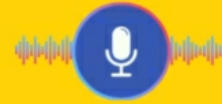




The Voice



JOIN TODAY!

January 22, 2024

**HAPPY NEW YEAR,
HAPPY NEW CONTRACT!**

2024

**JOIN THE ORGANIZATION THAT
BARGAINED FOR THE NEW CONTRACT!**

Initially, the administration offered 10% total raises over the 3 years of the contract period (7/1/23-6/30/26). The AAUP-UD bargained this number up to 14%. In addition to this 4% increase in raises, the AAUP-UD bargained successfully for more academic freedom, administrative transparency, and faculty rights. Please join your colleagues who already belong to the AAUP-UD and whose dues have financed your success along with their own. [Click here to become an AAUP-UD member now.](#)

Our Post-Bargaining Priorities

We said goodbye to 2023 with a hard-won **new faculty contract** (Collective Bargaining Agreement or “CBA”) that provides for significant increases in faculty salaries and substantial enhancements to faculty rights and protections. (For a summary of the most important new contract provisions, see our 11/13/23 “Bargaining Update” [here](#). For a timeline of the implementation of salary provisions, see our 12/13/23 “Salary Increase Update” [here](#).) We at the AAUP-UD do not intend to become complacent in our efforts on behalf of bargaining unit faculty, however. We recognize that we must do the following things to maintain and enhance the gains that we made in the current contract:

***Ensure that the administration fulfills the provisions of the new contract.**

A contract is only as good as the enforcement of its provisions, and to spearhead this effort we have a Grievance/Contract Maintenance Officer, Michael O’Neal, and his deputy, Anu Sivaraman. Michael and Anu can only address violations of the contract of which they are aware, so we ask that any faculty member who suspects, recognizes, or is subject to such a violation report this information to [Michael](#) and [Anu](#) in a timely fashion. They will investigate all potential contract violations and will take appropriate action to resolve them when it is warranted. They can address many issues through informal discussions with administrators, but when necessary they can elevate their response by filing a grievance.

The members of the AAUP-UD Executive Council are already planning to take proactive measures to ensure that the administration abides by its agreement to conduct a salary

disparity analysis in Spring 2024, to reconvene the Benefits and Cost Containment Committee, and to stand up a new committee to explore options for supporting faculty who are caring for dependents.

***Resist any attempts by the administration to give chairs undue power over faculty.**

At the bargaining table last February, the administration's team presented a proposal, which we rejected, to allow department chairs, with some oversight by deans, to place full-time faculty members on "Faculty Improvement Plans" or "FIPs" as part of the annual review process. A faculty member's failure to fulfill the plan in the judgment of the chair could result in "an additional development plan (to be developed in accordance with the same procedures used for the initial development plan), a change to workload allocation, that differs from the standard in the unit's Workload Policy, issuing a letter of intent to terminate for incompetence or other reasons, and the like." Under this proposal, faculty would retain the right to appeal any decision to the University Faculty Senate Faculty Rights and Responsibilities (FRR) committee, but the provost would ultimately decide whether to accept the recommendation of the FRR. In other words, under this proposal, faculty members—regardless of their tenure or contract-year status—could be fired in a process driven largely by the judgment of their department chairs with the assent of a few senior administrators and for reasons as vague as "other." Currently, tenured faculty members and non-tenured faculty with existing contracts may be terminated only for cause (incompetence, gross irresponsibility, moral turpitude) or in the case of extraordinary financial circumstances (see *Faculty Handbook* 4.1.15). There now must also be a hearing before the Faculty Rights and Responsibilities committee.

The AAUP-UD's bargaining team summarily rejected this proposal as contrary to the provisions in the *Faculty Handbook* and antithetical to the principles of tenure and peer review, and the administration's team did not reintroduce it. However, we remain unsettled by the mere fact of the proposal's introduction by the university. Let us be clear: the AAUP-UD considers the protections of tenure and peer review to be fundamental statutory rights of the faculty, and we will continue to protect these rights forcefully and unequivocally.

***Continue to resist the administration's attempts to mandate faculty training.**

Under another of the administration's proposals rejected by the AAUP-UD bargaining team during last year's contract negotiations, faculty could be required to take training about any subject chosen by the administration. A faculty member's failure to complete mandated trainings could "result in discipline up to and including termination of employment."

The bargaining team made it clear that it would accept no proposal that gave the administration the power to terminate a faculty member for reasons other than those already listed in the *Faculty Handbook*, 4.1.15. Moreover, the team recommended that any training proposed by the administration be voluntary and designed with input from the faculty and the AAUP-UD. Faculty buy-in, our team argued, was the best way to get faculty to complete training—not mandates.

If you receive an email notice about a training being “assigned,” please know that it likely is not a mandatory condition of your employment. According to the provisions of labor law, training is a “term or condition of employment” and therefore must successfully be negotiated with the employee’s bargaining representative (i.e., AAUP-UD).

***Advocate for the faculty’s right to have a voice in the financial affairs of the university.**

During last year’s contract negotiations, the administration’s team argued that the institution could not reasonably afford the salary increases initially proposed by the AAUP-UD’s bargaining team. President Assanis echoed this sentiment in a 9/11/23 University Faculty Senate meeting when he cited the “[budgetary] pressures we’re experiencing” as the reason that the administration had not yet been able to reach an agreement with the AAUP-UD on faculty raises. Although not an unexpected argument, it seemed highly questionable due to the administration's enormous investments in capital, athletics, and increasing numbers of highly-paid administrators. Are these investments coming at the expense of robust funding for academic programs and for the compensation of the faculty and staff who run them? Will these sorts of investments eventually lead to budget deficits and, consequently, to cuts in academic programs? Such cuts have already occurred at West Virginia’s flagship university, WVU, which ended up with a \$45 million budget deficit due considerably to years of reckless spending based on ill-founded projections of enrollment increases. In an attempt to close this budget gap, the WVU administration has announced that 169 faculty members will be terminated and 32 academic programs will be cut. Also due to budget deficits, cuts at other flagship institutions, including the University of Arizona and the University of Nebraska–Lincoln, may be forthcoming.*

Because of the obvious connection between UD’s ability to fulfill its academic mission and its financial affairs, faculty should have a voice in these affairs. In fact, they already do—at least on paper. More specifically, the University Faculty Senate Budget Committee is charged in the Faculty Handbook with “becoming fully informed on the financial and planning issues of this University” and “reviewing and providing timely prospective advice, prior to finalizing budget turnaround decisions, concerning the University’s annual budgets” (see *FH*, 1.3). Unfortunately, a recent report to the senate by the committee’s chair suggested that the administration is not providing the committee with reasonable opportunities to access, review, and comment on the University’s financial data and plans. For example, the chair reported that the committee had not been consulted in advance about UD’s decision to leave the Colonial Athletic Association and join Conference USA, a switch that comes with a \$6 million price tag.

Because the president of the AAUP-UD has an ex-officio seat on the Faculty Senate, the AAUP-UD can bring its influence to bear on this situation. Current AAUP-UD president Deni Galileo has already argued on the senate floor that the budget committee should not be sidelined and has expressed his willingness to work with the chair to draft and introduce senate resolutions that will empower the committee to fulfill its charge. President Galileo will continue to advocate strongly for the rights of this committee and, in doing so, will solicit the help of other sympathetic senators, several of whom are

themselves AAUP-UD leaders.

**For more information about the cuts at WVU, see “The Evisceration of a Public University” in The Nation and “West Virginia University Is Everything That’s Wrong with Higher Education Today” in The New Republic. For more information on possible cuts at other flagship universities, see “Most Public Flagships Are Booming. Why Are a Handful Flailing?” in the Chronicle of Higher Education.*

***Encourage greater dialogue between the faculty and the Board of Trustees.**

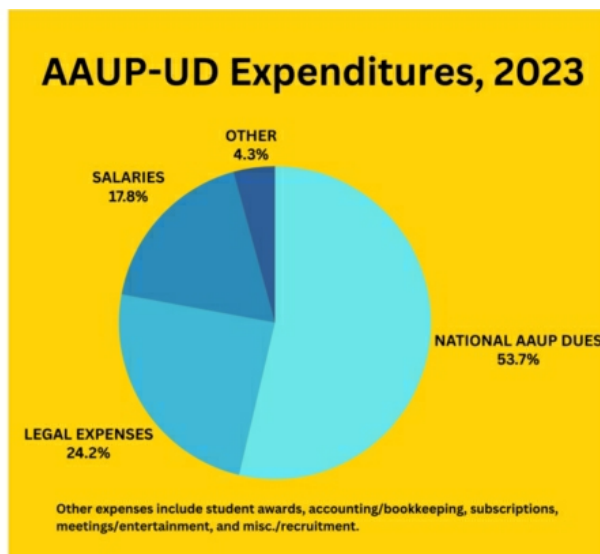
The AAUP-UD was unsuccessful in bargaining for direct, meaningful dialogue with the Board of Trustees (BoT) during last year’s contract negotiations. Yet, direct, meaningful dialogue between faculty and governing boards is vital to the success of an institution. To quote the **national AAUP**, “[E]ffective faculty-board communication is a critical component of shared governance. Its absence can result in serious misunderstanding between campus constituents and in significant governance failures leading to flawed decision making.” Many institutions have adopted ways to facilitate such dialogue. For example, according to a **2021 survey by the national AAUP**, “21.2 percent of institutions have voting faculty representatives on their governing boards” and “63.5 percent of institutions ... have a formal mechanism for direct communication between the faculty and the governing board.” UD currently has neither—at least not in any sustained and substantial form. There is no elected faculty representative on the Board of Trustees (BoT), and there are no faculty serving as regular members of BoT committees. Representatives from the University Faculty Senate are sometimes invited to deliver presentations to the board, but these presentations generally involve senators providing an overview of the senate’s structure and responsibilities and typically do not lead into substantial dialogue with board members about specific issues. Similarly, senators are also invited to attend the open sessions of committee meetings--largely as observers who may get a chance to ask or be asked a question or two--but the abbreviated length of these meetings limits the possibility of any substantial dialogue from occurring. Also limiting the impact of senators on BoT committee decision-making is the fact that they are not invited to attend the executive sessions of these committee meetings, and it is here that much, if not all, of the committee’s decision-making occurs.

In an attempt to remedy this dearth of direct and substantial dialogue between the faculty and the board, the AAUP-UD bargaining team first proposed that the Presidents of the AAUP-UD and the University Faculty Senate be permitted to address the full Board of Trustees during the fall and spring semesters. The administration’s team rejected that proposal. Thinking that a proposal involving private dialogue with the BoT might receive more administrative support, the AAUP-UD team then proposed that the AAUP Executive Council and the Board of Trustees’ Executive Committee meet at least once per year. The administration also rejected that proposal, which the AAUP-UD team ultimately removed from the table during mediation.

Despite the administration’s rejection of these bargaining proposals, the AAUP-UD will continue to advocate for direct faculty interaction with the board. Already, at the October 5 BoT retreat, President Galileo made a **2-minute public comment** to the board, during which he called for “more meaningful discourse between the board and the faculty.” In

particular, he conveyed the AAUP-UD's "desire and willingness to build a bridge between the AAUP and the board that would allow for regular and meaningful dialogue between us." Unfortunately, President Galileo's offer of bridge-building has gone without response from the board, and as a result members of AAUP-UD leadership will continue to avail themselves of opportunities to advocate for direct faculty-board interaction as they arise, especially considering the national trend towards skepticism of and even hostility towards institutions of higher education and their contributions to the common good. Now is the time for an all-hands-on-deck approach to institutional governance.

AAUP-UD Expenditures



In the interest of financial transparency, we have disclosed the relative percentages of AAUP-UD expenditures for calendar year 2023 in the chart to the left. As is typical, the largest category of AAUP-UD expenditure in 2023 was for "national AAUP dues"--these are dues that we forward to the national AAUP organization, which provides our local chapter with much expertise and many resources that allow us to

successfully advocate for faculty and bargain with the administration. Because you indirectly pay dues to the national AAUP and to its AFT/AFL-CIO affiliate when you pay your AAUP-UD dues, you become a member of both these organizations when you join our chapter.* "Legal expenses," our second largest category of expenses, refers to the amount that the AAUP-UD pays to outside legal counsel. We consult with legal counsel regularly on interpretations of labor law and of the provisions of our Collective Bargaining Agreement. We also may retain counsel to advise us about grievances and to represent faculty members during the grievance process. This past year, the AAUP-UD incurred greater legal expenses than usual by including a labor attorney on our bargaining team, which provided us with many advantages at the bargaining table. The third-largest category of expenses, "salaries," refers to the amount paid for our part-time office manager, who performs a variety of essential tasks for us. In most years, the AAUP-UD's annual dues income generates a small surplus, which is then added to our cash balance in our checking account. The chapter also maintains an investment account with Morgan Stanley that accumulates interest and serves more strategic purposes. If, for example, we incur greater than expected legal expenses--which can accrue quickly if we are renegotiating our faculty contract or pursuing high-level grievances--we have this investment fund to draw from. A primary goal among AAUP-UD leadership is to be good stewards of your dues.

Welcome, New AAUP-UD Leaders!

During the fall semester, the AAUP-UD welcomed seven new leaders. Their experience in shared governance and dedication to faculty rights make them valuable additions to our leadership team.

Anu Sivaraman, assistant professor of marketing and director of the Lerner Diversity Council, was recently appointed by the Executive Council to work with Michael O'Neal as the Deputy Grievance/Contract Maintenance Officer (GO/CMO). Anu says that she joined the AAUP-UD because its "dedication to academic freedom, shared governance, and fair labor practices aligns with [her] values." She adds that she accepted the position of deputy GO/CMO because of her "commitment to defending the rights of academic professionals." Anu brings much experience in shared governance to her new role, having served as Secretary of the University Faculty Senate and Chair of the Senate Rules Committee from 2011-15.

Three new AAUP-UD Steering Committee members were elected this past fall. From the Department of Human Development and Family Sciences, Lynn Worden and Kate Riera were elected to represent the College of Education. **Lynn Worden**, an associate professor, is a long-standing member of the AAUP-UD, having joined when she became a permanent faculty member in 2004. She has served two terms as a University Faculty Senator, been a member of the Faculty Senate Student and Faculty Honors Committee, and represented HDFS on several ad hoc Senate committees. Lynn says that she "view[s] the union's work on the collective bargaining agreement as vital and look[s] forward to representing [her] college's interests in the bargaining process." Having taught at UD since 2011, **Kate Riera**, joined the AAUP-UD when she was promoted to Assistant Professor in 2022. Kate became an AAUP-UD member "at the encouragement of a faculty mentor," and we thank her mentor and other faculty members who recommend that their colleagues join our organization! Our final new Steering Committee member is **Neal Zondlo**, Professor of Chemistry & Biochemistry, who represents the College of Arts & Sciences. Neal is currently President of the Faculty Senate of CAS (2023-24 academic year), with a term on the Executive Committee of the CAS Faculty Senate from 2022-25. He is "strongly committed to academic freedom, to the principles of shared governance, to providing protections to faculty from administrative overreach, and to appropriate and fair compensation for all."

Serving as a new department representative in the AAUP-UD is **Pinki Mondal**, an assistant professor in the Department of Geography and Spatial Sciences. Pinki joined the AAUP-UD in 2018 during her first semester at UD because she "admire[s] the work AAUP-UD has done (and is doing) to support the UD faculty." Pinki also serves as a University Faculty Senator for the College of Earth, Ocean and

Environment. The new AAUP-UD departmental representative from Health Behavior and Nutrition Sciences is **Maryann Eastep**, who earned both her undergraduate and graduate degrees at UD and became an instructor here in 2010. In her role as a department representative, she hopes to “keep [her] colleagues informed regarding issues such as academic freedom and shared governance.” Joining Pinki and Maryann as new AAUP-UD department representatives is **Fei Xie**, Chaplin Tyler Professor of Finance and Associate Chair. Fei will co-represent the Department of Finance with John Stocker. Fei “joined the union in 2022 to become a more informed and involved advocate for [his] colleagues.”



Anu Sivaraman,
Marketing



Lynn Worden,
HDFS



Kate Riera,
HDFS



Pinki Mondal,
Geography
& Spatial Sciences



Maryann Eastep,
Health Behavior &
Nutrition Sciences



Fei Xie,
Finance

The AAUP-UD has been privileged to welcome all these new AAUP-UD leaders, and we thank them deeply for their service.

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