by majority vote. This may include the addition of a vice chair to balance the workload of this role.
 - ii. All members, except as noted, shall be voting members of the committee.
 - iii. Members may be replaced for excessive absences or nonperformance according to section 6.12 of University Policy S16-11.
- D. Responsibilities of APC:
- i. The APC reports and conveys its recommendations on the Academic Planning Guidelines and process to C&R.
 - ii. APC will maintain confidentiality of materials including all information provided to outside accreditation agencies or to outside reviewers, as specified in the Academic Planning Guidelines.
 - iii. APC will establish its operating procedures for committee members and for departments/schools undergoing planning as needed.

- iv. APC is responsible for the review of all departmental/school academic plans.
- v. Both C&R and APC can propose changes to the Academic Planning Guidelines. C&R has final approval of these guidelines and conducts a full review at least once every five years.
- vi. Members are expected to know the current guidelines and academic planning policy.

IV. Scope of the Academic Planning Process

Academic Planning includes both state-support and self-support programs. Each department/school will conduct a review of at least the following elements:

- A. Curriculum, including all undergraduate and graduate degree major programs, credential programs, minor programs, GE and services courses, and certificates offered within the department/school, and minor programs outside the department/school required by a major degree program.
- B. Student success services and initiatives.
- C. Instructional and administrative staffing.
- D. Research, Scholarship, and Creative Activities (RSCA).

V. The Process for Academic Planning

- A. For all steps of the academic planning process, all departments/schools, whether their programs are accredited or not, will follow the Academic Planning Guidelines and Academic Program Assessment Guidelines (available through Academic Innovation and Institutional Effectiveness, AIIE), with all academic programs within one department/school participating in the same cycle, except under extraordinary circumstances as determined by the APC.
- B. Departments/schools with programs that are not subject to external accreditation will participate in academic planning every seven years. Departments/schools with accredited programs will participate in academic planning within a year after the completion of an accreditation review; any report generated by the accreditation review shall be included in the academic

planning process. The APC will contact departments/schools with program accreditation cycles of eight years or more to receive an update on progress and determine the next steps.

- C. The reflection and planning phase of the process shall take no longer than four semesters to complete and will be organized by the office designated by the Provost.
- D. Reviews by external accreditation agencies are considered the equivalent of an external reviewer evaluation, provided that such reviews address all criteria of the Academic Planning Guidelines. The APC will make the final decision as to whether the criteria of the guidelines are met.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F24-4, University Policy, Amendment to the Constitution of
the Academic Senate of San José State University**

Legislative History:

On September 30, 2024, the Academic Senate approved AS 1876 Amendment to the Constitution of the Academic Senate of San José State University, presented by the three members – Michael Kaufman, Nha-Nghi Nguyen, and Janet Sundrud for the special committee of the Academic Senate, Committee on Senate Representation. On November 4, 2024, the Senate approved reconsideration of AS 1876 to allow additional amendments to Articles V and VI to be introduced. Subsequently, the Senate approved the additional amendments. This amendment was then sent to the faculty for ratification. On November 22, 2024, the faculty of the SJSU campus approved this constitutional amendment (350-20-3).

ACTION BY UNIVERSITY PRESIDENT:

Date: December 2, 2024

Signed and approved by: 
**Cynthia Teniente-Matson, President,
San José State University**

University Policy F24-4,

**Amendment to the Constitution of the Academic Senate of
San José State University**

Rationale

In August 2023, SM-F23-1 was passed, which established the Committee on Senate Representation (CSR). The committee consists of administrators, faculty, staff, and students, and is tasked to develop “recommendations on ways to further strengthen equitable, inclusive, and effective shared governance” at San José State University.

Senate representation has been the subject of seven policy referrals between 2000 and present (O&G-F00-2, O&G-F03-3, O&G-F18-4, O&G-F21-1, O&G-F22-1, O&G-S23-1, and O&G-S24-1). Many of these referrals called for adding non-MPP, non-SSP staff seats to the Senate. Staff comprise 35% of all employed personnel at San José State

University, as of fall 2023, and many staff interact with students and faculty in their daily work.

Furthermore, the 2022 Report of the WASC Senior College & University Commission (WSCUC)¹ Team for Reaffirmation of Accreditation identified shared governance as one of the key areas of concern and encourages the university to continue work on “to be more inclusive of all stakeholders.” The CSR engaged in thirteen stakeholder meetings between January 2024 and August 2024, and conducted a staff survey in February 2024, which yielded data of about 250 respondents. A consistent theme throughout these meetings and the survey was the importance of staff serving on the Senate and other bodies of shared governance.

From the establishment of the General Unit in the Senate Constitution in 1994, a specific segment of staff have served as senators; specifically Unit 4 members who hold the title of Student Services Professionals (SSP) III and IV. This constituency has had varying amounts of representation over the years, because they do not have dedicated seats, but rather, they must be elected from within the General Unit. The committee found two issues on this state of affairs.

First, it can be confusing to label a specific segment of the staff as “faculty” when they are in fact classified as staff employees in the University. Second, while voices of the SSP III and IV members have been important, it is not sufficient because “staff” of the university encompasses a much larger group of SJSU employees. It is the committee’s finding that staff members merit broader, more inclusive representation at the Senate.

This policy recommendation proposes to amend the Constitution of the Academic Senate of San José State University so that the terms “faculty” and “staff” used in the Constitution of the Senate would align with the usage of these terms in a broader context. This policy recommendation also proposes to broaden the membership of the Senate to implement a more inclusive and equitable shared governance model.

The committee has also learned other areas of opportunity to propose further changes. One area is the representation of deans, which is one of the most widely represented constituencies. While each dean has their own discipline-specific expertise and unique leadership perspectives, which is indispensable for the function of the Senate, given frequent and collegial communication and collaborations among the deans, as has been always exercised, the committee found it feasible to adjust the extent of representation.

Another area is the membership of the President of the University, who is the ultimate authority regarding all university policies. Ratification of all policy resolutions approved by the Senate requires approval by the President. As such, and aligning the practices employed by other CSU campuses, the committee found it beneficial to change the President to a non-voting member, who, nevertheless, maintains voting rights for the non-policy resolutions, i.e., Senate Management resolutions and Sense of the Senate

¹ The organization is under the umbrella of the Western Association of Schools and Colleges (WASC).

resolutions, for the latter of which, especially, the vote of the President would provide significant symbolic value to the resolution.

It is the past practice of this Senate to address each member, including administrators, students, staff, faculty, and the President as "Senator" rather than using formal titles. This practice emphasizes the esteem we have for each other as equal participants when deliberating on matters concerning the best interests of the university, including our esteem for the President's opinions when expressed during Senate meetings as a Senator. We expect and hope for this tradition to continue. The removal of the President's vote on policy recommendations reflects the fact that the President has the ultimate authority to sign or return each policy recommendation, making a vote on the floor redundant and possibly placing the President in an awkward position.

Based on these reasons, and specifically, this recommendation seeks to:

1. Redefine "faculty" as exclusively Unit 3 employees;
2. Preserve SSP staff participation in the Senate;
3. Allow other general staff participation in the Senate;
4. Make changes to non-faculty seats; and
5. Increase the number of faculty seats.

Resolved: That the following amendment to the Constitution of the Senate be adopted and enacted upon the adoption of the amendment of the Bylaws as proposed in AS 1877.

Approved: September 27, 2024

Vote: 9-0-0

Present: Harish Chander, Behin Elahi, Katelyn Gambarin,
Reiko Kataoka, Eduardo Munoz-Munoz, Annette Nellen, Nha-Nghi
Nguyen, Ken Peter, Janet Sundrud

Absent: Acacia Clark, Denise Dawkins, Michael Kaufman, Jahmal Williams

Financial Impact: If hours of work is taken from those hours otherwise spent for the regular work of the staff members, then it may incur financial cost to the organization/division. Staff participation in the Senate may result in facilitating operation university-wide, contributing to reducing overall operational costs.

Workload Impact: Increased workload for University Personnel

CONSTITUTION OF THE ACADEMIC SENATE SAN JOSE STATE UNIVERSITY

PREAMBLE

To provide for effective participation and deliberation by the academic community of San José State University in the formulation of governing policies for the University, this Constitution is ordained and established.

ARTICLE I -- THE ACADEMIC SENATE

Section 1. The Academic Senate is the principal agency for the formulation and recommendation of policy for the University. Regular meetings shall be held at least once every month during the academic year. Special meetings of the Academic Senate shall be called at the request of the President of the University, or of the Chairperson of the Academic Senate, or on a written petition of thirty per cent (30%) of the members of the Academic Senate. A majority of the members constitutes a quorum.

ARTICLE II -- MEMBERSHIP

Section 1. The Academic Senate shall consist of representatives from the University administration, faculty, staff, and students. In the interests of communication and cooperation, the Emeritus Faculty Association and the Alumni Association shall also each have a representative. Student, administration, staff, emeritus faculty, and alumni representatives have the same rights to speak and vote as other members, but may not serve concurrently as elected representatives of the faculty. Student, administration, emeritus faculty, and alumni representatives are also not qualified for election as officers of the Senate. The President of the University, who has ultimate authority over university policies, shall not vote on policy resolutions. At least two-thirds of the senators who are eligible to vote on policy resolutions shall be members holding office under section 3, section 5, and section 6 of this Article.

Section 2. Administration representatives shall consist of the President (non-voting on policy resolutions), the Provost, the Vice President for Administration and Finance, the Vice President for Student Affairs, and the Chief Diversity Officer, ex officio; and three (3) academic deans, at least two of whom shall be deans of colleges, elected by the academic deans for staggered two-year terms.

Section 3. a) For the purposes of this Constitution, the faculty consists of all members of Collective Bargaining Unit 3. Faculty representatives shall consist of no less than thirty-five (35) faculty members apportioned among the representative units as much as possible in proportion to faculty population. Apportionment shall be provided for in the bylaws, but each representative unit shall have at least one representative.

b) Tenured faculty and probationary regular faculty who have completed at least one year's service and temporary faculty who have completed at least one Academic year of service at the University are eligible as Senate faculty representatives. Election of probationary or temporary faculty to the Senate does not assure or imply retention or tenure or rehiring. Probationary and temporary faculty elected to the Senate shall have the same term of office as other faculty representatives, but shall cease to be members of the Senate if not retained or rehired.

c) All faculty may vote for representatives. Each part-time faculty member shall have a weighted vote equal to the fraction of time for which the faculty is appointed or, in the case of voluntary faculty employees, the fraction of time actually being taught, except that a tenured faculty member serving on a part-time appointment shall retain a full vote. Representatives shall be members of and be nominated and elected by the faculty of the representation units to which they are assigned. Terms shall be three (3) years, one-third ($1/3$) of the faculty representatives to be elected each year.

d) An elected faculty member is subject to recall by a majority vote of their constituents. A recall election shall be held whenever twenty per cent (20%) or twenty-five (25) of the qualified voters of the constituency, whichever is greater, sign a petition to recall. No member shall be subject to a recall election more than once in an academic year.

Section 4. a) For the purpose of this Constitution, the staff consists of all University employees who are not members of Collective Bargaining Unit 3, nor students, and do not hold positions as Management Personnel Plan (MPP) employees.

b) When further delineation is needed, the term "SSP staff" is used to refer to those staff members who are represented by Bargaining Unit 4 and hold positions as Student Service Professionals (SSP), and the term "general staff" is used to refer to all other staff members of the university.

c) Staff representatives shall consist of two (2) SSP staff and two (2) general staff representatives elected as provided for in the bylaws.

d) Staff members who have completed at least one year's service at the University are eligible as Senate Staff representatives. Election of probationary or temporary staff to the Senate does not assure or imply retention or tenure or rehiring. Probationary and temporary staff elected to the Senate shall have the same term of office as other faculty representatives, but shall cease to be members of the Senate if not retained or rehired.

e) All staff may vote for their respective representatives. Each part-time staff member shall have a weighted vote equal to the fraction of time for which the staff member is appointed. Representatives shall be members of and be nominated and

elected by staff members for staggered three-year terms.

f) An elected staff member is subject to recall by a majority vote of their constituents. A recall election shall be held whenever twenty per cent (20%) or twenty-five (25) of the qualified voters of the constituency, whichever is greater, sign a petition to recall. No member shall be subject to a recall election more than once in an academic year.

Section 5. Representatives to the Academic Senate, California State University, shall be members ex officio of the Academic Senate of San José State University. They shall be elected according to procedures established by the Academic Senate, California State University, and the Academic Senate of this University.

Section 6. The Chair of the Academic Senate and the previous year's Chair (if not the same person as the current chair) shall be members of the Senate ex officio.

Section 7. Student representatives shall consist of the President of the Associated Students and six (6) students in good standing selected according to policies and procedures prescribed by Associated Students, Inc. These students shall serve one-year terms, and may serve more than one term. Vacancies in these Senate seats will be filled according to Associated Students, Inc. policies and procedures.

Section 8. The Alumni Association representative shall be elected by the Association in the same manner as Association officers, to a three (3) year term.

Section 9. The representative of the Emeritus Faculty Association shall be an officer of the Association designated by the Association.

ARTICLE III – ORGANIZATION

Section 1. The presiding officer of the Academic Senate shall be the Chair. The Vice Chair shall preside in the absence of the Chair. The Senate shall have such other officers as may be provided for by bylaw.

Section 2. The times and procedures for the election of all Senate officers shall be as provided for by bylaw.

Section 3. Budgetary support for the Academic Senate, including secretarial service and operational expense, shall be provided by the University.

Section 4. A record shall be kept of the proceedings of the Academic Senate. The agenda shall be published as long before and the minutes as soon after each meeting as is practicable.

Section 5. The Academic Senate may adopt bylaws consistent with this Constitution.

Bylaws may be enacted only by a two-thirds (2/3) majority at a regular meeting subsequent to the meeting at which such bylaws are introduced.

Section 6. The Academic Senate may establish its own rules of procedure consistent with this Constitution. A standing rule may be established, amended or rescinded by a majority vote at any meeting.

Section 7. The Academic Senate shall appoint committees of its own as specified in the bylaws. Any member of the University community may serve on such committees.

ARTICLE IV -- POWERS AND RESPONSIBILITIES

Section 1. The Academic Senate, subject to the laws of California and the policies and regulations of the Board of Trustees, shall formulate policies and procedures on matters affecting the general welfare of the University, including (a) educational policies, (b) faculty affairs, (c) student affairs, (d) budget and finance, and (e) staff affairs to the extent they relate to the prior four matters (a-d).

Section 2. Upon passage by the Academic Senate, proposed policies and procedures shall be submitted to the President of the University for consideration and action. Those approved by the President become official University Policy and will be implemented as soon as practicable. The President will report to the Senate promptly on those proposed measures which the President does not approve.

ARTICLE V – REFERENDUM

Section 1. (a) For purposes of referenda (Article V) and constitutional amendments (Article VI), the electorate shall be Unit III faculty and holders of such other professional and administrative staff positions as may be declared by the bylaws to be directly related to the instructional program of the University.

(b) Any action of the Academic Senate may be referred to the electorate when forty per cent (40%) of the Academic Senate members present support a motion for a referendum or when twenty per cent (20%) of the electorates submit a petition for a referendum to the Associate Vice Chair of the Academic Senate. A petition calling for a referendum shall indicate the specific action of the Academic Senate which is the subject of the referendum. Such a petition must be submitted within a period of thirty (30) working days of a regular academic session following the action to be referred. A majority of the votes cast shall be necessary to sustain the action.

ARTICLE VI – AMENDMENTS

Section 1. Amendments to this Constitution may be proposed for the consideration of the electorate by a majority of the total membership of the Academic Senate or by a

petition signed by twenty per cent (20%) of the electorate. Ratification shall require approval by a majority of the votes cast by the electorates, and by the President of the University.

ARTICLE VII – ADOPTION

This Constitution shall become effective on approval by a majority of the faculty and staff and by the President of the University.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F24-5, University Policy, Amendment to the Bylaws of the
Academic Senate of San José State University**

Legislative History:

On September 30, 2024, the Academic Senate approved AS 1877 Amendment to the Bylaws of the Academic Senate of San José State University, presented by the three members – Michael Kaufman, Nha-Nghi Nguyen, and Janet Sundrud for the special committee of the Academic Senate, Committee on Senate Representation. On November 4, 2024, the Senate approved reconsideration of AS 1877 to allow additional amendments to be introduced. Subsequently, the Senate approved the additional amendments. On November 22, 2024, the faculty of the SJSU ratified the constitutional amendment AS 1876 (350-20-3).

ACTION BY UNIVERSITY PRESIDENT:

Date: December 2, 2024

Signed and approved by: 
**Cynthia Teniente-Matson, President,
San José State University**

**University Policy F24-5,
Amendment to the Bylaws of the Academic Senate of
San José State University**

Rationale

In August 2023, SM-F23-1 was passed, which established the Committee on Senate Representation (CSR). The committee consists of administrators, faculty, staff, and students, and is tasked to develop “recommendations on ways to further strengthen equitable, inclusive, and effective shared governance” at San José State University.

Senate representation has been the subject of seven policy referrals between 2000 and present (O&G-F00-2, O&G-F03-3, O&G-F18-4, O&G-F21-1, O&G-F22-1, O&G-S23-1, and O&G-S24-1). Many of these referrals called for adding non-Management Personnel

Plan, non-Student Services Professionals staff seats to the Senate. Staff comprise 35% of all employed personnel at San José State University, as of fall 2023, and many staff interact with students and faculty in their daily work.

Furthermore, the 2022 Report of the WASC Senior College & University Commission (WSCUC)¹ Team for Reaffirmation of Accreditation identified shared governance as one of the key areas of concern and encourages the university to continue work on “to be more inclusive of all stakeholders.” The CSR engaged in thirteen stakeholder meetings between January 2024 and August 2024, and conducted a staff survey in February 2024, which yielded data of about 250 respondents. A consistent theme throughout these meetings and the survey was the importance of staff serving on the Senate and other bodies of shared governance.

From the establishment of the General Unit in the Senate Constitution in 1994, a specific segment of staff have served as senators; specifically Unit 4 members who hold the title of Student Services Professionals (SSP) III and IV. This constituency has had varying amounts of representation over the years, because they do not have dedicated seats, but rather, they must be elected from within the General Unit. The committee found two issues on this state of affairs.

First, it can be confusing to label a specific segment of the staff as “faculty” when they are in fact classified as staff employees in the University. Second, while voices of the SSP III and IV members have been important, it is not sufficient because “staff” of the university encompasses a much larger group of SJSU employees. It is the committee’s finding that staff members merit broader, more inclusive representation at the Senate.

This policy recommendation proposes to amend the Bylaws of the Academic Senate of San José State University so that the terms “faculty” and “staff” used for the Bylaws of the Senate would align with the usage of these terms in a broader context. This policy recommendation also proposes to broaden the membership of the Senate to implement a more inclusive and equitable shared governance model.

The committee has also learned other areas of opportunity to propose further changes. One area is the representation of deans, which is one of the most widely represented constituencies. While each dean has their own discipline-specific expertise and unique leadership perspectives, which is indispensable for the function of the Senate, given frequent and collegial communication and collaborations among the deans, as has been always exercised, the committee found it feasible to adjust the extent of representation.

Another area is the membership of the President of the University, who is the ultimate authority regarding all university policies. Ratification of all policy resolutions approved by the Senate requires approval by the President. As such, and aligning the practices employed by other CSU campuses, the committee found it beneficial to change the President to a non-voting member, who, nevertheless, maintains voting rights for non-policy resolutions, i.e., Senate Management resolutions and Sense of the Senate

¹ The organization is under the umbrella of the Western Association of Schools and Colleges (WASC).

resolutions, for the latter of which, especially, the vote of the President would provide significant symbolic value to the resolution.

It is the past practice of this Senate to address each member, including administrators, students, staff, faculty, and the President as "Senator" rather than using formal titles. This practice emphasizes the esteem we have for each other as equal participants when deliberating on matters concerning the best interests of the university, including our esteem for the President's opinions when expressed during Senate meetings as a Senator. We expect and hope for this tradition to continue. The removal of the President's vote on policy recommendations reflects the fact that the President has the ultimate authority to sign or return each policy recommendation, making a vote on the floor redundant and possibly placing the President in an awkward position.

Furthermore, this policy recommendation proposes to add an article on staff protections. Although San José State University has policies relating to free speech, it is the committee's opinion that additional language is necessary to ensure that staff can freely participate with independent voices. Our research has shown that when staff do not have sufficient support from their managers (and the university administration, as a whole), then staff will view their participation in shared governance as potentially unsafe and threatening.

Based on these reasons, and specifically, this recommendation seeks to:

1. Redefine "faculty" as exclusively Unit 3 employees;
2. Preserve SSP Staff participation in the Senate;
3. Allow General Staff participation in the Senate;
4. Make changes to non-faculty seats;
5. Increase the number of faculty seats; and
6. Provide language that allows time for service work for staff senators and ensure independent opinions are voiced by staff in the Senate.

Resolved: That the following amendment to the Bylaws of the Senate be adopted and enacted upon the adoption of the amendment of the Constitution as proposed in AS 1876.

Approved: September 27, 2024

Vote: 9-0-0

Present: Harish Chander, Behin Elahi, Katelyn Gambarin,
Reiko Kataoka, Eduardo Munoz-Munoz, Annette Nellen, Nha-Nghi
Nguyen, Ken Peter, Janet Sundrud

Absent: Acacia Clark, Denise Dawkins, Michael Kaufman,
Jahmal Williams

Financial Impact: If hours of work is taken from those hours otherwise spent for the regular work of the staff members, then it may incur financial cost to the organization/division. Staff participation in the Senate may result in facilitating operation university-wide, contributing to reducing overall operational costs.

Workload Impact: Increased workload for University Personnel

BYLAWS OF THE ACADEMIC SENATE SAN JOSE STATE UNIVERSITY

1. Elections and Faculty and Staff Representatives

1.1 Faculty representatives shall be elected to the Academic Senate of this University from the following representative units: College of Health and Human Sciences, College of Business, College of Education, College of Engineering, College of Humanities and the Arts, College of Science, College of Social Sciences, and the General Unit.

1.1.1 Members of the General Unit

Unit 3 faculty outside the above colleges (e.g., College of Data, Information, and Society faculty, librarians, counselors, Division of Intercollegiate Athletics coaches).

1.1.2 A college, not presently represented in 1.1 would become a representative unit when that college has at least 50 Full-Time Equivalent Faculty (FTEF) and at least three departments.

1.1.3 Members of the faculty electorate holding administrative, or Management Personnel Plan (MPP), positions are not eligible to serve as faculty representatives while holding such positions.

1.2 Staff representatives shall be elected to the Academic Senate from the staff unit, the members of which are the entire SJSU employees who are not members of Collective Bargaining Unit 3 nor students, and do not hold positions as Management Personnel Plan (MPP).

1.2.1 Two of the staff representatives shall be elected from the members of the staff electorate who hold positions as Student Service Professional (SSP Staff electorate) as SSP Staff representatives.

1.2.2 Two other staff representatives shall be elected from all of the other members of the staff electorate (General Staff electorate) as General Staff representatives.

1.3. Pursuant to Article V of the Constitution, the following positions and classifications are declared to be directly related to the instructional program, and members are qualified to vote for referenda and ratification of constitutional amendments (using proportional voting based on assignment).

a) All members of Bargaining Unit III.

b) Employees classified as Student Services Professional (SSP) III and IV.

1.4 Subject to approval of the Executive Committee, the Election Committee is authorized to decide questions of interpretation of this bylaw and may recommend amendments to it to the Organization and Government Committee.

1.5 The number of faculty senators must be twice the number of senators who are eligible to vote on policy resolutions and not faculty members [currently 20: Deans (3), AS President and students (7), VPs (4), SSP Staff Representatives (2), General Staff Representatives (2), an Emeritus Representative (1), and an Alumni Representative (1)].

1.5.1 The number of faculty representatives to be apportioned among the colleges and the General Unit is the total number of faculty senators minus the number of ex officio faculty senators (Academic Senate of the CSU (ASCSU) senators, SJSU Senate Chair and Past Chair). The resulting difference is the number to be used in part 1.5.2 to apportion faculty representatives among the several colleges and the General Unit.

1.5.2 Before each spring election, using the FTE/F of the preceding fall semester provided by University Personnel, the Senate Administrator shall determine, and the Associate Vice Chair verify, the number of representatives allotted to each representative unit (as defined in Bylaw 1.1). The number of representatives for each unit shall be determined by first dividing the combined total FTE teaching faculty of the college representative units plus the FTE faculty in the General Unit by the number determined in part 1.5.1 above and then dividing this value into the FTE faculty of each of the college units and the FTE faculty in the General Unit.

1.5.2.1 If the allotment of any representative unit is determined to be less than one, it shall be increased to one.

1.5.2.2 If the total number of faculty representatives on the Senate overall exceeds the number as determined in section 1.5 above, the number as determined in section 1.5.2 above shall be decreased until the total number of faculty representatives allotted is equal to the number determined in 1.5 (i.e., maintains the 2/3 proportion of voting members who have rights to vote on policy resolutions being faculty representatives).

1.5.2.3 If the total number of faculty representatives on the Senate overall is less than the number as determined in section 1.5 above, one additional representative shall be allotted in turn to each of the units in order of greatest fractional representation until the total number of faculty

representatives equals the number as determined in section 1.5 above (i.e., twice the number of senators who are eligible to vote on policy resolutions and are not in section 3, section 5, and section 6 of Article II of the Constitution)

1.6 If it is determined by the above procedure that the number of representatives allotted to any college/unit will be changed from the previous year, the Senate Administrator in collaboration with the Associate Vice Chair, shall report to the Academic Senate prior to the announcement of elections.

1.6.1 If a representative unit is allotted an additional seat and there is no vacancy in the representation of a unit losing a seat, the unit gaining a seat shall nevertheless elect an additional representative for a full term at the next general election. The next vacancy occurring, by expiration of term, resignation or otherwise, in the unit losing a seat shall not be filled.

1.7 Representatives to the Academic Senate shall be nominated by a petition signed by at least ten (10) members of the faculty/staff electorate of the appropriate election unit: (a) college, (b) General Unit, (c) SSP Staff unit, or (4) General Staff unit. The candidate shall indicate, by signature on the petition, their willingness to serve if selected.

1.7.1 If there is no candidate for an Academic Senate seat by the end of the filing period, that seat shall be declared vacant and shall be filled according to the procedures outlined in 1.8.2.4.

1.8 When there is a vacancy of a faculty/staff representative (excluding CSU Senators) the replacement for the remainder of the term shall be chosen as follows:

1.8.1 If a senator will be unable to perform their duties as senator for one semester or less, a temporary replacement will be selected in accordance with the following procedures:

1.8.1.1 The dean of the college from which the senator serves shall call for nominations for a temporary replacement to be chosen by chairs and directors of that college from those nominated.

1.8.1.2 For the General Unit, the Senate Administrator shall call for nominations for a temporary replacement to be chosen by the Executive Committee from those nominated.

1.8.1.3 For a staff senator, the University Personnel (UP) shall call for nominations for a temporary replacement to be chosen by the Executive

Committee from those nominated.

1.8.2 When there is a permanent vacancy of a senator, the replacement for the remainder of the term shall be chosen as follows: the appropriate college dean (or Senate Administrator in the case of the General Unit or UP in the case of staff) shall hold a special election as soon as possible after the determination of the vacancy.

1.8.2.1 Vacancies are created by

- a) resignation or recall from the Senate,
- b) termination of employment,
- c) removal from the Senate as a result of being absent from three Senate meetings in an academic year,
- d) removal from a policy committee as a result of being absent from three regularly scheduled policy committee meetings,
- e) removal from a policy committee due to failure to perform assigned policy committee duties as determined by the Executive Committee of the Senate in consultation with the policy committee chair,
- f) leave, with or without pay, which covers more than one semester,
- g) appointment to a full-time administrative (Management Personnel Plan) position,
- h) election to the role of Academic Senate Chair, or
- i) no candidate files for a vacant seat.

1.8.2.2 When a Senate seat is vacated, the associated seat on that senator's assigned policy committee would become vacant.

1.8.2.3 Faculty and staff representatives who accept one semester leaves with or without pay may resign from the Senate or request the selection of a replacement for one semester following the procedures listed in 1.8.1 above.

1.8.2.4 If no candidate files for that vacancy, it shall be filled for one year by a person in that constituency selected by the Executive Committee after consultation with the Senators from that constituency. A permanent replacement shall be elected to fill out the remainder of the term as part of the next general election. For SSP and General Staff Senate seats, such vacant seats shall become a Staff-at-Large seat, which may be filled for one year by a person from either a SSP Staff or a General Staff constituency.

1.8.2.5 If only one candidate files a nominating petition for a vacancy, the dean (Senate Administrator for the General Unit election, or UP for the

staff units election) shall not conduct an election but shall report to the Executive Committee, and the Executive Committee shall declare the single candidate elected.

1.8.2.6 If a vacancy occurs during the months of January or February, the seat shall be filled following the procedures listed in 1.8.1 above for temporary vacancies and the senator shall hold the seat for the remainder of the academic year. A permanent replacement shall be elected to fill out the remainder of the term as part of the next general election.

1.9 Faculty and Staff Voting Rights for Elections to the Senate

1.9.1 Tenured and tenure track faculty have full permanent voting rights for college representatives in the department of their primary assignment.

1.9.2 Lecturer faculty have proportional voting rights for college representatives in the department of their primary assignment. Lecturer faculty assigned to more than one representative unit may vote in each unit on a proportional basis determined by the percentage of their appointment in each unit.

1.9.3 Members of the general unit have voting rights proportional to their appointment(s).

1.9.4 Staff members have voting rights proportional to their appointment(s).

1.10 No write-in votes are permitted.

1.11 Procedures for faculty elections shall be determined by the Senate Election Committee, with the approval of the Executive Committee of the Academic Senate.

1.12 The phrase "academic deans" as used in Article II, Section 2 of the constitution means deans, and associate deans (MPP) in the academic affairs division. Elections of representative academic deans shall be conducted and reported by the Provost, and vacancies shall be filled by special elections for the balance of unexpired terms.

1.13 Whenever the word "staff electorate" is used in the constitution, bylaws, or standing rules of the Academic Senate, it refers to those SJSU employees who are not members of Collective Bargaining Unit 3, nor students, and do not hold positions as Management Personnel Plan (MPP). Elections of representative staff shall be conducted and reported by University Personnel, and vacancies shall be filled by special elections for the balance of unexpired terms.

1.13.1 When further delineation is needed, the term "SSP Staff electorate" is used to refer to the staff electorate who hold SSP positions, and the term "General Staff electorate" is used to refer to all other members of the staff

electorate.

1.14 Whenever the phrase "faculty electorate" is used in the constitution, bylaws, or standing rules of the Academic Senate, it refers to those faculty members eligible to vote for representatives to the Senate (including members of the General Unit), with proportional votes for lecturer faculty, as specified in Article II, Section 3, Part c, of the Senate's constitution.

1.15 Whenever the word "staff" is used in connection with eligibility for or service on any committee and no other definition is stated, it means both a member of the SSP Staff and the General Staff electorates.

1.15.1 When further delineation is needed, the phrase "SSP Staff" is used to refer to the staff members who hold SSP positions, and the phrase "General Staff" is used to refer to all other staff members.

1.16 Whenever the word "faculty" is used in connection with eligibility for or service on any committee and no other definition is stated, it means a member of the faculty electorate.

1.17 Whenever the phrase "teaching faculty" is used in connection with committee eligibility or service and no other definition is stated, it means university personnel holding the title of professor, associate professor, assistant professor, or lecturer whose primary assignment is instruction and not more than 50 percent of whose workload is administrative or other non-instructional duties (other than as department chair or equivalent). Reimbursed or re-assigned time for research, curriculum development, committee service, etc., is instructional.

1.18 Staff Protections: staff senators independently represent staff, and do not represent their supervisors or administrators. Supervisors and administrators must at all times make clear that the staff senators have protected voices that will be respected. Opinions expressed by staff senators during senate activities shall not be included in staff evaluations. Staff senators shall be given time to attend scheduled senate and policy committee meetings as well as time for meeting preparation and work on committee assignments.

2. Senate Officers

2.1 The following are officers of the Academic Senate:

2.1.1 The Chair of the Senate (who must be a faculty or SSP staff member), who shall be its presiding officer, as provided in the constitution, and shall also be Chair of the Executive Committee, and general faculty meetings.

2.1.2 The Vice Chair (who must be a faculty or SSP staff member), who shall discharge the duties of the Chair during any temporary disability of the Chair, shall serve as a CSU Senator during the temporary disability of one of the SJSU representatives to the ASCSU, and shall succeed to the office of Chair when the Chair's term or terms expire or if the Chair resigns or that office becomes vacant for any other reason.

2.1.3 The Associate Vice Chair (who must be a faculty or SSP staff member), who shall be Chair of the Committee on Committees and the Election Committee, shall act as Vice Chair during the temporary disability of the Vice Chair, and shall act as Chair if both the Chair and the Vice Chair become temporarily unable to perform their duties.

2.1.4 The Past Chair is the person who served as chair for the preceding year, provided that the Past Chair is not the same person as the current chair and does not hold any other Senate office.

2.1.5 The Faculty-at-Large Representative. There shall be no Faculty-at-Large Representative when there is a Past Chair.

2.1.6 ASCSU Representative to the Executive Committee

2.1.7 The Chairs of the Senate Policy Committees.

2.2 Election Procedures for Senate Officers

2.2.1 Senate officers, other than the Chair, Past Chair and Faculty-at-Large Representative, shall be elected from the faculty and SSP staff members of the Senate annually for one-year terms. Nominees for Chair of Professional Standards must be tenured full professors.

2.2.2 Extension of Senate Chair's term

2.2.2.1 If the Chair so requests, the agenda for the first regular meeting of the Senate in spring semester shall include, as a special order of business preceding policy committee reports, a proposal to extend that chair's term. When the special-order item is reached, the Associate Vice Chair of the Senate shall preside while the Senate debates and votes on the proposal. The vote shall be by secret ballot and approval of the extension shall require a two-thirds affirmative vote.

2.2.2.2 If the Senate approves the extension, the incumbent Chair is re-elected for the following year. The term of office of the Vice Chair is extended for one year. (If the term of the Vice Chair as an elected faculty

representative expires at the end of the spring semester the Vice Chair shall take the place otherwise held by the Past Chair as an ex officio member.) The term of the Past Chair is not extended, and a Faculty-at-Large Representative shall be elected at the end of spring semester to fill the Past Chair's position on the Executive Committee for the following year.

2.2.2.3 If the Senate does not approve the extension of the Chair's term, the Vice Chair shall automatically succeed to the office of Chair at the adjournment of the last meeting of the current Senate in spring semester.

2.2.2.4 No chair shall serve for more than two full terms in succession.

2.2.3 If the previous year's Chair is not the same person as the current Chair, the previous year's Chair will be a Senate officer called the Past Chair. However, if the Past Chair is elected to any other/Senate office, there will be no Past Chair that year and a Faculty-at-Large Representative shall be elected instead.

2.2.4 As soon as possible after the election of new Senate members in the spring, the Chair of the Senate shall appoint a nominating committee to prepare a slate of officers for the forthcoming academic year. This committee should nominate at least two candidates for each open Senate office. The committee shall also ascertain the willingness of the nominees to serve if elected. The committee shall produce a brief written document regarding the qualifications and goals of each candidate which shall be distributed to the Senate prior to the day of election.

2.2.5 The slate of nominees proposed by the nominating committee shall be communicated to the Senate prior to the last regular meeting of the academic year. On that day, two consecutive meetings of the Senate shall be held. The first meeting shall be the final meeting of the Senate of the current academic year. Immediately following the adjournment of that meeting, the first meeting of the Senate for the next academic year shall be held. The nominating committee shall make its report in the second meeting, further nominations from the floor shall be accepted, and an election shall be held to fill all open Senate offices. Only the continuing and newly elected members of the Senate, who will be members in the next academic year, shall vote in the election.

2.2.6 Should a vacancy occur in the office of Senate Chair, the Vice Chair shall automatically succeed to the position for the balance of the vacant term. The Vice Chair shall then serve for the full term of the following year, and the full term shall be counted as that person's first year in office for purposes of 2.2.2.2

Should a vacancy occur in any other Senate office, the Executive

Committee shall nominate at least two candidates to fill the vacancy and present its nominees to the Senate. Additional nominations may be made from the floor. When nominations have been closed, the Senate shall elect a replacement to serve for the balance of the vacant position's term.

2.2.7 If the Senate Chair needs to take a leave of absence, the Vice Chair shall serve as Acting Senate Chair during the leave. The Acting Senate Chair shall have all the rights and responsibilities of the Chair during the Chair's leave, but may, upon approval of the Executive Committee, temporarily assign some of the Chair's duties to other Senators. If the Chair indicates an inability to return from leave, the position becomes vacant and the Vice Chair becomes Chair as per 2.2.6. Notification of leaves and vacancies are official when communicated in writing to the Executive Committee. Leaves may only be one semester or shorter in length or else the position is deemed vacant as per 2.2.6.

3. Senate Administrator

3.1 The Senate Administrative Analyst (an employee position in the Senate Office) shall serve as the Senate Administrator.

3.2 The Senate Administrator may participate in Senate proceedings on the same basis as a member of the Senate but shall not vote.

3.3 The Senate Administrator may speak at Senate and Executive Committee meetings on matters relevant to Senate operations and on other matters when requested by the Senate Chair.

3.4 The Senate Administrator may be present at executive sessions of the Senate and is subject to the same confidentiality requirements as are applicable to Senate members.

3.5 The Senate Administrator shall provide administrative support to the Senate Chair and the Associate Vice Chair, shall attend and take minutes of the Senate and Executive Committee meetings, shall have charge of the records and archives of the Senate and its website, shall prepare committee appointment letters and maintain and update committee membership lists, and shall assist in the preparation of election materials and the administration of Senate elections.

3.6 The Senate Administrator shall be an ex officio member on the Committee on Committees and the Election Committee.

4. Senate Committees

4.1 General information

4.1.1 The Academic Senate shall establish and appoint committees as may be needed.

4.1.2 Except as otherwise provided in these bylaws, university policy, or Senate Management Resolutions, all committees prepare, and submit to the Senate Chair, an annual report summarizing activities at the end of the academic year. These reports will be made available on the Senate's website.

4.1.3 Except as otherwise provided in these bylaws, university policy, or Senate Management Resolutions, appointments to policy committees of the Academic Senate shall be recommended by the elected members of the Executive Committee and approved by the Senate; appointments to operating committees shall be recommended by the Committee on Committees and approved by the Senate. When an appointment is recommended more than one week before the next regular meeting of the Senate, the recommending body may make its recommendation effective at once as a temporary appointment. These temporary appointments shall last until the next meeting of the Senate and must receive Senate approval to become permanent. When appointments have been approved by the Senate, the Senate Administrator shall notify those appointed.

4.1.4 Committees concerned primarily with faculty affairs shall contain a majority of teaching faculty with full-time appointments. Committees concerned with student affairs shall contain a significant proportion, but not a majority, of students.

4.1.5 For purposes of service on Senate committees, all university faculty, full or part-time, active or retired, and all students, staff and alumni shall be considered members of the university community.

4.1.5.1 For purposes of service on Senate committees, all SSP Staff members are eligible to serve on General Unit and Faculty-at-Large seats.

4.1.6 Vacancies

4.1.6.1 Each year the Senate Executive Committee will approve a calendar (referred to below as "appointment calendar") for appointing faculty and staff to operating committees, policy committees, special agencies, and other committees of the Senate. The calendar will be structured such that colleges and units are given ample notification of vacancies before the start of the fall semester and also allow for faculty-at-large appointments to be confirmed at the first Senate meeting of the semester.

4.1.6.2 Notwithstanding the provisions of bylaw 4.5.2, college seats on

policy committees, operating committees, special agencies and other committees for which no faculty from that college willing to serve have been found by the date specified on the appointment calendar shall become faculty-at-large seats for the balance of the academic year.

4.1.6.3 By the date specified on the appointment calendar, the Associate Vice Chair of the Senate shall inform each college representative and college dean which of that college's committee seats are still vacant and invite them to recommend faculty for those seats within one week's time. The college representative(s) on the Senate and deans shall be reminded that the seats will become faculty-at-large seats for the year if no college faculty to fill them can be found. The dean's recommendations shall be forwarded to the college's Committee on Committees representative who shall present one name to the Associate Vice Chair of the Senate to be reported to the Senate or to the Executive Committee, as appropriate under bylaw 4.1.3.

4.1.6.4 By the date specified on the appointment calendar, all vacant college seats on operating committees, special agencies and other committees for which no faculty from the college have been recommended under paragraph 4.1.6.3 above (or otherwise identified) shall become faculty-at-large seats for the balance of the academic year and all members of the Committee on Committees shall be requested to supply names of faculty from any representative unit to fill these vacancies.

4.1.6.5 By the date specified on the appointment calendar, all vacant college seats on policy committees shall become faculty-at-large seats for the balance of the year. First priority in filling these vacancies shall be given to elected faculty representatives on the Senate not assigned to other policy committees. If all elected faculty representatives (other than Senate officers) have been appointed to policy committees and there are policy committee seats still remaining vacant, they shall be filled as provided in 4.1.6.3 for policy committees.

4.1.6.6 The Associate Vice Chair of the Senate shall coordinate this selection process so as to maintain as far as possible a representative balance across committees and shall report one name for each vacancy to the Senate or the Executive Committee as appropriate under bylaw 4.1.3.

4.1.7 Elected faculty and staff representatives (other than Senate officers) not appointed to seats designated for representative units and also not appointed to faculty-at-large seats as provided above shall be appointed as additional members-at-large of policy committees. If there is only one such member, that

person shall be appointed to the Organization and Government Committee. If there is a second, that person shall be appointed to the Instruction and Student Affairs Committee. A third shall be appointed to the Professional Standards Committee and a fourth to the Curriculum and Research Committee. The provision shall be implemented in a manner consistent with Academic Senate bylaw 4.5.2.1.

4.1.8 If a member (non-ex officio) of an Academic Senate committee (policy, operating, special agency, or other Senate committee) cannot complete the term for any reason, the chair of the committee may request, through the Associate Vice Chair of the Senate, that a replacement be appointed. The Associate Vice Chair, using the normal procedures of the Committee on Committees, then solicits nominations for a replacement and brings a recommendation to the Executive Committee and subsequently to the Senate via the consent calendar.

4.1.9 If a non-ex officio member of an Academic Senate committee (policy, operating, special agency, or other Senate committee) is absent from three regularly scheduled committee meetings in an academic year or repeatedly does not perform assigned committee duties, the chair of the committee may request, through the Associate Vice Chair of the Senate, that the person be removed from the committee. The Associate Vice Chair, following discussion with and approval from the Executive Committee for removal of the committee member will then solicit nominations for a replacement (or notify the relevant college if an election is needed) and bring a recommendation to the Executive Committee and subsequently to the Senate via the consent calendar.

4.1.10 Removal of a senator from their assigned policy committee will result in removal from the Senate.

4.1.11 Unless otherwise stipulated in university policy or Senate Management Resolutions, recommendation of students for membership on policy committees, operating committees, special agencies, and other Senate committees shall be made according to the recommendation procedures of the Associated Students, Inc. and should be transmitted to the Associate Vice Chair by the second meeting of the new Academic Senate for final approval by the Senate. The Associated Students, Inc. should give student appointments to the Student Fairness Committee a high priority.

4.1.11.1 Should the Associated Students, Inc. Board of Directors not transmit recommendations of students for membership on Senate operating committees, policy committees, special agencies or other Senate committees by the fourth week of instruction, the following shall supersede the rules of the Associated Students, Inc. for nomination of

students to policy committees, operating committees, special agencies or other Senate committees: student seats shall become university student-at-large seats for the balance of the academic year. These seats may be filled by any student in good standing at the university who self-nominates, or who is nominated by a member of the Academic Senate, and who is recommended by the elected members of the Executive Committee and approved by the Senate (subject to bylaw 4.1.3). All student nominees shall submit a statement of interest to the Senate's Associate Vice Chair.

4.1.11.2 Should a vacancy occur, the President of Associated Students, Inc. shall select a replacement to fill out the remainder of the term. This selection must be approved by a two-thirds majority of the total membership of the Board of Directors of the Associated Students, Inc. The name of the nominee should be transmitted to the Associate Vice Chair within 30 days of the time that the vacancy occurred for final approval by the Senate. When the appointment has been approved by the Senate, the Senate Administrator shall notify the appointee. If a nomination is not received within 30 days, the seat will be declared a student-at-large seat for the balance of the academic year and will be filled as per 4.1.11.1.

4.1.11.3 In the event a student holding an Associated Students ex officio position has a conflict and cannot make committee meetings, then the AS President may designate a replacement as needed.

4.2 Executive Committee

4.2.1 Charge: Acts as an Ad Hoc Advisory Committee to the President on request; acts for the Academic Senate at such times when the members may not be available; formulates policy proposals; refers matters of business to the appropriate agencies; develops and approves the agenda for Senate meetings; handles external relations with elected officials and their staff, as appropriate; prepares nominations/appointments as needed to policy committees, operating committees, special agencies, and other Senate committees for Senate (or administrator) approval.

4.2.2 Membership:

- a) Senate Chair (elected)
- b) Vice Chair (elected)
- c) Past Chair, or Faculty at Large in years when there is no Past Chair (elected)
- d) President (EXO)
- e) Provost (EXO)
- f) VP, Administration & Finance (EXO)

- g) VP, Student Affairs (EXO)
- h) Chief Diversity Officer (EXO)
- i) Statewide Senator (elected)
- j) AS President (EXO)
- k) Chair, Committee on Committees/Assoc. Vice Chair (elected)
- l) Chair, Curriculum & Research (elected)
- m) Chair, Instruction & Student Affairs (elected)
- n) Chair, Organization & Government (elected)
- o) Chair, Professional Standards (elected)

4.2.3 Any action taken by the Executive Committee requires the presence of a quorum of the elected members. When acting for the Academic Senate, the Executive Committee shall distinguish whether it is expressing the position adopted by the Senate as a whole or of the Executive Committee alone. In handling relations with elected officials or their staff, these shall be on matters of relevance to the well-being of the university, and this duty shall be carried out in coordination with university employees involved in government relations; the Executive Committee is encouraged to recruit an appropriate number of university employees and students to assist in its external relations efforts. In acting as an ad hoc Presidential advisory committee, only the elected members of the Executive Committee shall sit in this capacity. Normally, the President should seek the advice of the full Senate on issues of policy, rather than that of the Executive Committee or its elected members

4.3 Committee on Committees

4.3.1 Charge: Prepares nominations for policy committees, operating committees, special agencies, and other Senate committees as needed. In cooperation with the Organization and Government Committee, makes recommendations for the improvement of the Senate's committee operations and structure. Maintains a record of faculty, staff, students, and administrators currently serving on University- level committees. At the request of the President, or other administrator making the appointments, recruits nominees and suggests names of faculty, staff, and students for service on committees as needed. Acts as Election Committee.

4.3.2 Membership: The Senate's Associate Vice Chair serves as Chair for the Committee on Committees. Additionally, one faculty member from each of the Senate's representative units who shall not be members of the Senate. If a seat is not filled and becomes an 'at large' seat, Senators from the college where there is a vacancy, who are already serving on a policy committee, would be eligible to serve on the Committee on Committees.

- a) The Associate Vice Chair of the Senate [EXO], who shall be chair
- b) 1 faculty, College of Business
- c) 1 faculty, College of Education
- d) 1 faculty, College of Engineering
- e) 1 member, General Unit
- f) 1 faculty, College of Health and Human Sciences
- g) 1 faculty, College of Humanities and the Arts
- h) 1 faculty, College of Science
- i) 1 faculty, College of Social Science
- j) 1 Student Senator
- k) Senate Administrator (non-voting)

4.3.3 Appointments to the Committee on Committees shall be recommended by the elected members of the Executive Committee and approved by the Senate. Members (other than the Chair and the Student Senator) shall serve for staggered two-year terms.

4.4. Election Committee

4.4.1 There shall be an Election Committee. Its members shall be the members of the Committee on Committees. Its chair shall be the Associate Vice Chair of the Senate.

4.4.2 The Election Committee shall arrange for the election of faculty representatives to this Senate and of the university's representatives to the CSU Academic Senate, referenda under Articles V and VI of the Academic Senate Constitution, and all other campus-wide elections required by university policies.

4.4.3 Elections shall be conducted by colleges and departments under instructions of the Election Committee.

4.4.4 The Election Committee shall be responsible for the establishment of voting procedures and their supervision.

4.4.5 The Election Committee shall assure that the results of the elections will be available for presentation to the Academic Senate no later than one week prior to the last spring Senate meeting.

4.4.6 In carrying out a referendum under Article V of the Constitution, the Senate Administrator in consultation with the Election Committee shall prepare an electronic ballot which indicates the specific action of the Academic Senate which is being referred to the faculty electorate. The question to be voted on will be stated as follows: "Shall the action of the Academic Senate specified above be sustained?" The ballot in a referendum may be accompanied by pro and con

arguments of not more than 300 words each. If such arguments are to be included, the Chair of the Senate will designate one or more persons to write the pro argument; the person(s) offering the motion or submitting the petition for a referendum will designate one or more persons to write the con argument. In the event that persons requesting the referendum are in support of the Senate action which is the subject of the referendum, then the Chair of the Senate will designate one or more persons opposed to the Senate action to write the con argument. Failure to submit an argument on one side shall not prevent distribution of an argument submitted by the other side

4.5. Policy Committees

In general, these committees study policy issues and investigate policy problems in their areas at the request of the Academic Senate and prepare policy recommendations for official action. Current Policy committees:

Curriculum & Research (CR) Instruction & Student Affairs (ISA) Organization & Government (O&G) Professional Standards (PS)

4.5.1 The establishment or elimination of any policy committee shall require a two-thirds ($2/3$) majority of the Senate.

4.5.2 Policy committees shall normally be composed so that at least one half of the members of a policy committee are also members of the Senate. Generally, no person shall serve on more than one policy committee. Exceptions may be made for the President of the Associated Students, officers of the Senate, and university administrators.

4.5.2.1 Normally, each policy committee includes representation from each of the units from which faculty representatives are elected. In no instance shall more than two faculty members from any of the units from which faculty representatives are elected be assigned to one policy committee.

4.5.2.2 The senators representing the Emeritus and Retired Faculty Association and the Alumni Association are eligible for appointment to policy committees with the exception of the Professional Standards Committee. If they wish to serve, they shall, at the beginning of the academic year, request to the Associate Vice Chair to be appointed to a policy committee. Although they may request a specific committee assignment, they may be appointed to another committee where representation is needed. When appointed, these senators shall have the status of ex officio members.

4.5.3 All policy committee appointments shall be for one year, commencing with the first meeting of the new Senate for the year, which usually takes place in the last month of the Spring semester.

4.5.3.1 Seniority shall not be the primary factor in selecting members of policy committees.

4.5.3.2 To achieve the principle in 4.5.2, senators shall have priority in appointments to policy committees.

4.5.3.3 Tenured faculty should be given priority for appointment to the Professional Standards Committee.

4.5.4 Members of Senate policy committees, including ex officio members, can vote and be counted for quorum (defined in Senate Standing Rule 13) only if present in person or via remote attendance.

4.5.5 Chairs of policy committees shall be elected annually by the Senate from its faculty representatives.

4.5.5.1 Nominees for the Chair of Professional Standards must be tenured full professors.

4.5.6 Policy committees shall report to the Executive Committee of the Academic Senate.

4.5.7 All policy committee recommendations for the Senate's consideration shall show the names of the committee members present and absent; the vote totals, and shall state:

- a) The rationale for the policy, including its source, intent and claimed need; in language suitable for communication to faculty, staff and students affected.
- b) The expected estimated financial impact, obtained from a named office responsible for implementing the policy, if adopted.
- c) The workload impact of the policy, that is, whether and how much compliance will increase or decrease required activity or expenditure of time by faculty, staff, or students.

4.6 Operating Committees

In the context of their charge, operating committees serve a range of functions including the preparation of reports and making recommendations for changes in policy to their designated policy committees. Current Operating Committees:

Faculty Diversity Committee (reporting to PS)
General Education Advisory Committee (reporting to CR)
Graduate Studies & Research Committee (reporting to CR)
Institutional Review Board (reporting to CR)
International Programs & Students Committee (reporting to ISA)
Program Planning Committee (reporting to CR)
Student Evaluation Review Board (reporting to PS)
Student Fairness Committee (reporting to ISA)
Undergraduate Studies Committee (reporting to CR)

4.6.1 The establishment or elimination of any operating committee shall require a simple majority of the Senate.

4.6.2 All operating committees shall report to their designated policy committees.

4.6.3 Except as otherwise provided in these bylaws, University Policy, or Senate Management Resolution, chairs of operating committees shall be elected by the members of the operating committee. Any member of the committee, except an ex officio member, is eligible to serve as chair.

4.6.4 Near the end of each spring semester, each operating committee shall elect from among its continuing membership, a chair for the following academic year. The outgoing committee chair shall recommend, through the appropriate policy committee, to the Organization and Government Committee any changes in committee responsibility or organization.

4.6.5 Appointments of faculty to operating committees shall be for staggered three- year terms unless otherwise specified. After service for a full three-year term, members should be reappointed only in special circumstances. Appropriate administrative officers or their officers or designees shall be included on operating committees as ex officio members.

4.6.5.1 Faculty serving on a policy committee are ineligible to serve on any operating committee reporting to that same policy committee.

4.6.5.2 The Committee on Committees chair will assure that, when appointments are made, they take into consideration part 4.6.5.1.

4.6.5.3 To the extent possible, administrative designees to operating committees and their parent policy committee should not result in concurrent membership.

4.6.6 Student membership on operating committees is normally for a one-year

term.

4.7 Special Agencies, Other Senate Committees, and Special Committees of the Senate

4.7.1 The Senate shall establish and appoint special agencies, other Senate committees or special committees of the Senate as may be needed. The establishment or elimination of any special agency, other Senate committee, or special committee of the Senate shall require a simple majority of the Senate.

4.7.2 Unless otherwise specified in a Senate Management Resolution or University Policy, reporting requirements for special agencies, other Senate committees, and special committees of the Senate follow bylaw 4.1.2.

4.7.3 Unless otherwise specified in a Senate Management Resolution or University Policy, a) members of special agencies, other Senate committees, and special committees of the Senate shall be nominated by the elected members of the Executive Committee; and

4.7.4 Unless otherwise specified in a Senate Management Resolution or University Policy, chairs of special agencies, other Senate committees, and special committees of the Senate may be designated by the elected members of the Executive Committee.

4.7.5 Student membership on special agencies, other Senate committees, and special committees of the Senate is normally for a one-year term.

4.7.6 Special Agencies

Special agencies are created as needed by the Senate. Their charge, membership, and reporting responsibilities are specified in the policy or Senate Management Resolution that established them. Current special agencies:

Accreditation Review Committee Alcohol & Drug Abuse Committee Athletics Board

Budget Advisory Committee Campus Planning Board

Strategic Planning Steering Committee Student Success

4.7.6.1 The following shall apply to all special agencies.

- a) Unless otherwise provided in the policy or senate management resolution creating the special agency, at-large faculty members shall be nominated by the Committee on Committees.

- b) A special agency and related policy committee may consult on any matter of common concern.
- c) Special agency recommendations requiring changes in university policy shall be reported to the Executive Committee for referral to an appropriate policy committee for consideration.
- d) The Executive Committee (or a designated policy committee at the request of the Executive Committee) may, from time to time, review the policy establishing a special agency and may require reports from special agencies.
- e) When filling faculty appointments, the Associate Vice Chair of the Academic Senate shall have the responsibility to stagger the terms, unless otherwise specified by policy.

4.7.6.2 Appointments of faculty to special agencies shall be for staggered three-year terms unless otherwise specified. After service for a full three-year term, members should be reappointed only in special circumstances. Appropriate administrative officers or designees shall be included on special agencies as ex officio members.

4.7.7 Other Senate Committees

Committees in this category are bodies created by policies or Senate Management Resolutions. Their charges, membership, and responsibilities are specified in the policies or Senate Management Resolutions that established them. Current committees in this category:

Academic Disqualification and Reinstatement Review Board of Academic Freedom and Professional Standards Traffic, Transit, and Parking

University Library Board University Sustainability Board University Writing Committee

4.7.7.1 Recommendations from committees in this category requiring changes in university policy shall be reported to the Executive Committee for referral to an appropriate policy committee for consideration.

4.7.7.2 If not otherwise specified in policy or a senate management resolution, reporting requirements follow bylaw 4.1.2

4.7.7.3 Appointments of faculty to committees in this category shall be for staggered three-year terms unless otherwise specified. After service for a full three-year term, members should be reappointed only in special

circumstances. Appropriate administrative officers or designees shall be included as ex officio members.

4.7.7.4 Student membership is normally for a one-year term.

4.7.8 Special Committees of the Senate

Committees and task forces in this category are time-delimited bodies created to address specific issues. The Senate shall establish and appoint such special committees as may be needed.

4.7.8.1 Members of special committees and task forces shall be nominated by the elected members of the Executive Committee.

4.7.8.2 The charge, determined by the elected members of the Executive Committee, shall be specified in the resolution that establishes the special committee of the Senate.

4.7.8.3 Chairs of special committees and task forces may be designated by the elected members of the Executive Committee.

5. Procedure

5.1 Robert's Rules of Order, most recent edition, shall apply unless superseded by the constitution, bylaws, or standing rules of the Academic Senate.

5.2 The meetings of the Academic Senate are open, but the number of non-members present shall not exceed the room capacity, and preference shall be given to guests officially invited by the Senate Chair. The Chair shall request audio-visual coverage of meetings when necessary.

5.3 Spectators at Senate meetings shall not take part in or attempt to influence the proceedings of the Senate, except as may be authorized in the standing rules. Violators shall be excluded. At the Chair's discretion, the Chair may recess the meeting.

5.4 The Academic Senate shall be called into executive session by the Chair upon approval of a majority of the members present. Only Academic Senate members and the Senate Administrator may be present during executive sessions. Normally, only personnel or fiscal matters may be discussed in executive sessions, but final action on all matters shall be taken in regular Academic Senate meetings. Proceedings in executive sessions are confidential and are not published within the senate minutes.

6. Senators as Representatives

6.1 It is the responsibility of each elected member of the Academic Senate to assess the attitudes and viewpoints of their constituency. However, each member represents and serves the entire university. Thus, no member shall come instructed as to how to vote on any item under consideration by the Senate or its committees.

6.2 Senators are to maintain communications with their constituency regarding Senate activities and accomplishments as needed.

7. Approval of Policies

7.1 Measures adopted by the Academic Senate intended to have binding effect on the university generally or on persons or matters external to the Senate itself are policy recommendations and are submitted to the President for approval under Article IV, Section 2, of the Senate constitution.

7.1.1 Bylaws adopted in accordance with standing rule 10.a.2 (Senate Management Resolutions) or resolutions expressing only the opinion of the Senate, are not policy recommendations and do not require approval of the President.

8. Representation, Academic Senate, CSU

8.1 The following are subject to applicable provisions of the constitution of the Academic Senate of the California State University (ASCSU).

8.1.1 Candidates for the ASCSU from the SJSU campus shall be nominated by the faculty electorate following procedures similar to those prescribed for nomination of candidates for the Academic Senate of San José State University.

8.1.2 Simultaneous candidacy of the same person for both the ASCSU and the Academic Senate SJSU at the same election is prohibited.

8.1.3 A faculty representative on the SJSU Senate who is elected to the ASCSU vacates their seat as an elected member of the SJSU Senate.

8.1.4 Temporary Vacancy

8.1.4.1 A temporary vacancy is defined as one in which a CSU Senator will be unable to perform their duties for a period of one semester or less. In such cases, the Vice Chair of the SJSU Academic Senate shall serve as temporary CSU Senator.

8.1.4.2 If the Vice Chair is unable to serve, the Chair of the SJSU

Academic Senate may designate any elected faculty representative of the current SJSU Academic Senate to act as temporary CSU Senator.

8.1.4.3 An SJSU senator temporarily serving as an ASCSU Senator shall remain a faculty representative of the SJSU Senate.

8.1.5 Permanent Vacancy

8.1.5.1 If a CSU Senator will be absent from the SJSU campus or unable to perform the duties of an ASCSU Senator for a period of longer than one semester, the seat held by that ASCSU senator shall be deemed vacant.

8.1.5.2 When a permanent vacancy occurs, a special election shall be held to fill the vacancy for the balance of the term. The election shall be held promptly after the determination is made that there is or will be such a vacancy. If there is no advance notice, the position will be filled temporarily as described in section above until an election can be held.

9. Faculty Appointments to Off-Campus and Presidential Bodies

9.1 Faculty (as defined in the Academic Senate Constitution) occasionally serve as representatives on bodies not established by nor under the authority of SJSU (e.g., system-wide or other off-campus agencies or committees). In instances in which no other procedure for their designation is prescribed, representatives shall be appointed by the Academic Senate on nomination of the Executive Committee.

9.2 Where no other procedure has been approved by the Academic Senate, appointments of faculty to presidential task forces, advisory committees, and commissions shall be made by the following process: the elected members of the Executive Committee shall consult with the President in regard to these appointments. Nominations shall be presented to the Senate for approval.

9.3 Appointments of faculty to the boards of University auxiliary organizations shall be made by the President after consultation with the elected members of the Executive Committee.

9.4 Appointments of faculty to the Instructionally Related Activities (IRA) Advisory Committee shall be made by the President after consultation with the elected members of the Executive Committee.

10. Editorial Changes - Senate Documents and Archiving Resolutions

10.1 When identifiers are changed, but the function, responsibilities, purpose, or content remain the same, the Senate Chair may approve replacement in Senate

documents of the old identifier by the new one, as an editorial change. Such changes shall be explained and reported to the Executive Committee of the Senate and recorded in the meeting minutes. Example identifiers include the title related to a university official, agency, or course designations, or unit of the university appearing in Academic Senate documents (including the constitution, bylaws, university policies, and resolutions providing for committee membership).

10.2 When the number, title or designation of a law, regulation, executive order, or policy, referred to in a Senate document, is changed or rescinded by competent authority, but no other change affecting university policy is involved, the Senate Chair may authorize replacement of the old number, title or designation by the new one in Senate documents, as an editorial change. Such changes shall be reported to the Executive Committee of the Senate and recorded in the meeting minutes.

10.3 When a policy recommendation or Senate Management Resolution is found to contain editorial errors that, when corrected, would not change the intent of the policy recommendation or resolution, the Senate Chair can correct the error(s) following consultation with and obtaining unanimous consent from, the Executive Committee. The edited version of the policy recommendation approved by the Executive Committee will be submitted to the President for final review and signature. Approved editorial corrections shall be recorded in the Senate Executive Committee meeting minutes and changes will be made by the Senate administrator to the document being corrected. If the editorial changes are not approved by the Executive Committee or the President, the document will be returned to the appropriate policy committee for revision and brought to the Senate for debate and vote.

10.4 Following implementation of updates to Senate bylaws and standing rules, called for in a Senate Management Resolution, the Senate chair can approve the relocation, by the Senate administrator, of such resolutions to the web-based archive of Senate Management Resolutions. The chair will communicate the action at an Executive

Committee meeting. The Senate Administrator will include documentation of this in Executive Committee minutes.

11. Specific Designation of Rescinded Policies

Adoption and approval of a new policy resolution overrides all prior conflicting policies, whether or not the previous policies are specifically identified. However, it is best practice to list specifically in a new policy all superseded policies. If, subsequent to the adoption and approval of a policy resolution, the Senate administrator finds that not all prior policies which should have been rescinded

were specifically so listed in the subsequent policy, the Senate administrator shall notify the Senate chair and the appropriate policy committee chair. The committee shall review the policies and, if satisfied that the older policies were superseded and should be specifically designated as rescinded, the Senate chair shall authorize the administrator to note their rescission in the Senate records. The Senate chair shall report the committee's decision to the Executive Committee, and the Senate administrator shall record the information in the minutes.

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F24-6, University Policy, Statement of Academic Freedom and Establishing the Academic Freedom Committee

Legislative History:

On December 9, 2024, the Academic Senate approved University Policy, Statement of Academic Freedom and Establishing the Academic Freedom Committee, presented by Senator Riley for the Professional Standards Committee.

Rescind: S99-8

Action by University President:

Date: December 18, 2024

Signed and approved by: 
**Cynthia Teniente-Matson, President,
San José State University**

University Policy

Statement of Academic Freedom and Establishing the Academic Freedom Committee

Legislative History: This proposal would rescind S99-8 Professional Responsibility Statement and replace it with two policy recommendations: AS 1884 Statement on Faculty Professional Responsibility and AS 1883 Statement of Academic Freedom and Establishing the Academic Freedom Committee.

Rationale: When Amendment A to S99-8 and S99-9 was approved on August 21, 2023, language about the charge and creation of the Academic Freedom Committee (AFC) was accidentally embedded into S99-8 Professional Responsibility Statement, making information about the AFC difficult to find. This proposed change rescinds S99-8 and separates it into two

distinct policies: “Statement of Faculty Professional Responsibility” and “Statement of Academic Freedom & Establishing the Academic Freedom Committee.” While faculty professional responsibility and academic freedom are deeply interconnected, the policies need to be separated so that they can be clearly identified by their titles. Together with the newly-approved F24-2 Board of Professional Responsibility, these policies provide important contemporary guidance on matters related to faculty professional responsibility and academic freedom; creating two new policies from S99-8 will also update the policy numbers to allow ease of identification and to indicate their currency.

Approved: December 2, 2024
Vote: 6-0-0
Present: Chen, Kazemifar, Nwokolo, Raman, Riley (Chair), Smith, Peter (non-voting guest), Lee (non-voting guest)
Absent: Barrera, Pruthi, Muller, (Dukes, non-voting guest)

Financial Impact: No new costs anticipated beyond some modest travel costs associated with sending members of the Academic Freedom committee to conferences.

Workload Impact: No new workload issues anticipated. On the contrary, being able to find the Statement of Academic Freedom and the charge of the Academic Freedom Committee will save time.

Preamble: Academic Freedom is at the heart of the success of the modern university, but in recent years faculty, students, and others have begun to lose touch with an understanding of this critical concept. The classic statements in defense of academic freedom were articulated at the start of the twentieth century by the American Association of University Professors (AAUP) in response to egregious acts in which faculty appointments, research programs, and curricular content were attacked or manipulated for political reasons. Faculty organized and fought hard to secure tenure and other protections, and by the 1950s they won a key court decision that eloquently summarized the need for academic freedom. “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.”¹

Today, however, many faculty and others do not know much about the history of academic freedom, its legal status, or its ultimate purpose. When the term is used it is sometimes perceived incorrectly as an individual privilege rather than as a critically important tool for fulfilling the academy’s scholarly and educational roles. Professional Standards believes it is the responsibility of each new generation of faculty to take on the challenge of renewing the community’s understanding of academic freedom, and has crafted this policy recommendation to fulfill this task.

A generation ago, the Academic Senate combined the Academic Freedom Committee with a new board focused on professional ethics. The motivation was sound—to symbolize the deep interconnection of academic freedom to professional responsibility. We continue to agree with

¹ *Sweezy v. New Hampshire*, 34 U.S. 234, 250 (1957)

this principle, but the former Board of Academic Freedom and Professional Responsibility (BAFPR) was not a consistently effective committee. Its sweeping responsibilities, extended membership, and restricted qualifications resulted in a committee that was difficult to fill and which was torn between its educational and quasi-judicial functions. As a result, the BAFPR was divided into two bodies: the Board of Professional Responsibility (*see* F24-2 Board of Professional Responsibility) and the Academic Freedom Committee. By creating a smaller committee with a sharper focus, Professional Standards sought to create a vibrant, active committee of experts to engage in the continual education of the University on academic freedom issues and provide useful and timely information to faculty, students, and administration when issues related to academic freedom arise.

1. Statement of Academic Freedom²

1.1. In General

- 1.1.1. The primary mandates of a university—the discovery and dissemination of knowledge and understanding, are absolutely dependent upon academic and intellectual freedom. Freedom in research is fundamental to the advancement of truth. Freedom in teaching is fundamental for the protection of the rights of the student in learning and of the faculty³ in teaching.
- 1.1.2. Political attacks on academic freedom, including government attempts to exert control over curriculum, restrict the freedom to pursue all avenues of scholarly research, and censor the speech of faculty, have many historical precedents. Such attempts to control teaching and research destroy higher education.
- 1.1.3. San José State University has a responsibility to society to defend and to maintain these freedoms, and to ensure that those engaged in academic pursuits can effectively execute their responsibilities. SJSU faculty must remain free of the forces of special interests and political interference if they are to fulfill society's expectations and their educational responsibilities.
- 1.1.4. All members of the university community: students, staff, and all faculty employees, shall have the protections of academic freedom

1.2. Academic Freedom as it Relates to Tenure

- 1.2.1. Tenure is one mechanism specifically created to protect academic freedom, and those faculty who hold the protection of tenure have an obligation to protect the academic freedom of all members of the university community.
- 1.2.2. Tenure constitutes an important procedural safeguard of academic freedom and professional responsibility and, as such, is essential for the maintenance of intellectual liberty and high standards in education and in scholarship. It is one means by which university faculty members are protected against personal malice or political coercion, and by which it is ensured that those who, following rigorous

² Derived from the *International Statement on Academic Freedom and Tenure*, 1984. Signatories include the American Association of University Professors, the American Federation of Teachers, the National Education Association, and similar groups from the United Kingdom, New Zealand, Canada, Australia, Ireland, and France.

³ The faculty of the university include all those who engage in scholarly activities and/or those 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.

evaluation, secure continuing employment, can be dismissed only on professional grounds according to due process.

- 1.2.3. Historically, the indispensability of academic tenure to academic freedom in universities throughout the world has been proven by events in situations where tenure has not existed. We must not forget the lessons of the past but must work to ensure that SJSU continues to fulfill the educational needs of a free society.

1.3. Academic Freedom as it Relates to Professional Responsibility

- 1.3.1. According to the AAUP, Academic freedom “is a professional right extended to members of the profession and is subject to certain limitations. Academic freedom means that faculty are free to engage in the professionally competent forms of inquiry and teaching that are necessary for the purposes of the university. It does not mean that individual faculty members are free to teach or publish whatever they want without repercussions.” AAUP makes clear that the academic freedom of an individual faculty member is subject to matters of professional responsibility, including those related to 1) the collective; 2) professional ethics; and 3) professional competence. AAUP says more about each category below:

“The Collective: The faculty who are responsible for a particular course of study may share responsibility for determining courses to be offered or texts to be assigned to students. The shared academic freedom to make this decision trumps the freedom of an individual faculty member to assign a textbook that he or she alone prefers.”

“Professional Ethics: A faculty member must act ethically in their teaching and research; for example, by following regulations on human subject research.”

“Professional Competence: In order to produce and disseminate the highest quality of knowledge in a given field, academics are regulated by other academics who are in a position to judge the work of their peers. A faculty member is not entitled to teach something that their academic peers judge is invalid--for example, teaching that $2+2=5$ would not be protected; neither would teaching intelligent design in an evolutionary biology class.⁴

Professional responsibility is thus 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. Because faculty members belong to a profession with the rights of self-government, they also have the obligation to establish standards of professional conduct and procedures to enforce them. These standards are set in the SJSU Statement of Professional Responsibility.⁵

- 1.3.2. Academic freedom is a privilege granted to faculty in return for their obligation to serve the public good, which they do through the advancement of scholarship, the search for truth, and the higher education of our communities. We agree with the

⁴ <https://www.aaup.org/programs/academic-freedom/faqs-academic-freedom>

⁵ S99-8 at the time of this policy recommendation

AAUP 1915 Declaration that “not only that the profession will earnestly guard those liberties without which it cannot rightly render its distinctive and indispensable service to society, but also that it will with equal earnestness seek to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for that service.”⁶

2. The Academic Freedom Committee is established as a Special Agency.

2.1. Charge of the Academic Freedom Committee (AFC):

- 2.1.1. AFC shall monitor the state of academic freedom both at San Jose State and in the broader academic environment. In addition, it shall safeguard and promote academic freedom at SJSU, and shall serve as an advisory body on issues arising from the application of academic freedom on our campus.
- 2.1.2. AFC shall educate and advise on the meaning and scope of academic freedom and its application. To do so, AFC shall familiarize itself with policies, laws, court decisions, and current events concerning academic freedom. As part of this function it shall maintain contact (and membership if possible) with the American Association of University Professors (AAUP) and familiarize itself with relevant AAUP publications. Members of AFC should attend AAUP conferences on academic freedom when possible.
- 2.1.3. AFC shall work in concert with the Center for Faculty Development to educate and orient new faculty on academic freedom issues, by attending and presenting at events such as faculty orientations.
- 2.1.4. AFC shall educate all constituencies of the San Jose State Community on our own policies on academic freedom. It shall host at least one academic freedom forum each year, on a topic related to academic freedom and designed to stimulate interest in academic freedom.

3. Organization of the AFC

3.1. Membership

- 3.1.1. Four faculty members, three of whom must be (or have previously been) tenured, chosen university-wide for their expertise and/or interest in academic freedom issues. One of the four faculty may be from among our emeriti faculty. One of the four faculty may be a lecturer or a probationary faculty member. These faculty will serve 2 years terms and may be renewed twice (for a total of six years) before rotating off the committee for a minimum of one term.
- 3.1.2. One student.
- 3.1.3. One administrator.
- 3.1.4. One Staff member (Non-MPP)

3.2. Chair. Each year the AFC shall choose its own Chair from among the tenured (or previously tenured) faculty members of the committee.

3.3. Reporting.

⁶ American Association of University Professors, *1915 Declaration of Principles on Academic Freedom and Academic Tenure*.

- 3.3.1. If the AFC has suggestions for policy changes it shall report them to the Professional Standards Committee of the Academic Senate.
- 3.3.2. The Chair of the AFC shall be permitted to address the Professional Standards Committee and the Academic Senate to report on issues relating to academic freedom.

3.4. Selection.

- 3.4.1. All candidates for membership shall submit statements discussing their expertise and/or interest in academic freedom issues, and (if faculty) a curriculum vitae.
- 3.4.2. Faculty candidates for membership shall be screened by the Executive Committee and approved by the Senate.
- 3.4.3. The Administrative representative shall be designated by the President after consultation with the Executive Committee.
- 3.4.4. The student representative shall be designated by Associated Students after consultation with the Executive Committee.
- 3.4.5. Meetings. The AFC should meet at least once every month during the academic year.

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**F24-7, University Policy, Statement of Faculty
Professional Responsibility**

Legislative History:

On December 9, 2024, the Academic Senate approved University Policy, Statement of Faculty Professional Responsibility, presented by Senator Riley for the Professional Standards Committee.

Rescind: S99-8

Action by University President:

Date: December 18, 2024

Signed and approved by: 
**Cynthia Teniente-Matson, President,
San José State University**

University Policy

Statement of Faculty Professional Responsibility

Legislative History: This proposal would rescind S99-8 Professional Responsibility Statement and replace it with two policy recommendations: AS 1884 Statement on Faculty Professional Responsibility and AS 1883 Statement of Academic Freedom and Establishing the Academic Freedom Committee.

Rationale: The Statement of Professional Responsibility in University Policy S99-8 was not updated for nearly a quarter of a century even as the statements upon which it was based were

changed.¹ In recent years, many institutions of higher education have enacted policies to describe unprofessional conduct that does not fall under any specific statutory protections (often described as “bullying”), but which is nevertheless disruptive to the work of the University and undermines the environment for free pursuit of scholarship. Recent amendments to S99-8 provided such a definition and framed it as an example of behavior that falls outside of acceptable standards for professional responsibility among faculty. However, when S99-8 was modified by Amendment A to S99-8 and S99-9 on August 21, 2023, the Statement of Academic Freedom and the creation of the Academic Freedom Committee was accidentally embedded into the Statement of Faculty Professional Responsibility, making the former difficult to find. This proposed change rescinds S99-8 and separates it into two distinct policies: “Statement of Faculty Professional Responsibility” and “Statement of Academic Freedom & Establishing the Academic Freedom Committee.” While faculty professional responsibility and academic freedom are deeply interconnected, the policies need separation. Together with the newly-approved F24-2 Board of Professional Responsibility, these policies provide important contemporary guidance on matters related to faculty professional responsibility and academic freedom; creating two new policies out of S99-8 will update the policy numbers and titles to allow ease of identification and indicate their currency. Additional clerical updates were made to section F, Additional References, to reflect current University policy numbers and titles.

Approved: December 2, 2024

Vote: 6-0-0

Present: Chen, Kazemifar, Nwokolo, Raman, Riley (Chair), Smith, Peter (non-voting guest), Lee (non-voting guest)

Absent: Barrera, Pruthi, Muller, Dukes (non-voting guest)

Financial Impact: None anticipated

Workload Impact: None anticipated

¹ Derived in part from the Academic Senate of California State University proposed policy AS-2080-92/FA-I, May 7-8, 1992. Also consulted were the original sources on which AS-2080-92/FA-I 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).

Statement of Professional Responsibility for Faculty²

A. Preamble

Professional responsibility is the natural complement of the academic freedom essential to the university's mission. Through their responsible professional conduct, faculty members³ 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.

B. Faculty Responsibilities

The responsibilities of faculty members may be considered from five related, but somewhat conceptually distinct, perspectives: (1) as members of an academic profession; (2) as teachers⁴; (3) as colleagues; (4) as members of an academic institution; and (5) as members of a community.

1. As members of an academic profession, faculty members:

- a. serve as intellectual leaders; they
 - seek and state the truth as they see it.
 - develop and improve their instructional and scholarly competence
 - exercise critical self-discipline and judgment in applying, extending, and transmitting knowledge.
 - practice, foster, and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus.
 - promote the free and open exchange of ideas in the classroom as related to the subject matter.
 - strive to foster a campus environment that i) supports a robust discussion of issues (including political and societal issues), ii) promotes respect for the opinions of others, and iii) encourages sensitivity to the possibility of multiple interpretations of speech and actions.
 - do not allow their subsidiary interests to compromise their freedom of inquiry.

² Ibid.

³ The faculty of the university include all those who engage in scholarly activities and/or those 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.

⁴ Teaching is 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.

- b. engage in research and other professional and creative activities; they
 - perform their research with honesty and integrity.
 - respect the ethical and legal considerations⁵ that underlie their work and output, as consistent with the ethical principles and guidelines of their discipline.
 - comply with guidelines governing any grant or other funds related to a research or creative project.
 - strive to contribute to the body of knowledge in their discipline and to disseminate such knowledge appropriately.
 - critically evaluate their work prior to dissemination.
 - use university and other resources with integrity and consideration of the mission of the university.

2. As teachers, faculty members:

- 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.⁶
 - 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 reasoned 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.

⁵ Such ethical and legal considerations include compliance with copyright laws and not plagiarizing.

⁶ The confidentiality of student records and information is also governed by law and SJSU policy. See the federal Family Educational Rights and Privacy Act (often referred to as the Buckley Amendment), information available from either the SJSU Division of Student Affairs or the SJSU Office of Faculty Services, and University Policies S66-20 and S90-5 (and any related updates or modifications) available at the Senate Web site.

- do not instruct, advise, or supervise students with whom they have personal or professional conflicts of interest.⁷
- 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 and co-workers, faculty members:

- a. respect and defend free inquiry even when the methodology used or the findings and conclusions reached differ from their own.
- b. show due consideration for diverse opinions.
- c. acknowledge the contributions of others to their academic work.
- d. seek objectivity in their professional evaluations.
- e. do not evaluate or supervise those with whom they have personal or professional conflicts of interest.⁸
- f. avoid exploitive, harassing, or discriminatory behavior.
- g. hold themselves and colleagues to high ethical standards and address ethical abuses when they become known.

4. As members of an academic institution, faculty members:

- a. observe the stated regulations of the institution that are consistent with the statement of academic freedom in University Policy F24-6, Statement of Academic Freedom and Establishing the Academic Freedom Committee, 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. request a leave of absence or resign when the claims of outside interests preclude the fulfillment of substantial academic obligations.
- e. give appropriate notice of their intent to interrupt or terminate their services to the university.
- f. share in the responsibilities for governing the university.
- g. share in periodic review and improvement of curriculum.
- h. cooperate in the pursuit of stated goals of one's program, department, college, or university.

⁷ 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. A separate University policy (S99-11) exists dealing with conflicts of interest for principal investigators; see the Senate Web page.

⁸ See note 7.

- i. help ensure that the university meets its commitment to maintain an environment that values diversity and that is free from discrimination and harassment.

5. As members of a community, faculty members:

- a. publicly distinguish when they speak or act as private citizens from when they do so as an official representative of the university so as not to lead others to mistake them as a spokesperson for San José State University or the California State University system.⁹
- b. recognize that breaking legal and civil codes for academic gain is also an infringement of professional ethics.¹⁰
- c. promote conditions of free inquiry.
- d. further public understanding of academic freedom.

C. Conflicts of Interest

Definition: In the context of professional responsibility, a conflict of interest is an agreement, relationship, or other arrangement, be it personal or professional, formal or informal, that undermines the faculty's disinterested performance of its professional duties and obligations.

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.B.2. 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

⁹ See also California Education Code Section 89005.5.

¹⁰ See also California Government Code Section 8314 on unlawful use of state resources by state employees.

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 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 its research 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 non-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 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 wide scope of thought and expression it enjoys under the protection of academic freedom.

D. Bullying and Other Unprofessional Conduct

Definition¹¹: In the context of Professional Responsibility, “other” unprofessional conduct is defined as repeated unprofessional behavior that does not fall under statutory protections, including but not limited to Title IX, discrimination, harassment, or retaliation. Of particular concern in this area is bullying. Bullying is behavior that a reasonable person would find hostile, intimidating, offensive, and unrelated to the University’s legitimate instructional or research interests. Such behavior is generally pervasive or severe to the extent that it makes conditions inhospitable and undermines another person’s ability to carry out their responsibilities to the university. A single act will typically not be sufficient to qualify as unprofessional conduct or bullying, but an especially severe or egregious act may so qualify. Examples of bullying could include, but are not limited to:

1. Abusive expression directed at another person in the workplace, such as derogatory remarks that are outside the range of reasonably accepted expressions of disagreement, disapproval, or critique in an academic or professional setting;
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;
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; and
6. Cyberbullying, which is the use of electronic/digital communication in any form to engage in any of the behaviors listed herein

¹¹ This definition is partially derived from the following sources:

- The CSU Chancellor’s Strategic Workgroup Black Student Success Report (<https://www.calstate.edu/impact-of-the-csu/diversity/Documents/CSU-Black-Student-Success-Workgroup-Report-2023.pdf>)
- The University of California, Berkeley definition of “bullying” (<https://campuspol.berkeley.edu/policies/bullying.pdf>)
- The University of Wisconsin, Madison policy on Hostile and Intimidating Behavior (<https://hr.wisc.edu/hib/principles-and-policies/>)
- The University of New Mexico Respectful Campus Policy (<http://policy.unm.edu/university-policies/2000/2240.html>)
- The California State University, Chico Policy on Campus Behavior and Violence Prevention (<https://www.csuchico.edu/pres/em/2012/12-025.shtml>)

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 Governing Conduct

Various federal and state laws and regulations apply to the university and its employees. Faculty members must take responsibility for awareness of such rules and to comply with them. Many of these laws and regulations are noted in this and other University policies related to faculty responsibilities (a partial list is included at Section F below).

Examples of laws and regulations applicable to the university and its employees include:

1. California law prohibits use of state resources or the "California State University" name to advocate a position regarding a candidate or ballot proposition.¹²
2. As a recipient of federal and state funds, and other grants, the university and its faculty involved in research projects or programs may be governed by certain laws, regulations, and guidelines.
3. Federal and California laws dealing with non-discrimination, equal employment opportunity, and affirmative action govern employment practices at SJSU and are relevant to faculty members involved in retention, tenure, promotion, and similar employment decisions.
4. In order to protect the privacy of students, federal and California laws prohibit certain disclosures of student records.

Faculty members may obtain assistance in gaining awareness and understanding of laws and regulations that may govern their conduct from their department chair (or equivalent unit head) and the Office of Faculty Services.

F. Additional References

University policies that relate to academic freedom and faculty responsibilities include:¹³

¹² 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 Election Issues*, 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 SJSU President's Office.

¹³ Faculty are encouraged to review University Policies (which are available at <https://www.sjsu.edu/senate/university-policies/> as well as in the Academic Senate Office) to be sure they are fully aware of the most current policies pertaining to their activities as teachers, researchers, mentors, and employees and members of the SJSU/CSU community. Any questions about these policies or matters covered by this policy on Professional Responsibility, or relevant federal and state laws, should be directed to the department chair, college dean, Office of Faculty Services, or Academic Senate Office, as appropriate.

1. F24-6, Statement of Academic Freedom and Establishing the Academic Freedom Committee
2. F24-2, Board of Professional Responsibility—provides an implementing mechanism for some of the policies described or referenced in this document
3. S92-12, Statement on Academic Freedom and Artistic Expression
4. F12-5, Policy and Procedures for Responding to Allegations of Scientific or Other Misconduct in Funded Research
5. S99-11, Conflict of Interest Policy For Principal Investigators
6. S14-6, Policy and Assurance for Humane Care and Use of Animals at San José State University
7. F17-1, Protection of Human Research Subjects
8. F18-3, Charge and Membership of the Institutional Review Board (IRB)
9. S18-5, Research, Scholarship, and Creative Activity: Advisor-Student Relationship, Sponsored Projects, and Proprietary and Confidential Information in RSCA
10. S16-15, Student Rights and Responsibilities

History

S93-12, Professional Responsibility, superseded F67-17, Academic Freedom and The Common Good (approved February 5, 1968), and S88-9, AAUP Statement on Professional Ethics (approved May 6, 1988). S88-9 superseded S67-10, Professional Ethics (approved May 11, 1967). S94-3 added the explanation on conflicts of interest to S93-12 (originally added as Appendix A) and made slight changes to two footnotes. S95-9 added Appendix B on conflicts of interest for principal investigators. S93-12 was approved as University Policy on May 13, 1993, S94-3 was approved on April 12, 1994, and S95-9 was approved on April 6, 1995. S99-8 was further modified by Amendment A to S99-8 and S99-9 on August 21, 2023, which accidentally embedded the Statement of Academic Freedom and the creation of the Academic Freedom Committee into the Statement of Professional Responsibility.

F66-13 PROHIBITION OF DOUBLE-NUMBERING OF COURSES

Legislative History:

Document dated December 13, 1966

At its meeting of December 5, 1966, the Academic Council adopted the following resolution concerning double numbering of courses; said resolution presented by the Curriculum and Instruction Committee:

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: Robert D. Clark, January 5, 1967.

DOUBLE-NUMBERING OF COURSES

F66-13

WHEREAS, some departments have engaged in the practice of designating lower division and upper division and/or graduate level numbers for the same course, and

WHEREAS, San Jose State University is working to improve the articulation of courses with community colleges, therefore be it

RESOLVED: That departments be prohibited from double numbering their courses.

F68-4 F.M. RADIO STATION

Legislative History:

Document dated November 21, 1968.

At its meeting of October 28, 1968, the Academic Council voted to adopt the following policy on an Interim basis presented by Dr. Frederic Weed, Chairman of the Ad Hoc F.M. Radio Policy Committee, (amended November 18, 1968):

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: Robert D. Clark, December 6, 1968.

F.M. RADIO STATION

F 68-4

I. GENERAL OBJECTIVES OF THE F.M. STATION

The general objectives of the F.M. Radio Station at San Jose State College are:

- a. To provide in the Public Interest a communication medium for reaching the college and the community with programs in the areas of education, culture, entertainment and information.
- b. To strengthen the professional training of students, under faculty supervision, by providing laboratory type experience in radio broadcasting.

II. POLICIES GOVERNING THE F.M. STATION

1. The operation of the F.M. Station shall comply with all Federal and State Laws and their administrative regulations which cover radio broadcasting. Programming shall comply with the rules and policies established by the Federal Communication Commission and with the provision of the latest

application filed by the Federal Communication Commission.

2. Full and fair discussion shall be allowed on issues of interest to the college, community, state, and the nation.

3. It is imperative that every effort be made to encourage the broadest student/faculty participation in all aspects of the operation and programming of the radio station.

4. While commercial advertising is forbidden, public service announcements of college activities and recognized public service agencies shall be encouraged.

5. Since listeners will tend to judge San Jose State College on the quality of its products, all KSJS programs shall be in good taste and proper decorum.

III. STATION ADMINISTRATION

A. Assigned Time for Professional and Technical Personnel.

1. The demands on time by faculty involvement in the operations of the station should be periodically examined by the college administration to assure that adequate time is allowed for supervision and administration of the station.

2. The College administration shall provide a yearly budget appropriation for technical assistance in the operation, improvement, repair and maintenance of the station which will reflect the best state of the art.

B. F.M. Policy Committee

1. The F.M. Policy Committee shall be appointed by the College President, upon nomination by the Academic Council. The faculty members shall be appointed on a staggered term of three years. The committee will frequently review and evaluate the general operation and administration of the station. It shall report annually to the President of the College and the President of the Associated Students.

2. The committee shall consist of eight members and one ex officio member. There shall be four faculty members, four student members and one ex officio member to vote in case of tie only. The ex officio member shall be the Assistant Dean of Student Affairs for Student Government or his designee. Student members shall be nominated by the President of the Associated Student Body with the approval of the Student Council for a one year term. Every effort should be made to recruit members who show genuine interest in the station.

3. In case of conflict of opinion or interest in the operation and programming of the F.M. station, the

committee shall be empowered to resolve the conflict in the best interest of the college.

4. The committee shall meet at the request of a member and on call of the chairman.

C. F.M. Operations Committee

1. The F.M. Operations Committee will be responsible for the fulfillment of the objective and policies of the F.M. Station.

2 The F.M. Operations Committee will be concerned with the practical problems arising from the operation and programming of the F.M. station Examples Systems management, programs to be aired, equipment maintenance, hours of broadcasting, personnel training.

3. The F.M. Operations Committee shall consist of two faculty members: the Station Manager, and the News and Public Affairs Adviser; and three students: the Student Station Manager, the Program Director, and one student elected by the student staff.

4. The F.M. Operations Committee shall be chaired by the Faculty Station Manager. He shall call committee meetings at least once a week or on the request off any member.

D. KSJS Staff and Advisors

1. The KSJS Station Staff shall be open to all interested members of the college community. Persons appointed to staff positions shall be selected by the Faculty Station Manager and approved by the F.M. Operations Committee.

2. The KSJS faculty advisors shall be the Faculty Station Manager and the News and Public Affairs Department Director.

3. Normal day-to-day operating decisions shall be made by the Student Station Manager in consultation with the Faculty Station Manager. However if special circumstances exist which call for immediate action, the Faculty Station Manager shall have ultimate authority to act, within prescribed station policies, subject to the established college policies concerning faculty and student rights and . responsibilities, and in accordance with college obligations under the Federal Communications Act.

4. KSJS staff positions shall consist of:

Student Station Manager

Program Director

Business Manager

Chief Engineer

Broadcast Technicians

Director of Education

News Director

Public Affairs Director

Public Relations Director

Music Director

Sports Department Director

Librarian

Secretary

and any additional position or positions as deemed necessary by the F.M. Operations Committee.

E. Diagram of F.M. Station Administration

[Original policy contains a diagram of F.M. Station Administration, on file at the Academic Senate Office.]

F68-9 MAXIMUM NUMBER OF JUNIOR COLLEGE TRANSFER UNITS ALLOWED

Legislative History:

Document dated November 29, 1968

At its meeting November 18, 1968, the Academic Council voted to adopt the following policy on Junior College Transfer, presented by Chairman Gustafson of the Curriculum and Instruction Committee:

ACTION BY THE COLLEGE PRESIDENT:

"Approved." Signed: Robert D. Clark, December 2, 1968.

JUNIOR COLLEGE TRANSFER (EVALUATION OF ADVANCED STANDING)

F 68-9

2. The Curriculum and Instruction Committee recommended to the Council that the following section of Title V be included in the College Bulletin under "Evaluation of Advanced Standing." "Junior Colleges" (pg. 27, 1968-69 Bulletin):

"40409. Junior College Credit. A maximum of 70 semester units earned in a Junior college may be applied toward the degree, with the following limitations:

(a) No upper division credit may be allowed for courses taken in a Junior college.

(b) No credit may be allowed for professional courses in education taken in a Junior college, other than an introduction to education course."

It was M/S/C to adopt this recommendation.

F68-20 ADMISSION OF HIGH SCHOOL STUDENTS IN SUMMER SESSIONS

Legislative History:

Document dated December 24, 1968.

At its meeting of December 16, 1968, the Academic Council approved for adoption the following policy on Summer Session Admission for High School Students, presented by Chairman Muzzy of the Student Admission and Retention Committee.

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: Robert D. Clark, January 9, 1969.

ADMISSION OF HIGH SCHOOL STUDENTS, SUMMER SESSIONS

F 68-20

- 1. Admit any high school student of junior or senior standing, upon recommendation of his high school principal or counselor, whose past academic performance gives evidence of his ability to do the work.**
- 2. Such student admitted must obtain written approval of study list from a counselor in the student personnel office, and instructor who teaches the class(es) in which the student expects to enroll. (Such note must accompany the student application.)**
- 3. The student will pay all regular fees required of regular Summer Session students, and will receive full course credit for satisfactory work completed.**
- 4. A special application form, available upon request from the office of Educational Services, will need to be completed by the high school student.**

F68-25 EVALUATION AND TRANSFER OF CREDIT; RECOGNITION OF OUTSIDE DEGREES

Legislative History:

Document dated December 27, 1968.

At its meeting of December 16, 1968, the Academic Council approved the following policy for Evaluation and Transfer of Credit, presented by Chairman Muzzy of the Student Admission and Retention Committee

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: Robert D. Clark, January 9, 1969.

EVALUATION AND TRANSFER OF CREDIT TOWARD THE SAN JOSE STATE COLLEGE DEGREES

F 68-25

Objective: To provide a unified and consistent statement of general policy for the College regarding acceptability of various transfer credit which will:

- 1. Be readily available to administrators and to faculty, particularly in their function as student advisers, perhaps through the Staff Reference Book.**
- 2 Serve as the framework for procedures and as guidelines in specific decisions of the Admissions Office evaluation staff.**

Let it be stipulated:

- 1. That course transfer within the California system of public higher education, being subject to other factors, be excluded from this discussion**

2 That "Report of CREDIT GIVEN by Educational Institutions," an annual publication of the American Association of Collegiate Registrars and Admissions Officers, be the primary reference for staff use and the source of ratings referred to in this presentation

Recognition of Transfer Credit and Degrees from U.S. Institutions Outside California and from Private Institutions in California.

I. Institutions with Regional Accreditation

A. Transfer of credit toward the baccalaureate degree.

1. Credit which shall not be transferred and which shall be excluded from evaluation.

a. Remedial courses.

b. Work attempted in a terminal/vocational program, including any general education courses offered to the terminal student which are differentiated from similar courses in the same institution which are offered for transfer purposes.

c. Work in a 4-year institution not offered for degree credit.

d. Work attempted in a law school, seminary, technical institute or other professional school, except

1) Courses for which there is an equivalent in San Jose State College offerings, and

2) Liberal arts/general education (rather than professional) courses.

The student may petition the Dean of Undergraduate Studies for additional credit after enrollment.

2. Credit which shall be transferred and included in computation of the over-all grade point average.

a. All work other than that excluded under A-1 which is shown on the transcript of a regionally accredited institution.

1) Transfer courses which have been accepted for credit toward the baccalaureate degree may be applied toward general education requirements if they:

- (a) Appear to be designed to meet general education requirements at the institution where offered, or
- (b) Are first (basic) courses in the field of study, or
- (c) Are comparable to San Jose State College courses used to meet general education requirements.

2) Courses which have been used to satisfy San Jose State College general education requirements may be used in the major provided the major includes an equivalent number of units beyond the 24 semester unit minimum required by Code. (5 Cal. Adm. 40500 (b), 40501 (b))

All general education electives must be courses outside the major department.

3) Application of courses and/or units toward a major/minor is subject to the policies of the appropriate department/school and if transferred from an institution accredited as "specialized" may be limited by the department/school.

b. Credit shall be given for courses in departments of religion or religious subjects on the same basis as for other courses from accredited institutions; i.e., credit towards general education or other special requirements where there is an equivalent course which meets such requirements offered at San Jose State, and credit as elective units for graduation for all other such courses.

B. Recognition of degrees.

1. All bachelor's or master's degrees earned in an institution accredited to offer this level of work shall be accepted as a basis for admission to the Graduate School provided such degree was granted not earlier than two (2) years prior to the initial accreditation date.

2. Evaluation of the content of an acceptable degree for admission to a particular program is the responsibility and prerogative of the appropriate department/school.

II. New Public Institutions for which regional accreditation reasonably may be expected in due time, for purposes of admission and evaluation of transfer credit, shall be regarded as are regionally accredited institutions. Also so regarded shall be two (2) year institutions accredited by their state departments of education or by their state universities.

III. Institutions Which Do Not Have Regional Accreditation but which are listed in CREDIT GIVEN with an A, B, or C rating.

A. Transfer of credit toward the baccalaureate degree.

1. Credit which shall not be transferred and which shall be excluded from evaluation.

a. All work excluded under I-A-1. b. Courses offered as specialized education except as provided for below.

2. Credit which shall be transferred and included in computation of the over-all grade point average.

a. Courses offered as specialized education in such areas as art, business, engineering including aeronautics, drama, music, religion, etc., may be transferred under the following procedures:

1) At the initiative of the department/school, the Admissions Office or the student as the need arises, the Admissions Office will provide to the chairman/dean of the appropriate department/school all information available from such sources as CREDIT GIVEN, AMERICAN UNIVERSITIES AND COLLEGES, AMERICAN JUNIOR COLLEGES, with the institution's catalog if possible, for his recommendation regarding acceptance of courses in the special field.

2) Recommendations shall be made regarding institutions, not individual students, and shall be made by the department chairman to the dean of the school to the Dean of Undergraduate Studies, who will inform the Admissions Office of the decision.

3) The Admissions Office shall keep a permanent record of such recommendations by institution and will refer to the record in subsequent evaluation of transcripts from the same institution.

b. All other work as listed under I-A-2-(a).

B. Recognition of degrees.

1. Institutions with A ratings - All 4-year bachelor's degrees provided the degree was granted not earlier than two (2) years prior to the first listing of the institution with an A rating.

2. Institutions with B or C ratings - The degree shall not be recognized. A student or department may

appeal a denial of admission under this provision to the Graduate Committee.

IV. Institutions Which Do Not Have Regional Accreditation which are listed in CREDIT GIVEN with a D, E, or I rating.

A. No credit shall be granted toward admission.

1. Provided the applicant qualifies for admission in all other respects, enrolls in the college, and requests review, credit may be allowed for comparable courses if it can be established that at least three regionally accredited institutions in the vicinity of the D, E, or I rated institution would accept its credits. Credit may be allowed as units completed toward the degree and toward course requirements but shall not be calculated in the grade point average.

2. Credit may be allowed by examination.

B. Degrees shall not be recognized.

F69-12 PROHIBITION OF CLASSIFIED RESEARCH; ACADEMIC FREEDOM

Legislative History:

Document dated November 26, 1969

At its meeting of November 24, 1969, the Academic Council approved the following policy recommendation on Classified Research presented by Chairman Lawrence Lee of the Research Committee.

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: H. W. Burns, December 3, 1969.

CLASSIFIED RESEARCH

F 69-12

WHEREAS, San Jose State College recognizes that one of its primary responsibilities is to provide the faculty opportunities to conduct research and advanced studies in their specialities and to freely publish the results thereof, and that such programs of study and research may be conducted by individual faculty members, informal groups of faculty and students, as well as by structured groups such as organized research units; and

WHEREAS, The College imposes no limitation on the faculty's freedom to choose fields of inquiry nor of the medium through which results of such inquiries will be disseminated; and

WHEREAS, It is the belief of the Council that it is the responsibility of the researcher to make the significant results of his inquiry freely available to his colleagues and to the public; therefore be it

RESOLVED: That the College's role and responsibility in both research and education thus imply insistence upon the following principles:

1. The College will accept no grant or contract to carry out research under circumstances that restrain the freedom of the College or the principal investigator from disclosing (a) the existence of the grant or contract or (b) the nature of the inquiry to be conducted or (c) the identity of the outside contracting or granting entity.
2. The College will accept only research contracts or grants for projects whose principal purpose is to produce results which will be freely available and freely publishable in the ordinary manner of open research in the relevant discipline.
3. The College will accept only research contracts or grants that clearly retain for faculty investigators full and free rights to determine what they shall publish. It is understood that the terms of a grant or contract may properly require the preparation of privileged reports to the sponsor as quid pro quo of his support so long as the principal purpose of the grant or contract is to produce results, all of which in a reasonable period of time will be freely publishable in the manner previously described.
4. The College will accept no grant or contract which requires it to acquire a general facility security clearance.
5. The College will accept no grant or contract for which there is a reasonable possibility that research of a classified nature will be performed at San Jose State College.
6. No research on a thesis or dissertation should be undertaken or approved if there is a reasonable possibility that the research or the results thereof will be subject to government classification; and be it further

RESOLVED: That the Dean, Graduate Studies and Research, shall, at his discretion, appoint and convene an ad hoc committee to advise him of the appropriateness of a specific proposal request in accordance with the above guidelines.

F69-18 LOWERING OF THE FLAG

Legislative History:

Document dated December 29, 1969.

At its meeting of December 8, 1969, the Academic Council approved the following policy on lowering of campus flag, presented by Marie Fox of the Campus Development and Community Relations Committee.

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: H.W. Burns, January 6, 1970.

LOWERING OF THE FLAG

F 69-18

In situations not governed by federal, national, or state law or by decree, the President of the College is the only authority empowered to determine when the flags are to be flown at half mast on the campus.

SAN JOSE STATE COLLEGE

ACADEMIC COUNCIL

ACADEMIC COUNCIL POLICY RECOMMENDATION #F70-3

At its meeting of September 14, 1970, the Academic Council passed the following resolution commending Robert W. Burns, introduced by George A. Muench, past-chairman of the Academic Council.

- Whereas, the Academic year 1969-70 produced innumerable internal and external periods of crises in higher education; and
- Whereas, on the San Jose State College campus, the crises were effectively handled, the campus was generally peaceful, and both student and faculty activism was constructively directed; and
- Whereas, one man, more than any other single individual, was responsible for the successes experienced on the local campus and has provided a challenging example of statesmanship for us to follow; be it
- Resolved that the Academic Council formally commends Robert W. Burns for his efficacious leadership as president of San Jose State College during the past academic year, expresses admiration for his professional acumen in helping to keep the peace for all of us, and, most of all, extends our appreciation for the deep human qualities which allow him to be both our respected leader and personal friend.

ACTION BY COLLEGE PRESIDENT:

I heartily concur.

John H. Bunch

September 17, 1970.

ACADEMIC COUNCIL NOTIFIED:

Copies to: Robert W. Burns

ACADEMIC COUNCIL

ACADEMIC COUNCIL POLICY RECOMMENDATION #F70-4

At its meeting of September 14, 1970, the Academic Council approved the following resolution, introduced by Charles Larsen, Chairman of the Liaison Committee.

Resolution Supporting the Concept of a
"Center for Study of Contemporary Issues"

Resolved: That the Academic Council of San Jose State College commends and endorses the concept of a Center for the Study of Contemporary Issues, and invites Student Community Involvement Program representatives to work with appropriate College committees toward the development of this concept.

ACTION BY COLLEGE PRESIDENT:

RECEIVED

SEP 18 1970

PRESIDENT
San Jose State College

Approved, with the understanding that of primary importance during the development of the Center is the integrity of academic credit for the special courses being offered.
John B. Brangel
9/21/70.

ACADEMIC COUNCIL NOTIFIED:

Copies to: Student Community Involvement Program

SAN JOSE STATE COLLEGE

ACADEMIC COUNCIL

ACADEMIC COUNCIL POLICY RECOMMENDATION #F70-5

At its meeting of November 9, 1970, the Academic Council passed the following resolution, as presented by Robert Wrede, Chairman, Professional Standards Committee, regarding grievance procedures:

Banked Time

WHEREAS, The examination of procedures for crediting faculty members for the educational guidance of students (theses, reading courses, etc.) necessary to the degree programs of the college but supplementary to their normal teaching assignments was in order; and

WHEREAS, The October 12, 1970 memorandum from Vice President Burns to Deans and Department Chairmen constitutes, in the main, a sound approach to the accumulation and withdrawal of Banked Time; and

WHEREAS, There is reason to believe that teaching credits accumulated in good faith can be honored; therefore, be it

RESOLVED That the Academic Council endorse the Banked Time document with the following modifications:

- (1) clause 2, concerning the use of Banked Time within a two semester period be deleted,
- (2) a clause be added honoring time accumulated in good faith prior to September, 1970, and be it further

RESOLVED That every effort be made to adjust teaching loads in conformity with good educational policy rather than economic and administrative expediency; a policy in which teaching responsibilities in degree programs, such as the graduate programs, are part of the assigned teaching loads of instructors.

ACTION BY COLLEGE PRESIDENT:

RECEIVED

NOV 13 1970

San Jose State College

Approved
John H. Brunzel
11/16/70

SAN JOSE STATE COLLEGE

ACADEMIC COUNCIL

ACADEMIC COUNCIL POLICY RECOMMENDATION #P70-6

At its meeting of November 9, 1970, the Academic Council approved the following changes, introduced by Chairman Marshall Maddock of the Student Affairs Committee, to be incorporated into the "President's Directive Regarding Use of State College Buildings and Grounds", Policy #869-33.

1. Add a new section: V.B.4. (page 7).

8:00 a.m. -	Area between College	Same as "1"
8:00 p.m.	Union Snack Bar and	
Mon. - Fri.	Spartan Cafeteria	

(Renumber section V.B.4. to read V.B.5.)

2. Add a new section: VI.B.4. (page 9).

8:00 a.m. -	Area between College	Same as "1"
8:00 p.m.	Union Snack Bar and	
	Spartan Cafeteria	

(Renumber section VI.B.4. to read VI.B.5.)

3. Change references to A.S.B. to read: A.S. (throughout the document when retyping).

ACTION BY COLLEGE PRESIDENT:

RECEIVED

NOV 13 1970

PRESIDENT
San Jose State College

Approved
John H. Bunge
11/16/70

F71-15 ALL PROGRAMS OF CONTINUING EDUCATION WILL BE TRANSFERRED TO THE DEAN OF EDUCATIONAL SERVICES

Legislative History:

Document dated February 2, 1972.

At its meeting of January 13, 1972, the Academic Council passed the following resolution as presented by the Organization and Government Committee.

ACTION BY COLLEGE PRESIDENT:

"Approved." Signed: John H. Bunzel, February 2, 1972.

**ALL PROGRAMS OF CONTINUING EDUCATION WILL BE TRANSFERRED
TO THE DEAN OF EDUCATIONAL SERVICES**

F 71-15

WHEREAS, At the present time, faculty members planning credit conferences or short courses must work with two administrative offices, namely, Graduate Studies and Research (Center for Research and Advanced Studies) and following work with CRAS the credit aspect of the program must be administered by the Director of Extension Services; and

WHEREAS, It is advised by both the Dean of Educational Services and the Dean of Graduate Studies and Research that all programs of continuing education (i.e., extension programs, summer sessions programs, non-credit courses and conferences) be transferred to the Dean of Educational Services area; therefore be it

RESOLVED: That a transfer of the responsibility for non-credit courses and conferences be made from the Office of the Dean of Graduate Studies and Research to the Office of the Dean of Educational

Services; and be it further

RESOLVED: That following the transfer to Educational Services, responsibility for non-credit conferences and short courses will be assigned to a person having responsibility for both credit and non-credit conferences and short courses (Office of Conferences and Short Courses).

California State University, San José

SAN JOSE, CALIFORNIA 95192

(408) 277-2471

ACADEMIC COUNCIL

ATSS (8) 522-2471

ACADEMIC COUNCIL POLICY RECOMMENDATION #F72-3

At its meeting of November 20, 1972, the Academic Council passed the following resolution as presented by Dr. Robert Wrede, Chairman of the Budget and Plant Committee.

RESOLVED That the practice of ringing bells at the beginning and end of class periods be discontinued.

ACTION BY COLLEGE PRESIDENT:

RECEIVED

NOV 28 1972

PRESIDENT
Cal State U, San Jose

Copies sent to:

AVP

EVP

All Deans

Business Manager

Approved
John A. Dwyer
12-5-72

F72-8 GRADE DISTRIBUTION REPORTS

Legislative History:

Document dated January 22, 1973.

At its meeting of January 8, 1973, the Academic Council passed the following resolution as presented by Dr. Donald Keesey of the Instruction and Research Committee.

ACTION BY UNIVERSITY PRESIDENT:

"Approved." Signed: John H. Bunzel, January 22, 1973.

GRADE DISTRIBUTION REPORTS

F 72-8

RESOLVED, That grade distribution reports within a department be disseminated to all faculty members of that department, and be posted for student inspection.

F72-9 Assigned Time/Release Time for Senate Officers

Legislative History:

At its meeting of January 8, 1973, the Academic Council passed the following proposal as presented by Dr. Paul Brown, Secretary of the Executive Committee.

Supersedes F71-2

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved, in order to provide adequate institutional support, and on the understanding that the time assigned will not exceed 2.00 FTE/F, time assignments will be justifiable in terms of the Chancellor's Guidelines, and that the Academic Vice President is responsible for approving specific amounts and uses of assigned time" signed John H. Bunzel, January 17, 1973.

As a matter of policy, the Executive committee recommends assigned time of .40 for chairman, .20 for secretary, .20 for all policy committee chairmen (including chairman of Committee on Committees), and .20 for each Academic Senator; and it recommends further that:

The chairman be empowered to make minor adjustments regarding this policy depending on the academic assignments of the persons affected and; it is further recommended that the chairman be directed to continue his efforts to secure appropriate funding for academic senators.

F74-7 REQUIREMENT OF GRADUATE RECORD EXAMINATION (GRE) A DEPARTMENT OPTION

Legislative History:

Document dated December 5, 1974.

At its meeting of November 11, 1974, the Academic Senate passed the following resolution as presented by Dr. June McCann, Chairwoman, Curriculum Committee.

ACTION BY UNIVERSITY PRESIDENT:

"Approved." Signed: John H. Bunzel, December 5, 1974.

UNIVERSITY POLICY ON GRE APTITUDE TEST

F 74-7

WHEREAS, Present University policy as described in the Graduate Bulletin of San Jose State University requires that all graduate students take the GRE Aptitude Test as a condition of advancement to candidacy, but permits departmental or program option on what use, if any, is made of the student's scores; and

WHEREAS, Many departments do not use GRE Aptitude Test scores in determining the student's qualification for advancement to candidacy, and thus for many students the University requirement has become a meaningless exercise; now therefore be it

RESOLVED: That the University-wide requirement of the GRE Aptitude Test as a condition for advancement to candidacy be dropped and replaced by departmental or program option for use of this or any other test in evaluating graduate students.

F77-1 REQUIREMENTS FOR A SECOND MASTER'S DEGREE; GRADUATE DEGREES

Legislative History:

Document received September 1977.

The Academic Senate passed the following resolution at its meeting on September 19, 1977. The resolution was presented by Mr. L. Janke, Chair of the Curriculum Committee.

Copies sent to AVP, EVP, All Deans.

ACTION DONE BY THE UNIVERSITY PRESIDENT:

Approved and signed as University Policy by John H. Bunzel, October 10, 1977.

Requirements for a Second Master's Degree

The Curriculum Committee, based on a proposal by the Graduate Studies Committee, recommends that the statement concerning the requirements for a second master's degree, as indicated on page 67 of the Graduate Bulletin, be amended as follows:

Graduate students who have completed one Master's degree program at San Jose State University may, with the approval of the new department, undertake to complete requirements for a second Master's degree at this institution.

A student who is interested in undertaking a second graduate degree must apply for admission to the second graduate degree program after the first degree is completed and recorded on his permanent record. All policies and procedures listed in this Bulletin applicable to satisfactory completion of a Master's degree apply to completion of requirements for a second graduate degree.

An approved program for the second degree should be prepared by the student, the adviser and graduate coordinator in the new field without regard to coursework taken in the previous degree. If the new program happens to include coursework taken in the first degree, a maximum of one-third of the total units required for the new degree may be courses completed in the previous degree at this institution.

Thus, for example, a student might be permitted to apply up to 10 units toward a 30 unit program. Such courses must have been completed by the student with a grade of A, B, or in special cases, CR. Students enrolling in Master of Fine Arts program should consult their department regarding acceptance of units earned in a Master of Arts program. The policies concerning undertaking and completing all requirements for the degree, however, are applicable to the second degree are within the seven-year period for completion of the second degree program.

F77-2 THE CONTINUING EDUCATION UNIT (CEU)

Legislative History:

Document dated October 7,1977.

The Academic Senate passed the following resolution at its meeting of October 3, 1977. The resolution was presented by Mr. L. Janke, Chair of the Curriculum Committee.

Copies sent to AVP, EVP, all deans.

ACTION BY UNIVERSITY PRESIDENT:

Approved and signed as University Policy John H. Bunzel, October 20, 1977.

POLICY ON CONTINUING EDUCATION UNIT (CEU)

Resolved, That the Academic Senate approves the adoption of the Continuing Education Unit (CEU) at San Jose State University as provided in Executive Order No. 255; and be it further

Resolved, That the implementation of the policy of the California State University and Colleges is subject to Senate approval.

F80-8 FINANCIAL IMPACT REPORT REQUIRED FOR RECOMMENDED POLICIES

Legislative History:

Document dated February 4, 1981.

At its meeting of December 8, 1980, the Academic Senate approved the following policy recommendation as presented by Senator Martha Thompson, Chair, Financial Affairs Committee.

ACTION BY UNIVERSITY PRESIDENT:

"Approved with the understanding that such figures are approximate. Accepted as University Policy." Signed: Gail Fullerton, February 4, 1981.

FINANCIAL IMPACT OF RECOMMENDED POLICIES

F 80-8

WHEREAS, The members of the Academic Senate should be fully informed, before acting, about the financial impact of recommended policies; therefore be it

RESOLVED: That each committee bringing a policy recommendation to the Academic Senate should provide approximate, anticipated budget figures obtained from the appropriate body or person who will be responsible for implementing said policy if signed by the President when significant financial impacts are anticipated; and be it further

RESOLVED: That the form in the Academic Senate Handbook referred to as "Guidelines for Reports and Resolutions" be amended to include a section for the report on fiscal implications of implementation of proposed policy; and be it further

RESOLVED: That the Organization and Government Committee be charged with bringing forth an amendment to the By-Laws or Standing Rules of the Academic Senate Constitution which implements

the above.

F81-4 FACULTY ATTENDANCE AT ANNUAL COMMENCEMENT

Legislative History:

Document dated November 10, 1981.

At its meeting of October 26, 1981 the Academic Senate approved the following policy recommendation as presented by Senator Paul Betten, Chair, Instruction and Research Committee.

ACTION BY UNIVERSITY PRESIDENT:

**"Approved and accepted as University Policy effective Spring, 1982, for 1982 commencement."
Signed: Gail Fullerton, November 10, 1981.**

FACULTY ATTENDANCE AT ANNUAL COMMENCEMENT

F 81-4

WHEREAS, Faculty attendance at the annual commencement ceremony is of great importance to graduating students, their parents and friends, now therefore be it

RESOLVED: That each department and/or program shall establish a policy ensuring that a minimum of fifty (50) percent of its tenured/probationary faculty attend each annual commencement.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

**F81-7, University Policy, Appointment Procedures for Grant-Related Instructional Faculty of Exceptional Merit (GRIF)
(with Amendment A)**

Amends: F81-7

Legislative History:

At its meeting of November 23, 1981 the Academic Senate approved the following policy recommendation (F81-7) as presented by Senator William Tidwell, Chair, Professional Standards Committee. F81-7 was approved and signed by President Gail Fullerton on December 30, 1981.

Amendment A to F81-7 was presented by Senator Peter for the Professional Standards Committee and approved by the Senate on April 30, 2018. Amendment A was approved and signed by President Mary A. Papazian on May 9, 2018. Amendment A brings F81-7 into compliance with current coded memo and is incorporated into the original policy below.

**University Policy F81-7
Appointment Procedures for Grant-Related Instructional
Faculty of Exceptional Merit (GRIF)**

1. Definition and Minimum Qualifications for Grant-Related Instructional Faculty (GRIF):
 - 1.1. As a result of action taken by the CSU Board of Trustees, instructional faculty members meeting specified criteria may be appointed with additional compensation from grants, individual gifts or bequests, or foundation allocations at a differential above the salary for their regular rank and step. In addition to the education and experience normally required for the academic rank to which they are to be appointed, the criteria are that the candidates have exceptional professional merit in scholarship and teaching as evidenced by regional or national recognition.
 - 1.2. CSU coded memo (HR 2005-37 at the time of this policy recommendation, or its successor memo if subsequently changed) further describes these

appointments and should be referenced whenever making a GRIF appointment. The most important provisions of the coded memo include the following:

- 1.2.1. Each appointment is to be made for one academic year or 12 month period only, subject to additional appointments by the president after faculty consultation and within funding limits.
- 1.2.2. No tenure accrual or salary rights attach to a GRIF appointment separate from the tenure rights and salary normally accruing from regular full-time faculty appointment. Appointment to either class does not constitute a promotion; nor does termination of an appointment without renewal constitute a demotion.
- 1.3. Qualifications. Candidates recommended for GRIF designation should be of “regional or national professional stature” and should be of “exceptional merit.” Particular qualifications for positions shall be identified either by the fund grantor, subject to the approval of the appropriate department, college, or university committees and administrators, or by consultation among the appropriate committees and administrators. Normally, department recruitment committees, college policy committees, department chairs, and college deans should be consulted, with final approval from the Provost and the President.

2. Appointment Procedures:

- 2.1 GRIF faculty must first be appointed using university procedures for the recruitment and selection of faculty (S15-6 at the time of this policy recommendation or its successor policy.) No appointment may be made without the recommendation of the appropriate faculty committee(s) and administrator(s) in the unit to which the appointment is made, and without the approval of the Provost and the President.
- 2.2. Designation of a new or existing faculty position as a GRIF position shall be subject to the review of an appropriate faculty committee, with final approval from the Provost and the President.
- 2.3. Specific selection procedures. Procedures for selection of recipients of particular grants shall be developed either by the fund grantor, subject to the approval of the appropriate department, college, or university committees and administrators, or by consultation among the appropriate committees and administrators. Procedures will necessarily vary because of differences in the nature and terms of funding arrangements, but should include specific

provisions relating to recruitment of candidates (whether by national search; nomination by grantor, university faculty, university administrators, etc.) and the final selection.

- 2.4. Renewal of a GRIF designation in subsequent years may be expedited according to procedures determined by the Provost, but shall require annual review by an appropriate faculty committee.

F84-2 MATRICULATED STUDENTS REGISTERING IN OPEN UNIVERSITY

Legislative History:

Document dated October 4, 1984.

At its September 24, 1984, meeting the Academic Senate endorsed the following Policy Recommendation presented by Robert Wilson for the Financial and Student Affairs Committee.

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved and accepted as University Policy. Effective immediately." Signed: Gail Fullerton, October 4, 1984.

MATRICULATED STUDENTS REGISTERING IN OPEN UNIVERSITY

F 84-2

Regular (Matriculated) San Jose State University students may not enroll as Open University (Concurrent Enrollment) students. For the purposes of this policy, matriculated students are those who have been admitted to San Jose State University as regular students for the current semester or were registered as matriculated students in the previous semester and did not graduate. This policy does not apply to disqualified students.

F85-1 TIME LIMIT ON GRADUATION REQUIREMENTS

Legislative History:

Document dated October 4, 1985

At its meeting of September 23, 1985, the Academic Senate approved the following Policy Recommendation presented by Ruth Yaffe for the Curriculum Committee.

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved and Accepted as University Policy. Effective Fall term, 1986 for newly admitted students; effective Fall term, 1986 for former students returning; effective Fall term, 1987 for students enrolled in 1985-86 if they remain continuously enrolled." Signed: Gail Fullerton, October 4, 1985.

TIME LIMIT ON GRADUATION REQUIREMENTS

F 85-1

WHEREAS, Amendment to Title 5, Section 40401 now defines continuous attendance as attendance for one semester in each calendar year, rather than two, with no minimum number of units per calendar year, and

WHEREAS, The same regulation changing the definition of continuous attendance also allows campuses to establish "... a time limit of no less than seven years to complete graduation requirements after which the campus could require completion of more current requirements" (ESS 85-07), and

WHEREAS, A time limit in the major is needed to guarantee currency of information upon graduation, be it

RESOLVED, That students be required to meet those major requirements in effect no earlier than ten years prior to receiving the degree, and be it further

RESOLVED, That a student with an unusual problem may petition the department chair for a waiver of the ten-year requirement.

RESOLVED, Further, this limitation shall not apply until Fall Semester, 1987 to students enrolled in 1985-86 if they remain continuously enrolled.

This policy does not impose a time limit on requirements in General Education. Any such limits would be addressed in university policy on General Education.

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

University Policy F88-9, BA/BS Differentiation

Legislative History:

On November 21, 1988, the Academic Senate approved policy recommendation F88-9, BA/BS Differentiation, brought to the Senate by Sandra Kajiware for the Curriculum Committee. On December 5, 1988, President Gail Fullerton approved this policy effective immediately. On April 9, 2018, the Academic Senate approved Amendment A to University Policy F88-9, presented by Senator Schultz-Krohn for the Curriculum and Research Committee. On April 26, 2018, President Mary A. Papazian approved Amendment A to University Policy F88-9. F88-9 defines the total number of units required for the Bachelor of Arts and the Bachelor of Science degrees as 124 and 132 respectively. Title 5 Section 40508 states the BA/BS degrees require no fewer and no more than 120 semester units. Amendment A to F88-9 brings the language in F88-9 into compliance with Title 5, Section 40508. Amendment A to University Policy F88-9 is incorporated into the original policy below.

**University Policy F88-9
BA/BS Differentiation**

- Whereas: F88-9 defines the Bachelor of Arts (BA) degree as requiring a total of 124 semester units, and
- Whereas: F88-9 defines the Bachelor of Science (BS) degree as requiring a total of 132 semester units, and
- Whereas: a revision to the California Code of Regulations Title 5 Sections 40508, 40500 and 40501 mandate that as of AY 2014-15 both BA and BS degrees require no fewer and no more than 120 semester units, therefore be it
- Resolved: In compliance with Title 5 Sections 40508, 40500, and 40501, F88-9 shall be amended as follows:

Bachelor of Arts

The degree designation Bachelor of Arts is reserved for undergraduate programs primarily intended to provide the student with a balanced liberal arts education, with general knowledge in a recognized discipline or interdisciplinary field of study, and with such fundamental intellectual capacities as reason and judgment. The degree is characterized by breadth (i.e., opportunities for electives outside the major) and flexibility. The Bachelor of Arts must consist of no fewer and no more than 120 units, 40 of which must be upper division; the major requires a minimum of 24 units, 12 of which must be upper division.

Bachelor of Science

The degree designation Bachelor of Science is reserved for undergraduate programs which provide the same general knowledge and intellectual capacities as the Bachelor of Arts degree and which, in addition, provide scientific, technical, or professional competence. The Bachelor of Science must consist of no fewer and no more than 120 units, 40 units of which must be upper division; the major requires a minimum of 36 units, 18 of which must be upper division.

Rationale: F88-9 defines two undergraduate degree designations, the Bachelor of Arts and the Bachelor of Science. The unit totals defined in F88-9 required for each degree, 124 semester units for the BA degree and 132 semester units for the BS degree, are no longer consistent with revisions to Title 5 ([§ 40508. The Bachelor's Degree: Total Units](#)) which limit both BA degrees ([§ 40500. Bachelor of Arts Degree: Required Curriculum](#)) and BS degrees ([§ 40501. Bachelor of Science Degree: Required Curriculum](#)) to 120 semester units.

Amendment A Approved:	April 4, 2018
Vote:	12-0-0
Present:	Anagnos, Bacich, Buzanski, Cargill, Chung, Heil, Jensen, Matoush, Rodan, Schultz-Krohn, Stacks, Trulio
Absent:	De Guzman
Workload Impact:	None anticipated
Financial Impact:	None anticipated

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSÉ, CA 95192**

F88-11, University Policy, International Programs

**Amended by Amendment A to F88-11 (F90-5) and
Amendment B to F88-11 (S19-2)**

**Approved and signed by President
Gail Fullerton on October 31, 1990**

Legislative History:

At its meeting of December 5, 1988, the Academic Senate approved the following Policy Recommendation presented by Cecilia Mullen for the Organization and Government Committee.

University Policy F90-5 amended F88-11 and was approved and signed by President Gail Fullerton on October 31, 1990. F90-5 updated the charge and membership of the International Programs and Students Committee.

University Policy S19-2 was approved and signed by President Mary A. Papazian on September 11, 2019. S19-2 further updated the charge and membership of the International Programs and Students Committee and is incorporated below.

1. International programs, contracts and arrangements are subject to University approval, coordination and review.
2. For the purposes of this policy, the phrase “international programs, contracts and arrangements” includes all instruction and research activities sponsored by schools, departments, or other university units that involve formal relationships with educational institutions, research facilities or governmental agencies in foreign countries. Arrangements for instruction or research sponsored by an official SJSU unit by which SJSU students or faculty go abroad or foreign nationals or resident come to this campus as faculty or students are included.
3. a) The name of the international Student Advisory Committee is changed to International Programs and Students Committee. Its charge is revised to read:

Considers issues related to the experiences of international students & scholars and participants in SJSU study abroad programs. Advocates for the success of international and study abroad students through interactions with relevant SJSU

offices and administrators. Partners with colleagues in various campus divisions to promote awareness of global opportunities for students, staff, and faculty. Reviews and recommends policies and procedures on SJSU international programs and activities including Faculty Led Programs (FLP).

b) The membership of the International Programs and Students Committee shall be:

Director International Programs & Services [EXO]

Student Affairs Office designee [EXO]

AVP Enrollment & Academic Services or designee [EXO]

GUP Graduate Studies Office designee [EXO]

GUP Undergraduate Studies Office designee [EXO]

Director of Study Abroad and Away [EXO]

CIES, Director Global Studies [EXO]

CIES, AVP Continuing Education Office [EXO]

ACIP Rep [EXO]

1 Faculty, Business

1 Faculty, Education

1 Faculty, Engineering

1 Member, General Unit

1 Faculty, Health and Human Sciences

1 Faculty, Humanities and the Arts

1 Faculty, Science

1 Faculty, Social Science

2 Students

c) The International Programs and Students Committee remains an operating committee, reporting to the Instruction and Student Affairs Committee.

4. If any international programs, contracts or arrangements involve new SJSU degree programs (including majors, minor and concentrations) or modifications of existing degree programs, they are also subject to review and approval through the established curricular process.

F89-3 REQUIRED GRADUATE BIBLIOGRAPHIC INSTRUCTION

Legislative History:

Document dated November 15, 1989.

At its meeting of November 6, 1989, the Academic Senate approved the following Policy Recommendation presented by Brian Holmes for the Curriculum and Research Committee.

ACTION BY THE UNIVERSITY PRESIDENT:

"Accepted and Approved as University Policy. Effecteive for students admitted to Graduate degree programs for fall, 1990 and thereafter." Signed: Gail Fullerton, November 15, 1989.

REQUIRED GRADUATE BIBLIOGRAPHIC INSTRUCTION

F 89-3

Whereas, Instruction on library research would increase students' understanding of appropriate strategies, methods, and library tools within a particular discipline which will be applicable to their coursework, chosen profession and for lifelong learning; and

Whereas, This instruction would enhance the students' ability to produce well-researched theses, projects and papers and increase their awareness of the topics of concern within their fields of study; and

Whereas, Learning efficient library research methods will enable students to spend the majority of their time analyzing information, rather than searching for it; and

Whereas, This instruction will promote familiarity with use of data base management and indexing techniques in all of the University's graduate degree programs; therefore, be it

Resolved, That library research be included within a required graduate level course for each degree program. The teaching department will determine the appropriate course for this instruction. The instruction will be done in cooperation with members of the library faculty who are knowledgeable about the program subject areas.

This instruction will be offered for a one-year trial period. At the end of that time, it will be evaluated to determine the workload implications for the Library and effectiveness in teaching library research.

A campus of The California State University

Office of the Academic Senate One Washington Square San Jose, California 95192-0024 408-924-2440 Fax 408-924-2451

F92-1

At its meeting of September 28, 1992, the Academic Senate approved the following Policy Recommendation presented by Theodore Norton for the Organization and Government Committee.

ENROLLMENT ADVISORY COMMITTEE

RESOLVED that

1. The charge of the Enrollment Advisory Committee is amended to read as follows:

Studies problems and recommends policies and procedures related to student admissions, registration and records, levels of enrollment and priorities for admission; monitors demographic, economic and other relevant statistics for potential impact on enrollment and other effects on the University as a whole and on particular areas; consults with colleges and departments on problems arising from enrollment changes, including faculty staffing and layoff; advises Senate and administrators on appropriate responses to enrollment changes, including educational equity concerns and declarations of impact.

2. Membership to the Enrollment Advisory Committee shall be as follows:

Admissions and Records Office	Ex Officio
Educational Planning and Resources Office	Ex Officio
Graduate Studies Office	Ex Officio
Undergraduate Studies Office	Ex Officio
Undergraduate Studies Office (Educational Equity Services)	Ex Officio

One faculty member from each of the representative units

One to four students (with one graduate student)

Effective with the adoption of this resolution, the faculty members of the Enrollment Advisory Committee shall be the faculty members now listed as representing the Colleges of Education, Engineering, Science, and Social Sciences on the Admissions Advisory Committee and the faculty members now listed as representing the Colleges of Humanities and the Arts and Applied Sciences and Arts and the General Unit on the Enrollment Advisory Committee. The terms of the other faculty members of the two committees shall be deemed to have expired. Student members and a faculty member from the College of Business shall be appointed as provided in the By-Laws.

3. Normally the Enrollment Advisory Committee shall report to the policy committee on Instruction and Student Affairs. However, during academic year 1992/93 and 1993/94, the Enrollment Advisory Committee shall report to the Executive Committee. Information copies of all such reports shall be given to the Instruction and Student Affairs Committee.

4. The Admissions Advisory Committee is abolished.

5. UP S89-13 is repealed. Any future changes in the Enrollment Advisory Committee may be made by Senate Management Resolution.

ACTION BY THE UNIVERSITY PRESIDENT: Approved by President J. Handel Evans on October 1, 1992.

F92-5 Change of Title "Department" to "School"; Director

Legislative History:

At its meeting of December 7, 1992, the Academic Senate approved the following policy Amendment presented by Theodore Norton for the Organization and Government Committee.

Amends (replaces) S92-9.

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved as University Policy" signed J. Handel Evans, December 11, 1992.

POLICY RECOMMENDATION

Resolved, An existing academic department may be designated a "School" if it meets the criteria and completes the procedures set forth in this policy.

1. Criteria*

- a. Similar academic units of comparable size and academic quality in comprehensive universities are frequently designated "Schools."
- b. The applicant department must offer a terminal degree in a professionally oriented program.

2. Nomenclature

- a. The title for the individual who administers a "School" shall be "Director." The Director's position is equivalent to a department chair and shall be reimbursed at the same level as department chairs.
- b. The use of the title "Director" as administrative officer of a school does not exclude its use for other administrative positions in the University.

3. Procedures: All requests for change of designation from "Department" to "School":

- a. Must be fully supported by appropriate explanation and documentation, including evidence that academic units at comparable institutions are so designated.
- b. Must be approved by a majority vote of the faculty having voting rights in the department or academic unit as specified by UP S90-1 (now superseded by S98-2).
- c. Must be approved at each level by University committees and administrators in the following sequence:

1) College policy or Executive Committee

2) College dean (Where the degree recognized as professional qualification is a graduate degree and the department or equivalent is not part of any College, the application shall require instead approval by the Graduate Studies Committee and by the academic officer having decanal authority over the unit.)

3) Academic Senate Organization and Government Committee

4) Academic Vice President (now Provost and Vice President for Academic Affairs)

5) President

4. Financial Impact

- a. No new administrative positions (MPP) may be created by the designation of "Schools."
- b. No additional departments may be created within a College as a result of the name change of a department to "School."

5. Departments designated as "Schools" under this policy remain departments within their Colleges for all purposes of other University policies.

*Interpretation of the criteria by the Organization and Government Committee. In response to a request for an interpretation of the first paragraph, the committee has reviewed its records and has concluded that the second criterion is an abbreviated version of earlier language which was substantially as follows: "The applicant department is career or professionally oriented and its degree programs include a degree usually recognized as the professional qualification for practitioners in the field." The committee agreed that the final wording was not intended as a change, but was simply a shorter way of saying the same thing. In identifying a career or professionally oriented department, the committee suggests that it would

be persuasive to show that a majority of its graduates actually do practice in the field of their degree. And an obvious example of a "terminal degree" is one which serves as a basis for a state license to practice. The committee also believes that full weight should be given to the first criterion: "Similar academic units of comparable size and quality in comprehensive universities are frequently designated "Schools", and to paragraph 3(a) regarding documentation.

F94-1 DISASSOCIATION OF SAN JOSE STATE UNIVERSITY WITH THE RESERVE OFFICERS TRAINING CORPS (ROTC AND AFROTC) PROGRAMS; DISCRIMINATION, EQUAL OPPORTUNITY, ACADEMIC FREEDOM

Legislative History:

At its meeting of September 12, 1994, the Academic Senate approved the following Policy Recommendation presented by Wiggys Sivertsen for the Professional Standards Committee.

ACTION BY THE UNIVERSITY PRESIDENT(s):

"Adopted as University Policy. Implementation to be with the advice and counsel of a committee to be established by the President after consultation with the Executive Committee of the Academic Senate." Signed J. Handel Evans, Sept. 16, '94.

Implementation of policy was suspended by President Robert Caret on March 17, 1997.

Whereas, The Academic Senate of San José State University has recently resolved (SS-S91-3) that discrimination on the basis of sexual orientation is deplorable and inconsistent with the academic principles of equal opportunity and respect for human dignity; and

Whereas, The latest resolution by this body (SS-S92-9) declared the Senate's desire to phase out the ROTC and AFROTC programs at San José State University; and

Whereas, Since then the Academic Senate has watched with interest the developments on the national political and legal scenes which, for those concerned about the Department of Defense's discriminatory policies, were the basis for hope that a new administration in Washington would lead to the removal of the bar to military service by homosexuals; and

Whereas, These national developments have now led to the implementation of a "Don't Ask, Don't Tell, Don't Pursue" policy which leaves intact the long-standing prohibition of entry into or continuation in national military service by persons known to be homosexual; and

Whereas, The new policy restricts free expression in a discriminatory fashion, for only homosexuals are to be punished by expulsion from the military for the expression of their sexual orientation; and

Whereas, By the policy of discriminating against homosexuals, certain students would be denied an opportunity for equal access to education in those academic areas where personal discussions and self disclosure of sexual orientation are called for; and

Whereas, Apart from no longer requiring the disclosure of information about sexual orientation, the new

national policy has not remedied any of the problems we have condemned in the past; and

Whereas, Limits on the expression of homosexual ROTC and AFROTC students concerning specific personal information are inconsistent with our academic values of freedom of expression, inquiry, and information, in addition to cherished principles of equal opportunity and respect for human dignity; and

Whereas, The existence of the ROTC and AFROTC programs on our campus are, because of their discriminatory practices against the homosexual community, a violation of the CSU policy of non-discrimination; therefore, be it

Resolved, That San José State University will discontinue its association with the ROTC and AFROTC programs; and be it further

Resolved, That these programs will be discontinued in such a manner as to allow the currently enrolled students to complete their programs.

At its meeting of December 5, 1994, the Academic Senate approved the following Policy Recommendation presented by Wiggys Sivertsen for the Professional Standards Committee.

**APPOINTMENT, RETENTION, TENURE, AND PROMOTION
CRITERIA, STANDARDS, AND PROCEDURES FOR LIBRARIANS**

Whereas, The provisions and flexibility of S94-6, in accommodating a variety of faculty appointments, are applicable to library faculty as well as instructional faculty, and

Whereas, Departmental guidelines would be developed (S94-6, I.A., page 1) to assist library and campus RTP committees in evaluating Librarian performance in academic assignment and professional or scholarly or creative activities; therefore, be it

Resolved, That F89-4 be rescinded and S94-6 be adopted for librarians.

**ACTION BY THE UNIVERSITY PRESIDENT: Approved by President J. Handel Evans on
December 7, 1994.**

At its meeting of August 19, 1996, the Academic Senate Executive Committee, acting for the Senate during summer months (as per By-Law 3.3b), approved the following Policy Recommendation presented by Sally Veregge for the Organization and Government Committee.

**AMENDMENT OF BY-LAWS 3.1, 5.8, 5.12B, 5.12C AND 7.1;
AND STANDING RULES 11 AND 17**

Amends S96-6 and S92-8 as they relate to affected By-Laws.

Whereas, changes were made in the Policies, By-Laws, and Standing Rules of the Senate during the 1995/1996 academic year, and;

Whereas, these changes have created some inconsistencies in other By-Laws and Standing Rules; therefore, be it

Resolved, that the following By-Laws and Standing Rules be amended as follows to adjust for these changes.

By-Laws

3.1: The Executive Committee shall be composed of the President, the Provost, the Vice President for Administration, the Vice President for Student Affairs, the Senate Chair, the immediate past Chair, the Vice Chair, the Secretary, the President of the Associate Students, the Policy Committee Chairs, and one of the University's representatives on the Academic Senate, CSU. The member from the Statewide Senate...

5.8: Except as otherwise provided in these By-Laws, chairs of standing operating committees shall be elected by the committee. Any member of the committee, except an ex officio member, is eligible as chair. Chairs of standing policy committees shall be elected annually by the Senate from its faculty representatives.

5.12b: Following the third week of instruction, the Secretary of the Senate shall inform each college representative and college dean which of that college's committee seats are still vacant...The dean's recommendations shall be forwarded to the college's Committee on Committees representative who shall present one name to the Secretary of the Senate to be ...

5.12c: ...The Secretary of the Senate shall coordinate this selection process so as to...

7.1: There shall be a standing Election Committee. Its members shall be the members of the Committee on Committees. Its chair shall be Secretary of the Senate.

Standing Rules

11. Announcements about the State of the University, including the President's Announcements, are informational only; no resolutions calling for action may be presented...

17. [Omitted -- including a), b) and c)]-

ACTION BY THE UNIVERSITY PRESIDENT: Approved by President Robert Caret on August 27, 1996.

F96-3 CONSTITUTIONAL AMENDMENTS: STUDENT REPRESENTATION ON SENATE; ELIGIBILITY TO BECOME SENATE OFFICERS

Legislative History:

At its meeting of September 9, 1996, the Academic Senate approved the following call for Constitutional Amendments (subsequently approved by the faculty electorate October 1, 1996, by a vote of: 171.30 to 3 on Amendment A to revise student representation; and 166.30 to 7 on Amendment B to revise eligibility and election procedures for Senate officers.

Attached is a copy of Academic Senate Policy Recommendation F 96-3. This policy is accepted as University Policy effective November 1, 1996.

Copies sent to Executive Committee, Academic Senate.

ACTIONS BY THE UNIVERSITY PRESIDENT:

Approved and signed as University Policy by Robert L. Caret, November 1, 1996.

CONSTITUTIONAL AMENDMENTS

Resolved:

That the Academic Senate, pursuant to Article VI of the Academic Senate Constitution proposes the following constitutional amendments:

Amendment A of Constitution Article II, Section 6.

SECTION 6. Student representatives shall consist of the President of the Associated Students and Associated Students Director of Academic Affairs who shall serve ex officio; and five (5) representatives elected at-large by the Associated Students in the same manner as student officers. At-large student members of the Academic Senate may not concurrently hold any other elected student body office. Student representatives shall be elected for one-year terms. Vacancies in these Senate seats will be filled according to By-Law.

Amendment B of Constitution Article II, Section 1, Article II, Section 5, Article III, Section 1, and Article III, Section 2, as follows:

ARTICLE II -- MEMBERSHIP

SECTION 1. The Academic Senate shall consist of representatives from the University administration, faculty, and students. In the interests of communication and cooperation, the Emeritus Faculty Association and the Alumni Association shall also each have a representative. Student, administration, emeritus faculty and alumni representatives have the same rights to speak and vote as other members, but may not serve concurrently as elected representatives of the faculty, and are not qualified for election as officers of the Senate. At least two-thirds of the total membership of the Senate shall be members holding office under Sections 3, 4, and 5 of this Article.

SECTION 5. The Chair of the Academic Senate and the previous year's Chair, (if not the same person as the current Chair), shall be members of the Senate ex officio.

ARTICLE III - ORGANIZATION

SECTION 1. The presiding officer of the Academic Senate shall be the Chair. The Vice Chair shall preside in the absence of the Chair. The Senate shall have such other officers as may be provided for by the By-Law.

SECTION 2. The times and procedures for the election of all Senate officers shall be as provided for By-Law.

F96-6 ELECTION OF SENATE OFFICERS; OPTION OF SECOND TERM FOR SENATE CHAIR

Legislative History:

Document dated November 4, 1996.

At its meeting of October 7, 1996, the Academic Senate approved the following Policy. Recommendation presented by Sally Veregge for the Organization and Government Committee.

Amends F72-7, F74-2, and S83-11.

Attached is a copy of Academic Senate Policy Recommendation F96-6.

This policy is accepted as University Policy effective November 1, 1996.

Copies sent to Executive Committee, Academic Senate.

Amended by [F97-9](#)

ACTIONS BY THE UNIVERSITY PRESIDENT:

Approved and signed by Robert L. Caret, November 1, 1996.

BY-LAW AMENDMENTS ELECTION PROCEDURES

Amends, F 72-7, F 74-2 and S 83-11

Whereas, the faculty ratified amendments to the Constitution which allow the Chair to serve a second term, and

Whereas, The faculty ratified amendments to the Constitution which allow ex officio

members of the Senate to run for the office of Vice Chair; be it

Resolved:

That the following By-Law amendments be adopted.

Amendment of By-Laws 2.1, 2.2, and 3.

2.2 Election procedures for Senate officers.

2.21 Senate Officers, other than the Chair, Past Chair and Faculty Representative at Large, shall be elected from the faculty members of the Senate annually for one-year terms.

2.22 a) If the Chair so requests, the agenda for the first regular meeting of the Senate in Spring semester shall include, as a special order of business preceding policy committee reports, a proposal to extend her/his term. When the special order item is reached, the Secretary of the Senate shall preside while the Senate debates and votes on the proposal. The vote shall be by secret ballot and approval of the extension shall require a two-thirds affirmative vote.

b) If the Senate approves the extension, the incumbent Chair is re-elected for the following year. The term of office of the Vice Chair is extended for one year. (If the term of the Vice Chair as an elected faculty representative expires at the end of the Spring semester, s/he shall take the place otherwise held by the Past Chair as an ex officio member.) The term of the Past Chair is not extended, and a Faculty Representative at Large shall be elected at the end of Spring semester to fill the Past Chair's position on the Executive Committee for the following year.

c) If the Senate does not approve the extension of the Chair's term, the Vice Chair shall automatically succeed to the office of the Chair at the adjournment of the last meeting of the current Senate in Spring semester.

d) No chair shall serve for more than two full terms in succession.

2.23 If the previous year's Chair is not the same person as the current Chair, the previous year's Chair will be a Senate officer called the Past Chair. However, if the Past Chair is elected to any other Senate office, there will be no Past Chair that year and a Faculty Representative at Large shall be elected instead.

2.24 As soon as possible after the election of new Senate members in the Spring, the Chair of the Senate shall appoint a nominating committee to prepare a slate of officers for the forthcoming academic year. This committee shall nominate at least two candidates for each open Senate office. The committee shall also ascertain the willingness of the nominees to serve if elected. The committee shall produce a brief written document regarding the qualifications and goals of each candidate which shall be distributed to the Senate prior to the day of election.

2.25 The slate of nominees proposed by the nominating committee shall be communicated to the Senate prior to the last regular meeting of the academic year. The first part of that meeting shall be the final meeting of the Senate of the current academic year; the second part shall be the first meeting of the Senate for the academic year next ensuing. The nominating committee shall make its report in the second part of the meeting, further nominations from the floor shall be accepted, and an election held to fill all open Senate offices. Only the continuing and newly elected members of the Senate, who will be members in the year ensuing, shall vote in the elector.

2.26 Should a vacancy occur in the office of Senate Chair, the Vice Chair shall automatically succeed to the position for the balance of the vacant term. S/he shall then serve for the full term of the following year, and the full term shall be counted as her/his first year in office for purposes of 2.2b). Should a vacancy occur in any other Senate office, the Executive Committee shall nominate at least two candidates to fill the vacancy and present its nominees to the Senate. Additional nominations may be made from the floor. When nominations have been closed, the Senate shall elect a replacement to serve for the balance of the vacant position's term.

3. Executive Committee

3.1 The Executive Committee shall be composed of all Senate officers' the President, the Provost, the

Vice President for Administration, the Vice President for Student Affairs, and the President of the Associated Students. For purposes of these By-Laws, the elected members of the Executive Committee are the Senate officers.

F96-8 DUTIES OF SENATE OFFICERS

Legislative History:

Document dated November 4, 1996.

Copies sent to Executive Committee, Academic Senate.

Attached is a copy of Academic Senate Policy Recommendation F 96-8. This policy is accepted as University Policy effective November 1, 1996.

Amends S 72-1, S 74-16 and S 83-11.

ACTIONS BY THE PRESIDENT:

"Approved and signed as University Policy" Robert L. Caret on November 1, 1996.

BY-LAW AMENDMENTS

DUTIES OF SENATE OFFICERS

Amends S 72-1, S 74-16 and S 83-11.

Whereas, the descriptions of Senaate Officers are outdated, be it

Resolved:

That the following amendment of By Law 2.1 be adopted.

2. Senate Officers

2.1 The following are officers of the academic senate:

2.11 The Chair of the Senate, who shall be its presding officer, as provided in the Constitution, and shall also be Chair of the Executive Committee, the Budget Advisory Committee and general faculty meetings.

2.12 The Vice Chair, who shall discharge the duties of the Chair during any temporary disability of the Chair, shall serve as a CSU Senatorduring the temporary disability of one of the SJSU representatives, and shall succeed to the office of chair when the Chair's term or terms expire or if the Chair resigns or that office becomes vacant for any other reason.

2.13 The Secretrary, who shall be chair of the Committees on Committees and the Elections Committee,

shall act as Vice Chair during the temporary disability of the Vice Chair, and shall act as Chair if both the Chair and the Vice Chair become during temporarily unable to perform duties.

2.14 The Past Chair, who is the person who served as Chair for the preceding year, provided that s/he is not the same person as the current Chair and does not hold any other Senate office.

2.15 The Faculty at Large Representative, provided that there shall be no Faculty at Large Representative when there is a Past Chair.

2.16 A CSU Senate Representative.

2.17 The Chairs of the Senate Policy Committees.

At its meeting of December 9, 1996, the Academic Senate approved the following policy recommendation as presented by Dominique Van Hooff for the Executive Committee.

**POLICY RECOMMENDATION
RENAMING THE SJSU INTERNATIONAL CENTER
IN HONOR OF PHYLLIS FORWARD SIMPKINS**

- WHEREAS: Alan and Phyllis Simpkins, 1989 winners of the Tower Award and 1996 recipients of CSU honorary Doctor of Humane Letters degrees, have been philanthropic leaders of San Jose State University since the 1970's; and
- WHEREAS: Phyllis Forward Simpkins (B.A. Home Economics and Marketing, 1946) has exemplified alumni dedication, serving as vice president of the SJSU Advisory Board, as 1977-78 president of the Alumni Association, as founder of the Circle of Friends -- the alumni support organization of the Department of Nutrition and Food Science -- and with her husband contributing generously to a variety of campus organizations and enterprises, notably inter-collegiate athletics and the Spartan Marching Band; and
- WHEREAS: Eighteen years ago, Phyllis Forward Simpkins established the SJSU International Center which houses approximately 75 foreign and American students, and
- WHEREAS: Phyllis and Alan Simpkins have recently given the International Center facility to the University; now, therefore, be it
- RESOLVED: That the Academic Senate of San Jose State University express its gratitude to Phyllis and Alan Simpkins for their exemplary and welcome support; and be it further
- RESOLVED: That the Academic Senate of San Jose State University endorse the recommendation of the Special Committee on Facility Naming to honor Phyllis Forward Simpkins by re-naming the SJSU International Center the **Phyllis Forward Simpkins International House** as a means of permanently recognizing and remembering the name and philanthropic leadership of this generous alumna.

ACTION BY THE UNIVERSITY PRESIDENT: Approved by President Robert Caret on August 20, 1997.

At its meeting of December 9, 1996, the Academic Senate approved the following policy recommendation as presented by Dominique Van Hooff for the Executive Committee.

**POLICY RECOMMENDATION
HONORING YOSHIHIRO “YOSH” UCHIDA AND
RENAMING THE SPX WEST UCHIDA HALL**

- WHEREAS: Yoshihiro “Yosh” Uchida (B.S. 1947), holder of the 7th degree Black Belt, coached the first Olympic Judo team in 1964 and was responsible for the International Olympic Committee’s decision to accept the sport; and
- WHEREAS: “Yosh” Uchida, who was this year inducted into the San Jose Sports Hall of Fame, has coached the San Jose State University Judo Team for 50 years; and
- WHEREAS: In this time span, his teams have won an astonishing 32 out of 35 National Collegiate Judo Championship Tournament titles; and
- WHEREAS: “Yosh” Uchida’s contributions to SJSU athletics have improved the lives of countless students and lent luster to his *alma mater*; now, therefore, be it
- RESOLVED: That the Academic Senate of San Jose State University thank “Yosh” Uchida for his extraordinary service to the University; and, be it further
- RESOLVED: That the Academic Senate of San Jose State University congratulate their colleague, “Yosh” Uchida, for setting an unsurpassable standard for outstanding teaching; and be it further
- RESOLVED: That the Academic Senate of San Jose State University endorse the recommendation of the Special Committee on Facility Naming to change the name of the building presently known as SPX West to **Uchida Hall** as a means of permanently recognizing and remembering the name and the contributions of our distinguished alumnus and colleague, “Yosh” Uchida.

ACTION BY THE UNIVERSITY PRESIDENT: Approved by President Robert Caret on August 20, 1997.

F97-1 NAMING "THE ALAN B. SIMPKINS INTERCOLLEGIATE ATHLETICS ADMINISTRATION BUILDING."

Legislative History:

At its meeting of June 9, 1997, the Executive Committee, acting on behalf of the full Academic Senate during the summer months in accordance with By-Law 3.3b, approved the following policy recommendation:

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved." Signed Robert Caret, 7-17-97.

POLICY RECOMMENDATION

HONORING ALAN B. SIMPKINS AND

NAMING A NEWLY ACQUIRED PROPERTY ON ALMA AND 7TH STREETS

Whereas: All procedures and requirements for naming a University facility, as stated in University Policy F82-07, have been duly followed; and

Whereas: The Academic Senate of San Jose State University is deeply impressed with the long-standing pattern of generosity exhibited by Phyllis and Alan Simpkins, who, as two of our foremost benefactors, have already been honored as recipients of the Tower Award and with honorary doctorates from SJSU; and

Whereas: A gift from Phyllis and Alan Simpkins made possible the purchase of a 1.7 acre property with a 22,700 square foot building, valued at \$3 million, to accommodate the needs of the SJSU athletics program; now, therefore, be it

Resolved: That the Academic Senate of San Jose State University express its gratitude to Alan and Phyllis Simpkins for their exemplary and welcome support; and be it further

Resolved: That the Academic Senate of San Jose State University endorse the recommendation of the Special Committee on Facility Naming to honor Alan Simpkins by naming the newly acquired property on Alma and 7th Streets "The Alan B. Simpkins Intercollegiate Athletics Administration Building."

F97-2 NAMING THE "THE JAMES F. BOCCARDO BUSINESS EDUCATION CENTER."

Legislative History:

At its meeting of June 9, 1997, the Executive Committee, acting on behalf of the full Academic Senate during the summer months in accordance with By-Law 3.3b, approved the following policy recommendation:

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved." Signed Robert Caret, 7-17-97.

POLICY RECOMMENDATION

HONORING JAMES F. BOCCARDO AND

RENAMING THE BUSINESS CLASSROOM BUILDING

Whereas: All procedures and requirements for naming a University facility, as stated in University Policy F82-07, have been duly followed; and

Whereas: The Academic Senate of San Jose State University is deeply impressed with the great generosity exhibited by our alum James F. Boccardo and his wife Lorraine Boccardo, who have already shown their enthusiastic support for SJSU by funding the entire cost of a new gateway at Fourth Street and the Paseo de San Carlos; and

Whereas: A gift from James and Lorraine Boccardo of \$2 million has made possible the Business Classroom renovation project; now, therefore, be it

Resolved: That the Academic Senate of San Jose State University express its gratitude to James F. and Lorraine Boccardo for their exemplary and welcome support; and be it further

Resolved: That the Academic Senate of San Jose State University endorse the recommendation of the Special Committee on Facility Naming to honor James Boccardo by renaming the Business Classroom Building "The James F. Boccardo Business Education Center."



SAN JOSE STATE UNIVERSITY

A campus of The California State University

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F97-7

At its meeting of December 1, 1997, the Academic Senate approved the following policy recommendation presented by David McNeil for the Professional Standards Committee.

POLICY RECOMMENDATION PRIVACY OF ELECTRONIC INFORMATION AND COMMUNICATIONS

WHEREAS: San Jose State University, along with its faculty, staff, and students, relies heavily on the electronic transmission of communications and storage of data; and

WHEREAS: The nature of electronic information and communications technology is such that questions of privacy and security are associated with its use; therefore, be it

RESOLVED: That the following policy be implemented.

ACTION BY THE UNIVERSITY PRESIDENT

*Approved
Robert Cant
12-17-97*

PRIVACY OF ELECTRONIC INFORMATION AND COMMUNICATIONS

The privacy of personal and professional communications and stored information is a matter of concern in an era when the speed, capacity, and complexity of communications and information technologies are greatly expanding. The faculty, staff, and students of San Jose State University require and deserve a reasonable degree of assurance that their e-mail, telephone calls, voice mail, or other communications, research data, academic writing, and other electronic information are transmitted and stored on University facilities with an appropriate degree of privacy and security. No electronic system is entirely secure from unauthorized intrusions, and users are to be warned that electronic communications and information can be easily accessed by third parties. Systems administrators may inspect stored data on occasions when the integrity of the system may be jeopardized, or pursuant to legal requirements, including disclosure under the Public Records Act, discovery in civil litigation, and legal searches performed in cooperation with state and federal law enforcement authorities. Because of uncertainty about who may inspect electronic files and under what circumstances, principles concerning approved access to electronic information need to be adopted as policy and distributed to all campus users of electronic communication and information storage.

San Jose State University supports privacy in the use of electronic communications and information storage to the maximum extent possible under state and federal laws, consistent with computer system maintenance demands. Users of campus computing facilities are expected to use them appropriately for professional and non-commercial purposes. In general, communications and other information transmitted or stored on campus computing facilities are the property of their authors and intended recipients, and no third party other than the creator or designated recipient is authorized to intercept such information or communications, except that inspections of electronic mail may occur for the purpose of technical problem resolution, if approved by the user or the appropriate computer affairs administrator or supervisor for the resolution of a specific technical problem or suspected misuse that is believed to endanger the integrity of the computer system. All electronic mail and files in authorized accounts stored on any campus computing systems shall be considered to be private and confidential, except as required by state or federal law.

The Chief Information Officer shall be responsible for implementation of this policy. Each systems administrator for each campus electronic information or communications system should, in coordination with the Chief Information Officer, create guidelines for the privacy of electronic information and communications.

F98-3 Intellectual/Creative Property

Legislative History:

At its meeting of October 5, 1998, the Academic Senate approved the following policy recommendation presented by Patrick Hamill for the Curriculum and Research Committee.

Replaces: [F92-3](#), [S92-13](#), [F91-5](#)

ACTION BY THE UNIVERSITY PRESIDENT:

"Accepted as University Policy " signed by Robert Caret, Nov. 5, 1998

POLICY RECOMMENDATION INTELLECTUAL/CREATIVE PROPERTY

Replaces: F92-3, S92-13, F91-5

Whereas, San Jose State University is the potential source of intellectual property having great value,
and

Whereas, The current Copyright Policy (F92-3) and Patent Policies (S92-13, F91-5) neither provide good protection for that intellectual property, nor useful options that could support intellectual property commercialization, nor do they acknowledge technology-mediated instruction as intellectual/creative property, now therefore be it

Resolved, That the Academic Senate adopt the attached Policy on Intellectual/Creative Property.

Financial Impact: None

SAN JOSE STATE UNIVERSITY POLICY ON INTELLECTUAL/CREATIVE PROPERTY

1.0 Introduction

The primary goals of San Jose State University (hereafter SJSU or University) are to teach, to expand knowledge through scholarly studies and research, to fully disseminate the results of such studies and research, and to perform community service consistent with these goals and the mission of the University. Discovery and dissemination of knowledge represent the core of the academic mission at SJSU; these activities have inherent and essential value to the University and to society. From time to time in the conduct of these activities faculty members, staff, and students may create information products, make discoveries or invent new and useful devices, processes, compositories, and compounds of a marketable nature. The University supports these efforts and seeks to create an environment that:

- a) protects the primary educational goals of SJSU by establishing this policy to guide the

development of inventions/discoveries of a marketable nature;

b) encourages research efforts and suitable commercialization by equitably allocating ownership rights among inventors, the University, and research sponsors; and

c) provides appropriate campus agency to assist bringing inventions to the public market place and promote their greatest public benefit. SJSU recognizes that ownership rights in intellectual property should remain with the creator whenever possible. At the same time, the University also recognizes there are situations where the University has a vested interest in certain intellectual property rights due to the nature of the creation of the work, use and cost of facilities and/or equipment available to someone because of their relationship with SJSU, or specific contractual agreements.

This policy governs the relationship between SJSU and its faculty, staff, and students in identifying intellectual/creative property and the assignment of ownership rights, such as a copyright or a patent, to either the creator(s) of the work, the University, or joint ownership. The policy of the University with regard to copyrights and patents is intended to foster the traditional freedoms of the University's faculty, staff, and students to do research and publish without sacrificing rights justly due the University and its sponsors and supporters through a fair and reasonable balance of the equities among authors or inventors, sponsors, and SJSU. At the same time, the policy is intended to ensure that copyrightable and patentable materials in which the University has a legitimate interest and obligation to protect and disseminate are utilized in a manner consistent with the University's mission. [Note: Intellectual/creative property may also involve trademarks or trade secrets. Because of the nature of the University, these are less likely to occur than copyrights or patents. At such time as needed, the University will address trademark or trade secret concerns through individual agreements with the appropriate parties. Those agreements will be consistent with the policy set forth in this document.]

An employee's obligation to teach and/or pursue scholarship or creative work, or to carry out obligations accepted in sabbatical or difference-in-pay leave proposals shall not be interpreted as a specific contractual agreement, nor as extra or "substantial support" unless specified in advance and in writing by all parties involved.* *

2.0 Copyright Ownership

Ownership of copyrightable works produced by authors who are SJSU faculty, staff, or students shall remain with the authors as defined by federal copyright law, except in the following situations where such rights of ownership shall be shared or be vested entirely with the University:

- - 1) The terms of a University agreement with an external party require SJSU to hold or transfer ownership in the copyrightable work. These terms shall be made known to faculty, staff, and students who will be involved with work of this nature.
 - 2) Intellectual property resulting from works created with "substantial support" from the University (e.g., development of materials for technology-mediated instruction) shall normally be owned jointly by the authors and the University, and the division of rights and responsibilities for each shall be specified in writing prior to the start of a collaboration between the authors and any University office or personnel. "Substantial support" provided by the University can take any or all of the following forms: financial support from external grants sought by the University, faculty released time, and/or assignment of personnel,

facilities or equipment significantly in excess of the normal and customary uses of University resources from any University department to assist the authors in the development of their materials. If this intellectual property becomes a commercial venture, the agreement between the author(s) and the University shall specify the precise limits to the uses of that property beyond SJSU.

3) Works created as a specific requirement of employment or as an assigned University duty are "works for hire" and are University property. Such requirements or duties may be contained in a job description or an employment agreement which designates the content of the employee's University work. If such requirements or duties are not so specified, such works will be those for which the topic or content is determined by the author's employment duties and/or which are prepared at SJSU's instance and expense, that is, when the University is the motivating factor in the creation of the work. However, SJSU may invite faculty, staff or students to produce specific works for which they are directly compensated by contract. These products are also "works for hire."

In a particular employment situation, if an author is uncertain about the ownership of the works referred to in this section, before undertaking the drafting, design, creative, or authoring assignment the author shall be entitled to request in writing and to receive a clarifying written statement from the author's department head or supervisor.

When SJSU commissions the creation of a copyrightable work by an author who is not a University employee, the contract with such author shall specify that the author convey by assignment such rights as are required by the University.

With respect to copyrightable works owned by the University pursuant to this section, the authors may be required to execute such documents as are necessary to vest ownership in such works to SJSU or its designee. Authors who create works for which ownership vests in the University pursuant to this section shall warrant that such works are their independent creativity and to their knowledge do not infringe any preexisting copyright.

2.1 Copyright Contractual/Licensing Agreements

As provided above, copyrightable works developed by SJSU faculty, staff or students using University resources usually and customarily provided (such as office space, standard office equipment, or library and lab facilities, and such equipment as appropriate to the discipline in question) are owned by the authors. Nothing in the specifications regarding contractual agreements, "works-for-hire," "substantial support," or third-party sponsorship shall prohibit a decision by the University or its auxiliaries to transfer its copyrights solely to the creator. When authors own the copyright for works created with the use of significant University resources beyond those usually and customarily provided, such works will be licensed under separate agreement to the University and shall grant SJSU the right to use the works in all its programs of teaching, research, and public service on a royalty-free, nonexclusive basis.

A sponsor's right to use or own a work created under its sponsorship will be determined by the provisions of its contract with SJSU.

2.2 Copyright Administration

Matters related to copyright at SJSU shall be administered by the Associate Vice President, Graduate Studies and Research (AVP/GS&R) in conjunction with the Office of Intellectual Property

Development, a unit of the San Jose State University Foundation. Inquiries pertaining to copyright and/or negotiations regarding the sharing of copyright, proper use of the SJSU name in copyright notices, determination of "substantial support," and the right to any income resulting from the sale of copyright products shall be addressed to the AVP/GS&R. As needed, the AVP/GS&R shall convene a Copyright Advisory Committee consisting of at least one college dean, and two members of the faculty with copyright experience, and such outside expertise as needed; advice on legal issues shall be obtained from appropriate counsel. Agreements between the University and the creator of copyrightable materials shall be drawn by the AVP/GS&R and approved by University counsel. When copyrighted material created at the University becomes a commercial venture (i.e., sold, licensed, etc.), the minimum royalty to the author(s) whose intellectual property is not "work-for-hire" shall be 50% of the net income. All royalty income from University copyrights shall be maintained in a special SJSU account and applied to institutional support of activities leading to scholarship and creative work. Authors who hold exclusive copyright under this policy may offer their work through appropriate formats for instructional and other use either at SJSU or elsewhere. The copyright owner(s) may make separate financial arrangements to receive payments. At the copyright owner's request, revenues generated from this effort may also be administered through the Office of Intellectual Property Development. Fees for this service should be negotiated on an individual basis between the copyright owner(s) and the Office of Intellectual Property Development.

3.0 Patent Ownership

Inventions typically come about because of activities of SJSU faculty, staff or students who have been assisted wholly or in part through use of facilities or equipment of the University. These activities may result from a sponsored project, usually a contract or grant to investigate a specific topic, or result from non-sponsored work, usually faculty research, independent student projects, or master's theses where University facilities/equipment are used or faculty guidance is received. Ownership of discoveries resulting from sponsored activities is established by the agreement between the University and the sponsor. With regard to non-sponsored work, all discoveries are the property of the inventor(s) unless it is clearly demonstrated in the disclosure process described in section 3.1 below that "substantial support" has been provided by the University in any or all of the following forms: financial support from external grants sought by the University, faculty released time, and/or assignment of personnel, facilities or equipment significantly in excess of the normal and customary uses of University resources from any department to assist the authors in the development of their materials. Resources usually and customarily provided by the University include office space, standard office equipment, library and lab facilities, and such equipment as appropriate to the discipline.

3.1 Invention Disclosure Process

When an invention or discovery has been made, an Invention Disclosure describing the invention and including other related facts (such as the amount of University time, personnel, facilities, and/or equipment used) shall be prepared and forwarded to the Associate Vice President for Graduate Studies and Research (AVP/GS&R). An Invention Disclosure is a confidential document which provides information about what was invented in such clear and complete terms that a person skilled in the art can fully understand or reproduce the results and practice the invention. The document also identifies the inventor(s), circumstances leading to the discovery, and facts concerning subsequent activities (e.g., publication). It provides the basis for determination of patentability. When inventions result from coursework, laboratory assignments, or independent research, all contributions by faculty, staff and students shall be stated in the Invention Disclosure form so that inventor status can be established, acknowledged and credited by the University. The Invention Disclosure form can be obtained from the Office of the AVP/GS&R or from the SJSU Foundation.

In reviewing information provided in the Invention Disclosure, the AVP/GS&R, with such consultation as may be needed, determines SJSU's ownership interest in the invention. The results of their review shall be made known to the inventor(s) within two weeks of the submission of the Invention Disclosure. In cases where SJSU chooses not to exercise any ownership rights, as well as in those instances where ownership of the invention rests entirely with the inventor(s), the University is willing to assist the inventor(s) to find appropriate means for the development of their work. This shall occur on a case-by-case basis under separate agreement between SJSU and the inventor(s). This results in four options for patenting and marketing an invention:

- - 1) patent ownership rests entirely with the inventor(s), who may proceed independently from the University;
 - 2) patent ownership rests entirely with the inventor(s), who requests assistance from the University and negotiates an agreement with the University for that purpose;
 - 3) joint patent ownership between the University and the inventor(s) is determined from the beginning of the process and the procedure described below in section 3.2¹ Patent Administration is followed; or
 - 4) patent ownership is assigned by the inventor(s) to the University in return for specific benefit to be established by agreement between the inventor(s) and the University.

Sponsored project agreements (including but not limited to those projects sponsored by the federal government, state government, private foundations, and private individuals, industries or public companies) often contain provisions with respect to patents and licensing. Government sponsors normally assign inventions to the university, but sponsors from the private sector normally retain the rights to inventions conceived with their support. In all cases, sponsorship agreements will stipulate that any inventions conceived during the course of the agreement must be fully and promptly disclosed. SJSU faculty, students or staff working under a sponsored project agreement are required to complete the Invention Disclosure information form described above. The terms of sponsored project agreements are part of and fall within the guidelines established by this policy.

3.2 Patent Administration

When an inventor requests assistance or the University claims ownership right, the AVP/GS&R shall forward the Invention Disclosure, supporting documents and notice of ownership status to the Office of Intellectual Property Development, a unit of the San Jose State University Foundation, who shall act as the agent for the University in the administration of patents, licensure and commercialization. The Office of Intellectual Property Development shall establish a Patent Review Board with essential expertise to evaluate the patentability of each invention. Where appropriate SJSU faculty shall be invited to serve on a Patent Review Board. Receipt of the disclosure and ownership statements by the agent starts the evaluation process and ensures that in the event of a coincident claim of discovery the inventor has dated documentation in support of the prior discovery assertion. Invention Disclosure shall be supported by full documentation, and all faculty, staff and students involved have an obligation and duty of full cooperation in the patentability review and evaluation. The Office of Intellectual Property

Development shall conduct the patentability review and shall notify the AVP/GS&R and the inventor(s) within 30 days of receipt of documents from the AVP/GS&R. If the review finds the invention not to be a viable candidate for patentability, and the AVP/GS&R agrees with the evaluation, the inventor is free to pursue a patent independently from the University.

If a positive assessment of patentability is made, then the AVP/GS&R, the inventor(s), and the Office of Intellectual Property Development will develop and execute an agreement which includes the following terms:

- - 1) recognition of the rights of the inventor(s);
 - 2) assignment of those rights to the University for patent prosecution and invention commercialization;
 - 3) enumeration of specific duties of the Office of Intellectual Property Development in the patent prosecution and invention commercialization including costs thereof; and
 - 4) division and distribution of licensing fees, royalties, and other forms of income from the commercialization of the invention.

After reimbursement of out-of-pocket costs borne by the University and the Office of Intellectual Property Development which are directly related to the commercialization effort, the normal distribution of net income resulting from the successful commercialization of an invention shall be 50% to the inventor(s), 30% to the home department of the inventor(s) and 20% to the University. Out-of-pocket costs usually include, but are not limited to, fees for the patent itself, patent research fees, and the costs of administering this process. If a corporation or some other entity is created to take the product to market, additional costs will be involved. Funds to the department and University shall be used to enhance future invention potential.

The University's decision on split of ownership, and division of royalty proceeds after reimbursement of costs to the University, shall be binding on all parties.

3.3 Confidentiality

Patent law allows one year from invention publication (in print or public presentation) for the filing of a U.S. patent application; any publication eliminates the opportunity to apply for a non-U.S. patent. In order to avoid circumstances that defeat, adversely impact or destroy creative rights, University authors and inventors agree to maintain confidential all proprietary information and creativity owned in whole or in part by others, including co-workers, faculty, staff, students, the University and sponsors pending patentability review under section 3.2. This obligation of confidentiality survives the inventor's separation from the University, but does not extend to information in the public domain, information which is provided by others not obligated to or by the University, faculty, staff, students or sponsors to be maintained confidential, or which is released for publication by proper authorization of the University, staff, students, faculty or sponsors.

4.0 Sample Agreements

The Office of Graduate Studies and Research will maintain a file of sample intellectual property agreements. Parties to prospective agreements are urged to examine this file.

**[University policies S96-7 and S96-8 establish that the purpose of sabbatical leaves and difference-in-pay leaves is to benefit the University, its students and its programs through the professional development of its faculty as teachers and scholars. In compliance with California Administrative Code, Title V (43000-43008, 43050, 43051), Collective Bargaining Agreement Article 27 and Article 28, and University Policy S96-7 and S96-8 faculty are required to make application for these leaves with pay. These applications must provide details of the applicant's plan of study, research, or travel and service together with a statement of the benefits which would accrue to the campus and students from the proposed study, research, or the travel and service. The application review criteria focus on the value of the proposed professional development activities to the University; specific outcomes or products are not required as a condition for support. Therefore, such application does not constitute a contract for the purposes of this policy, nor are approved proposals equivalent to specific contractual agreements or "work-for-hire." Furthermore, extra or special support from the University is not present since the support to the faculty member would continue to exist, regardless of his/her assignment.]

F98-4 Class Scheduling

Legislative History:

At its meeting of November 30, 1998, the Academic Senate approved the following policy recommendation presented by Sally Veregge for the Instruction and Student Affairs Committee.

Rescinds: [S87-1](#)

ACTION BY THE UNIVERSITY PRESIDENT:

"Approved as University Policy" signed Robert Caret, Dec. 23, 1998.

POLICY RECOMMENDATION

Class Scheduling

- Whereas: In the Fall of 1996 a referral came to the Senate to review the existing class scheduling policy and evaluate the possibility of moving to a two-day schedule for all or most classes, and
- Whereas: The two-day schedule was supported for pedagogical reasons and for reasons of better accommodating our students' needs and desires, and
- Whereas: Surveys of students and faculty indicate that a two-day schedule is preferred by both groups over other modes of scheduling, and
- Whereas: The majority of written comments on the faculty survey suggest that faculty are interested in scheduling classes at times that best meet the needs of the students, and
- Whereas: Class scheduling paradigms are constrained by the physical limitations of room availability, and these limitations must be taken into consideration in any scheduling policy, and
- Whereas: Mandated, across-the-board, two-day scheduling is not feasible based on current room availability, and
- Whereas: Maintaining uniform starting times for classes campus-wide reduces the possibility of course conflicts for students, and increases their opportunity to complete graduation requirements in a timely manner,
- Whereas: Unique curricular needs of Colleges and Departments should be accommodated in the scheduling policy,
- Resolved: That the attached policy be implemented: Beginning in the Fall of 2000.

Financial Impact: Unknown

Course Scheduling Policy for Lecture Classes

This policy deals with those classes commonly referred to as "lecture" classes (C1-C6), and governs the 167 rooms designated as lecture rooms (see attached list). It also governs prebaccalaureate ("remedial") courses. While it does not explicitly govern the scheduling of labs, workshops, sports or music activities (C7-C21), such activities should follow departmental scheduling practice. **The policy is meant to govern Phase I scheduling within the Colleges and Phase II scheduling at the University level.** (For a complete listing of C1-C21 course classifications, see *The Faculty Workload Report*, Educational Planning and Resources, November 9, 1995).

1. The traditional schedule of classes (shown immediately below) shall be maintained as the preferred schedule. Classes begin at 7:30, but may begin as early as 6:30 or 7:00. Most three and five unit classes meet at the following hours:

<u>Three Unit</u>	<u>Five Unit</u>
<u>MWF</u> <u>TR</u>	<u>MTWRF</u>
730 730	730
830 900	830
930 1030	930
1030 1200	1030
11300 1330	1130
1230 1500	1230
1330	1330

MW

1330-1445
1500-1615

2. Departments that wish to switch entirely or partially to a MW-TR-F schedule may do so. Classes will meet twice a week for 75 minutes on MW or TR at the following hours:

7:30-845
900-1015
1030-1145
1200-1315
1330-1445
1500-1615

If a department chooses to offer three-unit classes on a MW-TR schedule its college must offer at least one three-unit Friday class for every 10 three-unit classes offered on MW-TR. These should be offered in 150-minute blocks.

Friday only

730-1015
900-1145
1030-1315
1200-1445

1330-1615

3. Classes that meet once a week for 150-minutes (or more), cannot begin before 1330 on Monday, Tuesday, Wednesday, or Thursday.
4. After 1600, departments may offer courses beginning and ending at any time.
5. One-, two-, four- and five-unit classes should observe that start times indicated on the standard time grid (shown under number one above).

Compliance and Implementation

1. **Compliance is to be overseen by the Provost's office.**
2. Prime-time classes shall be assigned rooms according to the following priorities:

MTWRF 730-1330

MTWR, MTWF, TWRF, etc. (any 4 day/week combination) 730-1330

MWF 730-1330

TR, MW 730-1330

F only 730-1330

Any course with a non-standard start time shall receive last priority in room assignment.

(Standard times are shown under number one and two on page one).

F99-2 Recommended Constitutional Amendment To Article II, Section 6

Legislative History:

At its meeting of May 10, 1999, the Academic Senate approved the following call for a Constitutional Amendment presented by Senator Heather Cook, A.S. President and student representative. Final ratification of the Constitutional Amendment requires approval by a majority of votes cast by the faculty electorate and by the President of the University. Faculty voted (102.34:12.95) to approve this Constitutional Amendment.

ACTION BY THE UNIVERSITY PRESIDENT :
"Approved" signed Robert Caret, September 17, 1999

RECOMMENDED CONSTITUTIONAL AMENDMENT TO ARTICLE II, SECTION 6

- Whereas: The Associated Students, Inc. represents the 27,000 students at San Jose State University and historically, the independently elected student senators have not been accountable to the Associated Students of San Jose State University; and
- Whereas: In recognizing this, the Associated Students, Inc. Board of Directors has amended its Directors responsibilities to include six of its members as student senators in the Academic Senate; and
- Whereas: In these amendments, the Associated Students, Inc. Board of Directors eliminated the position of Director of Academic Affairs; and
- Whereas: The Associated Students of San Jose State University passed a referendum on March 18, 1999 to change the Board of Directors titles to reflect these amendments; therefore be it

Resolved: The Academic Senate of San Jose State University amend Article II, Section 6 of the Academic Senate Constitution to read:

Section 6: Student representatives shall consist of the President of the Associated Students and ~~Associated Students Director of Academic Affairs who shall serve ex-officio; and five (5) representatives elected at-large by the Associated Students in the same manner as student officers. At-large members of the Academic Senate may not concurrently hold any other elected student body office. Student representatives shall be elected for one year terms.~~ **six (6) students in good standing selected according to policies and procedures prescribed by Associated Students, Inc. These students shall serve one-year terms, and may serve more than one term. Vacancies in these Senate seats will be filled according to Associated Students, Inc. policies and procedures** ~~By-Law.~~

F99-3 Honoring Howard & Laura Blethen and Naming the SJSU Practice Field Blethen Field

Legislative History:

At its meeting of September 13, 1999, the Academic Senate passed the following Policy Recommendation presented by Bethany Shifflett for the Executive Committee.

ACTION BY THE UNIVERSITY PRESIDENT:
"Approved" signed Robert Caret, October 4, 1999

POLICY RECOMMENDATION

Honoring Howard & Laura Blethen and Naming the SJSU Practice Field Blethen Field

- Whereas: All procedures and requirements for naming a University facility, as stated in University Policy S98-05 have been duly followed; and
- Whereas: The Academic Senate of San José State University deeply appreciates the great generosity exhibited by the Blethen family through their gift to San José State University in honor of SJSU alums Howard 'Lefty' Blethen and Laura Wolf Blethen; and
- Whereas: The gift will make possible the refurbishment of San José State University's practice field; and
- Whereas: The San José State University Baseball program as the campus as a whole will benefit from their gift; now therefore, be it
- Resolved: That the Academic Senate of San José State University express its gratitude to Blethen family for giving the University the opportunity to honor its alums while at the same time providing an excellent resource to its current and future students; and be it also
- Resolved: That the Academic Senate of San José State University endorse the recommendation of the Special Committee on Facility Naming to honor Howard and Laura Blethen by renaming the practice field "Blethen Field."



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F99-7

At its meeting of December 6, 1999, the Academic Senate unanimously passed the following Policy Recommendation presented by Jonathan Roth for the Curriculum and Research Committee.

**POLICY RECOMMENDATION
GE POLICY RELATED TO LLD 98/99**

- Whereas: Advanced GE courses, by policy S98-11, require "...students to apply basic skills (reading, writing, [and] speaking)...," and
- Whereas: Advanced GE courses, by policy, mandate that, "A minimum of 3000 words of writing is required in a language and style appropriate for the discipline," and
- Whereas: Students who have not mastered the fundamentals of writing as demonstrated by passage of the Writing Skills Test cannot be considered to be "...apply(ing) basic skills....," and
- Whereas: Students who have not mastered the fundamentals of writing as demonstrated by passage of the Writing Skills Test cannot be considered to be writing in a discipline-appropriate language and style, therefore be it
- Resolved: That the S98-11 policy provision permitting students who pass LLD 98/99 to enroll in Advanced GE be stricken, and that the fourth bullet of item 5, Rules for Students to Satisfy General Education Requirements, be rewritten as follows:
"Any students who fails the WST *twice* must complete with a Credit grade either LLD 98 or LLD 99, or an officially articulated equivalent course at a Community College or another CSU, before taking the WST a third time. Students who fail the WST *once* may enroll in LLD 98/99 on a space-available basis through adding after the close of Touch Tone Registration."
- Resolved: That the use of WST-equivalent examinations be discontinued immediately, and that the sole standard for enrollment in 100W, and all Advanced GE, become the passage of the Writing Skills Test.
- Implications: Passage of this policy will slow the graduation progress of up to several hundred students per year by denying them access to Advanced GE courses until after they have passed the WST. It may necessitate expansion of sophomore level remedial opportunities such as LLD 99 in an attempt to address the needs of students who cannot pass the WST.

ACTION BY THE UNIVERSITY PRESIDENT: APPROVED BY PRESIDENT ROBERT CARET ON JANUARY 5, 2000.