

CALIFORNIA STATE UNIVERSITY, BAKERSFIELD
ACADEMIC SENATE

Responsibilities of Faculty
RES 1314056

FAC

RESOLVED: that the Academic Senate recommend to the President that the University Handbook section **303 RESPONSIBILITIES OF TEACHING FACULTY, LIBRARIANS, & COUNSELORS** be amended to include the following changes (deletions in strikethrough, additions in bold underline).

303.8.3 Procedures for the Committee on Professional Responsibility

The chair of the Academic Senate shall convene a meeting of the Committee on Professional Responsibility at the beginning of each academic year to revise procedures. The members of the committee shall also elect a chair at this meeting.

Requests for the Committee on Professional Responsibility to act shall be delivered in writing to the chair of the committee. Upon receipt of a request, the chair shall confer with the designated administrator and with the designated representative of the California Faculty Association to identify any issues that require administrative intervention or union representation. After any administrative or union issues have been identified and referred, the chair shall convene a meeting of the Committee on Professional Responsibility, which shall begin an inquiry into the remaining issues, if any. The Committee shall discontinue the inquiry at any time it determines that the facts do not provide sufficient evidence to support the allegation. The Committee may also

decide at any time that the case involves only minor matters that properly should be handled by the basic academic unit through informal resolution and so refer it, with or without recommendations.

If the Committee determines that the facts support the allegation and that the matter cannot be properly resolved by the basic academic unit, the Committee shall conduct an impartial review.

Following an impartial review, the committee may make one or more of the following recommendations:

a. No further action.

- b. Referral to the basic academic unit.
- c. Referral for assistance with dispute resolution.
- d. Recommendations for change in faculty behavior.
- e. Referral to the President or designee.

If the Committee determines that its recommendations have not been followed, the committee shall refer or re-refer the matter to the President or designee. When referring to the President, the committee shall not make recommendations regarding corrective actions. **Once the committee has made a referral to the President or designee, the committee has fulfilled its responsibility, and because of rules of confidentiality, the committee will not receive reports of subsequent actions.**

The Committee on Professional Responsibility shall prepare a formal written report of the disposition of each referral it receives. The report shall present the committee's conclusions and the basis for those conclusions. Copies of the report shall go to the individual (faculty member, librarian, or counselor) whose behavior was questioned, to the person(s) requesting committee consideration, and to the committee files. If the Committee refers the matter, a copy of the report shall be forwarded along with the referral.

Nothing in this section shall be construed to abridge the rights of any faculty member or of the University enumerated in the Collective Bargaining Agreement, the Faculty Handbook, professional code of conduct, or state or federal laws. Neither shall anything in this section be construed to abridge the responsibility of the Committee to follow up on cases it has reviewed.

303.11.1.2 Responsibilities of Faculty

Individuals who are victims of sexual harassment are often intimidated from telling the aggressor to stop the offensive behavior or from making formal complaints. This is particularly true of students. Consequently, if a faculty member should receive a complaint of sexual harassment from a student, staff member, or other faculty, it is the faculty's responsibility to exercise proper authority and inform the person that sexual harassment is a violation of university policy and is not tolerated under any circumstance. Faculty shall inform the ~~person~~ **complainant** that University Harassment Counselors are available through the Counseling Center to handle such complaints and shall contact a University Harassment Counselor directly on the behalf of the person if so requested.

RATIONALE: FAC was asked to review section 303 in general. Subsequently, a more specific request was made about the subsection concerning the Committee on Professional Responsibility. Since both referrals concern the same section of the Handbook, and the changes the committee recommends for section 303 are brief, we propose a single resolution covering both referrals.

RATIONALE: CPR committee members have expressed frustration that their decisions have no “teeth”. Despite their efforts to resolve conflicts their recommendations are sometimes ignored, and apparently nothing changes. On the other hand, it is a violation of AAUP policy to give the committee enforcement powers. FAC saw some value in having a committee of one’s peers objectively discuss and try to resolve problems, but agreed the CPR committee members must understand that their role is advisory only. The proposed changes to Handbook section 303.8.3 make this clear to both those who serve on the committee as well as those who appeal to it. Recommendations that are made can be ignored, but will be passed on to relevant administrators.

RATIONALE: Personnel matters are the responsibility of Administration, and such matters are private. The proposed changes to Handbook section 303.8.3 also make it clear to the committee that they will not receive any feedback about further actions.

RATIONALE: The only further change to Section 303 concerns the subsection on Sexual Harassment. Specifically section 303.11.1.2 on Faculty Responsibility. Since at least two “persons” are involved in a harassment situation, the wording made it unclear which person a faculty member was obligated was to “inform”. The word change clarifies this.

Distribution List:

- President
- Provost & V.P. for Academic Affairs
- School Deans
- Department Chairs
- General Faculty

Approved by the Academic Senate on May 22, 2014
Sent to the President for approval on June 2, 2014
Approved by the President on August 13, 2014