SUMMARY OF THE PROPOSED CONTRACT BETWEEN THE AAUP AND THE UNIVERSITY

The AAUP Bargaining Team had nine meetings with the University Bargaining Team between February 18 and April 30, 2010. These meetings focused on a host of issues that deeply affect the working conditions of faculty members and their capacities to realize the educational and scholarly missions of University of Delaware. Discussions between the bargaining teams were collegial, frank, detailed, and rooted in commitments to enhance the academic climate at the University. Differences in viewpoint and approach were expressed fully and respectfully with the aims of coming to timely agreements and providing frameworks for continued discussion and future action on issues requiring more information and dialogue.

On May 4, the AAUP Steering Committee voted unanimously in favor of the proposed contract, setting the stage for a ratification vote by the AAUP membership. The contract would be in effect from July 1, 2010 through June 30, 2013. The proposed contract benefits the faculty and the University. We have reached agreements on academic freedom, salary and benefits, and working conditions. There are a number of original provisions and additions to existing provisions that break new ground for faculty across the University. The details of the proposed changes to the existing Collective Bargaining Agreement (CBA) are posted on the chapter's web site (www.udel.edu/aaup) as is the current CBA. Here we provide a summary of the main new provisions.

**Academic Freedom**

The proposed contract includes a new academic freedom provision that addresses concerns raised by recent court decisions. This new provision contains a definition of academic freedom that includes teaching, scholarship, institutional governance,
free speech within the institution, and the right to participate in public debates. The provision affirms existing University policies on professional ethics and disruptive behavior as the only institutional grounds for discipline or restraint.

**Salary**

With the national economy just beginning to come out of recession and with states across the country, including Delaware, facing severe fiscal crises that generate continuing funding cuts for higher education, the general climate for negotiating salary is especially challenging. We met this challenge by commissioning the national AAUP to prepare a financial analysis of the University (available at [www.udel.edu/aaup](http://www.udel.edu/aaup)). The financial analysis demonstrates that the University has the financial resources to provide reasonable salary increases. In addition, we carefully analyzed information about our comparator institutions. Based on these resources and open discussion between both bargaining teams, we have reached a good salary agreement. It provides salary increases over the next three years that bring University of Delaware faculty salaries in line with key comparators for all ranks and increases the minimums for instructors and assistant professors.

The proposed salary agreement provides an increase of $1,000 in the minimum salaries for instructors and assistant professors. This increase will become effective in the first year of the contract. In the first year, there will be a 2 percent merit increase, and the salary for each member of the bargaining unit, regardless of rank, will be further increased by a $1,000 structural adjustment. The structural adjustment goes into effect on January 1, 2011 and the full $1,000 will be paid through August 31, 2011. In the second year, there will a 2.5 percent merit increase and a $1,000 structural adjustment for all ranks. The third year provides for an across the board salary increase of 1.5 percent and 2.5 percent in merit.

**Salary Equity**
The proposed contract provides greater clarity and transparency regarding salary adjustments for equity in accord with Article XII of the CBA. The current contract stipulates that a salary equity study shall be conducted during the first year of a new contract. The proposed contract changes the title of the study to a “salary disparity” study. It also affirms the right of faculty members to request and receive information from department chairs as to whether their names appear on the list of faculty who have a salary disparity and, also, to be informed as to whether they were recommended for an equity adjustment.

Benefits

Leave for Illness and Injury and “Stop the Clock”
For the first time, the proposed contract provides a policy for leave for illness and injury. In addition, it clarifies the “stop the tenure clock” provision and extends it to tenure-track assistant professors approved for Family and Medical Leave.

Same Sex Domestic Partner Benefits
For the first time, the proposed contract explicitly opens the possibility for the University to choose a provider other than the State of Delaware for health care benefits for same-sex partners. This enables the University to purchase insurance for same sex domestic partners outside of the insurance provided by the State of Delaware which currently does not cover them. At the present time, the University is exploring opportunities for providing health care benefits for same-sex domestic partners.

Retirement Benefits
Except as specified here, all benefits for active faculty, including retirement benefits, are maintained in this proposed contract. Phased retirement options have been reduced from four options to two options. The two dropped options have never
been selected by faculty members. The retirement dates for faculty members are standardized.

Importantly, there is a change in the timing of the distribution of the one-time retirement payment. In the present contract, eligible faculty members receive 2.5 percent of annual base salary (not to exceed 100 percent of annual base salary) for each year of service upon leaving the University. In order to comply with current IRS regulations, the timing of the distribution of the one-time retirement payment must change. Accordingly, the one-time payment will be provided to the faculty member within one month of signing the retirement agreement.

Tuition Remission

There is a change in tuition remission policy for spouses or domestic partners or dependents. In order to avoid potential negative outcomes from audits, adopted children are not eligible for tuition remission if adopted within two years of matriculation. In order to ensure that this change in policy is reasonable and equitable, the provision includes a right to appeal.

Working Conditions

Clearly Stipulating the Importance of Assigned Workload

The proposed contract has clearer and more straightforward provisions governing the centrality of assigned workload to promotion and tenure, peer reviews, merit pay, and annual evaluations (Article 11.5). It makes unambiguous that assigned workload is the foundation for all such actions and decisions. It further stipulates that “the criteria written by each department to fit their particular circumstances and needs must accommodate all possible combinations of workload.” While these stipulations are important for all faculty, they are especially significant for non-tenure faculty members who have often faced confusing signals and roadblocks in the promotion process.
Merit Pay Policy and Allocation

Article 12.3 of the CBA will be revised to clarify relationships between assigned workload and merit pay allocation. In addition, it gives faculty members the right to initiate changes in merit pay policies in their departments in addition to requiring that such policies must be ratified by the faculty. It requires the University to provide timely information to the AAUP on tenure-track and non-tenure track faculty members whose contracts are subject to renewal.

Integrity and Quality of Instruction

The proposed contract strengthens the integrity of instruction by including temporary faculty and part-time faculty in the current provision (Article XIII) that limits the use of such faculty. Importantly, it limits a “short-term temporary bulge” which justifies the permissible use of part-time and temporary faculty to six years. Beyond that time limit, full-time faculty members are required.

Letters of Understanding

Several issues that were left unresolved in these contract negotiations are the subject of letters of agreement in which the AAUP and the University agreed to form committees to develop knowledge, perspective, and policy recommendations.

There are four such letters of understanding. First, the AAUP and the University agree to conduct workshops for chairs and deans on the CBA, including such topics as workload, promotion and tenure, annual evaluation, and the distribution of merit. Second, the AAUP and the University agree to complete the charge of the Merit Pay Committee established by the 2008-2010 CBA. Specifically, the committee will investigate alternative methods of distributing salary increases and developing policy alternatives based on its investigations. Third, the AAUP and the University agree to form a committee that includes representatives of the AAUP, the Administration, and the University Faculty Senate to establish consistency between CBA provisions and the Faculty Handbook. Fourth, the AAUP and the University
agree to form a committee to analyze categories of instruction, such as large lecture courses, online courses, individual instruction, and courses with laboratory sections, for the purpose of clarifying teaching workloads.

**Conclusion**

The proposed contract is very worthy of support by the AAUP membership. It strengthens academic freedom, increases salaries in relation to our comparator institutions, maintains and extends benefits, and provides faculty with greater voice and clarity in policies that govern their working conditions. In addition, as a result of these contract negotiations, the AAUP has established good working relations with the Administration and has established an agenda for dealing with complex issues through letters of understanding. Faculty members are encouraged to seek additional information by reviewing the materials at [www.udel.edu/aaup](http://www.udel.edu/aaup). All faculty members are encouraged to attend the open faculty meeting at 3:30 on Monday, May 10 in 100 Wolf Hall. Also, faculty members are encouraged to contact AAUP officers, Steering Committee members, and department representatives with any concerns or questions. Ultimately, it is up to AAUP members to exercise their power by voting on this proposal which comes with the full support of the elected AAUP leadership.