



TAUP BULLETIN

ISSUE 255 AUGUST 2008

Temple Association of
University Professionals

SPECIAL NEGOTIATIONS EDITION

President's Message from Art Hochner
TAUP'S BARGAINING PROPOSALS
Fairness and Equity for All



The TAUP Negotiating Team: Elaine Mackowiak, Art Hochner, Joyce Lindorff, Daniel Szyld, Carol Brigham, Pat Hansell, Terry Kilpatrick. (Missing: Al Findeisen, Nikki Keach)

Negotiations between TAUP and Temple management began June 17. Prior to that first meeting our Negotiating Team and Executive Committee prepared for more than three months, writing, debating and approving a complete set of contract proposals. These proposals largely arose from the concerns of members of the TAUP bargaining unit, as expressed through the survey we wrote about in the May 2008 Bulletin. In addition, the eight contract issues subcommittees gave essential input, presenting ideas and drafts to the Negotiating Team.

Included in this issue are three perspectives on our work: the principles and themes of our approach to negotiations, summaries of all proposals we presented to management, and explanations of key issues for the new contract. We believe TAUP's work represents the best aspirations of you, the faculty and staff members whom we represent.

Principles and Themes of TAUP's Proposals

Overall, TAUP strives to improve the environment for teaching and learning, for research and creative activity, and for service to the University and outside world. Our

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The Road to a Contract by October 15

TAUP is committed to having a new collective bargaining agreement by the time the current contract expires on October 15, 2008. The TAUP leadership, together with many active members, have worked for many months to prepare our bargaining proposals to enable us to achieve this goal.

We started by creating eight subcommittees based on the variety of issues faced by faculty and staff. These subcommittees worked hard to research and

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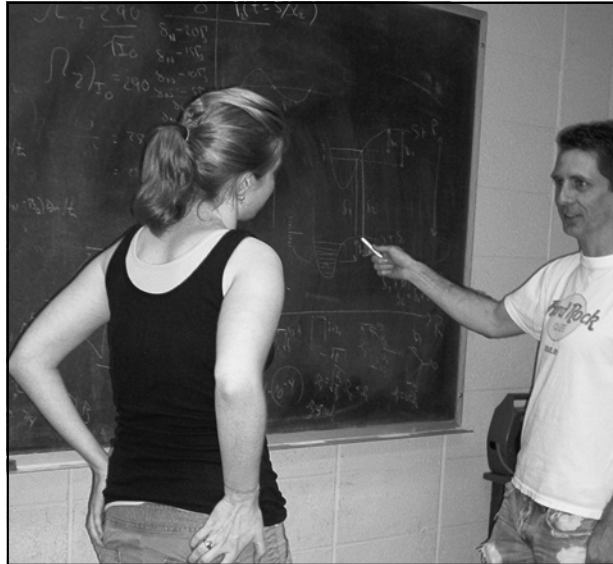
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TAUP member Research Assistant Professor Matt Mackie, working with Diamond Research Scholar Catherine DeBrosse, discusses her summer project studying photo-association of Bose-Einstein condensates.

TAUP Executive Committee

PRESIDENT
 VICE PRESIDENT
 TREASURER

Art Hochner
 Joyce Lindorff
 Al Findeisen

All Officers' Terms Expire on 4/30/2009

Terms Expire 4/30/2009

Terms Expire 4/30/2010

Terms Expire 4/30/2011

Terms Expire 4/30/2009
 (Delegates)

Carol Brigham
 Nikki Keach
 Jim Korsh
 Elaine Mackowiak
 Karen Palter

Bill Cutler
 Barbara Day-Hickman
 Patricia Hansell
 Anthony Ranere
 Joseph Schwartz

Lynne Andersson
 Billie Goldstein
 Elliot Koffman
 Maida Odom
 Robert Pred

Billie Goldstein
 Patricia Hansell
 Karen Palter
 John Sorrentino
 Al Vara

Staff

John DiBenedetto
 Executive Director

Terry Kilpatrick
 Member Services Coordinator

Dolly Hamilton
 Secretary

President's Message Bargaining Proposals 2008

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proposals contain many details, covering 16 existing articles and the preamble (to see the 2004—2008 contract, go to www.taup.org) plus two new proposed articles. Common themes stand out, however, both in our approach and in the contents.

Relationship Building: We value the opportunities TAUP has had to meet and talk directly with President Ann Weaver Hart, Provost Lisa Staiano-Coico, and Vice President for Human Resources Deborah Hartnett. We want to ensure that the negotiation process furthers and strengthens our commitment to talk about things in an atmosphere of mutual respect.

Cooperation: In the past two years, it has been increasingly possible for TAUP and management to work cooperatively to discuss problems, whether they are grievances or thorny issues, like work-family balance and health care costs. In some cases, we've been able to settle conflicts by talking, rather than resorting to legal procedures. The bargaining table is a good place to bring up concerns and shape solutions.

Shared Governance: TAUP is committed to improving the atmosphere and practice of joint decision-making between the administration and the faculty and staff. We seek to strengthen the independent voice of the faculty on key issues: diversity; discipline and dismissal; nontenure-track appointments; chair selection; workload; merit pay; study leaves; and intellectual property. We

need also the data that will make us effective participants in our shared governance roles.

Professionalism: We believe that all of the professionals we represent should be treated as such and provided with the tools to do their best work. That's why we have ideas to create a real sabbatical policy, to improve working conditions, to regulate teaching workloads, to guarantee faculty control over their intellectual property in copyrights, to protect academic freedom, and to provide job security for nontenure-track faculty.

Equity: TAUP wants to help ensure that all faculty and staff are treated equitably. Of course, we propose a fair across-the-board cost-of-living raise each year, as well as increased salary minima, salary pools for equity and compression; improved merit pay; equal treatment in pensions for all; and a joint union-management committee on diversity.

We urge you to take a good look at what we're proposing. We think you will agree that these proposals are emblematic of the hopes, aspirations and ideals that faculty and staff hold. Students, the University, faculty and staff will all benefit from the improvements we propose. Tell us what you think of them.

If you want to see the details of any or all of the proposals we gave to management in mid-June, and are currently discussing at the table, please contact the TAUP office (taupaft@aol.com; 215-204-7641). We will make them available to any dues-paying member of the TAUP.

Remember, we will only achieve our goals if we stick together. A strong membership is the best guarantee of success. And if you have not yet had the opportunity to join, now is the perfect time to become a member.

The Road to a Contract by October 15

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brainstorm solutions to the problems they identified, based on our survey results, communications with members and concerns we have about the current collective bargaining agreement. The Negotiating Team (NT), together with leaders of the subcommittees, met more than a dozen times, for many hours, to write proposals in contract language. In addition, the TAUP Executive Committee (EC) had four meetings from April through June, each lasting several hours, during which members debated, revised, and passed all the contract articles. The efforts of the subcommittees, the NT and the EC cover 19 contract articles comprising 85 pages.

After an initial session to set out ground rules with Temple management on May 21, the TAUP Negotiating Team held ten further sessions with the University during June and July. Beginning June 17, the TAUP team presented the full package of proposals approved by the EC. At these meetings TAUP has described the principles and purposes of each contract proposal, going over the

language in detail.

The TAUP NT includes President and Chief Negotiator Art Hochner, Vice President Joyce Lindorff, Treasurer Al Findeisen; EC members Carol Brigham, Pat Hansell, Nikki Keach, and Elaine Mackowiak; Mathematics Professor Daniel Szyld; and Member Services Coordinator Terry Kilpatrick. Temple management's negotiating team includes Chief Negotiator John Langel, attorney with the firm Ballard Spahr Andrews and Ingersoll; University Counsel George Moore; Vice President of Human Resources Deborah Hartnett; Deputy Provost Dick Englert; Vice Provost for Faculty Development and Faculty Affairs Diane Maleson; Assistant Vice President for Human Resources Operations Sharon Boyle and SCT Dean Concetta Stewart.

Negotiations will continue through August on a regular schedule. The start of the Fall Semester may make scheduling negotiation sessions more difficult. Nonetheless, TAUP has every intention of reaching a settlement by October 15.

TAUP'S CONTRACT PROPOSALS

Below you will find summaries of the proposals that TAUP has presented to Temple management. If you wish to see the full proposal cited, please contact the TAUP office (215-204-7641). They will be provided to TAUP members.

Academic Freedom – Replaces the current language in the Preamble, which is taken from the AAUP's 1940 statement on academic freedom and tenure, with new language taken from the new AFT Statement:

Academic Freedom in the 21st Century College and University (http://www.aft.org/pubs-reports/higher_ed/AcademicFreedomStatement.pdf).

Diversity – Combines articles on No Discrimination and Affirmative Action. Commits TAUP and Temple to a diverse workplace and cooperation toward equity measures. Confirms antidiscrimination protection for a comprehensive list of groups. Establishes a joint Union-Management Diversity Committee to work together with the necessary data to monitor efforts, discuss issues, and make recommendations to the Provost.

Rights of TAUP – Makes explicit the right of TAUP to use Temple's electronic mail system for official communications. Provides for regular updates of information about the bargaining unit so that TAUP can perform its duties more knowledgeably. Allows TAUP to meet with new employees at orientation.

Fair Share – Allows TAUP to collect a fee from non-dues-paying members of the bargaining unit for serving as the bargaining agent.

Promotion & Tenure – Replaces University Promotion & Tenure Advisory Committee with the Council of Deans as the final reviewing body before an application for promotion or tenure goes to the Provost. Removes students from Promotion & Tenure committees.

Dismissal and Sanctions of Faculty for Just Cause – Maintains the process to revoke tenure or otherwise impose severe sanctions. Revises procedures to cover all full-time faculty. Further defines just cause. Reduces suspension without pay for less severe infractions from 59 days to 5 days, while adding a level of peer review. Establishes an explicit system of progressive discipline.

Renewal/Nonrenewal of Tenure-Track & Nontenure-Track Appointments – Requires explicit notice (not just terminal date in appointment letter), with specific timetables. The notice requirements for TTs and NTTs

are different, but notice period varies directly with seniority. Severance would include both pay and benefits.

Appointment, Promotion & Termination of NTTs – Makes significant changes, including: uniform guidelines for classification; procedures for searches, appointments and reappointments, evaluation and promotion; and restoration of professorial ranks. Strongly encourages multi-year appointments. Procedures modeled on those for tenure-track faculty.

Department Chairs – Revises term of Acting Chair to two years, pending new search. Regularizes procedures for electing advisory chair search committee. Provides procedures for removing chair, giving departmental faculty more voice. Greatly improves stipends for Chairs to no less than \$7,500 for small departments or no less than \$15,000 for large departments. Establishes stipend levels for vice or assistant chairs.

Workload – Changes the default teaching load from 12 credit hours to nine credit hours for any faculty member "engaged in a combination of teaching, scholarship, conducting research and/or publication and/or creative activity or significant service." Limits class size for certain classes and mandates teaching assistants for others. Calls for release time for certain activities. Establishes a faculty Workload Review Committee to consider appeals from faculty who consider their workloads to be inappropriate.

Salaries – Calls for 5% across-the-board annual raises. Increases salary minima for all ranks of faculty, librarians, and academic professionals to redress past inflation. Increases pay for summer school and overload teaching. Boosts promotion raises to 10%. Establishes equity and salary compression pools with procedures and criteria.

Merit Awards – Establishes merit pool equal to 1% of base salaries. Increases value of each unit to \$900 for faculty and \$600 for librarians and academic professionals. Calls for uniform criteria and timetable for merit consideration across all schools and colleges. Requires consideration of all bargaining unit members for awards, reducing reliance on self-nomination. Increases transparency of process.

Benefits

Shared Health Costs – Holds the line on employee contributions.

Dental – Holds the line on employee contributions and increases the maxima for benefits to \$4,000 for annual coverage and \$6,000 for lifetime orthodontia.

Sick Leave – Separates the sick leave needed for pregnancy and childbirth from a new Work-Family Balance benefit.

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Increases the payment to librarians and academic professionals using the Temple Sickness and Accident Plan to \$500 per week for 26 weeks.

Work-Family Balance (New) – Creates “New Child Leave” with a semester leave with full pay and benefits to a bargaining unit member with a new child in the family, whether through birth, adoption or fostering. “Family Flex-Load” provides a flexible load with full pay and benefits to a bargaining unit member who needs to care for an immediate family member. Outlines process for approval and appeal.

Long-Term Disability – Increases the benefit to 60% of the member’s base salary to a maximum of \$6,000 per month after six months of continuous disability.

Life Insurance – Increases the non-contributory benefit to \$50,000. Raises the amount allowed for non-contributory to a maximum of \$500,000.

Pension – Makes the pension plan identical for all bargaining unit members, librarians, academic professionals, tenure-track and nontenure-track alike. Newly hired bargaining unit members who were previously vested will be vested at Temple immediately. Increases Temple’s contribution to 10% on all salary.

Transition to Retirement Plan – Raises pay for participants from 50% to 75%. Creates a comparable transition to retirement for librarians and academic professionals.

Professional Liability – Broadens the definition of the work at Temple that is covered by the provision to include all activities generally related to the bargaining unit member’s appointment at Temple, whether specifically directed by the university or not.

Vision Care – Increases the annual allowance for eyeglasses or contact lenses to \$100 per year.

Academic Regalia (New) -- Calls for Temple to provide academic regalia to all bargaining unit members who wish to participate in formal ceremonies.

University-Supported Research – Creates true sabbaticals for all faculty, tenure-track and non-tenure-track alike, with one leave for every six years of service. Increases the pay for a one-year leave to 75% of base salary. Calls for a pre-tenure leave for tenure-track faculty who have satisfactorily completed their third year. Increases number of summer research awards to 60 and makes pay equivalent to 6 credits of summer teaching. Provides for minimum pool of \$2.5 million for bargaining unit members for conferences and professional development-related travel.

Intellectual Property (Copyright) – Defines ownership of copyrightable works. Lays out list of types of works covered. Establishes procedures for agreements to share interests in copyrights; allocates royalty income. Provides dispute resolution procedures. Overall, gives faculty and staff control over works created by their own initiative.

Personnel Files – Clarifies who has access to file. Allows requests to remove material. Establishes reasonable fees for copying.

Safety & Health – Allows individuals to request that Temple inspect sites for irritating and hazardous substances and any other conditions deleterious to their health, safety and welfare. Requires management to inform bargaining unit members when it engages in projects contiguous to offices and classrooms when such projects are known to have a deleterious effect on health. Calls for management to provide alternative comparable space.

Working Conditions – Establishes rights for faculty and staff to “fair, equitable, suitable and appropriate working conditions,” such as lab/studio/performance/exhibition space, equipment, resources for research, offices and phones, secretarial support, duplication resources, technical support, computer and printer, plus access to Internet.

Achieving Our Goals

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departments. The faculty role in the process was retained, in the form of an advisory search committee. The Deans retained what they had always had – final say about the appointment of Chairs. However, the ink on the contract was barely dry when administrators began saying that Chairs would no longer be elected by the faculty; they would instead be appointed by the Dean. This wasn’t TAUP’s understanding of what had been agreed to.

In the current negotiations, TAUP proposes to strengthen the faculty’s role in Chair selection. We clarify the rights of all full-time faculty to participate in electing the search committee, reduce the role of outside appointees, and make more transparent the committee’s work and the Dean’s decision. Moreover, the proposal restores the role of department faculty in Chair removal decisions.

Serving as such important faculty leaders, Chairs should be better compensated too. Our proposal calls for Chairs to receive an academic year stipend of no less than \$7,500, or, if their department is large, no less than \$15,000. In addition, in larger departments Vice or Assistant Chairs, Graduate Chairs and Undergraduate Chairs should be guaranteed uniform stipends.

Join TAUP today. Just call 215-204-7641 and we will send a representative with a membership form. Remember, only dues-paying members may vote on ratifying the new contract.

Achieving Our Goals

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crucial element of the diversity article is the demand for relevant data to be supplied annually, along with the establishment of a joint Union-Management Committee to monitor diversity issues and report to the Provost. It is high time we had solid figures with which to analyze the many problems that the faculty face, and to seek positive and collaborative solutions.

The 2004-2008 contract established a joint committee on work-family balance that resulted in a vigorous and creative exchange of ideas and suggestions. These combined with the results of our survey (See *TAUP Bulletin* May 2008) led to the new language of our Work-Family Balance proposal. We believe that Sick Leave should be a separate item from the proposed New Child Leave—a paid semester that would afford new parents time to bond with their newly-born, adopted or fostered child. We also heard from bargaining unit members who had experienced a variety of family care issues. Family Flex-Load would provide a process whereby the workload would be revised to suit the individual's particular situation.

With these proposals, we hope to achieve a supportive workplace in which diversity is prized, equity is respected, and the high quality of life equals the high quality of our academic achievement.

Nontenure-Track Faculty Appointments

Tenure is being eroded. The administration says they want more tenure-track faculty. So does TAUP. Why then have NTT positions skyrocketed in number?

In November 2007, the TAUP bargaining unit had 410 NTTs, a 170% increase from November 1999, when we had 152. In 1999 NTTs constituted 15% of the full-time faculty; by 2007 the proportion had jumped to 35%. Meanwhile, the number of tenured and tenure-track faculty dropped by 120 positions (14%), from 868 in 1999 to 748 in 2007. They shrank from 85% of the full-time faculty in 1999 to 65% in 2007.

Management says it needs flexibility – for sudden enrollment increases and declines; replacements for other faculty on study leave, sick leave, pregnancy leave, unpaid leave, etc. But we can see other reasons. NTTs have lower pay and fewer benefits than tenure-track faculty and teach more students. The procedures required to appoint, reappoint, evaluate and promote them are generally vague and poorly enforced. Management not only has great flexibility but also great control over them.

How much flexibility does management need? They also employ about 1,200 part-time/adjunct faculty every year.

Thus, less than one third of faculty have tenure or are eligible for it. More and more pressure is put on tenured and tenure-track faculty to produce scholarship and do service. It's an untenable situation that allows more corporate-type, top-down control to spread.

Currently, NTTs can be retained for an unlimited number of years and can get appointments for up to five years at a time. But deans have been treating NTTs as short-term hired hands. They hire many NTTs for a year, two years; some NTTs have even had ten or more years on one-year contracts. Right now, 67% of NTTs are on one-year contracts. Only 15.5% have appointments of three or more years. Yet, by September 2008, about 60% of NTTs will have been working here for three years or more.

TAUP proposes to halt the erosion of tenure lines by providing NTTs with professional salaries, benefits, and working conditions. Why not just negotiate to redress the imbalance in the ratio between NTTs and tenured/tenure-track faculty? We can't insist on this in negotiations unless Temple is willing. Staffing is a permissible subject of bargaining, but it's not illegal for the employer to refuse to discuss it. That's what happened in 2004, when TAUP proposed a ratio of 75% tenured and tenure-track faculty to 25% NTTs. Management did not want to negotiate this issue.

We still want to create a better ratio. If the new contract makes hiring NTTs more difficult, that is, with a process fairer and analogous to the hiring of tenure-track faculty, Temple's drive to increase the percentage of NTTs and to reduce the percentage of those on the tenure-track will be stopped.

We're proposing significant increases in minimum salaries – which apply more commonly to NTTs than other faculty. We're proposing equal pension benefits for NTTs; faculty-driven hiring searches; reappointment and promotions procedures; annual evaluations and job security.

Tenured faculty have job security for life. NTTs have jobs that run contract to contract. TAUP would like NTTs to have the security of multi-year contracts and seniority. As long as NTT faculty members do a good job, they should be accorded the respect of having multi-year contracts. If circumstances call for a reduction in the number of NTTs – such as for conversion of lines from NTT to tenure-track, programmatic and curricular changes, insufficient enrollment in classes an NTT is qualified to teach, etc. – TAUP's proposal would allow that. However those with the most seniority should have the strongest claims to remaining in their positions, if there are still NTT lines, and classes available for which they are qualified.

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Achieving Our Goals

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If it's harder and more expensive to hire and terminate NTTs than it now is, management will not have the current incentives to erode tenure. NTTs should be treated more as professionals who truly have career possibilities at Temple. NTTs should be hired for expertise, not expediency.

Fair Share

We are fortunate that about 60% of faculty and staff in the TAUP bargaining unit understand the value of membership and have voluntarily opted to become dues-paying members. Under Pennsylvania law, employees of Temple and other public entities do not have to join the union that represents them in contract negotiations. Nevertheless, as the certified bargaining agent, TAUP is legally obligated to represent equally all employees covered by the collective bargaining agreement with Temple.

Nonmembership, thus, creates a situation in which some faculty and staff enjoy the benefits of union representation but rely on dues-paying colleagues to foot the bill for them. This is unfair.

The most equitable solution is for more nonmembers to join TAUP. Fair share (also known as agency fee) is another way to solve the problem.

Since 1987 Pennsylvania law has allowed unions to negotiate a contract provision requiring nonmembers to pay a fee, somewhat less than actual dues, to help cover the costs of negotiation, contract enforcement and other critical services. Fair share has won all legal challenges, including decisions at the United States Supreme Court.

Unfortunately, Temple's management has tended to falsely allege that nonmembers are opposed to TAUP's efforts to improve salaries, benefits, and preserve professional working conditions, such as shared governance. TAUP legally represents and speaks for the benefit of the entire bargaining unit.

Fair share would increase TAUP resources without raising dues. It would allow for improvements in communications, representation, and negotiating ability. It would give everyone a greater sense of ownership and will make us more successful. It might even make dues reductions possible.

For members, it would add no extra cost. For nonmembers, fair share would be determined after a fair share audit by an outside, independent auditor. It is usually set at about 85% of regular dues.

Everyone wants an effective union that can win the best possible contract and preserve the benefits and conditions we currently have. But making TAUP effective – like any organization – costs money. We need everyone to pay his or her fair share.

University Supported Research

TAUP supports Temple's objective of making Temple more comparable to true research universities. Thus, our proposal on university-supported research would allow a study leave for every six years of service, providing a substantial means to push Temple higher in the league of research universities.

A real sabbatical policy will go far in helping faculty focus on fresh ideas and work on long-term projects. Faculty, and management too, know that study leaves develop a more vibrant and productive faculty at the University.

The pre-tenure research leave after a tenure candidate's third year fosters the scholarship and creativity that will promote the faculty member's success in applying for tenure. Helping faculty achieve their goals creates a positive atmosphere where faculty know they are valued.

The TAUP proposal values the work of the nontenure-track faculty as well, by calling for a sabbatical policy for them. Librarians and academic professionals can also apply for summer leaves.

TAUP's purpose is to allow all faculty and staff to pursue goals that are impeded by the demands of the day-to-day job. An individual's freedom to pursue his or her project without the distraction of regular work can only improve Temple's means of reaching higher goals as an institution.

Department Chairs

Chairs have always been part of the TAUP collective bargaining unit. They are important faculty leaders, acting as liaisons between Deans and their departments. They perform administrative tasks and oversee the service functions of the departmental faculty. Though some administrators claim Chairs are managers, essentially, they are part of the faculty. Indeed, the Pennsylvania Labor Relations Board (PLRB) ruled in July 1973 that they "act in the interest of the department in the discharge of their duties. They are in a sense a spokesman for the department they serve. [...] The Department Chairmen [sic] at Temple University generally exercise no greater power of recommendation than faculty members or a faculty committee."

In the last contract negotiations, TAUP agreed that the process of selecting Chairs should be regularized across

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Achieving Our Goals Why We Want What We Want

On pages 4 and 5 of this Bulletin we have offered summaries of the proposals TAUP has presented to Temple management. Below are further descriptions of some of the most significant articles we have written for the collective bargaining agreement. Here we explain the goals and rationale for the new contract language.

Salaries

TAUP's new salary proposals reflect the principles of fairness and equity in determining each bargaining unit member's pay. Faculty and staff want annual across-the-board raises, according to the responses to last fall's survey. Merit pay came in a distant third in priority, behind increases to deal with salary compression.

The survey showed also the cost of living as by far *the* most important factor for determining salary. Indeed, from January 2005 to June 2008, the Consumer Price Index for Urban Consumers (the most widely cited inflation statistic) rose 14.7%. For the first six months of 2008, the annualized inflation rate is 5.5%. Our salaries and salary minima have not kept up. Thus, TAUP proposes 5% annual across-the-board raises, along with salary minima that take into account past and projected inflation. No one should be left behind.

TAUP also proposes raises to promote and recognize excellence in scholarship or creativity, teaching, or service. For almost every year since our first contract in 1973, the merit pool has been equal to 1% of overall base salaries. Again, we propose a 1% merit pool annually. However, we propose raising merit units for faculty from \$600 to \$900, and for librarians and academic professionals from \$350 to \$600.

At the same time, situations arise that call for further salary adjustments. We also address the disparity between the salaries that exist for a variety of reasons among faculty members. A pool of money will be used to reduce the effects of salary compression. Another pool proposed will answer the problem of salary inequities resulting from an assortment of other causes, such as pay that does not compete with the marketplace, pay that falls out of line with the norm within a department or college, and pay of particular groups who may in general have salaries below the usual at Temple. These proposals also follow from the concerns addressed in our survey.

Our proposals represent TAUP's philosophy: equity in all salaries; and a floor on the amount one may earn at Temple, but no ceiling.

Diversity and Equity

TAUP's proposals on Diversity and Work-Family Balance were inspired by a variety of needs expressed by many in our bargaining unit. The diversity proposal is intended to confirm, emphasize and strengthen already existing legal antidiscrimination protections. The Work-Family Balance article proposes paid semester leaves for new parents, as well as a flex-load option that would be available when there is a family member needing care.

Work and research done by the Faculty Senate Committees on the Status of Women and on the Status of Faculty of Color informed a variety of equity and diversity components in these as well as other proposals. For example, these considerations helped shape certain of the salary items, including compression and additional compensation (see *Salaries* above.) A

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