

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

<b>DELAWARE STATE UNIVERSITY CHAPTER OF THE</b>	:	
<b>AMERICAN ASSOCIATION OF UNIVERSITY</b>	:	
<b>PROFESSORS,</b>	:	
	:	
Charging Party,	:	<b>Unfair Labor Practice Charge</b>
	:	<b><u>No. 21-05-1267</u></b>
	:	
v.	:	<b>ORDER OF DISMISSAL</b>
	:	
<b>DELAWARE STATE UNIVERSITY,</b>	:	
	:	
Respondent.	:	

**APPEARANCES**

*Lance Geren, Esq., O’Donoghue & O’Donoghue LLP, for the AAUP*  
*James D. Taylor, Jr., Esq. and Carolyn A. Pellegrini, Esq., Saul Ewing Arnstein*  
*and Lehr LLP, for DSU*

1. Delaware State University (“the University”) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act, 19 Del. C. Chapter 13 (“PERA”).

2. The Delaware State University Chapter of the American Association of University Professors (“AAUP”) is an employee organization within the meaning of 19 Del. C. §1302(i). It is the certified exclusive representative of the bargaining unit of Delaware State University employees as defined in DOL Case 113, within the meaning of 19 Del. C. §1302(j).

3. On May 26, 2021, the AAUP filed an unfair labor practice charge with the Public Employment Relations Board (PERB) alleging conduct by the University in violation of 19 Del. C. §1307(a)(1) and (a)(5). The Charge alleged the University diverted bargaining unit work, unilaterally established wage rates and salaries, and failed or refused

to provide requested information relating to the DSU Online platform and the 2021 Summer Session.

4. On June 7, 2021, the University filed its Answer to the Charge in which it admitted courses had been offered through DSU Online and that it was paying a flat rate to instructors for teaching on-line courses. The University also included new matter in its Answer denying the charge stated a claim under the PERA and also denied it had failed or refused to bargain concerning DSU Online.

5. On June 16, 2021, the AAUP filed its response to new matter denying all the legal assertions included therein.

6. A Probable Cause Determination was issued on October 15, 2021, finding the pleadings sufficient to establish that the University may have violated the Public Employment Relations Act, as alleged.

7. A hearing was held on January 13, 2022. Thereafter, the parties submitted written closing and responsive argument.

8. In March, 2022, the parties then jointly requested the Charge be held in abeyance pending the outcome of their collective bargaining negotiations.

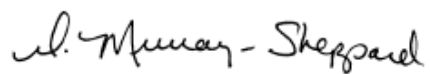
9. By letter dated July 14, 2023, the parties jointly notified PERB that an agreement in principle had been reached and that, following ratification by the AAUP, the Charge would be withdrawn.

10. By email dated September 17, 2024, the AAUP provided PERB with a copy of the successor collective bargaining agreement which has a term of July 1, 2022 through June 30, 2026. It requested this Charge be dismissed.

**WHEREFORE**, this unfair labor practice charge is hereby dismissed, as the underlying dispute was resolved.

**IT IS SO ORDERED.**

DATE: September 18, 2024



DEBORAH L. MURRAY-SHEPPARD  
Executive Director  
Del. Public Employment Relations Bd.