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### **THE AAUP AND THE COLLECTIVE BARGAINING AGREEMENT**

The AAUP has been representing full-time faculty at the University of Delaware since 1972. For almost forty years, the AAUP has been representing the interests and values of faculty members by enhancing the economic status of our profession, providing strong and clear support for academic freedom, securing the integrity of instruction and research, and enforcing policies through which faculty members are evaluated and secure promotion and tenure. The AAUP has accomplished these goals through the voluntary efforts of its elected and appointed officers with minimal staff support. Indeed, the AAUP has one part-time employee who manages the office. Our chapter's dues are the lowest of any comparable AAUP bargaining chapter.

The *Collective Bargaining Agreement (CBA)* is the key instrument through which the AAUP establishes legally enforceable rights for faculty. It is important to emphasize that the CBA is a legally recognized agreement between the University and the AAUP representing full-time faculty. Unlike other aspects of shared governance in which the faculty plays an advisory and consultative role, the CBA is contract that can be enforced through actions by the AAUP on behalf of faculty members. Most particularly, the CBA provides for a grievance procedure that empowers faculty members to bring disputes about their conditions of employment to an outside arbitrator. In addition, the AAUP provides expert and legal support to faculty facing serious threats to their employment status and benefits.

### **KEY PROVISIONS OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT**

Our current CBA was negotiated and ratified by the AAUP membership during spring semester 2010. It went into effect on July 1, 2010 and continues through June 30, 2013. The CBA is available in its entirety on the AAUP web site ([www.udel.edu/aaup](http://www.udel.edu/aaup)). Here are several of the key provisions that were added to the current contract:

*Salaries.* The current contract includes meaningful salary increases. Last academic year, there was a \$1,000 structural adjustment for all full-time faculty members and a 2 percent merit increase. As provided in the contract, the \$1,000 structural adjustment was delayed until it was paid on

January 1, 2011 and was retroactive to August 31, 2011. In the current academic year, there is a \$1,000 structural adjustment and a 2.5 percent merit increase. For academic year 2012-2013, there will be an across the board salary increase of 1.5 percent and 2.5 percent merit. The contract enhances faculty rights in determining merit pay policies. In addition, floor salaries for instructors and assistant professors were increased in the first year of the contract above adjustments for structural and merit pay increases.

*Salary equity adjustments.* In addition to the salary increases specified above, the University may provide salary adjustments in order to retain a faculty member, when market demands affect the quality of an academic unit, and to correct a “gross inequity including, but not limited to, situations of salary inversion and compression” (Article 12.8).

In order to determine faculty members who may receive salary adjustments for a gross inequity, the Office of Institutional Research and Planning is charged with conducting a salary disparity analysis during the term of the contract. A salary disparity analysis is scheduled for fall 2011. The results of the study will be sent to deans and department chairs who will then make recommendations to the Provost. The Provost “will review the recommendations and make every effort to approve the recommended salary adjustments” (Article 12.10). Individual faculty members have the right to be informed by their department chairs with regard to their status on the eligibility list and whether they have been recommended for salary adjustment if they are on the list.

*Academic freedom.* The contract includes a new provision that gives contractual status to a broad definition of academic freedom that goes beyond teaching, scholarship, and publishing to include speech directed at institutional governance and public discussion. This provision addresses concerns regarding the legal protections of academic freedom that have been eroded by recent court decisions on speech rights of faculty.

## **FOLLOWING-UP ON THE CBA**

The AAUP leadership and the University administration have collegial, friendly, and constructive working relationships. There is a shared commitment to open communication in the effort to identify and resolve problems as well as to identify opportunities that will enhance the missions of the University. This shared commitment was the basis for letters of understanding that partially structure relationships between the AAUP and the Administration. Since the current CBA went into effect, there have been ongoing meetings among AAUP leaders, the Administration, and Faculty Senate leaders to resolve conflicts between the *Faculty Handbook* and the CBA and to clarify the handbook. During this fall semester, the AAUP and the Administration will conduct a workshop for deans and chairs that will

## **AAUP Voice**

**A. Timothy Spaulding**

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:**

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include such issues as the relationship between workload and merit pay, promotion and tenure, and annual evaluations. A committee will be established this semester to examine different categories of instructional activity and how they should be related to workload. In addition, a committee has been established to review the implications of recent changes in state law for health insurance and other benefits provided by the CBA. The AAUP will report on the results of the work of these committees to members of the bargaining unit at appropriate times.

## **SABBATICAL LEAVE AND RETIREMENT: NEW LETTER OF UNDERSTANDING**

Under longstanding provisions of the CBA and University policy, a faculty member who signs retirement papers and is granted a sabbatical is required to be an active member of the faculty for one year following the sabbatical before taking retirement leave. Sabbaticals are granted to an eligible faculty members on the basis of a clear project related to their teaching or scholarship. It follows that a faculty member should return for a year of active service following a sabbatical so that the fruits of the sabbatical are realized.

The AAUP and the Administration recognize that there may be a need for rare exceptions to this established policy based, for example, on the health status of the faculty member or a faculty member's partner. As a consequence, the AAUP and the University have agreed to the following Letter of Understanding:

The AAUP and the University agree that the Vice President for Finance & Administration may approve exceptions to the requirement set forth in the Faculty Handbook that recipients of a sabbatical leave must return to the University of Delaware at the conclusion of the sabbatical leave or forfeit the salary received while on leave. Approval of such exceptions shall be in the sole discretion of the Vice President for Finance & Administration, and may be granted under extraordinary circumstances, and in consideration of the programmatic and/or funding needs of the applicable College.

## **THE CURRENT STRUGGLE FOR COLLECTIVE BARGAINING RIGHTS**

Across the country, collective bargaining rights for public employees, including faculty at colleges and universities, are under attack. Governors and legislators with extreme hostility to the right of employees to be represented by unions have passed legislation in Wisconsin, Ohio, and Michigan that strips the rights of public employees to effectively organize and represent employees in matters of working conditions and compensation. The effort is not only to make collective bargaining a thing of the past, but also to effectively dismantle the participation of working people through their unions in the political process and in setting educational and other policy agendas.

Fierce opposition by university and college faculty members, graduate students, teachers, fire fighters, police officers, workers from the private sector, and citizens who recognize the rights of workers to effectively organize, articulate and represent their interests and values has met the attacks on unions. Massive demonstrations in Wisconsin and successful efforts to recall state legislators who supported anti-union legislation have been the most visible form of opposition. There are ongoing movements across the country to meet what amounts to an existential challenge to collective bargaining.

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## THE AAUP NEEDS YOUR MEMBERSHIP

Fortunately, the UD/AAUP does not face the hostile political environment that is being experienced and struggled against by colleagues in Wisconsin, Michigan, Ohio, and other states. Yet the reality in these states demonstrates how fierce opposition can become to collective bargaining for salary, benefits, academic freedom, and the maintenance of shared governance.

The greatest strength that the AAUP has is an active, engaged and vigilant membership. For the AAUP to do its work requires that all faculty members join and participate. If you are not a member of the AAUP, now is a critical time for you to join and build our bargaining power. You can join by filling out a form on the AAUP web site. If you are a member, it is important that you participate. By definition, a membership organization needs active members. That is the source of the AAUP's strength and success.

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**AAUP**

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