

**PUBLIC EMPLOYMENT RELATIONS BOARD  
FOR THE STATE OF DELAWARE**

|   |   |                                 |
|---|---|---------------------------------|
| <b>AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,</b> | ) |                                 |
| <b>DELAWARE STATE UNIVERSITY CHAPTER,</b>             | ) |                                 |
| Petitioner,   | ) | <b><u>ULP No. 05-04-479</u></b> |
|   | ) | Order of Dismissal              |
| <b>DELAWARE STATE UNIVERSITY,</b>                     | ) |                                 |
| Respondent.   | ) |                                 |

**ORDER OF DISMISSAL**

1. Charging Party, American Association of University Professors, Delaware State University Chapter (“AAUP”), is an employee organization which admits to membership Delaware State University employees and has as a purpose the representation of those employees in collective bargaining, pursuant to §1302(i) of the Public Employment Relations Act (“PERA”), 19 Del.C. Chapter 13 (1986). The AAUP represents a bargaining unit of DSU faculty (as defined by DOL Case #113) and is certified as the exclusive bargaining representative of that bargaining unit. 19 Del.C. §1302(j).
2. The Respondent, Delaware State University (“DSU”) is a public employer within the meaning of 19 Del.C. §1302(p).
3. On or about April 29, 2005, the AAUP filed an unfair labor practice charge alleging DSU has violated 19 Del.C. §1307(a)(5)<sup>1</sup> by unilaterally modifying a term and condition of employment.

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<sup>1</sup> 19 Del.C. §1307(a): It is an unfair labor practice for a public employer or its designated representative to do any of the following:

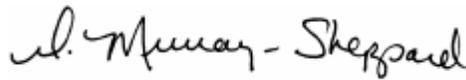
4. On May 19, 2005, DSU filed its Answer to the Charge, denying the AAUP's essential allegation that its actions violated the statute or its duty to bargain in good faith.
5. The AAUP filed its response on June 1, 2005, denying DSU's affirmative defenses.
6. On July 22, 2005, a Probable Cause Determination was issued finding the pleadings supported a potential violation of 19 Del.C. §1307(a)
7. On September 24, 2005, the AAUP requested to withdraw the charge based on information provided by Delaware State University to the AAUP on September 23, 2005:

DSU informed the AAUP that there is no current contract with Sessions.edu, that the proposed graduate level courses that were to be provided by Sessions.edu are being developed by the Department faculty, and that should a distance learning provision be included through the reopener, the implementation of a graduate degree program would be consistent with the contract.

**WHEREFORE**, this charge is hereby dismissed.

**IT IS SO ORDERED.**

DATE: 27 September 2005



DEBORAH L. MURRAY-SHEPPARD  
Hearing Officer  
Del. Public Employment Relations Bd.

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- (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject