

JOINING THE AAUP-UD IS EASY!

(no dues deducted until Fall 2022 for new members)

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Our Gratitude



It is always the case that UD faculty play an essential role in the success of this institution. This semester, the faculty's contributions have been exceptional in degree and intensity. Faculty members have taken enormous risks with their own health and well-being to return to the classroom, and they have devoted countless hours to supporting their students during these challenging times.

We at the AAUP-UD thank you, and we are determined to serve your interests and protect your rights in 2022 and beyond.

Preparations for Bargaining in AY 2022-23



On December 2, the AAUP-UD Steering Committee (SC) met to discuss preparations for our next round of collective bargaining, which will occur in AY 2022-23. Our current contract expires after June 30, 2023, and the goal of the SC, which is charged with overseeing the bargaining process, is to ensure that a new and favorable contract is in place by July 1, 2023.

Otherwise, the current contract will continue as

is, and faculty will not get the benefit of raises in future years, an increase to the minimum salary at rank, or other improvements in compensation and working conditions that the AAUP-UD hopes to secure.

In preparation for bargaining, the SC approved the process that will establish subcommittees to help with the bargaining effort. The first, the Bargaining Advisory Subcommittee, will provide research and recommendations to the Bargaining Team before and during negotiations. The second, the Faculty Survey Subcommittee, will develop questions to distribute to bargaining unit faculty members in Spring 2022 to determine items of importance for bargaining. The third, the Membership Subcommittee, will recruit new AAUP-UD members with the goal of raising the percentage of eligible faculty who are members from 64% to at least 70% by the end of Spring 2022. After all, the more members we have, the greater our bargaining power will be.

In addition to designing and distributing a faculty bargaining survey, the SC intends to hold several meetings with bargaining unit faculty in the coming months to gather their input about future contract negotiations. In the meantime, if you have any ideas or concerns about bargaining, please contact us at admin@aaupud.org.

To What Extent Is Governance Being Shared?

The final version of UD's [Self-Study Report](#) to the Middle States Commission on Higher Education (September 2021), states the following:

"UD aspires to be a model of shared governance. Working with a strong Faculty Senate and the local chapter of the AAUP, the Administration values open communication and consensus building in its interactions with the faculty. There were acknowledgements in the 2010 Middle States Review that limitations in transparency and coordination existed between the administration and the faculty. Since that time, the administration, Faculty Senate and the AAUP have worked hard to improve transparency and shared governance. Faculty serve on numerous campus-wide committees that are tasked with evaluating policies and procedures, hiring senior administrators and providing consultation to the President (Std.VII.4e)" (91).



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This statement fails to acknowledge persistent shortcomings in the administration's approach to shared governance, which range from appointing department chairs without a faculty vote to the selection of

faculty for committees (including its relatively infrequent appointment of AAUP-UD leaders to key committees) to its less-than-transparent approach to conducting searches for high-level administrators.

Committee Membership

Our senior AAUP-UD leaders, who include our [Executive Council and Steering Committee](#) members, frequently have been sidelined when it comes to serving on important planning and search committees. For example, of the 101 administrators, faculty, staff, and students asked to serve on the various Middle States accreditation self-study committees, there was only one AAUP-UD Executive Council member (the past AAUP-UD president) and one Steering Committee member (the President of the Faculty Senate, who is automatically granted a seat on our Steering Committee). On the 154-member [Strategic Planning Committee](#), there is only one Executive Council Member (an at-large member) and one Steering Committee member (again, the President of the Faculty Senate).

When AAUP-UD leaders have attempted to get their voices heard by those who have been appointed to influential committees, the results have been mixed. For example, in a written statement to the Middle States self-study committee regarding UD's performance in relation to various standards, the AAUP-UD expressed concern about the campus climate for faculty and students of color, a topic which the self-study did address by identifying the promotion of a "more inclusive climate that fosters respect among all members of the University community" as an area of "opportunity for improvement and innovation." The AAUP-UD also raised concerns about UD's mission and goals not being clearly articulated and widely publicized, a topic that was perhaps obliquely addressed by the self-study's reference to the creation of a new strategic planning committee; however, our relative lack of participation on this committee remains concerning. Topics that the AAUP-UD raised with the self-study committee that were not meaningfully addressed or raised as an "opportunity for improvement and innovation" include UD's lack of transparency and clarity involving the budget model and the administrative search process. (See a list of these areas of improvement on pp. 9-11 of the [self-study](#), and see [here](#) for the complete text of the AAUP-UD's statement to the Middle States committee.)

Recently, we have seen some evidence that the administration may be more willing to accept AAUP-UD input on the formation of important committees and to include AAUP-UD representatives on them. More specifically, the 18 [initial](#) members of the [Provost Search Advisory Committee](#) were selected without any consultation with AAUP-UD leadership, and none of the members was an AAUP-UD leader. However, this committee now has 19 members, with Martha Buell, the AAUP-UD's Contract Maintenance Officer, having been added to it after President Assanis spoke with AAUP-UD President Deni Galileo and the Executive Council approved Martha as our representative for that role. In the case of the 27 members of the working groups recently convened to study the results of the [COACHE faculty satisfaction survey](#) (see article on the survey below), volunteers to the committees include one who is also an AAUP-UD Executive Council member and two who are AAUP-UD Steering Committee members. We commend UD administrators for allowing interested faculty to serve on these committees and hope that they will continue to seek faculty input and representation, *in particular from the AAUP-UD*, on future planning and search committees. For administrators to do so would be a true affirmation of their commitment to shared governance, which they describe as follows in the [Middle States self-study](#): "Working with a strong Faculty Senate and the local chapter of the AAUP, the Administration values open communication and consensus building in its interactions with the faculty" (9).

Administrative Searches

Several AAUP-UD leaders have also expressed their concern to President Assanis about his plans for the provost search to be "confidential." In his November 1 remarks to the Faculty Senate, President Assanis described the search as follows: "It is a confidential process. Unlike deans and some of the vice presidential searches we do, the nature of provost searches is very confidential. This way, you really encourage everybody, including sitting provosts and deans from other institutions, to consider the opportunity." President Assanis, then, seemed to suggest that it is standard and accepted practice for president and provost searches at UD to be confidential. However, [Section 2.6](#) of the Faculty Handbook clearly states that except in "rare instances," "[a]n open and transparent search for academic administrators is always preferred," including searches for provosts and presidents.

Recognizing that some candidates may prefer to remain anonymous, the [Faculty Handbook](#) also suggests that the following compromise may be appropriate: "Often in administrative searches candidates will prefer that the process remains confidential, at least until the stage where [a] final short-list of candidates is identified. Although there may be a desire for confidentiality during the early stages of an academic administrative search, once the final candidates are identified, the process should be open and engage the full academic community." The AAUP-UD urges President Assanis, at minimum, to accept this compromise by sharing the names and qualifications of short-listed candidates with the UD community and by bringing these candidates to campus for interaction with campus constituencies. Bargaining unit faculty in particular should have an opportunity to interact with these candidates since the provost is the ultimate approver of their appointment, promotion, and tenure. On December 6, the University Faculty Senate considered and passed by more than a 2/3 majority a resolution requesting that [Section 2.6](#) of the Faculty Handbook be adhered to and that provost search finalists be allowed to make open campus visits. The AAUP-UD Executive Council endorses this action by the Faculty Senate.

COVID-19 Updates



Mitigation Efforts

With the arrival and spread of the Delta and Omicron variants, the AAUP-UD has continued to advocate for faculty safety in the face of COVID-19. On September 13, the Faculty Senate



passed a resolution allowing faculty members in Fall 2021 and Winter 2022 to shift an in-person

course to an online one “for a portion of the semester” if they deem the threat of COVID transmission to be “an unnecessary risk.” On December 6, the Senate passed a similar resolution for Spring 2022: “[I]f an instructor or faculty member assesses that in-person instruction represents an unnecessary risk, then the instructor or faculty member may opt to teach that course in an online format for a period of two weeks through a notification to the Registrar’s Office. Further, instructors or faculty may request a longer period of teaching online for a medical accommodation (via approval from DSS) or in response to caregiver responsibilities or other reasons (via approval of the Chair and Dean).” The AAUP-UD applauds the Senate for passing these resolutions and for affording faculty the opportunity to teach in an environment that they feel is safe.

The AAUP-UD directly advocated for faculty discretion over their teaching modality in an [August 23 letter](#) to President Assanis and Provost Morgan. At the same time, we called for surveillance testing of vaccinated faculty, staff, and students in addition to unvaccinated ones, and for the plentiful distribution of masks, hand sanitizer stations, and COVID safety messaging throughout campus buildings. In a follow-up [letter of September 7](#), we again called for the routine testing of vaccinated persons on campus. We also advocated for an end to the recent restriction of building accesses to prevent the “bottle-necking” of students during class changes.

For the safety of the entire UD community, we will continue to advocate for the continuation and/or implementation of the aforementioned COVID mitigation measures. If you have any additional COVID-related safety concerns that you’d like to share, please contact us at admin@aaupud.org.

Mandatory Vaccinations

Earlier this semester, the UD administration announced that it intended to comply with President Biden’s Executive Order requiring full COVID-19 vaccination of employees of federal contractors. (See the announcement in the 10/13/21 and 10/26/21 emails from Vice President of Human Resources Melissa Bard and the update from HR on 11/15/21; see also HR’s explanation of the mandate at [this webpage](#)). However, the UD administration has “halted” its plans to comply with the mandate because a federal judge has issued a preliminary injunction against the mandate’s enforcement. (See the 12/8/21 email from HR.) AAUP-UD leaders will continue to monitor the status of the Biden administration’s vaccine mandate and the UD administration’s response to it. In particular, if a mandate is reinstated and steps are taken to terminate faculty who do not comply with it, AAUP-UD leaders will work to ensure that the UD administration adheres to all relevant policies and procedures for termination as outlined in the [Collective Bargaining Agreement](#), the [Faculty Handbook](#), and the [Committee on Faculty Rights and Responsibilities Termination, Complaint and Appeal Procedures](#).



Regardless of what occurs with the Biden administration’s mandate, the AAUP-UD Executive Council encourages faculty to get vaccinated for the sake of themselves, their families, their co-workers, and their students. At the same time, the AAUP-UD reserves its right to grieve any discipline that may arise from faculty not being vaccinated due to an inability to determine all of the factors and considerations that may exist.

Grievance Matters

We are including this new section in our newsletters to better inform our bargaining unit faculty of recent and ongoing grievances. The AAUP-UD, and more specifically our Grievance Officer Michael O’Neal and Contract Maintenance Officer Martha Buell, spend a tremendous amount of time and effort on initiating and executing faculty grievances against members of the administration for infringements of our [Collective Bargaining Agreement](#), the [Faculty Handbook](#), or other policies. Some grievances are specific to individual faculty situations, yet others are in response to the actions (or inactions) of administrators that have broad implications to bargaining unit faculty in general. Grievances with broad implications may be initiated by AAUP-UD leadership and at grievance levels that are higher than those initiated by individual faculty members.

Often for confidentiality reasons, we cannot share the details of our grievance activity. However, we believe that sharing the general bases of grievances with you can teach you much not just about the activities of the AAUP-UD but also about

APPOINTMENT OF CHAIRS

Grievance in process: A grievance was filed against administrators for not soliciting faculty input about the appointment of interim or regular department chairs and for not informing the AAUP-UD about these appointments. Takeaway: Yes, department chairs are ultimately selected by deans. However, Section 5.9 of the [CBA](#) states that this selection process should be informed by the input of faculty: “The advice of a majority of the faculty, by a formal vote of the faculty, preferably in a secret ballot within the department or school, will be required for the appointment or reappointment of the department chairperson or school director.” This language applies to the appointment of interim chairs as well. Section 5.9 of the [CBA](#) also indicates that all chair appointments must be reported to the AAUP-UD: “The Provost or Designee shall inform the AAUP of the appointment/reappointment of a chair, interim chair, director or interim director of a department or school.”

protecting your own rights as a faculty member. Therefore, we will share, and continue to share, with you the general bases of our grievances (or potential ones) and note any lessons that you can learn from them.

If you believe that it would be helpful for a representative from the AAUP-UD to come to your unit to review the protections and rights the CBA offers to faculty, please contact us, and we will arrange a listening/Q&A session for your unit.

REMOVAL FROM CLASSROOM

Recent grievance: A Step 2 grievance was filed for a chair's removal of a full professor from her classroom mid-semester based on unwritten and unverified student complaints and for the chair's assignment of a greater research workload to her in lieu of that teaching assignment. Step 2 grievances are adjudicated by the dean, and in this case the dean let stand the actions of that chair. Takeaways: According to [Section 3.1.11](#) of the Faculty Handbook, in response to an informal student complaint, "the chair/director should encourage direct communication between the student and the faculty member." If the situation goes unresolved, the faculty member is "entitled to elemental due process," including the right to see the student's complaint in writing and the right to respond to the complaint. If you believe that the due process outlined in the Faculty Handbook is not being followed or that a student complaint might result in a negative sanction, then you should [contact the AAUP-UD](#) for advice and assistance BEFORE responding to the chair or taking any other action.

CRITERIA FOR PROMOTION

Grievance in process: A grievance was filed against a chair for failing to recommend a faculty member for promotion based on criteria external to the department's promotion document. The dean of the college upheld this chair's illegitimate use of extraneous criteria because the dean felt it MIGHT not negatively influence decisions further up the P&T review process. Takeaway: The criteria for promotion described in the promotion documents (and only these criteria) must be followed by all reviewers, including chairs, deans, and the provost. You should know your promotion documents well (department, college, and university), participate fully in their development and revision, and contact the AAUP-UD if you believe that extraneous criteria were used for any P&T decision.



"democracy" is marked with CC0 1.0

Faculty Satisfaction Survey

In 2020, UD partnered with the Collaborative on Academic Careers in Higher Education (COACHE), a unit of the Harvard Graduate School of Education, to participate in a national faculty satisfaction survey. The survey was conducted between February 13 and April 10, 2020, and in June 2021, UD shared summaries and explanations of the data, which can be found [here](#). The administration has also formed a number of faculty working groups to analyze and make recommendations based on the survey data. We commend the administration both for sharing this data and for opening these working groups to faculty volunteers.

Of particular note in the survey results is that COACHE analysts identified "benefits and family policies" as an "area of strength" for UD relative to peer institutions. This finding will bolster the AAUP-UD's position when our bargaining team returns to the negotiating table in AY 2022-2023 and argues for robust health, retirement, and tuition benefits for faculty members, along with family-friendly policies that will support their work-life balance. Having such good benefits and policies undoubtedly aids in the continuing ability of UD to recruit and retain excellent faculty.

Also of note is that COACHE analysts identified "senior leadership" and "departmental leadership" as "areas of concern" for UD relative to peer institutions. This finding underscores the importance of UD administrators working more closely with the AAUP-UD in order to understand and address faculty concerns about administrative actions. We are pleased to report that the AAUP-UD Contract Maintenance Officer, Martha Buell, is part of the working group established to study the survey results related to "senior leadership." We will keep you apprised of key recommendations made by this and other working groups as they become available.

New AAUP-UD Leaders

This semester, the AAUP-UD has been fortunate to welcome four new Steering Committee members and three new department representatives to replace vacancies on our leadership team.

Steering Committee Members

The new members of the Steering Committee, who were elected this past September, represent four different colleges and have a wide variety of leadership experience. Kenneth Barner, who represents the College of Engineering, is the Charles Black Evans Professor in the Department of Electrical and Computer Engineering. He served as an AAUP-UD Steering Committee Member from 2007-2009, when he became Chair of the Department of Electrical and Computer Engineering. After more than a decade of serving in that role, he returned to the AAUP-UD in 2020 and now returns to the AAUP-UD's Steering Committee. Medina Jackson-Browne, who represents the College of Health Sciences, is an Assistant Professor of

Epidemiology and resident faculty at the Data Science Institute. She joined both UD and the AAUP-UD in 2019. Janine de Novais, who represents the College of Education and Human Development, is an Assistant Professor of Education. In 2018, she joined both UD and the AAUP-UD, and in 2019, she became an AAUP-UD department representative. She describes her role within the AAUP-UD as being “by far, the most consequential way to serve my UD community.” Anthony Seraphin, who represents the College of Agriculture and Natural Resources, is an Associate Professor in Applied Economics and Statistics. A member of the AAUP-UD since 2003, Tony served on the Steering Committee from 2006-2008. He also served as the President of the College of Arts and Sciences Faculty Senate from 2011-2012.



Kenneth Barner
College of
Engineering



**Medina Jackson-
Browne**
College of Health
Sciences



Janine de Novais
College of
Education and Human
Development



**Anthony
Seraphin**
College of Agriculture
and Natural Resources

Department Representatives

In addition to welcoming four new Steering Committee members, the AAUP-UD gained three new department representatives. Lauren Bailes, Assistant Professor, represents the School of Education. She became a member of UD’s faculty in 2016 and joined the AAUP-UD in 2020. She also serves on the Executive Board of the Women’s Caucus. Mike Fields, Assistant Professor, joins us as the department representative from the English Language Institute. He became a member of UD’s faculty in 2012 and joined the AAUP-UD in 2013. Matthew Weinert, Associate Professor, represents the Department of Political Science and International Relations. Matt joined the AAUP-UD in 2007 and served as a Faculty Senator from 2008-2012 and again in Spring 2017.



Lauren Bailes
School of
Education



Mike Fields
English Language Institute



Matthew Weinert
Political Science and International
Relations

We at the AAUP-UD welcome all our new Steering Committee members and department representatives and are grateful for their willingness to serve. We are also seeking to fill department representative vacancies for the following units: Art Conservation, Biomedical Engineering, Center for Health Assessment Research and Translation, Civil and Environmental Engineering, Communication, Earth Sciences, Economics, and Materials Science. Please [contact us](#) if you are interested in serving or nominating someone to serve in this role for your unit.

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Coronavirus Resources

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ComPsych Employee Assistance Program
DE Dept. of HR: Your Benefits and COVID-19
Delaware Division of Public Health
State of Delaware: COVID-19 Response
UD's Coronavirus Site: What You Need To Know
COVID-19: Guidance for the UD Research Community