

## Faculty Handbooks: 5 Common Problems and Recommended Solutions 10.19.15

Ellen M. Babbitt

Please find a list below of additional resources from the “*Faculty Handbooks: 5 Common Problems and Recommended Solutions*” webcast. If you wish to print only certain resources, you may click their respective links to jump directly to them in the packet.

### Webcast Resources

1. [Sample Right to Modify Provision](#) - Page 2 – Sample text as a reference for creating a Right to Modify provision.
2. [Practical Tips for Addressing 5 Common Problems of Faculty Handbooks](#) – Pages 3-17 – This document provides a thorough analysis of the 5 common problems by outlining the challenges and providing practical tips to effectively address each issue.
3. [Additional Resources](#) – Pages 18-20 – This document offers a comprehensive list of additional resources including:
  - Articles focused upon faculty handbook/policy revision
  - Issues addressed in faculty handbooks
    - Academic freedom and tenure
    - Free speech
    - Collegiality
    - Shared governance
    - Faculty misconduct
    - Retrenchment and financial exigency
  - AAUP guidances
  - Institutional policies and websites explaining policy revision processes

Sample Right to Modify provision:

*The President or designated other administrator may modify the timelines or procedures set forth in this Handbook in extraordinary circumstances and for good cause shown, in order to achieve full and fair evaluations or resolution of disputes. This may include situations in which new information arises during a process or procedure, where the designated timelines cannot be met, where modification is required to comply with federal, state, or local law, or other extraordinary circumstances. The President or designated administrator may also resolve under this paragraph any disputes about which internal process or procedure applies in a particular case. Any such modifications to process or procedures or resolutions of disputes about applicable process shall be final and communicated to the parties in writing.*

# **PRACTICAL TIPS FOR ADDRESSING 5 COMMON PROBLEMS OF FACULTY HANDBOOKS**

**Ellen M. Babbitt  
Franczek Radelet PC  
Chicago, Illinois  
emb@franczek.com**

## ***COMMON PROBLEM NUMBER ONE:***

### ***INCONSISTENT APPOINTMENT LETTERS AND HANDBOOK PROVISIONS***

#### **A. The Challenge**

- It is important to identify all documents within your institution that constitute potential sources of faculty rights and responsibilities – in other words, what is the “contract” in your state and under the circumstances?
  - *It may include provisions from statutes, bylaws, policies adopted by Board, faculty handbooks, collective bargaining agreements, formal agreements, or other sources.*
- Then, determine significance of contract disclaimers and institutional practice.
  - *This is a job for counsel.*
  - *Analyze not only the contract language but also the institution’s course of conduct.*
  - *Determine whether the institution has treated handbook or other policies as contractual, such that there might be an argument of “implied contract.”*
  - *Determine whether appointment letters and faculty handbook harmonize by their terms – or are potentially inconsistent. The latter would not be unusual.*

#### **B. Specific Practical Tips**

- The easy part: *immediately* correct inconsistencies between documents so that the contract rights and responsibilities of new faculty members are clear going forward.
  - *Also address management practices that have resulted in inconsistencies.*

- Develop and always use a template, institution-wide, for appointment letters and associated yearly contracts, if any. Different departments and schools within a university should not be issuing differently-formatted agreements unless there is a compelling reason to do so and the central Academic Administration is aware of this.
  - *Review templates to ensure consistency between documents and CBA.*
- Centralize the process for issuing appointment letters and yearly contracts.
- Educate those involved in hiring and negotiating employment terms to understand (i) what can and cannot be promised; (ii) who has authority to make commitments; and (iii) how and why the process should be uniform and subject to policies.
- State in appointment letters (i) whether the letter is contractual; (ii) how it interlocks with the faculty handbook or other relevant policies; and (iii) which document governs in case of inconsistencies.
  - **Good idea:** *ensure centralized knowledge and consistency going forward -- and notify incoming faculty members of what constitutes “the contract” -- by specifically stating, in appointment letters, that (i) all prior negotiations and agreements are merged into that appointment letter; and (ii) only one designated University representative (usually the CAO) has authority to offer terms and sign the Agreement. Then, require that one University representative (or designate) sign all appointment letters.*
- Not so easy, but vital: audit, identify, and address inconsistencies between the appointment letters of current faculty members and current handbook provisions.
  - *Audit the appointment letters of current faculty members (or, at least, audit selections from each class of faculty members).*
  - *Compare appointment letters to handbooks and other potential sources of contract rights to identify inconsistencies. Use counsel to perform this review.*
  - *If appointment letters and handbook provisions are flatly inconsistent for a particular faculty member or group of faculty members, the institution may decide to ask faculty to sign replacement appointment letters or formal agreements; the institution may also need to revise faculty handbook language to bring the various contract documents into harmony. This sensitive initiative*

*requires involvement of counsel and, usually, extensive negotiation with the faculty.*

- **Good Idea:** *nonetheless, it is important to perform this audit and “clean up” current contractual understandings before a dispute arises. It is difficult or impossible to correct inconsistencies or change policies during a specific contractual dispute*
- In a common, unfortunate scenario, inconsistent contract documents may appear to limit institutional discretion to discipline or dismiss a faculty member in a serious situation.
  - *For instance, inconsistent appointment letter and handbook provisions may appear to prevent the institution from taking appropriate disciplinary action when faced with repeated sexual harassment of students or staff by a faculty member.*
  - *In such circumstances, the institution may face the decision whether arguably to breach individual faculty member contract rights or ignore fundamental compliance obligations that impact the campus community. Counsel should be consulted and, where appropriate, the Board informed.*
  - **Good idea and the bottom line:** *if the provisions cannot be harmonized, the institution should do the right thing for students and the institution. In the above example, this would mean (i) promptly and thoroughly investigating the alleged harassment, (ii) protecting the campus community by doing so, and (iii) dismissing the professor from employment -- even if his/her appointment letter or some handbook provision arguably rendered this a breach of the faculty member’s individual contract. Compliance with civil rights and health/safety laws is paramount. However, one prime goal in auditing appointment letters, handbooks, CBAs, and related policies is to head off potential conflicts before they occur.*

## **COMMON PROBLEM NUMBER TWO:**

### ***FAILURE TO DEFINE ESSENTIAL TERMS***

#### **A. The Challenge**

- Individuals within the higher education community, including the AAUP, use terms such as “tenure,” “academic freedom,” “shared governance,” and “free speech” as if the terms have a common and well-understood meaning.
  - *But, although the AAUP articulated recommended definitions of “tenure” and “academic freedom” as early as 1940 – and now describes its recommendations as “normative” – terms such as “tenure,” “academic freedom,” and “shared governance” are primarily contractual. They mean what the individual institution says they mean, and this may vary by school.*
  - *Moreover, the AAUP’s 1940 and 1973 recommendations do not necessarily address new challenges, such as compliance with the ADA, Title IX, and other civil rights laws; online education; or accreditation requirements for course or syllabus content.*
- Failure to define essential terms for your institution is a prime source of passive and ineffective management of faculty; this, in turn, leads to serious legal disputes, fractured working relationships, and business disruptions (not to mention public relations problems and difficult disagreements between faculty leadership, the administration, and the Board).
- Moreover, if an institution fails to define these terms in a manner appropriate to the individual institution, courts and others reviewing the meaning of institutional policies may be tempted to adopt AAUP or some general notion of “academic custom and practice” as the appropriate definitions for these terms (even if this is not what the institution intended). It’s important not to leave these terms open for a court or agency to “fill in the blanks.”
- In revising and applying policy language, the goal is to draft policies and then apply those policies with “notice, clarity, and consistency.” Defining essential academic terms specifically and appropriately is a critical first step.

#### **B. Specific Practical Tips**

- Define the meaning of “tenure” at the specific institution, and consider addressing some or all of the following topics:

- *Whether tenure is to the institution as a whole or to a department, discipline, or school within the institution.*
  - *Who is eligible; not eligible.*
  - *How it is achieved – standards; procedures.*
  - *Faculty code of conduct (more on this below).*
  - *Whether the institution reserves the ability to consider collegiality (that is, to consider an individual's ability to engage constructively or work cooperatively with colleagues and staff members).*
  - *How tenured employment or tenured status may be terminated.*
  - *The schedule for being evaluated.*
  - *The institution's discretion to stay or modify the tenure clock (and the circumstances under which this may occur).*
  - *Appeal process for denial or termination of tenured employment.*
  - *Provision for a "terminal year," if any.*
  - *The significance of dual appointments and the related question of retreat rights upon removal from administrative appointment (if any).*
    - **Good idea:** *consult counsel in defining "tenure" and ask counsel to benchmark your definitions and standards against those used by peer academic institutions.*
- Define the meaning and limitations of "academic freedom" consistent with the specific operations and culture of your particular institution.
    - *The AAUP's 1940 statement regarding academic freedom is a recommendation and does not necessarily address modern challenges, such as online education, accrediting requirements, and pressures to create different categories of faculty. The AAUP's recommendations should not be presumed to constitute the "default" unless an institution specifically decides to adopt the AAUP's formulations with no additional revision.*
    - *Religious institutions should consider including in handbooks the denominational or religious limitations upon what can be taught or advocated on or off campus.*
      - *Both the AAUP and regional accreditors appear to assume that the concept of "academic freedom" effective at religious institutions aligns with the concept advocated by AAUP and often in place at secular institutions. AAUP indicates that any limitations should be stated at the outset of a faculty member's*

*employment and also in the relevant faculty handbook. While this is not required, it is a prudent practice for religious institutions.*

- *Public institutions may be limited by federal or state constitutions, statutes, or collective bargaining agreements. Private institutions usually are not so limited in how they can define “academic freedom” for their campus communities (although state law may vary).*
- *Institutions should build into their discipline, dismissal, and termination procedures specific mechanisms for addressing alleged violations of academic freedom rights.*
- Define faculty and administration responsibilities consistent with proper concepts of “shared governance.”
  - *The AGB/AAUP statements on shared governance clarify that, consistent with the faculty’s “primary responsibility” for certain faculty-related decisions, faculty should be consulted in any areas of their “primary responsibility” and their recommendations afforded substantial deference. This is not the same as final decision-making authority, which remains with the administration and Board.*
  - *As such, it is advisable to avoid delegating final decision-making authority for core employment decisions to the faculty unless the institution has made a deliberate decision to do so. Delegation of such authority should not occur by default or de facto due to unclear handbook language.*
  - **Good idea:** *for each step in each internal evaluation and decision-making process, specify the role of the particular committee or institutional representative: does he, she, or it “recommend” or “decide?” This greatly assists faculty and administration in applying internal procedures without the constant assistance of lawyers.*
- Clarify whether faculty rights include “free speech” as distinguished from “academic freedom.”
  - *There is a pervasive misapprehension within higher education that faculty members have an unlimited right to “free speech,” but this generally represents a confusion of the concept of constitutionally protected speech with “academic freedom.”*



- *There is also a strong cultural bias within higher education in favor of “free” speech; but, in fact, speech – within public or private institutions – is subject to significant limitations, including those upon harassing speech, hate speech, or irrelevant, inappropriate classroom comments.*
- *Public institutions should work with counsel to draw appropriate distinctions between first amendment “free speech” and “academic freedom” rights and limitations.*
- *Private institutions should discuss faculty “free speech” issues as part of a faculty code of conduct.*

## **COMMON PROBLEM NUMBER THREE:**

### ***FAILURE TO DETAIL ESSENTIAL PROCESSES***

#### **A. The Challenge**

- As with definition of essential terms, definition and detailing of critical internal processes and procedures helps to communicate faculty rights and responsibilities with notice, clarity, and consistency.
- Well-drafted internal policies and procedures help the institution make good decisions that are consistent not only with the faculty's contractual expectations but also with applicable anti-discrimination laws.
- Well-drafted internal policies and procedures assist academic decision-makers, including faculty committees, in applying internal procedures without extensive involvement of attorneys. This not only saves money but it also properly focuses internal processes upon academic, not "legal," considerations.
- Well-drafted internal policies and procedures also help the institution identify and correct mistakes internally (without "forcing" participants to sue or file agency charges).

#### **B. Specific Practical Tips**

- Define reappointment, tenure, and promotion procedures in detail and with notice, clarity, and consistency; consider including the following:
  - *Standards for reappointment, tenure, and promotion.*
  - *Who considers and recommends; who decides; who handles the appeal(s).*
  - *Information that may be considered at each stage.*
  - *Consider not using a "static dossier" approach or allowing the applicant for tenure or reappointment to limit the materials and information considered by decision-makers. It is a much better practice to define what is generally included in the dossier and what may be considered at any given level of the process – but then reserve to the institution the power to consider other relevant information at any stage (giving the applicant the ability to respond). Information may arise or be revealed in the midst of a process that must be considered by the institution to fulfill its fundamental compliance obligations.*

- *Do not overcomplicate – minimize the number of steps in all processes (processes should be effective but realistic, given the size and culture of the institution).*
  - **Good idea:** *the institution should retain the right to modify timelines and procedures in unusual cases, after consultation with appropriate faculty representatives and upon written notice to the parties to the process.*
  - **Another good idea:** *educate personnel who must apply all such procedures -- and periodically re-educate new chairs or academic personnel.*
- Adopt realistic and effective appeal and grievance procedures.
  - *Absence of effective internal procedures encourages the filing of external agency charges or lawsuits because grievants believe they must turn outside the institution for explanation or for correction of perceived errors.*
  - *Again, do not overcomplicate internal processes; most have too many steps.*
  - *Clarify who recommends vs. who decides.*
  - *“Appeals” are sometimes subject to different procedures from “grievances” because appeals often follow extensive internal evaluation by different committees or administrators, whose recommendations or decisions are entitled to substantial deference on appeal. Grievances, by contract, often may be brought to address non-formal employment issues that have not yet been analyzed internally. As such, many institutions adopt separate appeal and grievance procedures (although one procedure may also be employed).*
  - *An institution should decide whether, in significant employment actions, it wishes to (i) follow the AAUP recommendation and conduct a faculty hearing, with recommendation to the administration, before the decision is final; (ii) use a faculty committee on appeal rather than prior to the decision; or (iii) consign the decision and appeal to the administration without using a faculty hearing committee during the process. All three approaches (and other “hybrids”) are used within higher education and have various pros and cons; counsel should be consulted.*

- **Good idea:** *include in the handbook a general right on the part of the President or delegate to modify appeal and grievance procedures. This reserves to the institution the discretion to address unusual situations, such as “hybrid” appeals of employment decisions and alleged acts of discrimination (which may not fit comfortably into any one formal process)*
- Retain the institutional right to discipline and remediate faculty, short of dismissal for cause.
  - *Essential first step: define on some level your conduct and performance expectations for faculty. This should be included in the faculty handbook.*
  - *Authorize discipline short of dismissal for cause: failure to authorize disciplinary/remediation processes discourages early intervention before situations become “toxic.”*
    - *This is a huge source of litigation and breakdown of internal working relationships.*
    - *This also encourages passive and ineffective management because managers think they have no interim “tools.”*
  - *Articulate in your policies examples of permissible discipline and remediation (e.g., performance improvement plans, salary freeze, or suspension – it may vary by institution).*
  - *Also adopt suspension standards and procedures to address (i) immediate, emergency (interim) suspension; (ii) suspension during termination/dismissal proceedings; and (iii) suspension as a sanction.*
- Properly reserve institutional rights to terminate (for “impersonal” reasons) and dismiss (for “personal” reasons); do not conflate the two.
  - *The AAUP recognizes three grounds for termination (financial exigency, program discontinuance, and inability to perform the work for medical or mental reasons) as distinct from dismissal, which addresses misconduct or poor job performance by the faculty member.*
  - *Faculty handbooks should include standards and procedures for all four such situations. Also consider reserving some right to terminate for program reduction where the faculty member’s position is no longer needed (this fifth ground is not recognized by the AAUP but is frequently reserved by academic institutions).*

- *The AAUP's recommended institutional regulations governing faculty termination and dismissal were adopted in 1973 and, while useful, need to be updated and adjusted to the individual institution if they are going to be used as a model*
- **Good idea:** *as part of a unified system of discipline and dismissal standards, institutions should consider adopting a faculty code of conduct, articulating faculty rights and responsibilities.*
- **Another good idea:** *these procedures, too, should be subject to modification (both as to timelines and as to procedures and standards) in unusual situations. The institution may need to adjust timelines, or the institution may need to stay the process, conduct an investigation, or consider new information arising during an ongoing process.*

## **COMMON PROBLEM NUMBER FOUR:**

### ***OBSOLETE, UNWORKABLE, OR ILLEGAL PROVISIONS***

#### **A. The Challenge**

- Most handbooks are choked with unworkable, obsolete, or even illegal provisions.
- These may include provisions that are potentially illegal or interfere with the institution's ability to meet its legal obligations; obsolete provisions that require the involvement of committees that are no longer in existence; or unworkable provisions that incorporate too many steps or permit endless appeals and reconsiderations.
- In such situations, many institutions develop extra-legal "work-arounds" -- which, when the institution's process is challenged, cannot be relied upon to defend against a claim of contract breach.

#### **B. Specific Practical Tips**

- Engage counsel to identify provisions that are potentially illegal or interfere with the institution's ability to meet its compliance obligations – and change those provisions immediately to harmonize with current legal requirements and best practices. Four such common, serious issues include:
  - *Termination procedures that permit termination without accommodation of faculty employment where the faculty member suffers from mental or medical conditions (potential ADA issues).*
  - *Standards embedded within faculty dismissal-for-cause procedures requiring that the University prove misconduct by "clear and convincing evidence" in all cases, including those stemming from sexual harassment or assault (potential Title IX issues and inconsistency with OCR's 2011 "Dear Colleague Letter).*
  - *Requirements that a faculty committee, rather than trained investigators, investigate any allegations of discrimination or harassment made against a fellow faculty member (potential inability on the part of the institution to meet EEO and legal requirements that complaints be "promptly and thoroughly" resolved).*

- *Leave provisions requiring fitness-for-duty examinations or placing other requirements upon faculty returns to work (potential FMLA and ADA issues).*
- Conform policies and procedures to current practices and organizational structures
  - *Eliminate references to committees or structures that do not exist.*
  - *Formalize any “work-around” procedures that actually work and meet the institution’s needs and goals.*
  - **Good idea:** *include a modification provision allowing immediate policy revision if a procedure becomes obsolete or unworkable due to organizational changes or changes in the law.*
- Review unworkable or cumbersome processes, such as processes that have caused problems in the past. Unworkable processes tend to incorporate too many steps, lack sufficient detail, have too much “legalese,” or incorporate vague standards. The goal is to revise such processes so that you can use them without routine involvement of counsel.
- Do not avoid or postpone dealing with the difficult problem of handbooks that require faculty approval for modification.
  - *Depending upon state law regarding changes in contract documents (and the contractual status of the handbook), this may present a difficult problem of contract modification.*
  - *But it should not be ignored; it constitutes a potentially serious governance problem. The Board should not delegate to the faculty the final decision-making authority regarding critical employment decisions, including decisions about the institution’s contractual relationship with its own employees. In difficult situations, Boards may prove unwilling to comply with such handbook limitations when they appear unduly to limit Board discretion in core areas of governance. It is better to have this dialogue before a difficult issue arises.*
  - **Good idea:** *always consult counsel before attempting to change a faculty handbook that requires faculty approval of changes or allows faculty veto of changes.*

## ***COMMON PROBLEM NUMBER FIVE:***

### ***IRRELEVANT, CONFUSING PROVISIONS***

#### **A. The Challenge**

- Many, if not most, faculty handbooks include institutional organizational charts, descriptions of administrative positions, descriptions of committees, or other materials that are useful but are not “contractual.”
- Handbooks also tend to repeat or paraphrase general staff employment policies (e.g., Drug Free Workplace policies) or nuts-and-bolts employment details such as parking lot information.
- Some faculty handbooks reproduce or even constitute the primary location in which the institution articulates core student-related policies such as grade appeal procedures, academic integrity policies, or student ADA accommodation policies.
- Faculty handbooks also frequently paraphrase general institutional Equal Employment Opportunity policies such as anti-discrimination, harassment, and retaliation policies.
- All of these problems promote obsolescence and confusion in faculty handbooks and arguments about what constitutes faculty “rights.”

#### **B. Specific Practical Tips:**

- Include in the faculty handbook items unique to the faculty and specific to basic faculty employment rights or responsibilities. Avoid including general policies or information already set forth in the staff handbook (instead, link or cross-reference to those provisions).
- Remove from the faculty handbook all organizational charts, descriptions of administrative positions and committees, and other non-contractual, organizational information that quickly becomes outdated and renders the Handbook obsolete.
- Remove from the faculty handbook all student-related policies; place those in a location in which students can easily access them. To the extent any



student-related policies require specific conduct by the faculty, reference that unique information in the faculty handbook but then cross-reference to the rest of the student policies.

- Never paraphrase policies that are included in full in other University handbooks or policy locations. Instead, cross-reference to the original.
- Consider placing in an appendix to the faculty handbook procedures that the institution expects to change with a fair degree of frequency. Examples may include grievance procedures, which frequently change as personnel availability changes. Limiting the faculty handbook to material that directly addresses core faculty employment rights and responsibilities provides better flexibility, as well as managing faculty (and institutional) expectations as to what is actually “contractual.”
- **Good idea:** *the question for purposes of determining the inclusion of material should be whether it addresses something that is a unique faculty ‘right or responsibility.’ If not, cross-reference to the general Staff Handbook or other policies and remind faculty to read those materials as well. A faculty handbook is not an “owner’s manual!”*

## ADDITIONAL RESOURCES

### A. Extremely Useful Articles Focused upon Faculty Handbook/Policy Revision

A. Franke, "Faculty Handbooks: Their Legal Significance, What They Should Contain, and How to Draft Them" (University of Vermont, 21<sup>st</sup> Annual Legal Issues in Higher Education Conference, October 16-18, 2011), available at [http://learn.uvm.edu/wordpress\\_3\\_4b/wp-content/uploads/Faculty-Handbooks.pdf](http://learn.uvm.edu/wordpress_3_4b/wp-content/uploads/Faculty-Handbooks.pdf).

J. Pence, "Adapting Faculty Personnel Policies," *reprinted in* Kramer, Martin, ed., *New Directions for Higher Education*, Issue 71, No. 3 (Fall, 1990, Jossey-Bass), available at <http://onlinelibrary.wiley.com/doi/10.1002/he.369199071008/abstract>.

### B. Special Issues Addressed in Faculty Handbooks

#### 1. Academic Freedom and Tenure

American Council on Education, American Association of University Professors & United Educators, "Good Practice for Tenure Evaluation: Advice for Tenured Faculty Members, Department Chairs, and Academic Administrators" (American Council on Education, 2000).

F. Schaffer, "A Guide to Academic Freedom" (commissioned in connection with the "Difficult Dialogues" initiative, a joint project of The Thomas Jefferson Center for the Protection of Free Expression, the Association of Governing Boards of Universities and Colleges, and the Ford Foundation (2011)).

L. White, "Fifty Years of Academic Freedom Jurisprudence," 36 J.C. & U.L. 791 (2010).

D. Weidner, "Academic Freedom and the Obligation to Earn It," 32 J.L. & Educ. 445 (2003).

J. Gordon, "Individual and Institutional Academic Freedom at Religious Colleges and Universities," 30 J.C. & U.L. 1 (2003).

N. Hamilton, "Academic Tradition and the Principles of Professional Conduct," 27 J.C. & U. L. 609 (2001).

#### 2. Free Speech

J. Areen, "Government as Educator: A New Understanding of First Amendment Protection of Academic Freedom and Governance." 97 Geo. L.J. 945 (2009).

J. P. Byrne, "The Threat to Constitutional Academic Freedom," 31 J.C. & U.L. 39 (2004).

### **3. Collegiality**

M. Connell, K. Melear, & F. Savage, “Collegiality in Higher Education Employment Decisions: The Evolving Law,” 37 J.C. & U.L. 529 (2011).

M. Connell & F. Savage, “The Role of Collegiality in Higher Education Tenure, Promotion, and Termination Decisions,” 27 J.C. & U.L. 833 (2001).

### **4. Shared Governance**

S. Bahls, “Shared Governance in Times of Change: A Practical Guide for Universities and Colleges” (AGB Press, 2014), available through [www.agb.org](http://www.agb.org).

### **5. Faculty Misconduct**

D. Euben & B. Lee, “Faculty Discipline: Legal & Policy Issues in Dealing with Faculty Misconduct,” 32 J.C. & U. L. 241 (2006).

### **6. Retrenchment and Financial Exigency**

M. Klein, “Declaring an End to ‘Financial Exigency?’ Changes in Higher Education Law, Labor, and Finance, 1971-2011,” 38 J.C. & U.L. 221 (2012).

S. Olswang, E. Babbitt, C. Cameron, & E. Kamai, “Retrenchment,” 30 J.C. & U.L. 47 (2003).

### **C. AAUP Guidances (available at [aaup.org](http://aaup.org) and/or in AAUP “Policy Documents & Reports,” 10<sup>th</sup> ed., 2006, at page noted):**

AAUP, “1940 Statement on Academic Freedom and Tenure” (Policy Documents & Reports at 3).

AAUP, “Recommended Institutional Regulations on Academic Freedom and Tenure” (Policy Documents & Reports at 22).

AAUP, “Statement on Government of Colleges and Universities: (Policy Documents & Reports at 135).

AAUP, “1958 Statement on Procedural Standards in Faculty Dismissal Proceedings” (Policy Documents & Reports at 12).

AAUP, “On Collegiality as a Criterion for Faculty Evaluation” (Policy Documents & Reports at 39).

AAUP, “Report on Academic Freedom after *Garcetti v. Ceballos*,” *Academe*, at 67 (Nov-Dec 2009).

**D. Good Institutional Policies and Websites Explaining Policy Revision Processes**

Public university: James Madison University; faculty handbook available at:  
<http://www.jmu.edu/facultysenate/facultyhandbook/>

Private university: Catholic University of America; policies available through the  
General Counsel's website: <http://policies.cua.edu/>