

"Faculty members at UD are simply stronger together. Being in the AAUP-UD is the manifestation of that togetherness."

--Michael O'Neal,
AAUP-UD Grievance Officer

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Bargaining Update



If you missed our pre-Spring Break update on the status of collective bargaining, please click [here](#) to see a copy of it. Since then, the AAUP-UD bargaining team has met with our Steering Committee to finalize our salary and benefits proposals. We will present them to the administration today and will keep you apprised of further developments as they occur.

Debriefing after a bargaining session are (L to R) Deni Galileo, AAUP-UD President and co-chief negotiator; Persephone Braham, bargaining team member; and Lance Geren, co-chief negotiator and labor attorney.

Merit Documents: Behind the Times

Many of our units' merit documents are behind the times. Based on our survey of these documents on the [provost's website](#), it appears that only twelve (out of 51) have been updated since 2010. Others list few to no criteria for assessing merit within the unit, and few specifically address Continuing Track faculty, although CT workloads may be substantially different from those of TT faculty. Outdated merit documents become problematic when they prevent faculty from being fairly compensated for their work.

The Committee on Salary Compression and Inversion, mandated by Article 12.14 of the current [CBA](#) and composed of UD administrators and AAUP-UD leaders, described the situation with merit documents in its [May 2021 report](#) as follows:

A cursory review of the current Merit Metric policies will reveal that there is wild variation in the quality and nature of these documents. Some are highly specific, others are maddeningly vague. Some are relatively new, others are quite outdated (i.e., from the 1980s). Given that the Merit Metric policy is meant to be a key means by which meritorious work results in higher pay, the state of these documents is a concern for our committee.

Another concern with merit documents is that many of them call for student evaluations to be weighed heavily in the assessment of teaching merit. Research has shown, however, that students often lack the experience to judge a faculty member's performance in the classroom and that they may also exhibit biases related to an instructor's age, race, and/or gender in their evaluations. To address the usage of student evaluations to assess teaching quality at UD, the Working Group on Student Course Feedback was convened in fall 2018. In its [report of October 2021](#), the group summarized its concerns with the reliance placed on student ratings of instruction (SRIs) by units' merit documents:

Student course feedback also figures in the annual review of faculty to determine merit pay. We found that 67% of departments specifically mention student course feedback in their Merit Metric policies. And around 25% of all departments have a provision that converts SRIs into a numerical rating on the annual appraisal's 1-9 scale for teaching. Those provisions are especially stark examples of how the SRIs (again, almost exclusively the numerical ratings) become the only measure of teaching quality. In other words, what is meant to be one piece of evidence in the evaluation of teaching quality becomes not just the predominant, but the sole determinant of the 1-9 rating that will determine merit pay.

Considering the widespread concern with the utility and fairness of merit documents, and with their guidelines for the assessment of teaching in particular, we are calling for a campus-wide review of merit documents. That is not to say that we think there should be a single set of criteria or single metric used across all units to determine merit and merit pay or even that all merit documents need major changes; rather, we hope that each unit will update these criteria and metrics to best reflect their discipline and to best promote the equitable assessment of their faculty. We hope that the provost's office will support these efforts and provide units with the guidance and resources that they will need to do this important work. A description of the procedures for revising merit documents, which include the involvement and approval of faculty, may be found in Article 12.6 of the [Collective Bargaining Agreement \(CBA\)](#).

An Interview with Our Labor Attorney, Lance Geren

Below is the lightly edited text of an April 3 interview with Lance Geren, who is a partner in the law firm [O'Donoghue and O'Donoghue](#) and one of the attorneys who represents the AAUP-UD. A labor attorney, Lance began to provide counsel to the AAUP-UD in April 2020, helping to navigate us through the issues related to faculty welfare and working conditions during the pandemic and serving as the co-chief negotiator of the 2020 mid-term bargaining team. Lance continues to consult with the AAUP-UD regularly on a variety of legal matters and serves as the co-chief negotiator of the AAUP-UD's current bargaining team. A consummate professional, he has earned the confidence and respect of AAUP-UD leaders. We hope that the interview below will provide all our members with insight into Lance's impressive credentials and his strong commitment to the practice of labor law.



When and why did you decide to go into labor law?

When I graduated from college, I had thought about law school, but not particularly seriously. I worked for a year in between college and law school, doing sort of random jobs. I always liked work. I liked the different types of industry. I was sort of fascinated with that. So I ended up going to law school [at Catholic University] without a particular focal point. I was fortunate to meet a professor my first year in school who taught constitutional law. He also taught labor law, which I took my next year. And so he kind of put me on that track. Catholic has a lot of courses on labor in different areas, so I focused on that. I started doing internships with labor unions, with different administrative agencies, and that was my focus.

Do you have any regrets about going into labor law or wish you had gone into a different area of law?

Absolutely not. In fact, it's the other way around. I think if I didn't find labor, I wouldn't have enjoyed being a lawyer at all. I probably wouldn't have stayed in the law if I hadn't found labor.

Have you ever thought about representing management?

Absolutely not, though there is one exception. Most of the unions that I represent have employees, and so they are

employers. So there are instances where I'm representing the union in its capacity as an employer. Some of the unions I represent get sued. Some of them have unionized staff. So, I'm negotiating contracts on behalf of management, which is the union.

How long have you been practicing law, and do you intend to practice for many more years?

This is my 23rd year practicing law. I'm not certain how long I'll keep practicing. There are a lot of lawyers who stay around, I think, too long. I want to remain relatable to my clients. I want to remain interested in new developments in the law. And I think sometimes people who've been doing it a long time lose a little fire, they lose that interest in the new developments, and they should hang it up at that point, because they're not doing 100% for their clients. So I'm hoping to stop before I get to that point. I don't know when that will be.

Have you worked in areas other than private practice?

After law school, I worked for the National Labor Relations Board, which is the private sector labor board and has been around since 1935. I worked there for two and a half years and enjoyed it, learned a lot. It was a nice stepping stone to get into private practice.

What other UD unions do you represent?

I represent AFSCME Local 439, which represents the skilled maintenance workers, the Aramark food service employees, the custodians and the groundskeepers.

What are the advantages of having a labor lawyer on our AAUP-UD bargaining team? As you know, the first time we had a lawyer on our team was in 2020, when you served on our mid-term bargaining team.

Certainly in the time that I've been practicing, bargaining has changed. It used to be very infrequent that you would see lawyers on either side. I think management started using lawyers at the table first, and now a lot of my union clients say, "Well, they have a lawyer, we should have a lawyer." There's some basis for that, but I think there's more benefit to it than that. For example, because of my experience in negotiating contracts, I can see how things are going and maybe where they'll go, and which proposals will get traction and which ones won't and what to do about that. Also, there are legal considerations about what's a mandatory subject of bargaining and what's not, and how far you can push a non-mandatory subject. And then I can help with the crafting of language from a legal standpoint.

Is there a psychological advantage to having a lawyer on the employee side of the table?

Yes, and when I'm representing low-wage workers in particular, they may feel intimidated by all the "suits" at the table. And I kind of like to be, "Hey, I'm the guy in the suit for us," and it just sort of balances the table.

To those who might believe that UD faculty don't need union representation to be fairly compensated and to have favorable working conditions, how would you respond?

Most employers have a different motivation than taking care of their workforce. And that's not a criticism, that's just the nature of industry. Statistically, though, the Department of Labor reports that unionized workforces make between 8 and 18 percent more, I think it is now, than non-unionized ones. You see that here in Delaware with public sector workforces. Some are unionized and some are not. The ones who lack union representation are compensated at the whim of whatever the governor or the county council or whomever wants to do for them. The ones who are unionized are pretty regularly moving forward in their compensation.

See [here](#) for more information on Lance's credentials.

Our Solidarity with AFSCME Local 439

Recently, an effort was made by a small minority of AFSCME Local 439 members to decertify and replace their union. AFSCME Local 439 represents UD's skilled maintenance workers, Aramark food service employees, custodians and groundskeepers. To express solidarity with AFSCME, the AAUP-UD Executive Council issued the statement (in italics) below. On Wednesday, April 5, AFSCME Local 439 members voted to keep their union in place. We

congratulate the members of AFSCME Local 439 and wish them well in their imminent contract negotiations with UD administration.

The UD Chapter of the American Association of University Professors (AAUP-UD) stands in solidarity with AFSCME Local Union 439, Council 81 Delaware Public Employees Union. We recognize and appreciate that AFSCME members provide the labor and support to enable faculty, staff, and administrators to carry out the educational mission of the University of Delaware. Often behind the scenes and without enough recognition, AFSCME workers make the University of Delaware the clean and beautiful place for which it is renowned. Now, more than ever, our AFSCME union co-workers deserve fair treatment in their upcoming contract negotiations.

As one of the oldest unions on campus, Local 439 has a strong track record of advocating and mobilizing campus employees. AFSCME understands what solidarity means and the power of campus employees banding together. We are proud to stand with our union siblings in aiming to make UD a great place to work.

New AAUP-UD Leaders

This semester, the AAUP-UD has been fortunate to welcome a new vice president and two new department representatives to our leadership team.

Suresh Sundaram, assistant professor of marketing, was recently elected as vice president of the AAUP-UD. Suresh brings a wealth of experience to the position. For example, Suresh chaired the AAUP-UD's Faculty Survey Subcommittee in 2022 and has served on several Bargaining Advisory Subcommittees, including the current one. In addition to serving the AAUP-UD in leadership capacities, Suresh represented the Department of Business Administration (BUAD) in the University Faculty Senate from 2016 to 2020 and in the AAUP-UD as a department representative from 2018 to early 2023. He also directs the Minor in Professional Selling & Sales Management and the Lerner Study Abroad Semester and Internship Program.

In addition to welcoming a new vice president, the AAUP-UD gained two new department representatives. Professor Greg Shriver represents the Department of Entomology and Wildlife Ecology. Greg has been a member of the AAUP-UD since 2006, when he first became a faculty member at UD. He has also served one term on the University Faculty Senate. Jennifer Korkosz, associate professor, represents the School of Nursing. Jennifer became a UD faculty member in 2019, and like Greg, joined the AAUP-UD upon her arrival. We at the AAUP-UD welcome Suresh, Greg, and Jennifer and are grateful for their willingness to serve.

We are also seeking to fill department representative vacancies for the following units: Animal & Food Sciences, Art Conservation, the Center for Health Assessment Research and Translation, Earth Sciences, and Economics. Please contact us if you are interested in serving or nominating someone to serve in this role for your unit.



Suresh Sundaram
Vice President



Greg Shriver
Department Rep.,
Entomology & Wildlife Ecol.



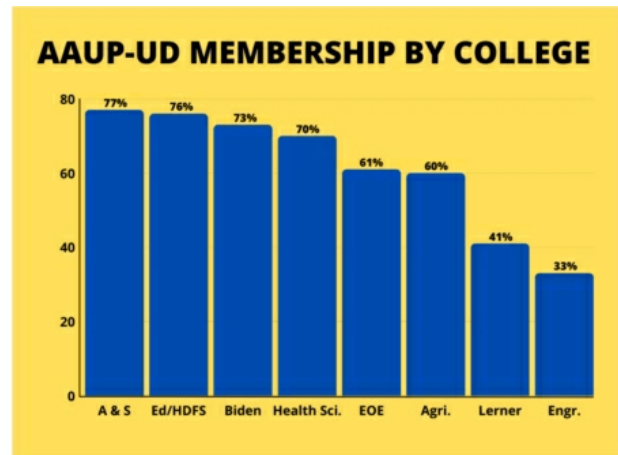
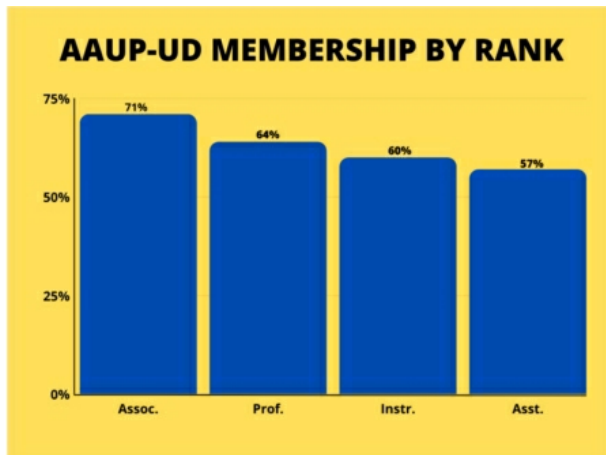
Jennifer Korkosz
Department Rep.,
School of Nursing

Membership Update

As we enter the phase of collective bargaining when faculty salaries and benefits are on the table, our membership numbers are particularly important. The more members we have, the more credibility and influence we bring to negotiations. Currently, 775 faculty members, or 64% of those who are eligible, belong to the AAUP-UD. As the graphs below indicate, membership varies by rank and particularly by college. However, all UD faculty, regardless of rank or college, benefit from AAUP-UD representation. We recognize that those of you at the rank of assistant professor are focused on getting tenure or clearing the hurdles of your first three peer reviews; however, we encourage you to take time to consider the role that the AAUP-UD plays in protecting the rights of faculty to fairness and transparency in the contract renewal and promotion process. We also recognize that those of you in certain colleges have higher rates of compensation and may feel less need to join a union. However, we ask you to remember that salaries and benefits are not guaranteed from contract to contract, and so even the best-compensated faculty members benefit from having a strong AAUP-UD. All faculty members who join the AAUP-UD receive the following benefits:

- **Discounts** on a wide array of goods and services;
- Membership in the **national AAUP**, which lobbies for the rights and privileges of higher educators nationwide; and
- The ability to vote in the election of AAUP-UD officers and on the ratification of contracts.

Accessing these benefits is easy: simply click [here](#) and follow the instructions to complete an online enrollment form. Accessing these benefits is also affordable: the AAUP-UD's dues (\$19.03 per semi-monthly paycheck) are low relative to those of other chapters, and new members will not pay dues until September. Joining the AAUP-UD is a bargain when you think of the compensation and protections that you might miss out on without strong AAUP-UD representation.



*American Association of University Professors
University of Delaware Chapter
011F Hullihen Hall
University of Delaware
Newark, DE 19716 302-831-2292 | aaupud.org |
admin@aaupud.org
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