

# AAUP

# Voice

April/May 2009

"Academic freedom for a free society"

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## Talking Contract: Looking Forward to Next Year

During spring semester 2008, the University and the AAUP membership agreed to a two-year contract. For the 2008-09 academic year, the contract provided for a 1.5 percent across the board raise and a 2.5 percent merit raise. The same distribution of across the board and merit raises are stipulated for academic year 2009-10. The 1.5 percent across the board raise and the 2.5 percent merit raise will go into effect in September 2009.

During the negotiations that led to the current contract, the University and the AAUP leadership were bargaining in the shadow of a recession that began in December 2007 according to the National Bureau of Economic Research. Given the difficult and uncertain economic conditions, the AAUP and the University agreed that a two-year contract was preferable to a three-year contract. While the AAUP initially proposed a three-year contract, the Bargaining Team and the Steering Committee agreed to two years. As a result, the AAUP and the University will enter into negotiations for a new collective bargaining agreement during spring semester 2010.

In order to develop contract proposals that represent the values and interests of the faculty, members of the faculty must participate in the collective bargaining process. While the mechanics and the process of collective bargaining will be presented in detail in fall 2009, there are several aspects we want to stress at this early juncture. First, faculty members who are not members of the AAUP are encouraged to join. You must be a member of the AAUP to vote on AAUP officers and on contract proposals that result from the negotiating process. Second, the AAUP Steering Committee plays a pivotal role in contract negotiations. The Steering Committee elects the Bargaining Team. The Bargaining Team formulates contract proposals with the Steering Committee, and the Steering Committee votes on the proposals that are brought to the bargaining table. The Steering Committee gets periodic reports on the status of negotiations and, ultimately, votes on the proposal that goes to the AAUP membership for ratification. Third, throughout the bargaining process, information meetings will be scheduled for departmental representatives and for AAUP members. The leadership of the AAUP strives to make contract negotiations as transparent and democratic as possible. Only the faculty, however, through its participation and involvement can make this a reality.

## The Economic Status of the Profession: Troubling

The AAUP's Annual Report on the Economic Status of the Profession, 2008-09, is available in the March-April 2009 issue of *Academe* and on the national AAUP Web site. As the report points out, 2008-09 is not a typical year for faculty members, higher education institutions, and the national economy. On the positive side, when faculty salaries are adjusted for inflation, they registered their first significant increase in six years. The inflation adjusted increase is the result of extremely low inflation as measured by the Consumer Price Index (CPI). From 2007-08 to 2008-09, the average salary for all faculty ranks increased nominally by 4.9 percent. With an inflation rate of .1 percent, the real salary increase was 4.8 percent, the highest real faculty salary increase

since the late 1980s. By contrast, while the nominal salary increase for all faculty ranks was 5 percent in 2005-06 to 2006-07, the inflation rate was 2.5 percent yielding a real increase of 2.5 percent. Indeed, from 2001-2002 to 2007-08, "real" average salaries for a full time faculty member increased by only 1.2 percent.

While on the surface it appears that faculty salaries improved during 2008-09, underlying economic and financial forces provide grounds for deep concerns about these increases. First, while the rate of inflation was flat for the year, there was tremendous fluctuation over the course of the year. The CPI was 210 in December 2007, rose to 220 in August 2008, and then declined to 210 in December 2008. These sharp fluctuations in inflation do not provide stable increased purchasing power. Second, real salary increases have not been evenly distributed across types of higher education institutions. For example, real salaries at private-independent institutions rose by 3.8 percent and church related institutions rose by 4.5 percent from 2001-02 to 2007-08. During this same period, real salaries at public institutions declined slightly. Finally, and perhaps most ominously, the increased severity of the recession since September 2008, has severely cut state tax revenues and is having dramatic effects on institutions of higher education and our profession. While there has not been systematic data gathering on the consequences of the economic crisis for higher education and faculty, the overall impression is unfavorable. In some states, faculty members are being treated no differently than state employees and are facing salary cuts, dismissals, furloughs, and increases in benefits costs. In other states, public institutions are freer to manage their own finances and establish their own priorities. In some institutions, the situation is dire. Arizona State University, to take one example, has indicated that as many as 1,500 positions will be eliminated and that 12,000 employees will be required to take furloughs. Sharp declines in the value of assets, including stocks and real estate, have led to massive losses in the value of endowments and heightened difficulties facing students and their families in paying for tuition.

As faculty members, we have a stake in the general climate facing our colleagues and the capacities of institutions across the country fulfilling their educational and research missions. We should bear two things in mind: First, higher education is not only a cost, but an investment that pays off significantly in economic innovation and growth and in bettering the lives of students over the course of their lifetimes. It is incumbent upon us to make the case for higher education to our political leaders and throughout our communities. Second, thinking more locally, we should recognize that the severity of the economic crisis and its effects vary widely from state to state and, most importantly, from institution to institution. The economy, moreover, is very fluid. In the months to come, we should base our assessment of conditions at the University of Delaware on the best data available rather than general impressions and immediate emotions.

## Academic Freedom Issues

As faculty members who participate in shared governance, we serve on committees and discuss issues of university policies in a variety of venues, including the press. In addition, we are involved in advising student groups, organizing panels, bringing speakers to campus, and a whole host of other activities that involve expression of knowledge, viewpoints and opinions.

The protection of these types of statements and activities for faculty at public institutions of higher education under the First Amendment has been put in question by several federal court decisions. In *Garcetti v. Ceballos*, a 2006 case involving a district attorney who claimed he was denied a promotion for challenging a

## AAUP Voice

Gerry Turkel, Editor

The AAUP Voice is the official newsletter of the University of Delaware Chapter of the American Association of University Professors.

The Voice appears four times a year, twice in the fall semester and twice in the spring semester.

The Executive Council acts as editorial board. During contract negotiations or when otherwise warranted, Bargaining Team members also participate on the board.

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### AAUP Executive Council:

*Joan DeFattore, President*  
*Danilo Yanich, Vice President*  
*Patricia Barber, Secretary*  
*Sheldon D. Pollack, Treasurer*  
*Calvin Keeler, At-Large*  
*Prasad Dhurjati, At-Large*  
*Linda Bucher, Past President*

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Hours: M-TH (9 a.m.-2 p.m.)

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search warrant, the Supreme Court ruled that the district attorney was not protected by the First Amendment since he was not speaking as a private citizen but, rather, in the course of his job as a public employee. Based on this decision, federal courts in California, Wisconsin and, most recently, Delaware have ruled against faculty members. In some instances, faculty were claiming First Amendment rights and, in others, rights to academic freedom. Faculty members have been denied First Amendment rights in criticizing how administrators handle grants, about hiring and organizing courses, and in claims about retaliation.

These decisions and court actions go against expectations of academic freedom and violate the roles that faculty members play on their campuses. Rachel Levinson, Counsel for National AAUP has put the matter clearly: "To exert academic freedom, the faculty has to be free to be involved in institutional governance. We really see these things as tied together."

In the current legal climate, the best way to secure academic freedom for faculty members is through the Collective Bargaining Agreement. The AAUP Executive Committee is in contact with a national AAUP subcommittee of the Committee on Academic Freedom and Tenure charged with developing language for both collective bargaining agreements and faculty handbooks to safeguard academic freedom in the face of these recent court decisions. Based on the subcommittee's guidance, provisions will be proposed in the contract negotiations next year.

## Treasurer's Report

The Treasurer's Report for 2008 shows that the chapter essentially broke even for the year's operations. The chapter had \$68,421 in total receipts and \$67,866 in disbursements. During the year, the value of the chapter's investments declined by \$50,000, from \$398,218 to \$348,413. Anyone wishing additional information should contact Sheldon D. Pollack, the chapter's Treasurer at [pollack@udel.edu](mailto:pollack@udel.edu)

### TREASURER'S REPORT

December 31, 2008

The following were the un-audited cash receipts and disbursements for the University of Delaware Chapter of the AAUP for the year ending December 31, 2008:

BEGINNING BALANCE (retained earnings):	\$398,218
RECEIPTS:	
Dues Income (local only)	\$ 64,009
Interest Income	4,412
Misc.	0
	Total Receipts
	\$ 68,421
DISBURSEMENTS:	
Bank Charges	\$ 931
Donations	5,000
Dues & Subscriptions	2,834
Electronic Communications	
Insurance	4,049
Legal and Accounting	1,860
Meetings & National AAUP conferences	4,326
Miscellaneous	319
Office Staff	33,084
Office Supplies/Expenses	1,284
Postage	225
Printing (including Newsletter)	6,506
Reimbursements	1,119
Repairs & Maintenance	0
Student awards	6,000
	Total Disbursements
	\$ 67, 886
Net gain (loss) from operations	\$ 536
ENDING BALANCE (retained earnings):	\$348,413

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## AAUP Student Award Winners

The AAUP Student Awards Committee chaired by Joan Couch has announced the two winners of this year's award. Each of the winners will receive \$2,000. The following is a sketch of each of the winners' accomplishments and goals.

### Mark T. Sausen

Mark is a Biological Sciences major. Mark plans on pursuing a Ph.D. degree in genetics as it applies to human diseases. He was accepted at Johns Hopkins University to study Cellular and Molecular Medicine/ Human Genetics, Yale University for Pharmacological Sciences and Molecular Medicine, and Duke University for Molecular Cancer Biology. At the Helen F. Graham Cancer Center, he worked with Dr. S. Eric Martin to identify a unique BRAC1 single nucleotide polymorphism in an African American woman with breast cancer. He worked with Dr. William Farquhar in the Cardiovascular Research Lab at UD to investigate the blood pressure control of hypertensive and normotensive humans during exercise and post-exercise ischemia. He has published articles, and received awards and grants, including Governor's Scholar and Diamond State Merit Scholarship.

### Jeffrey P. Bosco

Jeff is a Chemical Engineering major. He plans to do graduate work in chemical engineering. He has been accepted at the California Institute of Technology, the University of Pennsylvania, three University of California campuses (Berkeley, Santa Barbara, and Davis), University of Virginia, University of Texas at Austin, and University of Minnesota. Jeff has been engaged in catalysis research for three years under Dr. Jingguang Chen at UD. He performed research at Brookhaven National Laboratory's Synchrotron National Light Source (NSLS) as well as abroad at Hokkaido University in Japan. His research has focused on synthesis characterization and evaluation of novel catalytic materials for application in direct methanol fuel cells. Jeff has published research articles and received scholarships and awards including the Barry M. Goldwater National Scholarship, Robert L. Pigford Undergraduate Award, UD Alumni Enrichment Award, and Diamond State Merit Scholarship.

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