

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
PENNSYLVANIA LABOR RELATIONS BOARD

----- X
IN THE MATTER OF THE EMPLOYEES OF
TEMPLE UNIVERSITY

Case No: PERA-R-14-400-E

----- X
Pages 368 through 530

Hearing Room 5
Keystone Building
400 North Street
Harrisburg, Pennsylvania

Friday, June 5, 2015

Met, pursuant to notice, at 9:55 a.m.

BEFORE:

JOHN POZNIAK, HEARING EXAMINER

APPEARANCES:

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1 C O N T E N T S

2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Richard Englert	372	439	---	---
4	Jerry Ratcliffe	454	471	480	482
5	Scott D. Gratson	483	---	---	---

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7 E X H I B I T S

8	<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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9 UNION:

10 (None)

11

12 TEMPLE:

13	41	(Temple University Board of	385	528
14		Trustees Policies and Procedures		
15		Manual - 8 pages)		
16	42	(Faculty Senate Constitution -	396	528
17		3 pages)		
18	43	(Faculty Senate Bylaws - 6 pages)	398	528
19	44	(Temple University Faculty Senate	404	528
20		Committees - Consisting of cover		
21		page, Table of Contents, and tabs		
22		numbering 1 through 25 in binder)		
23	45	(Temple University Other	435	528
24		Accrediting Bodies - 4 pages)		

25

E X H I B I T S

(Continued)

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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4 <u>TEMPLE</u> (Continued):		
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5	46 (Interdisciplinary offerings and	436	528
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6	dual degree programs between		
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7	professional schools and other		
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8	schools and colleges)		
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9	47 (2014-2015 Annual Report of	467	528
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10	Faculty Achievement (for 2013-2014		
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11	based activity) - 3 pages)		
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12	48 (Curriculum vitae - Scott D.	484	528
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13	Gratson - 10 pages)		
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14	49 (Letter of appointment - Scott	485	528
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15	Gratson - December 1, 2014 - 6 pages)		
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16	50 (Appointment - Scott Gratson as	486	528
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17	Director of Undergraduate Studies		
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18	for the School of Media and		
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19	Communication - December 18, 2014 -		
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20	2 pages)		
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21	51 (Re-appointment - Scott Gratson as	486	528
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22	Director of Communication Studies		
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23	in the School of Media and		
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24	Communication - December 18, 2014 -		
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25	2 pages)		
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1 P R O C E E D I N G S

2 HEARING EXAMINER JOHN POZNIAK: All right,
3 we're on the record in the matter of the Employees of Temple
4 University. The case number is PERA-R-14-400-E. This is the
5 third date of hearing now. Do you have a stipulation first?

6 MS. ROSENBERGER: We have a stipulation to
7 offer, yes. In the set of Stipulations that is in evidence as
8 Joint Exhibit 2 we would offer an amendment to Stipulation
9 Number 5 -- or paragraph number 5 in that document to indicate
10 that the Department Chairs are now out of the TAUF Bargaining
11 Unit as of the Board's Final Order dated April 21st, 2015.
12 TAUF did not file any appeal of that order, so that is now
13 final.

14 HEARING EXAMINER: Is that acceptable, Mr.
15 Langel?

16 MR. LANGEL: Yes.

17 HEARING EXAMINER: Do you want to call your
18 next witness?

19 MR. LANGEL: Yes. Richard Englert.

20 [The witness approaches and takes his seat
21 in the witness box.]

22 [The witness was sworn.]

23 Whereupon,

24 RICHARD ENGLERT

25 having first been duly sworn, testified as follows:

1 HEARING EXA INER: Would you state your name?

2 THE WITNESS: Richard Englert, E-N-G-L-E-R-T.

3 HEARING EXA INER: Thank you.

4 DIRECT EXAMINATION

5 BY MR. LANGE:

6 Q. Do you go by Dick?

7 A. Certainly.

8 Q. All right, it's all right if I refer to you as Dick?

9 A. Absolutely.

10 Q. Who is your employer?

11 A. I am employed by Temple University.

12 Q. And for how long have you been employed by Temple
13 University?

14 A. I've been employed by Temple University since 1976,
15 January of 1976.

16 Q. And what's your current position?

17 A. I am the Chancellor of the University.

18 Q. And what is that?

19 A. Chancellor of the University is the title that is given
20 to the person who was previously President.

21 Q. How long have you held the position of Chancellor?

22 A. I've been Chancellor since January 1st of 2013.

23 Q. Do you also hold a faculty appointment?

24 A. I am a tenured professor in the College of Education, a
25 Professor of Educational Administration.

1 Q. And how long have you been a faculty member?

2 A. I've been a tenured professor since 1986. And before
3 that I was what was called a Visiting Assistant Professor.

4 Q. And did you serve for awhile as a tenure track professor
5 before that?

6 A. No, no.

7 Q. So you just went from visiting professor to a tenure
8 track professor?

9 A. That is correct.

10 Q. You've held a variety of positions at the university,
11 correct?

12 A. Yes.

13 Q. I'm going to review with you...

14 MR. LANGE: And if you have any objection,
15 Amy, just tell me. I'm going to lead him a little bit. Okay?

16 MS. ROSENBERGER: On this I don't care. Yes,
17 go ahead.

18 Q(Con't) So let me confirm certain things. You were the
19 Acting President between July 2012 and December 2012?

20 A. That's correct.

21 Q. You were the Provost and Interim Senior Vice President
22 for Academic Affairs June 2010 through June 2012?

23 A. That's correct.

24 Q. You were the Deputy Provost and Dean of University
25 College July 2007 through May 2010?

- 1 A. That is correct.
- 2 Q. You were the Interim Dean, Graduate School, January 2009
3 through March 2010?
- 4 A. That's correct.
- 5 Q. You were the Interim Provost July 2006 through July 2007?
- 6 A. That's correct.
- 7 Q. You were Deputy Provost and Dean of University College
8 April of 2003 through June 2006?
- 9 A. That's correct.
- 10 Q. You were Vice President for Administration between 1998
11 and April 2003?
- 12 A. That's correct.
- 13 Q. You were the Acting Chief Administrative Officer July
14 1998 through August 1998?
- 15 A. That's correct.
- 16 Q. You were Acting Dean January 1997 through June 1998?
- 17 A. That's correct.
- 18 Q. And what was that the Dean of?
- 19 A. That was Dean of a college called Health, Physical
20 Education, Recreation and Dance, HPER-D is the acronym.
- 21 Q. And you were the Associate Vice President for
22 Administration 1991 through 1997?
- 23 A. That's correct.
- 24 Q. You were the Acting Director of Intercollegiate Athletics
25 February 1996 through April 1996?

- 1 A. That's correct.
- 2 Q. You were again a Dean between 1986 and 1992. What was
3 that a Dean of?
- 4 A. That was Dean of the College of Education.
- 5 Q. You were Chief of Staff to the President July 1984
6 through December of 1985?
- 7 A. That's correct.
- 8 Q. You were Executive Assistant to the Vice President July
9 1982 through June 1984?
- 10 A. That's correct.
- 11 Q. You were Associate Dean for Administration and Management
12 1979 through 1982?
- 13 A. That's correct.
- 14 Q. You were Assistant to the Dean 1976 through 1979. What
15 Dean would that have been?
- 16 A. That was the Dean of the College of Education.
- 17 Q. So in almost forty years, Dick, at Temple you have held
18 positions at various levels throughout the university,
19 correct?
- 20 A. That's correct.
- 21 Q. You've been a faculty person throughout?
- 22 A. Yes.
- 23 Q. And you've been Assistant to the Dean at the College of
24 Education?
- 25 A. Yes.

1 Q. You've been Associate Dean for the College of Education?

2 A. Yes.

3 Q. You've been the Dean of the College of HPER-D?

4 A. Yes, Acting.

5 Q. And you've been the Acting Chief Administrative Officer
6 of the School of Podiatry -- Podia----

7 A. Podiatric Medicine.

8 Q. Podiatric Medicine as well, correct?

9 A. Yes.

10 Q. And you've been the Vice President of Administration?

11 A. Yes.

12 Q. You've been the Deputy Provost and Dean of the University
13 College, correct?

14 A. Yes.

15 Q. What is that title? What's that position?

16 A. It's the -- it has actually two parts. Deputy Provost
17 was the Senior Provost, the second in command for the Provost.
18 And in that hat I oversaw accreditation. I oversaw program
19 assessment. I oversaw new program approval as it went to the
20 Board of Trustees. I oversaw the Teaching Learning Center. I
21 oversaw Temple Press. And then with the hat of Dean of
22 University College -- the University College is all of our
23 outreach programs. So we have satellite campuses, Ambler,
24 Harrisburg, Center City Philadelphia, -- so overseeing those,
25 and overseeing our campuses abroad. We have a campus in Rome,

1 a campus in Tokyo, -- distance education, extension, summer
2 programming.

3 Q. Can you briefly describe your duties when you were a
4 Dean?

5 A. Okay, as Dean I was the Chief Executive Officer of the
6 School. In this case the College of Education was the first
7 one. I was also the Chief Academic Officer. So the Dean is
8 in charge of both all of the operations of the school as well
9 as the academic side of the school. I provided leadership for
10 faculty, -- supervised personnel, managed -- I was in charge
11 of managing the school. I was in charge of administering the
12 budget of the school, and just generally, as I said, the CEO
13 of the school. In this case it was the College of Education.

14 Q. Now, are you familiar with the roles of the deans today?

15 A. Yes.

16 Q. And is what you just described essentially the role of
17 the deans today?

18 A. Yes.

19 Q. They too are the CEO's of the school performing the
20 functions that you described when you were the Dean of
21 Education?

22 A. Yes, they are both the CEO's and the chief academic
23 officers for their schools.

24 Q. All right. What degrees do you hold?

25 A. I have a Bachelor's Degree from St. John's Seminary

1 College in California, Cambrio [phonetic] California. I have
2 a Master's from Pepperdine University in California again; and
3 a Doctorate in EDD, a Doctor of Education in Educational
4 Administration from UCLA.

5 Q. Let's focus on Temple University for a second. Do you
6 know what the actual legal name of Temple University is?

7 A. Temple University of the Commonwealth System of Higher
8 Education.

9 Q. Does it have a board of trustees?

10 A. Yes, it has a board of trustees.

11 Q. Does it have a board of trustees that is in part
12 privately selected?

13 A. Absolutely.

14 Q. And does it have a few governor appointments to the board
15 of trustees?

16 A. It has -- of the thirty-six members of the board four are
17 appointed by the Governor, four by the Speaker of the House,
18 and four by the Senate Pro Tem. The other twenty-four, of
19 which are the vast majority of the board, are selected by the
20 board.

21 Q. What's the title of the chief academic officer of the
22 university?

23 A. The chief academic officer of our university, and of most
24 research universities around the country, is the provost, and
25 that's the title for a chief academic officer, who is

1 essentially a vice president in terms of rank, but we call
2 that person provost because of the primacy of academics in the
3 university.

4 Q. Dick, you've referenced Temple being a research
5 university. Would you describe what you mean by that?

6 A. Sure. Temple University, as part of its mission, has a
7 heavy research mission. If you look around the country there
8 are over four thousand, five thousand colleges and
9 universities. Universities are often ranked by the amount of
10 spending they do for research, especially the funding that
11 they receive from the federal government, from foundations,
12 etcetera. We often talk about the aspiration of many
13 institutions to be in the top one hundred of all universities
14 and colleges in the country in terms of research. We are one
15 of those top one hundred. We have over 230 million, in fact
16 236 million dollars, in annual research expenditures. For
17 example, we're ranked eighty-eighth in the country in terms of
18 research dollars from the federal government, which is a very
19 high ranking. And, in fact, in Pennsylvania there are exactly
20 five institutions, five institutions in Pennsylvania that are
21 in the top one hundred, and that have over 200 million dollars
22 in research funding. Those five are Penn State, the
23 University of Pittsburgh, PIT, -- the University of
24 Pennsylvania, Carnegie Mellon and Temple. You may say they're
25 the elite five in terms of research funding for Pennsylvania,

1 and part of that top one hundred. That's an important role
2 that we play. Research is very important, the discovery of
3 new research, dissemination of research, that's very important
4 to the mission. That's part of our tripartite mission.

5 Q. What do you mean by "the discovery of new research"?

6 A. There are a lot ways in which research discovery occurs.
7 Sometimes it's in the classical laboratory, you know,
8 exploring some of the cutting edge. We have an outstanding
9 chemistry department for example, one of the top chemistry
10 departments around; and we have a professor, for example,
11 looking at lasers and the ability of lasers to spot substances
12 from a distance. So, for example, to point a laser at a car
13 and to spot what kinds of substances are inside the car. He's
14 working on that research. Of course the Homeland Security and
15 Department of Defense are all over him as to what the great
16 potential is for this as research. So that's an example of
17 discovery research. A lot of it is cutting edge. Research is
18 also broader. It's broader, but that's just an example.

19 Q. Is there competition for research dollars?

20 A. Very, very. It's a very competitive environment. Higher
21 education is in an extremely competitive marketplace. It's
22 getting more and more competitive every day. It's competitive
23 for students, competitive for top students, competitive for
24 undergraduate students, competitive for graduate students,
25 competitive for faculty, -- competitive for research dollars.

1 That is one of the characteristics of higher education today,
2 being an extremely competitive environment.

3 Q. Does the administration collaborate with its faculty, and
4 I'm focusing on full-time faculty, with respect to its seeking
5 research dollars?

6 A. Absolutely. I mean, the research -- the ideas for
7 research come from the faculty. The ways of studying, the
8 types of experiments that are mounted. The various cutting
9 edge knowledge exists with the faculty. The faculty is
10 foremost. We have an outstanding faculty. We're blessed with
11 a great faculty.

12 Q. Does Temple compete with other institutions for students?

13 A. Absolutely. Temple -- we draw students regionally. We
14 draw students nationally and internationally. We're always
15 competing for students. And just for an example, in the
16 Philadelphia area, the greater Philadelphia area has a web
17 site, "Welcome to Philadelphia," and it lists ninety, --
18 ninety, nine zero different institutions of higher education
19 that exist in the region. We compete. We compete for
20 students with institutions.

21 Q. Dick, when you mentioned the other research institutions
22 you mentioned Pitt, Penn State, Carnegie Mellon. You did not
23 mention schools within the State System of Higher Education
24 within Pennsylvania.

25 A. Right.

1 Q. Was that by design?

2 A. Well, just by fact. They are not part of that top one
3 hundred in research. We're blessed in Pennsylvania with
4 fourteen terrific, terrific institutions, such as West
5 Chester, Bloomsburg, Shippensburg. They are all part of
6 what's called the State System of Higher Education.

7 MS. ROSENBERGER: I'm sorry, but I have to
8 object to this line of questioning. I mean, I don't see the
9 relevance of testimony about -- about what the State System of
10 Higher Education is is relevant to issues here.

11 MR. LANGEL: The issue is the -- insofar as the
12 Union at briefing time will refer to decisions that have been
13 made at the State System of Higher Education level, or the
14 Community College of Pennsylvania level. There's a major
15 factual distinction between those types of institutions, which
16 are primarily instruction, and schools like Temple and PIT and
17 Penn State.

18 HEARING EXAMINER: Are you referring to a
19 specific case?

20 MR. LANGEL: There are a series of different
21 cases, yes.

22 HEARING EXAMINER: How does that help me decide
23 this case?

24 MR. LANGEL: Insofar as the Union will rely on
25 cases that include adjuncts into full-time faculty bargaining

1 units because they primarily just teach. The factual
2 distinction between Temple factually and those schools is
3 significant because of the tripartite mission that full-time
4 faculty have, but that adjuncts do not have. If they want to
5 stipulate that we're different than the rest of the schools in
6 the State System I can dispense with this testimony.

7 MS. ROSENBERGER: If there is a factual
8 distinction between the factors that were significant in
9 whatever cases Temple may believe we're going to cite at some
10 time in the future, they can make that an argument based on
11 the facts that are discussed in those cases. We're not going
12 to litigate the status -- or it's not appropriate to litigate
13 the status of the State System of Higher Education in a case
14 about whether or not adjunct faculty have a community of
15 interest with full-time faculty at Temple University.

16 HEARING EXAMINER: I'm going to sustain the
17 objection. I don't think it helps me in deciding this case.

18 MR. LANGEL: Okay.

19 BY MR. LANGEL:

20 Q. Dick, did you review the testimony that was given in this
21 case by adjunct faculty?

22 A. I read it.

23 Q. And do you recall seeing testimony that adjunct faculty
24 also teach at the following schools: Moore College of Art and
25 Design, Rowan University, Stockton University, Bryn Mawr, Holy

1 Family University and the University of the Arts?

2 A. Yes.

3 Q. Does Temple compete with these schools?

4 A. Certainly for students, absolutely. The two art schools,
5 for example, compete directly with our Tyler School of Art.

6 Q. Does Temple University, going back to the structure, have
7 officers?

8 A. Yes, it does.

9 Q. And what officers does it have?

10 A. It has -- in addition to the President of course, who is
11 the chief executive officer for the entire university, and who
12 is appointed by the Board. It has the Provost who is an
13 officer. And then it has nine other persons at the level of
14 vice president. So, for example, the CFO is the Vice
15 President for Financial Affairs. So there are nine of those.
16 The University Council and Secretary of the Board, one
17 position is an officer. I think that's all who have officer
18 rank.

19 Q. Would you take a look at -- we put a series of exhibits
20 -- I put them up there, didn't I? Yeah. I put them on your
21 table.

22 A. I'm not certain what I'm looking at.

23 Q. I put a series of exhibits on your table in front of you.
24 I've also given them to the Hearing Examiner and to the Union.
25 Take a look at what we've marked as Temple Exhibit 41.

1 [Whereupon, a document was formally marked
2 as Temple University Exhibit No. 41 for
3 identification.]

4 A. Yes.

5 Q. Do you recognize this document?

6 A. Yes, I do.

7 Q. And what is it?

8 A. It's the Board Policy on academic and administrative
9 organization of the university.

10 Q. Turn to page 3.

11 A. Yes.

12 Q. Starting on page 3 does the document list all of the
13 schools and colleges?

14 A. Yes, it does.

15 Q. Now, I used the phrase "schools and colleges." At Temple
16 University is the term "school" sometimes used and the term
17 "college" sometimes used?

18 A. Yes, it is. I believe we have six colleges and eleven
19 schools.

20 Q. And is there a distinction between those terms when you
21 refer to some of them as schools and some of them as colleges?

22 A. Not really anymore. At one time colleges had
23 undergraduates and other programs, and sometimes colleges had
24 schools within them, but over the years in higher education
25 those two terms have been used interchangeably. For example,

1 Penn State has a very wonderful College of Business. Temple
2 University has a very wonderful School of Business. It's
3 interchangeable for most purposes.

4 Q. And I take it from what you said, the CEO of -- is it a
5 dean who is the CEO of each school and college.

6 A. Yes, with the understanding that in a couple of cases we
7 have schools within schools. For example, we have a School of
8 Tourism and Hospitality Management within a school of --
9 within our Fox School of Business. So it's one dean who
10 oversees two schools. In the Arts we have one dean over
11 multiple units.

12 Q. You described the dean's role as the CEO and chief
13 academic officer. Let me get through this. Is the dean
14 appointed by the president?

15 A. Yes.

16 Q. Does the dean serve at the pleasure of the president?

17 A. Yes.

18 Q. Does the dean report to the provost and the president?

19 A. Yes.

20 Q. Are the deans expected to be the leaders of their
21 faculty?

22 A. Yes, they are.

23 Q. Are they expected to be the managers of their school?

24 A. Yes, they are.

25 Q. Are they expected to be the administrator of the school

1 or college budget?

2 A. Yes.

3 Q. Are they expected to be the supervisor of all school or
4 college personnel?

5 A. Yes.

6 Q. Is it their obligation to attract, retain and support
7 outstanding faculty and staff?

8 A. Yes.

9 Q. Is it their responsibility to oversee all school
10 activities?

11 A. Yes.

12 Q. Are the deans collaborators with their faculty, other
13 deans, the provost and the president of the university?

14 A. Yes.

15 Q. Are they expected to be contributors to the discussions
16 of the common affairs of the university?

17 A. Yes, indeed.

18 Q. Are they expected to advocates for their students,
19 departments and programs?

20 A. Yes, and faculty and everything within the school.

21 Q. Are they expected to generate revenue?

22 A. Yes, yes, that's very important, some of which is fund
23 raising, but also other types of revenue.

24 Q. Now, I asked you a series of questions, "are they
25 expected to?" Based on your experience, and currently your

1 role as Chancellor, do the deans each provide those -- fulfill
2 those obligations?

3 A. Yes, they do.

4 Q. Is there a Council of Deans?

5 A. Yes, there is.

6 Q. Who sits on it?

7 A. The Council of Deans is a council with each of the deans
8 of all of these schools and colleges. So it's thirteen deans,
9 plus it is chaired by the Provost; and, plus -- also sitting
10 with the Council of Deans are some senior vice provosts,
11 people who report directly to the provost, but aren't deans.
12 For example, the person in charge of research also sits in on
13 the Council of Deans meetings.

14 Q. Back to 41, that Attachment A, Dick. It says, "Schools,
15 Colleges and Departments." Within the listing of the schools
16 and colleges are there what we have referred to already in
17 this case as "TAUP schools"?

18 A. Yes, there are.

19 Q. And are there the non-TAUP schools, meaning Dentistry,
20 Medicine, Law and Podiatry?

21 A. Yes.

22 Q. And within the Council of Deans are all of the schools
23 that are listed in Attachment A, regardless of whether they
24 are TAUP schools or non-TAUP schools, part of the Council of
25 Deans?

1 A. Absolutely.

2 Q. And do they all have the same rights and obligations
3 within that Council of Deans?

4 A. Absolutely. There's no distinction.

5 Q. How often does the Council of Deans meet?

6 A. The Council of Deans meets usually -- I think it's the
7 first and third Wednesdays throughout the year, and then a
8 little fewer times sometimes during the summer, -- and as
9 needed.

10 Q. So you're saying first and third Wednesdays, and you mean
11 first and third Wednesdays of every month?

12 A. Of each month, yes. I should have said that.

13 Q. And then in addition on an as needed basis?

14 A. Yes.

15 Q. What happens at those meetings?

16 MS. ROSENBERGER: Objection, relevance.

17 MR. LANGE: The relevance is that it goes to
18 the fundamental question here of the community of interest,
19 the role from the top of the university to the Provost, to the
20 Council of Deans, and the interface with the full-time
21 faculty, but not the adjuncts. It's the structure of a
22 research university and what goes on.

23 HEARING EXAMINER: I'll allow it.

24 Q{Con't} So what happens at these meetings?

25 A. At the meetings -- the agenda is set by the Provost, but

1 with the deans. In other words, any dean can add something to
2 the agenda. We'll talk -- we'll discuss and address policy
3 issues, strategic planning issues, budgetary issues, --
4 academic issues. For example, maybe student recruitment is an
5 important issue at a particular moment. We would discuss what
6 we're doing in terms of student recruitment. What are we
7 doing centrally? What are we doing in the schools and
8 colleges? Etcetera. It's literally the full breadth of the
9 kinds of issues that need to be addressed for the leadership,
10 management and administration of the university.

11 Q. Is the Council of Deans the key administrative body for
12 all policy and strategic direction of the university?

13 A. Well, it is one of the key bodies. I mean, obviously the
14 Board of Trustees is the key body because it has the final
15 authority for Temple University. And I say that's important,
16 and I don't want to go against what was said before, but there
17 are some universities that are like state-owned, and they
18 essentially report up through the state, and their board is
19 appointed by the state. Temple University's Board has the
20 final authority for Temple University. Temple does not have
21 to go to any other entity in order to make decisions for the
22 Board to make decisions about Temple University. So the Board
23 is ultimately the policy body; but then the Council of Deans
24 is an extremely important policy body that explores policy,
25 makes policy, or recommends policy all within the contours of

1 the overall university.

2 Q. Dick, staying with Temple Exhibit 41, back to pages 3
3 through 8, are the departments of the various schools and
4 colleges identified?

5 A. Yes, they are.

6 Q. All right, so let's just start with "Arts, Center for
7 the," -- where are the departments identified?

8 A. Okay, so the name of the school, the first school there
9 is the Tyler School of Art, and it has the following
10 departments: Architecture, Art Education, etcetera, in that
11 listing of seven departments.

12 Q. And beneath it is Music and Dance. Is that a school or
13 college?

14 A. Yes, it is. It is the College of -- it's called the
15 Boyer College of Music and Dance, and it has departments
16 there, though you'll note that this particular document
17 brackets those, in parentheses I should say, those departments
18 that were once in existence, but are no longer in existence.
19 So in order to read it, the three at the bottom of that
20 listing are no longer in existence. The ones above, Voice and
21 Opera, going up are all existing departments.

22 Q. And is that the pattern that is followed in the rest of
23 this document in pages 3 through 8?

24 A. Yes, it is.

25 Q. So we have the school or college, and then beneath the

1 school or college we have the departments?

2 A. Yes.

3 Q. And who is in charge of the departments?

4 A. The departments are part of the school. They are led by
5 a department chair, and the department chair reports to the
6 dean.

7 Q. What types of faculty does Temple University employ?

8 A. Temple University, as other research universities, has
9 faculty -- some faculty are tenured. They have tenure. They
10 went through a tenure process. It's a lengthy process of
11 usually six years up to tenure. So that's tenured faculty.
12 We also have what are called tenure track faculty. They are
13 hired with the intent to eventually tenure them as long as
14 they meet the appropriate standards for tenure. So they're
15 thinking as they come in as tenure track that, usually over a
16 six year period, they will do what needs to be done in terms
17 of teaching, in terms of research, and in terms of service in
18 order to be tenured. So we have tenured, tenure track, and
19 then we have what are called non-tenure track faculty. They
20 are also full-time. Tenured are full-time. Tenure track are
21 full-time, and non-tenure track are full-time faculty who are
22 hired for term appointments. It could be one year. It could
23 be five years renewable. And these are faculty who are full-
24 time and who are hired with specific purposes in mind.

25 Q. What is the mission of Temple University?

1 A. Temple University has a broad mission. We like to talk
2 about Temple University in terms of its educational mission,
3 in terms of its research mission, and in terms of a mission to
4 serve society at large. And we often call that the tripartite
5 mission. And that mission is very important to us. On the
6 educational side we have 37,000 students. So we're large.
7 We're one of the very largest institutions in the country. On
8 the research side we have -- as I said, we're part of a top
9 100 with over 230 million dollars research expenditures a
10 year, and we have that as part of our mission. On the service
11 side we provide a number of services to society including
12 through health care, which would be an example. So that
13 tripartite mission is very important; and then that tripartite
14 mission is mirrored with our faculty who have teaching
15 research and service as part of the tripartite mission.

16 Q. Are you familiar with the concept of shared governance?

17 A. Yes, I am.

18 Q. And what is it?

19 A. Universities, especially research universities, aren't
20 like other organizations. We aren't run just top down. I
21 mean, there's no doubt legally that the Board of Trustees has
22 legal authority for everything and final authority for
23 everything; but in an institution such as ours, that is so
24 dependent on cutting edge research and the best teaching, we
25 really need to look to our faculty and their expertise when it

1 comes to matters of teaching, when it comes to matter of
2 curriculum, when it comes to matters of research. And faculty
3 have a primary role in research, in teaching. When it comes
4 to what is the content of what is taught, what that curriculum
5 should be, what kinds of research programs are conducted, and
6 what are the methods for the teaching and for conducting the
7 research, -- when it comes to grading students. All of these,
8 those are matters in which faculty have really primary
9 expertise. And so governance really goes along a couple of
10 lines. First of all, shared governance is that notion of
11 faculty having a primary role in the academic core of the
12 university; but, in addition, research universities, such as
13 Temple, also include faculty by going and soliciting actively
14 faculty input on matters of administration, and operations
15 that could affect the core academic -- the academic core of
16 the university. And so shared governance really gets -- it's
17 very, very important to how we operate not only in terms of
18 our core academic mission, but also in all the things that
19 surround the core mission.

20 Q. I think you mentioned share governance with faculty, and
21 I take it from what you said that shared governance with
22 faculty exists at Temple University?

23 A. Absolutely.

24 Q. And when you use the word, "faculty," do you include
25 tenured faculty?

1 A. Yes.

2 Q. Do you include tenure track faculty?

3 A. Yes.

4 Q. Do you include non-tenure track faculty?

5 A. Yes.

6 Q. Do you include adjuncts?

7 A. No.

8 Q. -- What is the Faculty Senate?

9 A. The Faculty Senate is the main governance body for all
10 faculty at Temple University who are full-time. So think of
11 it as literally every faculty member belongs to the Faculty
12 Senate, and is what's called a "Faculty Senator," but it has a
13 structure to it, and the Faculty Senate has a constitution.
14 It has bylaws. It elects officers. So when we talk about the
15 Faculty Senate we mean not only the entire body of faculty as
16 a whole, but also the structures that support that entity.
17 Faculty Senates are unique to institutions such as Temple
18 University. And it is a time-honored, well-regarded and very
19 important structure for faculty governance.

20 Q. Now, when you say that every faculty member is a senator,
21 do you again mean every full-time faculty member is a senator?

22 A. Yes, full-time faculty.

23 Q. Do you exclude adjuncts from that?

24 A. Adjuncts are not members of the Faculty Senate.

25 Q. Is the Faculty Senate the governing body for the full-

1 time faculty at Temple?

2 A. Yes, it is.

3 Q. Does the Faculty Senate cover all of the schools and
4 colleges of Temple whether they are a TAUP school or Podiatry,
5 Dentistry, Law or Medicine?

6 A. Yes, every school. Every school is covered by the
7 Faculty Senate.

8 Q. And does the Faculty Senate have its own constitution?

9 A. Yes, it does.

10 Q. Does it have its own bylaws?

11 A. Yes, it does.

12 Q. Does it elect its own officers and representatives?

13 A. Yes, it does.

14 Q. Does it establish its own committee structure?

15 A. Yes, it does.

16 Q. Does it set its own business agenda?

17 A. Yes, it does.

18 Q. Does it have its own communication structure?

19 A. Yes, it does. It has a List [phonetic] Serve for all of
20 those who belong to the Faculty Senate. It has a Faculty
21 Herald Newspaper both on-line and -- I guess it's only on-line
22 now.

23 [Whereupon, a document was formally marked as
24 Temple University Exhibit No. 42 for
25 identification.]

1 Q. Take a look at what's before you and identified as Temple
2 Exhibit 42.

3 [The witness does as requested.]

4 A. Yes.

5 Q. What is that?

6 A. This is the Faculty Senate Constitution.

7 Q. Does the Faculty Senate decide who it wants to be
8 members?

9 A. Yes.

10 Q. Do you recall a few years ago when the Faculty Senate
11 Constitution changed with regard to the membership provisions?

12 A. Yes, I do.

13 Q. And how did it change?

14 A. At that time -- prior to that change faculty who were
15 NTT's became members after three years. So the change was to
16 make them members of the Faculty Senate immediately. So, in
17 other words, they didn't wait three years, so that every NTT
18 would be a member of the Faculty Senate. A second change was
19 that full-time professional librarians were added as members.
20 And the third change was that people who are full-time faculty
21 -- tenured, let's say a tenured professor who would take on
22 full-time administrative assignments were no longer members of
23 the Faculty Senate, except for the President and the Provost.
24 So, for example, we have deans or we have vice provosts who
25 are faculty, and there's a long history at universities,

1 especially ours, that full-time faculty will take on full-time
2 administrative roles. And that's important because that helps
3 people who are administrators understand very well the
4 academic core of the university. The academic mission is
5 always important and central to us. So what the Faculty
6 Senate decided was that those faculty members who decided to
7 take on full-time administrative appointments were no longer
8 members of the Faculty Senate for as long as they were full-
9 time administrators. Once they stopped being full-time
10 administrators then they would become again members of the
11 Faculty Senate. So those were the three changes.

12 Q. At the same time that these changes were made was it
13 considered whether adjuncts should be included within the
14 Faculty Senate?

15 A. Yes, it was.

16 Q. And did the faculty, the full-time faculty, decide to
17 exclude -- to continue to exclude adjuncts from participation
18 in the Faculty Senate?

19 A. The Faculty Senate continued to exclude, yes.

20 Q. Are adjuncts currently excluded from Faculty Senate
21 membership?

22 A. Yes.

23 Q. Take a look at Exhibit 43, please.

24 [Whereupon, a document was formally marked as
25 Temple University Exhibit No. 43 for

1 identification.]

2 [Witness peruses document.]

3 A. Yes.

4 Q. Do you recognize that?

5 A. Yes, I do.

6 Q. Turn to page 3.

7 [The witness does as requested.]

8 A. Yes.

9 Q. At the bottom it says, the last paragraph, "All proposals
10 for change in academic programs and procedures affecting more
11 than one college, whether they originate from administration,
12 faculties, or the Student Senate shall be referred to this
13 Committee." Do you see that?

14 A. Yes.

15 Q. And that's referring to the Educational Programs and
16 Policies Committee, correct?

17 A. Yes.

18 Q. So is it fair to say that the Faculty Senate reviews all
19 proposals for change in academic programs and procedures that
20 affect more than one college throughout the university?

21 A. That's correct.

22 Q. The bylaws also discuss the Steering Committee, correct?
23 Take a look at page 1 going to 2. It's Article II of Exhibit
24 43.

25 A. Yes.

1 Q. What is the Steering Committee?

2 A. The Steering Committee is the coordinating body for the
3 Faculty Senate. The Steering Committee is made up of a
4 representative from each school or college selected by that
5 school or college's faculty, as well as the President of the
6 Faculty Senate, the Vice President of the Faculty Senate, the
7 past president of the Faculty Senate, the Secretary of the
8 Faculty Senate. In other words, the officers of the Faculty
9 Senate, plus a representative from each school or college
10 across the entire university, makes up the Steering Committee;
11 and the Steering Committee really sets the agenda for Faculty
12 Senate meetings. It meets weekly and goes over a whole host
13 of issues related to academics and other matters within the
14 university.

15 Q. There are no adjuncts on the Steering Committee?

16 A. No.

17 Q. What's the Faculty Senate's role within the university?

18 A. Well, the Faculty Senate has that key role of
19 representing all full-time faculty. It's the faculty voice.
20 It has the role of ratification, and it's actually built into
21 its documents. It has the role of review. It has a role of
22 recommendation. It has a role of consultation. It has a role
23 of recommendation -- excuse me, of representation insofar as
24 whenever we, as a university, form some kind of a committee or
25 task force, or body to study something, or to take some

1 actions, we will turn to the Faculty Senate to ask the Faculty
2 Senate to name faculty members to that committee or those
3 committees. So it becomes of all of those roles. It's an
4 important role within the university.

5 Q. And when you, "turn to the faculty" to identify faculty
6 members to participate, when you use the word, "faculty" are
7 you referring exclusively to full-time faculty?

8 A. That's correct.

9 Q. Excluding adjuncts?

10 A. That's correct.

11 Q. -- Is the Faculty Senate involved with major
12 programmatic changes?

13 A. Yes.

14 Q. And is the Faculty Senate involved with budget issues?

15 A. Yes, very much so.

16 Q. Is the Faculty Senate involved in issues like
17 reorganizational issues?

18 A. Yes.

19 Q. If there were issues regarding course prerequisites would
20 the Faculty Senate be involved in that?

21 A. Yes.

22 Q. When you were provost did you interact with the Faculty
23 Senate?

24 A. Yes, very much so.

25 Q. How so?

1 A. I would go to their regular monthly meetings. I would
2 usually make remarks and then take questions from the floor.
3 It was not always the most encouraging questions from the
4 floor, but, you know, it's a place where it's full faculty
5 voice. So I would hear disagreements about things, as well as
6 agreements about things. I would meet regularly with the
7 President of the Faculty Senate and officers. I would meet at
8 times with the Faculty Senate Steering Committee. Either I
9 would request an opportunity to meet with them or they would
10 request me to come and meet with them. I would meet with some
11 of the committees. I met very regularly with the Budget
12 Review Committee. I met with the Research Programs and
13 Policies Committee. We even had a retreat with the --
14 actually two retreats with the Faculty Senate Steering
15 Committee, where it would be the Steering Committee, myself,
16 and I brought a couple of vice provosts; but it was just open
17 discussion about anything and everything about the university,
18 and idea generating. I also had a retreat where I had the
19 deans, the Council of Deans and the Faculty Senate Steering
20 Committee meet together. So we had a retreat again so that we
21 would be able to plan and explore issues. And let me tell
22 you, out of those meetings some of the greatest things came.
23 For example, when we were going through budget crises the
24 Faculty Senate -- the Steering Committee and the Faculty
25 Senate as a whole came up with great ideas about things we

1 should be doing in addressing our budget challenges. I also
2 went to them with reorganization. We were talking about re-
3 organization and we had, from a number of different sources, a
4 number of reorganization ideas which I put together and then
5 went to the Faculty Senate and heard lengthy ideas pro and
6 con, and that you should do this and do that. It was
7 invaluable -- invaluable in terms of how the final
8 reorganization initiative went through. So on many occasions
9 I met with the Faculty Senate.

10 Q. Dick, was it just discussion or did you receive input and
11 advice which resulted in changes to things like the
12 Reorganization Plan?

13 A. Absolutely, very definitely. Time and again ideas would
14 come forward that -- you know, this is a better idea. There
15 are better ways we can do things maybe than what we were
16 thinking of doing.

17 Q. The forums are not -- the people are not shy in those
18 forums; and, plus, the leadership of the Faculty Senate is
19 very good leadership, and they will anticipate issues and
20 problems ahead of time, and come to me, come to others,
21 saying, "Hey, we need to do this." And it would definitely
22 have a major effect on policy directions and decisions.

23 Q. Does the current Provost consult with the Faculty Senate
24 in similar ways to how you did?

25 A. Yes. I know he meets with the full Faculty Senate -- I

1 think it's even -- it's kind of cute. It's called, "Dialogue
2 with Dai." Dai [phonetic] is the Provost's last name. And so
3 he talks and receives input. I know he met with the Faculty
4 Senate on the Master Plan. The Master Plan was a planning
5 effort looking at the physical aspects and the layout aspects
6 of the university, -- you know, where to put a new library,
7 what kinds of buildings need to be changed, etcetera. So I
8 know he met with the Faculty Senate -- I think twice is my
9 recollection regarding the Master Plan. He meets with the
10 President of the Faculty Senate and the Vice President of the
11 Faculty Senate. He goes to the Faculty Senate Steering
12 Committees.

13 Q. Take a look at the binder that's before you. It's Temple
14 Exhibit 44.

15 [Whereupon, a binder with all pages contained
16 therein was formally marked as Temple
17 University Exhibit No. 44 for identification.]
18 [The witness does as requested.]

19 A. Yes.

20 Q. Are you familiar with that?

21 [Witness peruses and pages through binder.]

22 A. Absolutely, yes.

23 Q. And open the binder and you'll see that it says, "Temple
24 University Faculty Senate Committees."

25 A. Yes.

1 Q. Turn to Tab 3. Well, first of all, does the Table of
2 Contents which is -- it's not paginated, but does it list the
3 various committees?

4 A. Yes.

5 Q. Now, turn to Tab 3?

6 A. Yes.

7 Q. Do you see that that is the Budget Review Committee?

8 A. Yes, I do.

9 Q. Are you familiar with this document?

10 A. Yes, I am.

11 Q. And what is it?

12 A. This document lists the membership of the Budget Review
13 Committee, its composition, and it's role. You'll see that
14 under "Composition" where it says, "To review," "To liaise,"
15 "To Serve." And I know this committee well because I -- as
16 Provost I met with them on multiple occasions.

17 Q. And when it goes to -- under "Members" it has the name of
18 the faculty person, is that correct?

19 A. That's correct.

20 Q. And then their school or college?

21 A. Yes.

22 Q. So the first one is Law?

23 A. Yes.

24 Q. The second is FSBM. What is that?

25 A. Fox School of Business Management.

- 1 Q. And then CLA?
- 2 A. College of Liberal Arts.
- 3 Q. COE?
- 4 A. Education.
- 5 Q. PHARM?
- 6 A. Pharmacy.
- 7 Q. CST?
- 8 A. Science and Technology.
- 9 Q. And then we have Fox School again, and then we have Libr?
- 10 A. That's the libraries.
- 11 Q. And then we have Art?
- 12 A. Right, Tyler. The Tyler School of Art I should say.
- 13 Q. What is the Budget Review Committee?
- 14 A. The Budget Review Committee is a faculty voice in
- 15 reviewing the budget, and also in interacting with
- 16 administration on key budget issues. For example, a few years
- 17 back we had an external consultant come and take a look at the
- 18 university called "HERE ON" [phonetic]. They came and took a
- 19 look at different aspects of the university in order to come
- 20 up with suggestions for things the university might do on the
- 21 expenditure side to reduce expenditures, and on the revenue
- 22 side to increase revenues. On a number of occasions I met
- 23 with the Budget Review Committee to review the consultant's
- 24 report for example. And the Budget Review Committee was quite
- 25 good. They take their tasks very serious. They ask good

1 questions. A number of them have been on the committee for
2 many years, so they understand the budget. It's hard to
3 understand the budget in a short period of time. It really
4 takes time to really understand the budget, the nuances, and
5 how things change from year-to-year. And they very, very
6 nicely would both review, ask questions, suggest things that
7 we might do. It's a good sounding board for various budget
8 proposals, and again, an important voice.

9 Q. You said it's an important voice. Do you consider it an
10 important committee?

11 A. Absolutely.

12 Q. Why?

13 A. Because it will give a faculty view with respect to
14 various budget issues. For example, going to a decentralized
15 budget. Years ago when we started talking about a
16 decentralized budget that was a good forum to start talking
17 about, "What kinds of things need to be thought of?" So this
18 kind of a committee is to me invaluable in terms of being able
19 to see it through faculty members' eyes. Now, I'm a tenured
20 faculty member, but as an administrator I don't always see
21 things straight through the eyes of faculty members, who day-
22 to-day are at the cutting edge of their fields in teaching and
23 research. So it's important to have that voice.

24 Q. You just introduced a new term, "decentralized budget."
25 Is that called something at Temple University?

1 A. It's called "Decentralized Budgeting," though some have
2 used the term, "Responsibility Centered Management."

3 Q. RCM?

4 A. Yeah, RCM, which is more often used at other universities
5 than at Temple.

6 Q. Okay, and what does that mean?

7 A. RCM or Decentralized Budgeting is a system of trying to
8 put at a more local level the ability to match revenues and
9 expenditures, and therefore being able to mount initiatives to
10 generate revenues, and to make certain that the appropriate
11 expenditures are in line with the revenue opportunities. A
12 lot of the best ideas for revenue generation come from local
13 units, not----

14 Q. Now, when you say, "local level" or "local units," what
15 are you actually referring to?

16 A. Schools and colleges and departments. So RCM or
17 Decentralized Budgeting is a powerful tool in giving those
18 closer to the real action of revenue generation the
19 opportunity to match expenditures and revenue. Obviously it's
20 much more complex than that, but rather than budgeting from
21 top down, it give local units, school and colleges, and
22 departments especially, the opportunity to have a little more
23 control over how they match revenues and expenditures.

24 Q. And when you say, "local levels" and "schools and
25 colleges" and "local units" and "departments," are you

1 referring to the faculty being the people who are generating
2 the ideas that are eventually adopted or not adopted?

3 A. Definitely.

4 Q. All right. When you talk about generating revenue are
5 you talking about things as simple as creating new cutting
6 edge vibrant courses that kids will sign up for?

7 A. Sure.

8 Q. What types of faculty serve on the Budget Review
9 Committee?

10 A. Tenured faculty, tenure track faculty and NTT's.

11 Q. And actually a librarian too?

12 A. And a librarian.

13 Q. And are adjuncts eligible to serve on a committee like
14 this?

15 A. No, they are not.

16 Q. Would it make sense to allow adjuncts to serve on a
17 committee like this?

18 MS. ROSENBERGER: Objection. Relevance and
19 speculative I think. We're here to find out what adjuncts do
20 and what the state of affairs is to determine whether there is
21 a community of interest, -- not whether it hypothetically
22 might make sense.

23 MR. LANGE: It actually goes beyond what they
24 do. It goes to -- it would create a conflict of interest for
25 adjuncts who do not have a duty of loyalty to Temple

1 University, but who in fact testified that they have the same
2 duty of loyalty to competing institutions to be involved with
3 university committees and shared governance the way it's
4 expected that full-time faculty are involved. The roles are
5 very different. It goes to community of interest as well as a
6 conflict of interest.

7 MS. ROSENBERGER: And we have stipulated and
8 we've heard lots of testimony from Dr. Englert that adjunct
9 faculty do not participate in the Faculty Senate. The
10 testimony about whether it would make sense for them
11 participate is irrelevant to the questions that are at issue
12 here.

13 MR. LANGEL: It's not irrelevant to the
14 question of there being an inherent conflict of interest of
15 why in fact it makes no sense for them to, and would not be
16 permitted to have the kind of information that is given to the
17 faculty who are in the bargaining unit so that they could
18 share it with competing institutions because they do not have
19 the same duty of loyalty of full-time faculty.

20 HEARING EXAMINER: I'll allow him to testify
21 why he thinks it may or may not make sense.

22 MR. LANGEL: Thank you.

23 BY MR. LANGEL:

24 Q. So would it make sense to allow adjuncts to serve on the
25 committee?

1 A. No, it would not.

2 Q. As far as you're concerned, based on all of your years of
3 experience, do they have the same knowledge about the
4 university that would allow them to meaningfully participate?

5 A. No, not at all.

6 Q. And might adjuncts have conflicts of interests with
7 regard to the committee's activities that full-time faculty
8 would not have?

9 A. Yes, they might.

10 Q. And how so?

11 A. Well, if a faculty member -- or if an adjunct faculty
12 member were, let's say teaching at Temple University and
13 simultaneously teaching at Rowan University, which is -- I
14 mean, that's not uncommon. Literally among the many schools
15 and colleges we have adjunct faculty teaching at many
16 different institutions. So, if that were the case, and we
17 compete with Rowan, as well as all of the other institutions
18 on many fronts, but I'll take Rowan as one that we would
19 compete with for research dollars or students; and if at the
20 Budget Review Committee we were discussing some potential new
21 initiatives, including going after, let's say some special
22 foundation dollars -- special foundation grant dollars,
23 special federal dollars, and we wanted to mount an initiative,
24 I really think it would be unfair to put a person who is
25 teaching at both institutions in the position to be aware of

1 what is really somewhat privileged information. I think that
2 would put that person in a very difficult position. And we
3 have great adjuncts, but as a matter of principle we don't put
4 people into positions where divided loyalties could provoke
5 conflicts of interests. And the kinds of things discussed in
6 our governance interactions with faculty just cannot go to
7 other institutions, certainly with the wrong timing. For
8 example, in going for an initiative, a foundation initiative
9 or another initiative, -- or if we're getting ready to start a
10 new program that might compete with Rowan, you know, that
11 could be really detrimental to the opportunity both to unveil
12 the program, as well as to recruit outstanding students to the
13 program. So I really think it just works at cross purposes.

14 Q. Does the administration share information that is of
15 critical importance to university strategy and competition
16 with its full-time faculty?

17 A. Sure.

18 Q. Is there a General Education Executive Committee?

19 A. Yes, there is.

20 Q. Would you refer to Tab 9?

21 [The witness does as requested.]

22 A. Yes.

23 Q. Are you familiar with this?

24 A. Yes, I am.

25 Q. And is this in fact a printout from the Faculty Senate

1 web site?

2 A. Yes, it is.

3 Q. And what does Gen Ed -- what's the purpose of this
4 committee?

5 A. General Education is a program that we put in place a
6 number of years ago for all undergraduate students. What it
7 is is students who come to Temple must take in the
8 neighborhood of 30 to 33, 36 credits of Gen Ed, depending on
9 their program and their background. And it includes eleven
10 courses in nine areas. For example, one area might be
11 quantitative literacy. So a student would have to take a
12 quantitative course as part of his or her Gen Ed requirements.
13 There are other areas. There are nine areas and I won't go
14 through all of them, but it includes all of the kinds of
15 things a student should know. So it's the core of our under-
16 graduate program. It's the Gen Ed program that every student
17 coming through needs to have this kind of knowledge. And so
18 when we mounted that program that program includes -- in each
19 of these areas there are approved courses for General
20 Education. Among other things this General Education
21 Executive Committee is responsible for setting policies about
22 General Education, for reviewing courses, for assessing the
23 program. Clearly this is faculty-led, faculty-controlled in
24 terms of making certain that we have the kinds of quality that
25 we need for the core of our undergraduate program.

- 1 Q. Does the committee approve and oversee courses that are
2 designed by faculty members?
- 3 A. Yes, it does.
- 4 Q. Do adjuncts serve on this committee?
- 5 A. No, they do not.
- 6 Q. Now, I note that beneath "Members" there is a listing of
7 student representatives?
- 8 A. Yes.
- 9 Q. So has the Faculty Senate made a determination that
10 student representatives can participate?
- 11 A. Yes.
- 12 Q. Now, are they----
- 13 A. Well, actually it came from both the Faculty Senate and
14 from administration originally?
- 15 Q. And are they actual members or are they just
16 participating?
- 17 A. They're full participative members. I don't know if they
18 have a vote.
- 19 Q. And do adjuncts participate?
- 20 A. No.
- 21 Q. Is participating on the General Education Executive
22 Committee part of shared governance?
- 23 A. Would you repeat the question, please?
- 24 A. Is participating on the General Education Executive
25 Committee part of shared governance?

1 A. Absolutely, yes.

2 Q. Are committees like those you've discussed integral to
3 Temple's ability to operate on a high academic level?

4 A. Absolutely.

5 Q. How so?

6 A. Well, as I said before, unless we have that full
7 involvement of faculty surrounding the academic core, and with
8 things that affect the academic core, the university really
9 can't compete as the outstanding research university that it
10 is.

11 Q. How integral to Temple is the Faculty Senate?

12 A. I think it's very integral. I'm a very, very strong
13 proponent of the Faculty Senate.

14 Q. Could Temple fulfill its academic mission without the
15 committees identified in Temple Exhibit 44?

16 A. I don't believe we could be successful, -- let's put it
17 that way.

18 Q. Could Temple operate without such extensive faculty
19 involvement?

20 A. I do not believe it could successfully operate without
21 that involvement.

22 Q. Everything that you've discussed regarding the Faculty
23 Senate and its committees, is that an example of shared
24 governance?

25 A. Yes, it is.

1 Q. Dick, the other day you gave me an example in the field
2 of biology and as an illustration of the importance of the
3 faculty and their role. Could you share that here?

4 A. Sure. A few years ago I was very much taken by an
5 article I was reading -- I think I was the Provost then, and
6 it was an article about biology -- the field of biology. And
7 this person who wrote the article claimed that there are
8 something like fifty-seven, that's five seven, subfields of
9 biology. And it just totally -- I mean, I know how intricate
10 the fields are, but that really summarized for me just how
11 intricate the field -- especially science fields are, but
12 every field, just how intricate it is. There's embryology.
13 There's cell biology. There's microbiology, and you can just
14 go through the whole listing of them. And there is no way
15 that a president of a university, a board, a vice president, a
16 provost, a dean is going to know all of the nuances, and the
17 complexities, and the directions of fields. That's where
18 faculty expertise becomes critical. For example, in biology,
19 just using the same example, an institution needs to decide,
20 okay, which of these fields are we going to specialize in?
21 Which ones are we going to hire faculty in and build a
22 critical mass of faculty who can do great research, like the
23 laser research I was talking about in chemistry? Those
24 decisions have to be made. There's no way you can do that
25 without just overwhelming faculty initiative, understanding,

1 analysis and collaboration within the university. It's just
2 so critical.

3 Q. So is it fair that Temple, on a regular basis, relies on
4 its full-time faculty to use their expertise to ensure that
5 the curriculum is current and competitive?

6 A. Absolutely.

7 Q. And would you rely on adjuncts for that?

8 A. That's not their role. That's not the role of adjuncts.
9 That's the role of full-time faculty.

10 Q. Are there things discussed in the Faculty Senate
11 committees that you would consider to be confidential or
12 information that you would not want shared with individuals
13 who work at other universities?

14 A. Yes.

15 Q. Take a look back at Temple 41.

16 A. Yes.

17 Q. You previously testified that the university is divided
18 into different schools and colleges, and in which school or
19 college did you serve as a faculty member?

20 A. I'm a faculty member, a professor, in the College of
21 Education.

22 Q. As Chancellor are you generally familiar with the basics
23 of these schools and colleges governing structures?

24 A. Yes. I've worked over the years with all of the schools
25 and colleges, many of the departments, and obviously so many

1 faculty.

2 Q. Do all of the schools and colleges have their own school-
3 wide committees?

4 A. Yes, they do.

5 Q. Are these committees different from the university-wide
6 committees that exist at Temple?

7 A. They're different committees.

8 Q. And what kinds of committees operate at the school or
9 college level?

10 A. Well, the schools and colleges would normally have some
11 kind of curriculum committee. For example, schools and
12 colleges would have some kind of personnel committee or even
13 more than one personnel committee. Schools and colleges would
14 normally have an advisory committee to the dean. Schools and
15 colleges would normally have a student grievance and appeals
16 committee. Schools and colleges would normally have a faculty
17 responsibility committee.

18 Q. What would the role of that committee be?

19 A. Well, the faculty responsibility committee would be a
20 specific role to review potential charges of misconduct or the
21 like that might involve a faculty member.

22 Q. Okay, continue. I can probably cut through it. Normally
23 is there a merit committee?

24 A. And a merit committee, yes. I didn't think of that one.

25 Q. I think you covered it, but normally is there a

- 1 curriculum committee?
- 2 A. Yes.
- 3 Q. Normally is there a resource and budget committee?
- 4 A. Yes.
- 5 Q. Normally is there, within the department -- or within the
- 6 school or college a graduate committee?
- 7 A. It could be a graduate committee. It could be part of
- 8 the curriculum committee. Different schools and colleges do
- 9 it different ways. At one time the College of Education had
- 10 an academic programs committee, and then two subcommittees of
- 11 it, graduate and undergraduate. We ended up getting rid of
- 12 the academic programs committee and we just have a graduate
- 13 committee and an undergraduate committee. There are different
- 14 structures that every school and college has, you know, of
- 15 what works best for it.
- 16 Q. And what about a teaching evaluation committee?
- 17 A. It could indeed, yes. Somehow every school and college
- 18 needs to -- for accreditation purposes needs to be able to
- 19 demonstrate assessment, both through its departments, through
- 20 its schools and colleges, through the university. So there
- 21 may indeed be that kind of committee.
- 22 Q. And would there be a promotion and tenure committee to
- 23 address promotion and tenure for tenure track and tenured
- 24 faculty?
- 25 A. Yes, definitely.

1 Q. Would there be a committee to address promotion for non-
2 tenure track faculty?

3 A. Yes.

4 Q. Are these committees important to the operation of the
5 schools and colleges?

6 A. Very much so, much along the lines of when I talked about
7 for the university as a whole. Using the biology example
8 again, the dean cannot know all of the nuances of each of the
9 programs -- as good as our deans are. We need that close
10 collaboration with faculty to stay cutting edge and to prepare
11 for a future in a very competitive environment.

12 Q. Let's focus for a second on the College of Education.
13 Are you familiar with the committees in the College of
14 Education?

15 A. Sure.

16 Q. Is there a Collegial Assembly?

17 A. Yes, very definitely.

18 Q. And what is it?

19 A. The Collegial Assembly is the assembly of all faculty for
20 the college. So it's in a way very much like the Faculty
21 Senate as an assembly of all of the faculty in the university.
22 This is all the faculty within the college.

23 Q. And when you say, "all faculty," does that include
24 adjuncts?

25 A. No.

1 Q. And is there a committee for Faculty Recognition and
2 Resource?

3 A. Yes, in the college, yes.

4 Q. And what is its purpose?

5 A. What it does is it gives awards like we have at the
6 university, the Linbach [phonetic] Award. We have at the
7 university a Great Teacher's Award. Within the College of Ed
8 they also have some very specific awards, the Eberman
9 [phonetic] Award and other awards. This is a committee that
10 vets candidates and recommends awards.

11 Q. What about the Faculty Responsibility Committee?

12 A. Again that's a committee that deals with faculty
13 misconduct when it comes up. That's not -- I must say for the
14 record that that's unusual for that to come up. So it
15 wouldn't come up for years, and then suddenly something might
16 come up that would need that kind of committee. So it's not a
17 committee that meets regularly.

18 Q. And what about the undergraduate program committee?

19 A. Yes.

20 Q. What about a graduate program committee?

21 A. Yes.

22 Q. Promotion and tenure, we covered that. What about a
23 Ph.D. committee?

24 A. Yes. Actually that's a subset of the graduate committee
25 I believe.

- 1 Q. And a student appeal and grievance committee?
- 2 A. Yes. Every school and college needs to have a student
3 appeal and grievance committee.
- 4 Q. Teaching education coordinating committee?
- 5 A. At the College of Education teaching is very important,
6 so it does have a coordinating committee.
- 7 Q. And a college steering committee?
- 8 A. Right, and the college steering committee. And the
9 college steering committee is very much like the steering
10 committee for the Faculty Senate. It organizes and
11 coordinates. The Chair of the Faculty Assembly, the Collegial
12 Assembly in the College of Ed is also Chair of the Steering
13 Committee.
- 14 Q. I'll try to go through this quickly. You referenced the
15 undergraduate and graduate committees. What's the purpose of
16 those committees?
- 17 A. Well, the undergraduate committee looks at all
18 undergraduate programs. It would review proposals for new
19 programs, proposals for new courses. And the graduate
20 committee would do much the same.
- 21 Q. Okay, what type of faculty serve on these committees?
- 22 A. The tenured faculty, tenure track faculty and non-tenure
23 track faculty.
- 24 Q. Do adjuncts serve on these committees?
- 25 A. No.

1 Q. Why not?

2 A. It's not their role. It really isn't their role. These
3 committees often deal with things that stretch over not just
4 multiple semesters, but multiple years. There's a need for
5 being able to have people both sit for multiple years, as well
6 as look at a multiple years horizon. And our adjunct faculty,
7 who are excellent, are usually hired for specific semesters to
8 fill gaps due to fluctuations, specific expertise, etcetera.
9 They're not -- it's not what their role is.

10 Q. What's the purpose or role of the college steering
11 committee?

12 A. The college steering committee coordinates the works of
13 the other committees and what goes on in the College of
14 Education, as well as sets the agenda for the Collegial
15 Assembly.

16 Q. And what type of faculty serve on the college steering
17 committee?

18 A. Again tenured faculty, tenure track faculty and non-
19 tenure track faculty.

20 Q. Do adjuncts serve?

21 A. No.

22 Q. For the same reasons?

23 A. Yes.

24 Q. Briefly describe again, what's the purpose of -- what is
25 the Collegial Assembly?

1 A. The Collegial Assembly is the assembly of all faculty
2 within the College of Education.

3 Q. When you say, "all faculty," does that exclude adjuncts?

4 A. Yes.

5 Q. What types of topics are discussed at the Collegial
6 Assembly?

7 A. Lots of matters. For example, one of the associate deans
8 brought to the committees an analysis of grading patterns
9 across the college. An important issue at every university is
10 grading. What are the standards? And everybody has heard of
11 the potential for grade inflation. That would be discussed in
12 these kind of governance bodies.

13 Q. With respect to undergraduate and graduate committees,
14 college steering, collegial assemblies, committees of that
15 type, does your earlier concern regarding adjuncts having
16 split obligations at different universities -- I'll call it
17 divided loyalties -- come into play as to why you think it
18 would be inappropriate for adjuncts to participate in those
19 committees?

20 A. I would say even more so at the college level because
21 it's at the college level where most initiatives and new
22 proposals, proposals for new programs are discussed and
23 imbedded and recommended. So I would say it holds even more
24 so at the college level.

25 Q. Do other schools and colleges have similar committees?

1 A. Sure.

2 Q. And do full-time faculty typically serve on those types
3 of school committees throughout the university?

4 A. Yes.

5 Q. And by full-time do you mean, tenured, tenure track and
6 non-tenure track?

7 A. Yes.

8 Q. And why do full-time faculty participate and serve on
9 these committees?

10 A. Because we need to have the kind of input on a whole
11 variety of issues, as I said, as a university. Shared
12 governance is critical to the operation and the success of
13 Temple University.

14 Q. Is participating on these kind of committees at a school
15 level, like steering, like promotion and tenure, like
16 personnel, like curriculum, part of shared faculty governance?

17 A. Yes.

18 Q. We discussed the university. We discussed schools and
19 colleges. Let's go now to departments, okay?

20 A. Sure.

21 Q. The departments start on page 3 at Temple 41, right?

22 A. Yes.

23 Q. All right, what's the role of a department?

24 A. The department is the academic unit that is most closely
25 associated with degree programs, with the teaching. Faculty

1 are appointed to departments. They have appointments to
2 specific departments. Departments are the units that mount
3 courses. Departments are the units that have degrees
4 associated with them, a Master's Degree, Doctor's Degree, a
5 Bachelor's Degree, certificates. Departments are units where
6 faculty most directly engage in the teaching function, the
7 research function, things that go to the heart of our academic
8 mission.

9 Q. How many departments are there?

10 A. Across the university there are 110 departments.

11 Q. And do departments have committees separate from the
12 school committees?

13 A. Oh, yes, they do.

14 Q. And to they have committees like a curriculum committee
15 and tenure and promotion committees?

16 A. Yes, I would expect normally they would.

17 Q. And what role do committees play within the departments?

18 A. The same kind of role at the other levels. Say, for
19 example, mounting a new program, a new degree program, that
20 would originate in the department. The department would not
21 only structure it and come up with the original ideas and the
22 original structures, but then it would recommend it going
23 forward to the college. And then from the college it would go
24 forward to the university. And ultimately for a new degree
25 program it would ultimately be approved by the Board of

1 Trustees. So the department is literally the indispensable
2 beginning of that kind of a process.

3 Q. And faculty at the department level, do they play an
4 important role in that RCM process?

5 A. Yes, they do.

6 Q. Dick, does the system at the university contemplate full-
7 time faculty having a role on department committees?

8 A. Full-time faculty having a role on the committees?

9 Q. Yes.

10 A. Yeah, I missed the very end of it. Yes, absolutely.

11 Q. And do they in fact play a role on committees at the
12 department?

13 A. Yes.

14 Q. And does the system with respects to schools and colleges
15 contemplate adjunct faculty having a role on departmental
16 committees?

17 A. No. That's not their role.

18 Q. Does the concern about potential conflicts with adjuncts
19 working at other universities impact that decision that
20 adjuncts will not play a role?

21 A. I would say, yes.

22 Q. Are you aware of adjuncts serving on department
23 committees?

24 A. I don't know of any.

25 Q. And if they do, would that be an outlier or an

1 aberration?

2 A. Yes.

3 Q. Let's go to how full-time faculty are hired. -- Does a
4 school look at its short-term needs and long-term needs?

5 A. Absolutely.

6 Q. And do departments look at their short-term needs and
7 long-term needs?

8 A. Yes.

9 Q. Once they determine there's a need at the department or
10 school level for a full-time faculty person take us through
11 the process?

12 A. For a full-time faculty member originating from the
13 department the department determines there's a need. The
14 department chair would go to the dean and articulate the need.
15 And there would need to be -- for every full-time position at
16 Temple University there needs to be a budget line for that
17 full-time person. Full-time person's have to have a budget
18 line. So either that chair is saying to the dean, "I want to
19 fill an existing line that's vacant" or "I would like to see a
20 new line created." So a decision has to be made about how
21 many lines the department has, how many lines the school has,
22 and where those lines exist. For example, it may be that one
23 department would lose a line and the college decides, "Gee, it
24 would be better that we add a line to another department
25 that's growing, rather than in the former department that is

1 maybe not growing," or actually that enrollments are down. So
2 a decision has to be made about a line; and, okay, so let's
3 say there's agreement, "We're going to fill this faculty
4 line." Then we have a university system that requires that
5 every full-time line has a position control number, a "PCN" we
6 call it, but it's a position control number. So a position
7 control number has to be sought from the budget office, the
8 University Central Budget Office. And again, the reason is
9 that for every full-time person there has to be a line for
10 that person, because we're not just -- we're not contemplating
11 hiring that person for a short period. We're contemplating
12 hiring that person for an indefinite period, a multi-year
13 period, and you need that kind of line in place. So once
14 there's been a decision, and there's the PCN, the position
15 control number, then a search is started. And the search
16 would normally include for a faculty member a search committee
17 and the search would normally include advertising. It could
18 be regional, but more likely national advertising. The search
19 would include receiving applications from people who are
20 interested in the position, and often it is an application,
21 plus a curriculum vitae, plus references. The search would
22 include reviewing the applications that come in, and normally
23 selecting a smaller group of people to perhaps interview by
24 phone or off-site in some location. And then the search would
25 include selecting a small group, usually about three finalists

1 to come and be interviewed, maybe by the whole department,
2 maybe by others within the college, and certainly by the dean.
3 And then ultimately someone is selected and appointed for that
4 position. -- And, excuse me, I forgot one more. Before the
5 person is appointed or receives the appointment letter then
6 the dean has to go to our Affirmative Action Office. Our
7 Affirmative Action Office has an acronym called IDEAL,
8 Institutional Diversity, Equity, Advocacy, Leadership, but
9 it's the Affirmative Action Office. The Affirmative Action
10 Office looks carefully at, what was the search procedure? Was
11 it a fair search procedure that would yield a large enough
12 pool that fits the values of Temple University? So normally
13 the IDEAL office gets in searches earlier, so it's not that
14 this is the first time the IDEAL office has heard about it;
15 but departments, schools and colleges would look for guidance
16 from the IDEAL office about what's the right way to do the
17 search. So for a full time position it does need to be vetted
18 through our Affirmative Action Office, what we call IDEAL.
19 Then it would be the final appointment, etcetera.

20 Q. Going back to the case -- the start, and the case being
21 made to the dean for a line, who is involved with providing
22 the input into the case being made?

23 A. The faculty and chair.

24 Q. The faculty and chair?

25 A. Yes.

1 Q. Would that be full-time faculty?

2 A. I would think definitely it would be full-time faculty.

3 Q. Would you anticipate adjuncts ever being involved in that
4 kind of input?

5 A. I wouldn't at all.

6 MS. ROSENBERGER: I'm sorry, I didn't hear your
7 answer.

8 THE WITNESS: I would not at all.

9 Q. Do full-time faculty participate in the searches?

10 A. Yes.

11 Q. Do they sit on search committees?

12 A. Yes.

13 Q. Is that part of shared governance?

14 A. Yes.

15 Q. Would you expect adjuncts to be involved in searches?

16 A. No.

17 Q. Are similar searches made for adjuncts when Temple needs
18 to hire an adjunct faculty member?

19 A. No. The hiring is completely different. First of all,
20 there's no budget line for a specific adjunct. There's no PCN
21 number. The chair is the one who handles it. Generally
22 speaking the chair identifies a candidate and makes the
23 decision of, we have this course likely to come up. We're
24 going to need an excellent person. And we have great
25 adjuncts, so he identifies a person to hire for this

1 particular position. Then as it gets close to the wire, down
2 to the wire, then there's the question of whether or not the
3 -- there's the question as to whether or not the course that
4 the person is going to be hired for actually has enough
5 students registered for it. So sometimes the chair would have
6 to make the decision of, we go or we don't go based on
7 enrollment. And then the chair would put that recommendation
8 forward to the dean, and the dean officially writes the
9 letter.

10 Q. When hiring tenure track and non-tenure track faculty
11 does the university take into account a candidate's
12 qualifications and commitment to service

13 A. Absolutely.

14 Q. Does it take into account that same level of the need for
15 qualifications when hiring adjuncts?

16 A. The chair would not be looking at an adjunct in terms of
17 what kinds of service that person could do on these kinds of
18 governance committees, no.

19 Q. You talked about the chair identifying adjunct
20 candidates. Do adjuncts make valuable contributions to
21 Temple?

22 A. Absolutely. We have great adjuncts. I've worked very
23 closely with many of them. They are very talented people, and
24 they make enormous very important contributions to Temple
25 University. They're very dedicated.

- 1 Q. Are they involved in shared governance?
- 2 A. No.
- 3 Q. And have you given us some of the reasons why they are
- 4 not involved in shared governance?
- 5 A. Yes.
- 6 Q. Are adjuncts across all of the schools and colleges
- 7 treated similarly?
- 8 A. Yes.
- 9 Q. As far as you know are the policies and guidelines for
- 10 adjuncts universal throughout the university?
- 11 A. Yes, we have one set of policies for adjunct faculty, and
- 12 we have one adjunct handbook.
- 13 Q. You have the exhibits there. Would you take a look at
- 14 Joint 5 and Joint 6?
- 15 [Witness looks through the various exhibits.]
- 16 A. I'm sorry. What are they called?
- 17 Q. Joint Exhibit 5 and 6. They're Adjunct Policies and
- 18 Guidelines and the Adjunct Manual.
- 19 MS. ROSENBERGER: They're in a packet like this
- 20 [holding up documents] with a binder clip.
- 21 THE WITNESS: Okay.
- 22 [Witness locates exhibits.]
- 23 A. Is it this one that says, "Factual Stipulations" on top?
- 24 Q. Yes.
- 25 A. Okay, I will find them.

1 Q. Take a look at 5 and 6, Joint 5 and 6.

2 [Witness pages through documents.]

3 A. Okay.

4 Q. Are you familiar with those?

5 A. Yes. This is the Adjunct Policy and the Adjunct Faculty
6 Handbook.

7 Q. And do these policies apply to all adjuncts without
8 regard to whether they're at a TAUP or a non-TAUP school?

9 A. Yes, they do.

10 Q. All right. -- Are there any differences as far as you
11 know in terms and conditions between adjuncts who work at TAUP
12 schools and adjuncts who work at non-TAUP schools?

13 A. No.

14 Q. As far as you know are all of the policies uniform
15 throughout all of the schools?

16 A. Yes.

17 Q. And as far as you know is there the same minimum
18 compensation throughout all of the schools?

19 A. Yes, that's spelled out.

20 Q. Are you aware of accreditation requirements for the
21 university as a whole?

22 A. Yes, I am.

23 Q. And are there accreditation requirements for just the
24 professional schools or are the accreditation requirements
25 limited to the professional schools?

1 A. Oh, heavens, no. We have some forty different types of
2 accreditation instances.

3 Q. Take a look at----

4 MS. ROSENBERGER: I'm sorry, I didn't hear the
5 last word.

6 WITNESSES: Instances, instances of
7 accreditation, different types of accreditation.

8 [Whereupon, a document was formally marked as
9 Temple University Exhibit No. 45 for
10 identification.]

11 Q. Take a look at Exhibit 45.

12 A. Yes.

13 Q. What is that?

14 A. This is a listing of accreditation bodies. It's called
15 "Other Accrediting Bodies" because the main accrediting body
16 for Temple University is called Middle States. Middle States
17 is a region of the United States. Each of the regions has an
18 accrediting body. For this geographical region Middle States
19 is the accrediting body. So in addition to the accrediting
20 body, Middle States, and Middle States accredits the entire
21 institution, Temple University, every aspect of Temple
22 University, there are also discipline specific accrediting
23 bodies, and these are the accrediting bodies that are
24 discipline specific, and it's across all of the different
25 schools and colleges of the university. It's not limited to a

1 specific subset of schools or colleges.

2 Q. Are any TAUP schools, or programs at those schools,
3 located near any of the campuses where the professional
4 schools are located?

5 A. Sure. We have a College of Public Health which is
6 located, along with our School of Dentistry, and our School of
7 Medicine. We have -- my College of Education, which is
8 literally a stone's throw away from the Law School. There
9 are -- different schools are at different campuses.

10 Q. Are there any interdisciplinary programs between TAUP
11 schools and professional schools?

12 A. Yes.

13 {Whereupon, a document was formally marked as
14 Temple University Exhibit No. 46 for
15 identification.]

16 Q. Take a look at Temple 46.

17 {The witness does as requested.]

18 A. Yes.

19 Q. What is this document?

20 A. This is a listing of interdisciplinary offerings, dual
21 degrees and other kinds of interdisciplinary initiatives of
22 the university. I mentioned earlier about how important it is
23 to realize that we are in a competitive environment. We don't
24 just offer programs in single disciplines. More and more
25 there is the need to work in an interdisciplinary fashion

1 across all schools and colleges so that -- we have on this
2 list, for example, under Dual Degree Programs a JD, which is
3 law, and MBA, which is in our Fox School of Business. It's a
4 great program. It's a dual degree program where somebody who
5 does this kind of dual degree program takes fewer credits
6 overall, than if that same person took an MBA program and a
7 separate law program. The neat thing about it is that they
8 recognize each other's credits up to a certain amount. These
9 are the kinds of programs that universities need to continue
10 to mount to be successful. Students aren't looking anymore
11 just for one thing or another. You can see the advantage of
12 having a student who has both a JD and an MBA, and what that
13 would allow that person to do. So these inter-disciplinary
14 programs are essential, and will become more and more
15 essential to universities, just like interdisciplinary
16 research is more and more essential. Our biology program
17 works closely with our Medical School on research initiatives.
18 It's absolutely essential to what a university needs to do to
19 be successful.

20 Q. Let's go through a few schools and colleges. Is there a
21 dual degree program that involves Law, which would be a non-
22 TAUP school, and Business, which would be a TAUP school?

23 A. Yes.

24 Q. Is there a dual degree program that would involve
25 Dentistry, which would be non-TAUP, and the College of Public

1 Health, which would be TAUP?

2 A. Yes.

3 Q. Likewise, is there a Dentistry, which would be non-TAUP,
4 and Business, which would be TAUP, dual degree program?

5 A. Yes.

6 Q. And is there a dual degree program between Medicine,
7 which would be non-TAUP, and College of Public Health, which
8 would be TAUP?

9 A. Yes.

10 Q. What about Podiatry and College of Public Health, would
11 there -- is there a dual degree program?

12 A. Yes, there would be.

13 Q. Are there also interdisciplinary offerings that involve
14 both TAUP schools and non-TAUP professional schools?

15 A. Sure.

16 Q. What's the PLUS program?

17 A. The PLUS program is a very interesting program where a
18 student is able to, in an accelerated fashion, receive two
19 degrees. For example, one PLUS program might involve getting
20 -- going for three years of a Bachelor's Degree, and then
21 going into medical school, three plus four, four years of
22 medical school, and the first year of medical school counting
23 toward the Baccalaureate Degree credit count. So rather than
24 going four years and four years, getting a Bachelor in four
25 years and getting an M.D. in four years, the PLUS program

1 permits a student to go three years baccalaureate and then
2 four years for the M.D. program, thereby reducing the total
3 number of years by one. Instead of eight years getting both
4 degrees you can do it in seven years. So that's a PLUS
5 program, three plus four.

6 Q. Are there adjuncts who teach in both TAUP schools and
7 non-TAUP schools?

8 A. Sure.

9 Q. Are classes taught in a TAUP school double counted toward
10 a degree in a non-TAUP school?

11 A. Sure.

12 Q. And visa versa?

13 A. Sure.

14 MR. LANGEL: Can we take a five minute break
15 because I may be complete?

16 HEARING EXAMINER: Sure. Off the record.

17 [Whereupon, at 11:48 a.m., June 5, 2015 the hearing
18 recessed.]

19 [Whereupon, at 12:03 p.m., June 5, 2015 the hearing
20 reconvened.]

21 HEARING EXAMINER: All right, we're back on the
22 record. No more questions, Mr. Langel?

23 MR. LANGEL: No more questions at this time.

24 HEARING EXAMINER: Cross.

25 CROSS-EXAMINATION

1 BY MS. ROSENBERGER:

2 Q. Good morning. You talked about -- at certain points in
3 your testimony you talked about the system and what it
4 contemplates with regard to the role of adjuncts. What to you
5 mean by "the system"?

6 A. What I mean is the nature of a research university such
7 as Temple University and how it operates. Does it --
8 literally the very structure of the university, if you want,
9 does it depend on shared governance? And my answer is,
10 absolutely, yes. So that's what I meant by system.

11 Q. Okay. It sounds like from the listing of your various
12 roles at Temple you came in in an administrative role, is that
13 correct? You came in as a faculty member, but in an
14 administrative role?

15 A. That's correct. I came in as Assistant to the Dean and
16 have always had an administrative role, that's correct.

17 Q. And have you also taught courses on occasion?

18 A. On many occasions.

19 Q. When is the last time----

20 A. Two most recently in this past semester.

21 Q. Okay, what did you teach?

22 A. I taught the Mosaic, which is part of the Gen Ed course,
23 a Gen Ed set of courses. I taught a Higher Ed and American
24 Life course, which is part of Gen Ed again. I've taught a
25 graduate course in Finances of Higher Education. I've taught

1 a graduate course in Administration of Higher Education. I've
2 taught probably about -- I'll say four or five -- or six
3 different courses, all in the field of educational
4 administration, general education administration, etcetera.
5 I've taught Independent Study. That would be a good
6 representation of the ones I've taught over the years, and
7 different sections of different ones of those too.

8 Q. Did adjunct faculty teach any of the courses you taught?

9 A. Yes, the Mosaic course. Adjunct faculty have taught, and
10 do teach, the Mosaic course. Adjunct faculty did teach the
11 Higher Ed in American Life course that I've taught, so, yes.

12 Q. And with regard to the adjunct faculty who taught those
13 courses is there any different requirement about the way they
14 taught those courses in comparison to the requirements with
15 regard to how you taught those courses?

16 A. No. I designed the course for example.

17 Q. Which one?

18 A. Higher Ed in American Life, and so I provided the adjunct
19 faculty members with my syllabus. Other than that, no.

20 Q. And they were subject to all of the same policies with
21 regard to the teaching function of a faculty member as you
22 were, isn't that true?

23 A. Yes, we have a whole set of policies about instruction
24 and those policies. They apply to anyone who steps in the
25 classroom.

1 Q. And they, like you, are also subject to the conflicts of
2 interest policy, isn't that true?

3 A. Anyone at Temple would be subject to the conflict of
4 interest policy of Temple University.

5 Q. In your -- I think it's about forty, almost forty years
6 at Temple, have you ever worked at any other institution of
7 higher education?

8 A. I did work as a research analyst when I was a doctoral
9 student at UCLA.

10 Q. I'm talking about during your time that you've worked at
11 Temple. Did you also ever teach at another institution for
12 example?

13 A. No, -- no, I did not.

14 Q. But some full-time faculty do on occasion, isn't that
15 true?

16 A. They do what? I'm sorry.

17 Q. Teach a course at another institution.

18 A. They could. People go on sabbatical, yes, they could do
19 it.

20 Q. And when they do they're subject to the conflict of
21 interest policy, isn't that right?

22 A. To the Temple conflict of interest policy, yes.

23 Q. You testified that adjunct faculty are chosen by the
24 department chair, and then the paperwork is signed off on and
25 processed by the dean, right?

1 A. That's correct.

2 Q. And is the same true of non-tenure track faculty full-
3 time?

4 A. Non-tenure track faculty are appointed by the dean.

5 Q. At the recommendation of the chair?

6 A. At the recommendation of the chair and at the -- I would
7 assume based on the interview that the dean or dean designee
8 would have with the full-time faculty member, right.

9 Q. But it's your testimony that the chair effectively
10 recommends who that NTT will be, right?

11 A. Well, the difference for recommending an adjunct, the
12 chair would normally recommend one person. For recommending a
13 full-time faculty member the normal pattern is recommending a
14 pool of people, two to three people, and then ultimately a
15 decision being made on who is selected. That's the normal
16 search process.

17 Q. That's the search process for tenure-track faculty,
18 right?

19 A. Tenure track and non-tenured. Every faculty member who
20 is full-time must have an approved search process that's
21 approved by our IDEAL department, our Affirmative Action
22 department.

23 Q. But the search process for non-tenure track faculty may
24 be different than for a tenure track position, right?

25 A. Well, the difference for tenure track positions is that a

1 tenure track position is actually an appointment by the
2 President; whereas, the non-tenure track appointment is an
3 appointment by the dean. So the difference in the process
4 would be that after the dean has recommended a candidate for
5 the tenure track that would go forward through the Provost to
6 the President.

7 Q. When it comes to renewal decisions for adjunct faculty
8 that's made in part based on the chair's review of student
9 feedback forms, isn't that right?

10 A. Correct.

11 Q. And that's true with regard to non-tenure track faculty
12 also, isn't that right?

13 A. That's correct.

14 Q. And when it comes to renewal of non-tenure track faculty
15 the chair makes the recommendation? The chair effectively
16 recommends renewal of non-tenure track faculty, isn't that
17 right?

18 A. The chair would make a recommendation to the dean, that's
19 correct.

20 Q. And that's the same process for adjunct faculty, right?

21 A. Correct.

22 Q. I want to talk a little bit about your testimony about
23 shared governance. You testified that non-tenure track
24 faculty -- that it used to be that they'd have to have three
25 years of service before they could serve on the Faculty Senate.

1 A. That's correct.

2 Q. When was that change made that it no longer requires
3 three years of service?

4 A. -- I'll guess -- and I think it's a guess. Based on my
5 recollection it would be around 2009. I may be off a little
6 on that one.

7 Q. Certainly since 2000?

8 A. Since 2000, yes.

9 Q. Okay, and prior to that non-tenure track faculty on their
10 first year of appointment couldn't participate on the Faculty
11 Senate?

12 A. Yes.

13 Q. But they were in the TAUP Bargaining Unit?

14 A. Correct.

15 Q. And the same with regard to those who had two or three
16 years, they had to have finished three years to participate in
17 the Faculty Senate?

18 A. Correct.

19 Q. Academic professionals who are in the TAUP Bargaining
20 Unit do not participate in the Faculty Senate, isn't that
21 right?

22 A. Academic professionals who are in the TAUP Bargaining
23 Unit do not, that's correct.

24 Q. And was it around the same time -- you gave a ball park
25 of about 2009, sometime within maybe the last ten or fifteen

1 years, the same time that non-tenure track faculty with one to
2 three years of service became eligible to participate in
3 Faculty Senate, and is it the same time when full-time
4 librarians became eligible?

5 A. Yes.

6 Q. So prior to that full-time librarians in the TAUP
7 Bargaining Unit did not have any role in the Faculty Senate?

8 A. That's correct.

9 Q. You talked about having retreats with full-time faculty
10 members. You didn't include academic professionals in those
11 retreats, did you?

12 A. The retreat that I had with -- it was actually with the
13 Faculty Senate Steering Committee. And were academic
14 professionals involved in that? No.

15 Q. Adjunct faculty members teach on the same campuses that
16 full-time faculty members teach on, isn't that right?

17 A. Yes.

18 Q. And they teach in the same classrooms as full-time
19 faculty, isn't that right?

20 A. Yes.

21 Q. And they teach the same courses in many instances that
22 full-time faculty teach?

23 A. Yes, some of the courses are the same.

24 Q. And they're evaluated by students on the same student
25 feedback form system as full-time faculty, isn't that right?

1 A. The same student feedback form is used for both.

2 Q. -- And adjunct faculty at times develop new courses to
3 propose to their departments to teach, isn't that right?

4 A. I don't know of any, but I don't know that it's not
5 happening either.

6 Q. -- With regard to the various committees of the Faculty
7 Senate that you talked about, they have a -- their role is to
8 make recommendations to the administration, isn't that right?

9 A. It would depend on which committee, but in general the
10 faculty committees recommend, and in many cases effectively
11 recommend. Now, the Executive Committee at Gen Ed, they
12 pretty well control all of their -- the issues dealing with
13 Gen Ed.

14 Q. Curriculum?

15 A. Curriculum, absolutely.

16 Q. With regard to schools and colleges and their collegial
17 assemblies, you're aware, aren't you, that some schools and
18 colleges allow some participation by adjunct faculty members,
19 aren't you?

20 A. No, I'm not.

21 Q. Are you familiar with the College of Education's Bylaws?

22 A. Yes, I am.

23 Q. You're aware that it allows for a voting delegate who is
24 a part-time faculty member?

25 A. The 2002 Bylaws allowed for that. Thereafter the College

1 of Ed adopted Bylaws around 2006, and then again in 2011, and
2 the 2006 and 2011 did not, and currently do not, allow that.
3 These Bylaws are posted on the College of Education web site.
4 The problem is that they've never been officially approved by
5 the university.

6 Q. What has never been officially approved by the
7 university?

8 A. The Bylaws.

9 Q. Which ones? The 2002, the 2006 or the 2011?

10 A. 2006 and 2011, but they have operated since 2006 on those
11 Bylaws.

12 Q. Okay, but prior to 2006 an adjunct faculty member
13 participated as a voting delegate for the Collegial Assembly,
14 right?

15 A. In 2002 -- the Bylaws in 2002 had that built into the
16 Bylaws. Whether or not they participated I don't know.

17 Q. Oh, you don't participate in the Collegial Assembly for
18 your college?

19 A. No.

20 Q. Since you came to the university in an administrative
21 role have you ever participated in the Collegial Assembly?

22 A. In administrative roles, yes. In other words----

23 Q. Okay, when you were a dean for example?

24 A. I'm sorry.

25 Q. When you were a dean for example?

1 A. Sure. And when I was Provost I met with many Collegial
2 Assemblies, but I wasn't participating as a member of the
3 Collegial Assembly which is your question.

4 Q. Did you ever participate as a member of the Collegial
5 Assembly?

6 A. As a member, no.

7 Q. Non-tenure track faculty are not eligible to serve on a
8 college level tenure committee, isn't that right, -- or, I'm
9 sorry, a promotion and tenure committee? That's what you
10 called it.

11 A. Say that again.

12 Q. A non-tenure track faculty member is not eligible to
13 serve on a college promotion and tenure committee, isn't that
14 right?

15 A. A promotion and tenure committee which includes tenure,
16 no. A promotion committee that is promotion for NTT's, yes.

17 Q. And the one that includes tenure is the one that I
18 referred to, which was the promotion and tenure committee.
19 That's a committee that you testified about, isn't that right?

20 A. A promotion and tenure committee, right. There are
21 personnel committees. There are promotion and tenure
22 committees. There are promotion committees. There are tenure
23 committees. Different schools do different types of things.

24 Q. And are you familiar with -- you talked about the Faculty
25 Senate. Are you familiar with something called the

1 Representative Faculty Senate?

2 A. Yes.

3 Q. What's that?

4 A. The Representative Faculty Senate is a body that is
5 composed of representatives appointed by each of the schools
6 and colleges. So the representative -- during the year the
7 Faculty Senate has two types of meetings, full Faculty Senate
8 University Senate meetings, and Representative Faculty Senate
9 meetings. Anybody can attend, but the Representative Faculty
10 Senate meetings are made up of elected representatives from
11 each of the schools and colleges, all of whom are Senators in
12 both of them.

13 Q. And is there a different role that the Representative
14 Faculty Senate plays versus the University Senate that you
15 referred to as everyone?

16 A. Well, the Representative Faculty Senate what it does is
17 it has the various viewpoints of each of the schools and
18 colleges represented by the representative, by the elected
19 representative. De facto when I met with both of them there
20 was no difference. The Faculty Senate is the Faculty Senate.

21 Q. Okay. You're aware that some schools and colleges have
22 limitations on what types of full-time faculty can be elected
23 to the Representative Senate?

24 A. No, I'm not aware of that.

25 Q. You're not aware whether it does happen or doesn't

1 happen?

2 A. Right, that's correct.

3 Q. But there's nothing that would preclude that from
4 happening?

5 A. Well, the faculty would make their own rules about how to
6 operate here.

7 Q. So it wouldn't surprise you to learn that the Fox School
8 of Business and Management restricts those eligible for
9 election to the Representative Faculty Senate to those who are
10 tenured or tenure track?

11 MR. LANGE: Objection. He just said he has no
12 knowledge.

13 MS. ROSENBERGER: I'm just asking him if it
14 would surprise him.

15 HEARING EXAMINER: I don't see any problem with
16 it. I'll overrule it. You can answer the question.

17 THE WITNESS: Answer the question?

18 HEARING EXAMINER: Yes.

19 A. I'm not easily surprised within the university. All
20 kinds of things happen. Schools and colleges operate
21 sometimes differently from each other, and we do not have an
22 ironclad set of rules that everybody must do this this way for
23 that purpose.

24 Q. You testified about one of the reasons why, in your view,
25 it wouldn't be appropriate for adjunct faculty to serve on a

1 college level curriculum committee, for example, because they
2 don't know whether they're going to be with the university the
3 following year -- from year-to-year, right?

4 A. Well, that's part of it, yes.

5 Q. But the same is true with regard to a non-tenure track
6 faculty member on a one year appointment, isn't that true?

7 A. An NTT faculty member on a one year appointment has a
8 wider horizon, one year, than somebody hired for a semester,
9 but, yes.

10 Q. Non-tenure track faculty don't participate in search
11 committees for tenure track positions, isn't that right?

12 A. I don't know. I don't know that.

13 Q. You testified about a number of dual degree programs or
14 other cooperative programs among schools and colleges, isn't
15 that right?

16 A. Yes.

17 Q. Including those outside the TAUP Bargaining Unit and
18 those that are included in the TAUP Bargaining Unit.

19 A. Yes.

20 Q. Those programs that involve a non-TAUP school or college
21 and a TAUP school or college, those programs involve full-time
22 faculty as well as adjunct faculty, isn't that right?

23 A. Yes.

24 MS. ROSENBERGER: Can I just take five minutes
25 with my people?

1 HEARING EXAMINER: Off the record.

2 [Whereupon, at 12:27 p.m., June 5, 2015 the hearing
3 recessed.]

4 [Whereupon, at 12:30 p.m., June 5, 2015 the hearing
5 reconvened.]

6 HEARING EXAMINER: All right, we're back on the
7 record.

8 MS. ROSENBERGER: No more questions.

9 MR. LANGEL: No redirect.

10 HEARING EXAMINER: You can step down, sir.
11 Thank you.

12 THE WITNESS: Thank you.

13 [The witness departs the witness stand and
14 takes a seat in the spectator area.]

15 MR. LANGEL: Do you want to. I actually have
16 something to talk to counsel about, and what about a lunch
17 break?

18 [Whereupon, at 12:31 p.m., June 5, 2015 the hearing
19 recessed.]

20 [Whereupon, at 1:22 p.m., June 5, 2015 the hearing
21 reconvened.]

22 HEARING EXAMINER: All right, we're back on the
23 record. Does Temple want to call its next witness?

24 MR. LANGEL: I do. Jerry Ratcliffe.

25 HEARING EXAMINER: I'm sorry?

1 MR. LANGEL: Jerry Ratcliffe.

2 [The witness was already seat in the witness
3 box.]

4 [The witness was sworn.]

5 Whereupon,

6 JERRY RATCLIFFE

7 having first been duly sworn, testified as follows:

8 HEARING EXAMINER: Please state your name.

9 THE WITNESS: Jerry Ratcliffe, R-A-T-C-L-I,
10 double F, E.

11 HEARING EXAMINER: Thank you.

12 THE WITNESS: Thank you.

13 DIRECT EXAMINATION

14 BY MR. LANGEL:

15 Q. Jerry, who is your employer?

16 A. Temple University.

17 Q. And how long have you worked for Temple University?

18 A. About twelve years.

19 Q. And what's your current position?

20 A. I'm the Chair of the Criminal Justice Department in the
21 College of Liberal Arts.

22 Q. The Criminal Justice Department is in the College of
23 Liberal Arts?

24 A. Correct.

25 Q. What types of degree programs does your department offer?

1 A. We have a Bachelor's Degree. We have a Master's in
2 Criminal Justice, and we have a Ph.D. program.

3 Q. And how are the students divided between the different
4 programs, undergrad, grad and doctoral?

5 A. It varies, but in any semester we have 750 and 800
6 majors, about 100 criminal justice minors. We have about 50
7 graduate students, the vast majority of which are Ph.D.
8 students or candidates.

9 Q. Do you have a faculty appointment?

10 A. Yes.

11 Q. And what is that?

12 A. I'm a full professor.

13 Q. Tenured?

14 A. Yes.

15 Q. And what are your job duties as Chair of the Criminal
16 Justice Department?

17 A. It's probably best summarized as twofold. I'm the
18 administrative lead for the department to make sure that the
19 administration paperwork and bureaucracy as relates to the
20 department gets done, but I'm also the academic lead
21 responsible for pedagogical standards and for our research
22 program, and we have a significant research program, so I kind
23 of wear two hats in that regard.

24 Q. And how long have you held the position of Department
25 Chair?

1 A. Five years. I'm just coming into my sixth year now.

2 Q. And before you were the Department Chair what was your
3 position?

4 A. I did two or three years as the Graduate Program Director
5 for our department.

6 Q. And what were your job duties as the Graduate Program
7 Director?

8 A. Nor dissimilar to that of chair, maintain the bureaucracy
9 and the smooth running of the graduate programs, the Master
10 and Ph.D. programs, as well as one down from the Department
11 Chair, but also maintained pedagogical standards and standards
12 of education and quality of the degree for our students.

13 Q. What positions did you hold before you came to Temple?

14 A. Before I came to Temple I was a Senior Research Advisor
15 for the Australian Institute of Criminology. Before that I
16 was a lecturer in police intelligence with Charlester
17 [phonetic] University in Australia; and before that I was a
18 police officer with the Metropolitan Police in London.

19 Q. Does your department have its own department level
20 committees?

21 A. It does. The predominant committees that we run are an
22 undergraduate committee, a graduate committee, and a search
23 committee.

24 Q. Pardon, what was the third?

25 A. A search committee when we're required to search for

1 tenure track positions.

2 Q. What is the purpose of the undergraduate committee?

3 A. Oversight of the program to maintain quality and
4 standards, to maintain that our undergraduate program is
5 providing the best quality and cutting edge education that we
6 can to our students to prepare them.

7 Q. Who serves on the undergraduate committee?

8 A. I have full-time faculty on that, both tenured, tenure
9 track and non-tenure track.

10 Q. Do you have any adjuncts on the undergraduate committee?

11 A. No, I don't.

12 Q. As part of the responsibilities on the undergraduate
13 committee do its full-time faculty members observe adjunct
14 faculty?

15 A. Yes, they do.

16 Q. And as part of its responsibilities -- or their
17 responsibilities on the undergraduate committee do the full-
18 time faculty provide counseling to adjunct faculty?

19 A. They will provide advice if there are modest issues that
20 the adjunct faculty could -- to help them improve the quality
21 of their instruction, yes.

22 Q. Have there ever been occasions where there have been more
23 than modest issues where the full-time faculty have reported
24 to you issues they observed with adjunct faculty?

25 A. Yes, there have.

1 Q. What types of issues?

2 A. Generally aspects that rightfully upset our students and
3 us as a university, such as adjunct faculty not turning up on
4 time, cancelling classes without notice, and other issues of
5 pedagogical standards.

6 Q. Now, the questions I just asked you regarding the
7 undergraduate committee, is the same true -- would the answers
8 be the same if I asked you the same questions for the graduate
9 committee?

10 A. Yes. The graduate committee is more structured around
11 research for our Ph.D. students, but in essence, yes.

12 Q. Do you have adjuncts teaching graduate school courses?

13 A. No.

14 Q. Are you aware of----

15 MS. ROSENBERGER: I didn't hear the answer to
16 that. I'm sorry.

17 MR. LANGE: He said, "no."

18 THE WITNESS: I said, "no."

19 Q(Con't) Are you aware of adjuncts serving on any
20 departmental committees in the College of Liberal Arts?

21 A. No, I'm not.

22 Q. Does your department have regular department meetings?

23 A. Yes, about every five or six weeks.

24 Q. And what happens at those meetings?

25 A. We go through the various committees. We discuss a range

1 of issues. That's fluid depending on where we are, generally
2 focusing on undergraduate affairs, the graduate program, but
3 also research and development.

4 Q. Do you make decisions about curriculum and course
5 offerings?

6 A. Yes.

7 Q. Are adjuncts allowed to those meetings?

8 A. No.

9 Q. Why not?

10 A. We ask quite a bit of our adjuncts in terms of
11 instruction. Most of the adjuncts that we have in our
12 department are full-time employed in professional work in the
13 criminal justice field. So partly I don't think they want to
14 come because they're full-time employed and it would be asking
15 too much of them; and, secondly, I think that they're not
16 necessarily in a position to help us make the good decisions
17 because they're only spending a limited amount of time
18 interacting with the university, as opposed to full-time
19 faculty.

20 Q. All right. Do you see a potential conflict of interest
21 in having adjuncts -- well, do you have any adjuncts that
22 teach at other institutions?

23 A. I believe they do, yes. I don't formally have a record
24 of it.

25 Q. Would you see a potential conflict between adjuncts who

1 teach simultaneously at two different institutions, and would
2 you see a potential conflict of interest in having those
3 adjuncts involved in your committee meetings?

4 A. I would, yes. Not because necessarily for any malicious
5 reasons, though I can envision some that could occur, but
6 because there are aspects of our research program and our
7 grant fund activity that come up in discussions in those
8 meetings that I wouldn't want deliberately or inadvertently
9 shared with our competing institutions. We're a top -- nearly
10 top ten ranked department in the country. We derive
11 significant income from grant funding. So that's important to
12 us.

13 Q. Do you compete with schools that are geographically close
14 to you?

15 A. Yes. The University of Pennsylvania, St. Joe's Holy
16 Family, LaSalle, yes.

17 Q. What about the University of Delaware?

18 A. Yes, -- in particular areas is what I meant.

19 Q. Are grants discussed during your departmental meetings?

20 A. Yes, they are. We will have discussions about faculty
21 collaborating and the structure of the grant applications that
22 we might want to submit for pending grants that are coming up.

23 Q. Is research an important part of your department?

24 A. Oh, without the -- to some degree without the income and
25 the support we probably wouldn't have much of a Ph.D. program.

1 It's essential to our graduate level education in keeping our
2 Ph.D. students employed.

3 Q. And are adjuncts involved in research?

4 A. No.

5 Q. Where does your department stand in the College of
6 Liberal Arts in terms of revenue?

7 A. In terms of research revenue?

8 Q. Yes.

9 A. I'm pretty sure we're second only to the psychology
10 department, and they're twice as big as we are. So, yes,
11 grant fund research and the income from research grants is
12 substantial for us.

13 Q. Are full-time faculty involved in research in your
14 department?

15 A. Yes, they are.

16 Q. How many adjuncts does your department employ?

17 A. Depending on the semester it can be anywhere between
18 about ten and fifteen, twelve to fifteen.

19 Q. Do your adjuncts typically teach in the summer?

20 A. No, they don't.

21 Q. Why not?

22 A. We -- I reserve largely the summer teaching to full-time
23 staff and to our graduate students only.

24 Q. Talk to me for a moment about your graduate students. Do
25 your graduate students teach the same types of courses as the

- 1 adjuncts teach?
- 2 A. In the summer generally, yes.
- 3 Q. How are adjuncts in your department hired?
- 4 A. We're fortunate to work in a field that has a strong
5 practical component. So at the moment we generally have a
6 larger pool of people directly applying to us. So we keep a
7 list of people who are available and people who have expressed
8 an interest, and we will draw from those people. We don't
9 need to advertise for adjunct hiring.
- 10 Q. Who is the "we"?
- 11 A. It would be myself and generally Dr. Kathy Rosen. We
12 have significant scheduling issues. We just have a large
13 department with hundreds of majors, so she helps me with
14 scheduling classes.
- 15 Q. Dr. Kathy Rosen----
- 16 A. R-O-S-E-N.
- 17 Q. And is she a professor?
- 18 A. She is. She's an associate professor with the department
19 and tenured.
- 20 Q. Tenured?
- 21 A. Yes.
- 22 Q. And what's her role with respect to arranging for
23 adjuncts?
- 24 A. We work together. She takes the lead in it. We look at
25 the schedule of classes that we want to teach. We will slot

1 in full-time instructors first, and spaces for our graduate
2 students if it's in the benefit of the graduate student in
3 terms of their professional career development; and then we'll
4 look at what's left that we don't have the capacity to cover,
5 and then we will seek out from the pool of people that we
6 have, the adjunct professors who are skilled to teach those
7 classes and can help us out.

8 Q. When you say, "We will seek out," who is actually doing
9 the seeking out?

10 A. Kathy Rosen is looking for the list. She's reaching out
11 to people to see if they're available. Then she comes to me
12 and says, "I've managed to find these people for these
13 positions. Is that okay?"

14 Q. In that process does she recommend to you whether a
15 particular adjunct should be hired for a particular semester?

16 A. Yes.

17 Q. And do you effectively follow her recommendations?

18 A. There may be questions as to why. We'll have a
19 discussion, but generally, yes. She's very good at what she
20 does.

21 Q. Now, regarding the renewal of adjuncts what's the process
22 that you go through for determining whether an adjunct will be
23 hired for another semester?

24 A. Prior to the semester we will look at the classes that we
25 are required to fill, and that'll take place -- it can often

1 change at the last minute depending on the research or the
2 availability of research of other faculty. And then we will
3 identify individuals, or Kathy will help me identify
4 individuals, who could fill that slot, and if they're
5 available we will submit the paperwork to the College of
6 Liberal Arts to do whatever they do.

7 Q. And what's Kathy's role in determining who should be
8 teaching a particular course?

9 A. She looks through the available people that we have. She
10 looks through the lists. If we can't find anybody suitable
11 she looks through the list of people who have directly
12 approached us. Occasionally we will ask somebody to teach,
13 but generally it's from the list that we currently have. We
14 have many more people interested in teaching for our
15 department than we have available places. And then I will
16 accept her recommendation on that.

17 Q. Is it fair to say that in many cases you rely on Kathy's
18 recommendation that a particular adjunct should teach a
19 particular course?

20 A. Yes.

21 Q. Is there much variation in how much you pay an adjunct?

22 A. I don't believe there's any variation.

23 Q. And do you pay the adjunct the minimum that is allowed by
24 the university?

25 A. We pay the adjunct the amount that is recommended by the

1 College of Liberal Arts. I haven't had involvement in those
2 decisions.

3 Q. Does your name appear on the adjuncts' appointment
4 letters?

5 A. No.

6 Q. Does the dean's?

7 A. I believe so, yes.

8 Q. And as far as you know has the dean ever not accepted
9 your recommendation regarding the hiring of an adjunct?

10 A. Not as far as I know.

11 Q. Is there a search process for hiring adjuncts?

12 A. We don't require -- we don't have a need for one.

13 Q. And is there a search process for hiring NTT's, tenure
14 track faculty and tenured faculty?

15 A. Yes.

16 Q. Is it fair to say that Kathy Rosen is essentially in
17 charge of scheduling?

18 A. Yes.

19 Q. And is it fair to say that she essentially schedules all
20 of the adjuncts?

21 A. Yes.

22 Q. And does she make the determination when she effectively
23 makes the recommendation to you to schedule a particular
24 adjunct over another particular adjunct?

25 A. Yes.

1 Q. -- Does Kathy Rosen ever make a recommendation to you or
2 has she ever made a recommendation to you about whether to
3 bump an adjunct to allow a full-time professor to teach a
4 course over the adjunct?

5 A. Yes, quite frequently.

6 Q. And do you typically accept her recommendation?

7 A. Absolutely for a variety of reasons, but, yes, is the
8 answer.

9 Q. Does Kathy Rosen have a priority list? By that I mean
10 whether full-time faculty, then graduate students, then
11 adjuncts are given priority?

12 A. Yes, we have workload agreements that are an agreement
13 for teaching load between the department and the college. So
14 I'm obligated to staff those first. So, for example, if we
15 anticipate -- if I can give you an example? If we anticipate
16 that a faculty member has a research grant that would provide
17 a course buy out, a course reduction, so that they can do that
18 research work, -- and then, if for some reason that falls
19 through, if they had a course buy out they're then unable to
20 use those funds to buy down from that course, and they're now
21 back into eligible for the pool then we're obliged by our
22 workload agreement to have them teach. So I would have to at
23 that point, unfortunately, bump one of our adjunct staff so
24 that our full-time faculty could comply with their workload
25 requirements for the college.

1 Q. Have non-tenure track faculty ever created a course?

2 A. Yes.

3 Q. Have tenure track faculty ever created a course?

4 A. Yes.

5 Q. Have adjuncts ever created a course?

6 A. No.

7 [Whereupon, a document was formally marked as
8 Temple University Exhibit No. 47 for
9 identification.]

10 Q. Let me show you what we've marked as Temple Exhibit
11 Number 47.

12 [Document provided to the witness.]

13 [Witness peruses document.]

14 Q(Con't) Have you seen that before?

15 A. Yes, I have.

16 Q. What is it?

17 A. This is the Annual Report of Faculty Activity. It's an
18 on-line document that is created where faculty members report
19 their activities across service, research and instruction over
20 the course of the preceding year.

21 Q. And take a look at the second page.

22 A. Uh-hunh.

23 Q. Does this address this particular faculty person's
24 development of curriculum for a new graduate course?

25 A. Yes. The new graduate course in Policing and Security in

1 a Global Age. It's a very good course.

2 Q. And is this typical of your expectation of full-time
3 faculty?

4 A. Yes, it is.

5 Q. And would that be true for tenure track, tenured and non-
6 tenure track faculty?

7 A. Yes, it is.

8 Q. Would you have any expectation like this for adjuncts?

9 A. No, and we probably wouldn't have a situation where this
10 would occur.

11 Q. Why not?

12 A. We take our responsibilities to our undergraduates very
13 seriously in terms of making sure that we have a cohesive
14 program that has the right balance in terms of different types
15 of courses across a different range of pedagogical needs. So
16 any course development to take place would be targeted, and I
17 would ask that of my full-time faculty because being around
18 full-time they're aware of -- and coming to faculty meetings,
19 and just generally being in the department full-time they're
20 aware of the direction and the strengths of our department.
21 It's not reasonable to ask that of adjunct faculty.

22 Q. In terms of outside employment are your full-time faculty
23 limited in the role they can play at another college or
24 university away from Temple University?

25 A. Yes, there are contractual limitations I believe, yes.

1 Q. Are there similar restrictions on adjuncts?

2 A. I'm sorry. I couldn't hear you.

3 Q. Are there similar restrictions on adjuncts?

4 A. No, I don't believe so, -- though that would probably be
5 a question for somebody at a higher pay grade than me.

6 Q. Have you made any decisions to stop offering courses
7 taught by adjuncts?

8 A. Yes.

9 Q. Under what circumstances?

10 A. Most recently our full-time faculty and I came to an
11 agreement that where we would like to take the direction of
12 the department takes us away from our ability to support
13 strong pedagogical standards of teaching and oversight for
14 classes on Temple University's Ambler Campus. As a result of
15 that we're withdrawing much of our commitment to that campus.
16 And I have a full-time faculty member who is up there, and she
17 is now teaching full-time on our main campus, and we're
18 winding down our course offerings at Ambler.

19 Q. And at Ambler what courses -- or who had been teaching
20 the classes?

21 A. That had been all taught by -- with the one exception of
22 this one full-time faculty member the other classes have been
23 taught by adjuncts.

24 Q. How many classes?

25 A. That would have been probably four or five classes per

1 semester.

2 Q. Four or five per semester that will no longer be taught
3 at Ambler?

4 A. Correct.

5 Q. And you said, "the full-time faculty and I made that
6 decision." What was the role of the full-time faculty in
7 making the decision for pedagogical reasons that you would no
8 longer have adjuncts teaching at Ambler?

9 A. We had -- we were coming up to an external review of our
10 department that was conducted by people from a peer
11 department. And in preparation for that we prepared a report
12 that looked at our department's strengths and weaknesses. We
13 had department meetings. We had a retreat that discussed
14 these issues as essentially a faculty governance issue,
15 because decisions about where we go as a department, our
16 strengths and weaknesses, impact mostly on the full-time
17 faculty. So they were all included in this and everybody
18 attended. With the exception of one person who was sick
19 everybody attended the retreat. And we made the decision that
20 if we wanted to develop particular new programs that we are in
21 discussion about developing now that we couldn't also maintain
22 a commitment to maintaining our teaching standards and quality
23 of instruction at the remote campus.

24 Q. Did you actually conduct an internal review before you
25 made that determination?

1 A. Yes.

2 Q. And who conducted that internal review?

3 A. Members of the full-time faculty.

4 Q. And what was the result?

5 A. The result was, at least relating to Ambler -- there were
6 other results relating to the development of new programs, but
7 in relating to our Ambler commitment the agreement was that we
8 would essentially begin to wind down our commitment to the
9 scale of teaching that we'd made to that campus.

10 Q. Will that result in -- will the collective decision that
11 you and your faculty made result in adjuncts losing their
12 jobs?

13 A. Certainly losing their adjunct positions with the
14 university, yes. In terms of----

15 Q. That's fine.

16 A. Okay, yes, that part of the job, yes.

17 MR. LANGE: Nothing further at this time.

18 CROSS-EXAMINATION

19 BY MS. HOYE:

20 Q. Good afternoon, Professor Ratcliffe. My name is Lauren
21 Hoyer. I'm representing TAUP. I have a few additional
22 questions for you. You testified on direct about the Ambler
23 Campus. Now, that's not the only campus where courses in your
24 department are taught, is that right?

25 A. That's correct. We teach some classes at the Center City

1 Campus as well.

2 Q. Are those the only two campuses where courses in your
3 department are taught?

4 A. On a regular basis I believe we have in the past taught a
5 class or two at our Harrisburg Campus, but I would need to go
6 back and check records to confirm that.

7 Q. And of course on Main Campus, correct?

8 A. Our majority commitment is there, yes.

9 Q. And are there adjunct faculty in your department that
10 teach either on Main Campus Harrisburg or at Tuck [phonetic]?

11 A. Yes.

12 Q. So not all of the adjuncts in your department teach at
13 the Ambler Campus, is that right?

14 A. That's correct. I mean, as I said, we employ about 12 to
15 15. The employment at Ambler is probably up to about five or
16 six people.

17 Q. And you testified also that you're not aware of any
18 adjuncts in your department that have developed their own
19 courses. So presumably then the adjuncts in your department
20 are teaching the same courses as the full-time faculty members
21 are?

22 A. Yes, they're teaching courses that we already have on our
23 books and we've taught in the past. I wouldn't, under any
24 normal circumstances, have an adjunct faculty member preparing
25 courses for us.

1 Q. Okay, but the adjunct faculty in your department are
2 teaching the same courses that full-time faculty teach?

3 A. At an undergraduate level, yes.

4 Q. Okay. Do you have adjunct faculty that are renewed
5 semester-to-semester?

6 A. Yes.

7 Q. And in your tenure as Department Chair what's the longest
8 period of time that you've had an adjunct teach in your
9 department?

10 A. Probably since -- at least that I'm aware of since I've
11 been Department Chair, we have a couple of retired people who
12 enjoy it and find it very rewarding and -- with the odd
13 exception of a semester here or there we've been able to
14 employ them.

15 Q. Okay, and for how long have they taught as an adjunct in
16 your department?

17 A. I can only speak to the time that I've been Department
18 Chair. I would say five years. -- I can't confirm though
19 that they've taught every single semester. And actually one
20 of the people I'm thinking about was unable to teach this last
21 semester, but I wouldn't -- I think we've seen some people be
22 around one class per semester for the last five years, yes.

23 Q. And in your role as the Department Chair and a faculty
24 member you interact with adjunct faculty, is that right?

25 A. Yes.

1 Q. What are the ways in which you interact with them?

2 A. Occasionally we'll send out e-mails just with updates to
3 policy and updates to information, but generally otherwise
4 it's face-to-face. I would like to spend more time, but we're
5 a department with a strong research profile, with a graduate
6 program, a Ph.D. program, and we have large numbers of
7 undergraduates. There are only so many hours in the day.

8 Q. So the majority of your interaction with adjuncts is
9 face-to-face. Is that what your testimony is?

10 A. No. Probably the majority of my interaction is via
11 e-mail and directions because we're dealing with people who in
12 the majority have full-time employment, and therefore it's
13 difficult to have face-to-face time with them. They come in.
14 They teach the classes. They do a really great job, but they
15 go home again. And that's as much as -- Temple University
16 doesn't pay that much. And that's as much as I can really ask
17 of them.

18 Q. You testified a moment ago that you'd love to spend more
19 time with adjunct faculty. What are the contexts in which you
20 would love to spend more time with them?

21 A. I would certainly like to work with them a little bit
22 more on pedagogical standards, but we do focus much of that on
23 the full-time faculty who teach the majority of our students,
24 and who see our students on a recurring basis across classes.
25 For me it's very important that -- with a large number of

1 undergraduates I rely on my full-time faculty to keep me
2 appraised of excellent students who would be worth mentoring
3 into research projects, but also about students whose
4 performance has suddenly dropped off. And generally with our
5 adjunct faculty they're teaching the same class. So if
6 students pass that class they're not going to take that class
7 again. Therefore, they're only ever going to see students
8 once. Whereas, our full-time faculty will see students in
9 multiple classes, and that's very important for reasons of
10 keeping an eye on the students for good and bad reasons.

11 Q. The term "pedagogical standards," what do you mean by
12 that?

13 A. Providing a quality of education, providing for a
14 standard of instruction, but also a standard of grading and
15 marking that maintains the value of a Temple University degree
16 for the benefit of the students.

17 Q. Are there any other ways in which you'd love to spend
18 more time with adjunct faculty in your department?

19 A. I'm sure, but nothing springs to mind right at this
20 moment. If you have some idea of what?

21 Q. How many non-tenure track faculty do you have in your
22 department?

23 A. Nine.

24 Q. And how many tenure track faculty do you have in your
25 department?

- 1 A. Fifteen or sixteen depending on how you want to count
2 people.
- 3 Q. How many tenured faculty do you have in your department?
- 4 A. Oh, I'm sorry. I may have misheard you because of the
5 noise of the fan. Was the previous question, "How many tenure
6 track faculty?"
- 7 Q. Yes.
- 8 A. I'm sorry. I interpreted that as tenured and tenure
9 track. My apologies.
- 10 Q. So let's break that down. Those fifteen to sixteen,
11 break those down by tenure track and tenured.
- 12 A. If you give me five minutes in my head I can go through
13 them, but if you want a ball park figure not to hold me to,
14 then we're probably looking at about a straight split.
- 15 Q. So approximately eight tenured and approximately eight
16 tenure track?
- 17 A. About seven tenure track, -- yeah, seven I think.
- 18 Q. You also testified on direct examination that adjunct
19 faculty in your department are not allowed to participate in
20 department committees. Is there an actual prohibition on
21 adjunct faculty participating o those committees, or is it
22 just as a fact of the matter they don't participate on those
23 committees?
- 24 A. I mean, those committees are invitation only at the
25 behest of the chair, and I don't think it's appropriate, and I

1 do the invitations for that. Is there a written policy on it?

2 No. Is it at the discretion of the chair? Yes.

3 Q. To your knowledge has an adjunct faculty member ever
4 requested to participate in a committee meeting?

5 A. No.

6 Q. -- You testified that there are contractual limitations
7 on the full-time faculty members in your department that teach
8 elsewhere. So are you aware of full-time faculty in your
9 department that teach or have jobs outside of Temple
10 University?

11 A. Teach, no, -- but it's possible to have sources of
12 employment outside, yes. We are permitted to do consulting to
13 a degree. And I know that a number of us are involved in
14 consulting activities, including myself.

15 Q. Pardon me?

16 A. Including myself. So, yes.

17 Q. So you, yourself, work elsewhere other than Temple
18 University?

19 A. Yes. It's not for a university though, but I do work for
20 the federal government.

21 Q. -- You said that you typically -- when it comes to
22 hiring that you typically accept the recommendation from Dr.
23 Rosen. But you could disagree with her recommendation, could
24 you not?

25 A. Perhaps the best way to clarify my answer to that

1 question is that we don't really do it in terms of, "Here's a
2 recommendation. Yes or no?" We're colleagues who have known
3 each other for over a decade. So we have a conversation about
4 the decisions that we're going to make, and we discuss the
5 pros and cons of various people who are either currently
6 teaching for us or have expressed an interest in teaching for
7 us. So occasionally there will be times when I've said, "You
8 know, let's try this other person." Because of reasons
9 external to teaching it's good to have friends in our business
10 who teach for us who are also involved in the criminal justice
11 field, and generally in the City of Philadelphia. It's good
12 for our students.

13 Q. So if you had a disagreement with her over filling a
14 particular position could you overrule her?

15 A. Oh, yes. I'm the Chair of the Department.

16 Q. Do the full-time faculty in your department write
17 syllabi?

18 A. Yes, they do.

19 Q. Do they perform research to prepare to teach courses?

20 A. Yes.

21 Q. Do they determine the assignments for their students?

22 A. Yes.

23 Q. Do they choose the readings and course materials for
24 their courses?

25 A. The full-time faculty, yes.

- 1 Q. Do they select the text book or other course materials?
- 2 A. Yes.
- 3 Q. Do they do the readings for class?
- 4 A. I'm sorry?
- 5 Q. Do they do the readings for class?
- 6 A. Do them, yes, I'm assuming -- well, if you're meaning, do
- 7 they read them? Yes, I would hope so, yes; but they assign
- 8 the readings to the students as well, yes.
- 9 Q. Do they prepare and deliver lectures?
- 10 A. Yes.
- 11 Q. Do they make themselves available to students outside the
- 12 classroom?
- 13 A. Yes.
- 14 Q. Do they hold office hours?
- 15 A. Yes.
- 16 Q. Do they write exams?
- 17 A. Yes.
- 18 Q. Do they grade students?
- 19 A. Yes.
- 20 Q. Do they write recommendation letters for students?
- 21 A. Yes. They're teachers. This is teaching.
- 22 Q. Are they evaluated by students?
- 23 A. Yes.
- 24 Q. And are the evaluations that the students use to evaluate
- 25 the full-time faculty in your department the same as the

1 student evaluations that are used to evaluate adjunct faculty?

2 A. Yes, they are.

3 Q. And full-time faculty are subject to the student
4 grievance procedure?

5 A. Yes.

6 Q. And they're subject to Temple's policies regarding
7 academic dishonesty and plagiarism?

8 A. Um-hunh, yes.

9 Q. Full-time faculty are required to participate in various
10 trainings provided by Temple including trainings on sexual
11 harassment?

12 A. Yes.

13 Q. Do you have a terminal degree in your field?

14 A. Yes.

15 Q. And are you aware of any full-time faculty members in
16 your department that have less than a terminal degree?

17 A. Yes.

18 MS. HOYE: I don't have any other questions for
19 you. Thank you, Professor.

20 MR. LANGE: I do.

21 REDIRECT EXAMINATION

22 BY MR. LANGE:

23 Q. You were asked whether adjuncts teach some courses that
24 full-time faculty teach.

25 A. Yes.

1 Q. Do graduate students teach courses that adjuncts teach?

2 A. Yes.

3 Q. How are syllabi for the courses in your department
4 created?

5 A. We will assign them to the instructors if it's a full-
6 time instructor, or we will develop them collectively for
7 classes that are taught in multiple sections. And then the
8 people who are assigned to teach that class will teach to the
9 syllabi that we design, but design is only done by full-time
10 faculty.

11 Q. And does an adjunct typically have anything to do with
12 creating a syllabi?

13 A. Only in a very modest sense inasmuch as the majority part
14 of the course will be designed by a full-time faculty member
15 or a group of full-time faculty members. And we will give
16 that syllabus with pretty much the majority of the readings
17 and the text books to either the graduate student or the
18 adjunct faculty to teach. That being said, it's not the
19 entire course, because we are trying to recruit adjunct
20 faculty from the professional fields, and we want to allow
21 some scope within the design of the class to allow them to
22 share with the students their professional expertise; but the
23 vast majority of it is designed by us so that there is
24 continuity across classes.

25 Q. So do you allow -- let's focus on graduate students. Do

1 you allow graduate students to add readings to an existing
2 course where the syllabi had already been established?

3 A. They can ask us if they wish to, and put a case forward
4 for it, but we wouldn't otherwise expect that, no.

5 Q. And what about the adjuncts, do you allow them to add
6 readings?

7 A. Again to a modest degree, but they really have -- we
8 wouldn't be happy about them changing the whole course of the
9 syllabus or the curriculum for that class.

10 MR. LANGE: Nothing further.

11 MS. HOYE: I just have one brief----

12 THE WITNESS: Cross-examination, okay.

13 MS. HOYE: I have cross-examination just
14 briefly.

15 RECROSS-EXAMINATION

16 BY MS. HOYE:

17 Q. Are full-time faculty in your department permitted to
18 make changes to the official syllabus?

19 A. Yes.

20 MS. HOYE: I don't have any additional
21 questions. Thank you.

22 MR. LANGE: Nothing further.

23 HEARING EXAMINER: You can step down, sir.

24 THE WITNESS: Thank you, sir.

25 [The witness departs the witness stand and

1 takes a seat in the spectator area.]

2 MS. SWARTZ: We'll call our next witness. Dr.
3 Scott Gratson.

4 [The witness approaches and takes his seat
5 in the witness box.]

6 [The witness was sworn.]

7 Whereupon,

8 SCOTT D. GRATSON

9 having first been duly sworn, testified as follows:

10 HEARING EXAMINER: Would you state your name?

11 THE WITNESS: Scott Gratson.

12 HEARING EXAMINER: Spell that, please.

13 THE WITNESS: Certainly. It's Scott, S-C-O,
14 double T, Gratson, G-R-A-T-S-O-N.

15 HEARING EXAMINER: Thank you.

16 THE WITNESS: Thank you very much.

17 DIRECT EXAMINATION

18 BY MS. SWARTZ:

19 Q. Good afternoon, Dr. Gratson.

20 A. Hello.

21 Q. Who is your employer?

22 A. Temple University.

23 Q. How long have you worked for Temple University?

24 A. I began working for Temple in 2002 in the month of
25 August.

1 Q. And what's your current position at Temple?

2 A. I am an NTT, non-tenure track faculty member. The full-
3 time position is as Associate Professor of Instruction in the
4 Department of Strategic Communication. I am also the Director
5 of Undergraduate Studies for the School of Media
6 Communication. I am the Director of the Communication Studies
7 program. And I am the Director of the New York City Study
8 Away program for the School of Media Communication.

9 Q. Do you have a curriculum vitae?

10 A. Yes.

11 [Whereupon, a document was formally marked as
12 Temple University Exhibit No. 48 for
13 identification.]

14 [Document provided to the witness.]

15 Q. Do you recognize that document?

16 [Witness briefly peruses document.]

17 A. Yes, I do.

18 Q. What is it?

19 A. It is my vita.

20 Q. So before coming to Temple University where were you
21 employed?

22 A. My immediate employment before Temple was the
23 Metropolitan State College, now called the University of
24 Denver. Prior to that it was Ball State University which is
25 in Muncie, Indiana.

1 [Whereupon, a document was formally marked as
2 Temple University Exhibit No. 49 for
3 identification.]

4 [Document provided to the witness.]

5 Q. And looking at Temple Exhibit 49, do you recognize that
6 document?

7 [Witness briefly peruses document.]

8 A. Yes, I do.

9 Q. And what is that document?

10 A. This is my contract, the most recent one, dated December
11 1st, 2014.

12 Q. So your most recent contract appointment for a non-tenure
13 track position at Temple?

14 A. That is correct.

15 Q. And what is the term of your current appointment?

16 A. As in when will it end?

17 Q. How long is the term?

18 A. Oh, currently my appointment is until May. It will
19 start, now that it's post [inaudible word] -- it will go until
20 May 31st, 2020 according to this contract.

21 Q. Okay, so it's a five year appointment?

22 A. That is correct.

23 Q. You also mentioned that you're the Director of
24 Undergraduate Studies.

25 A. Yes, I am.

1 [Whereupon, a document was formally marked
2 as Temple University Exhibit No. 50 for
3 identification.]

4 Q. Okay, if you can take a look at Temple 50?

5 [Witness briefly peruses document.]

6 A. Yes.

7 Q. Is that your appointment letter to be the Director of
8 Undergraduate Studies?

9 A. Yes, it is.

10 Q. And you also mentioned that you're the Director of
11 Communication Studies?

12 A. That is correct.

13 [Whereupon, a document was formally marked as
14 Temple University Exhibit No. 51 for
15 identification.]

16 Q. And if you look at Temple 51 is that the most recent
17 appointment letter to your position as Director of
18 Communication Studies?

19 A. Yes, this is.

20 Q. And you also mentioned that you were the Director of the
21 New York Study Away program?

22 A. Yes.

23 Q. What is that?

24 A. It is a program that allows students to study in the City
25 of New York. It is part of our overall Study Away programs

1 for the School of Media Communication. I take students to the
2 city in order to study its communities, its institutions, and
3 also to experience the city. We meet on the Campus of
4 Marma [phonetic] Manhattan, on 71st between 2nd and 3rd every
5 Saturday.

6 Q. Was the course your creation?

7 A. This program was my creation.

8 Q. So tell me about how you developed this program?

9 A. Originally -- actually to begin as a course approximately
10 2007. I just wanted to see if there was interest in students
11 studying the City of New York. I've been studying it since I
12 believe 1988. And there was interest. We continued to offer
13 the classes. At one point it was offered it as an Honors
14 course. Then we developed it a little bit more to see if we
15 could actually teach students about Brooklyn. There was
16 definitely interest. After that we rolled it into a full
17 program. The program was approved in 2009 to be offered to
18 students starting in the summer of -- I believe it was 2012.
19 That would include three parts. One section on communities;
20 one section on institutions; and one section on experience.
21 It is now in its fourth summer and it's larger than ever
22 before.

23 Q. And you said, "We created the program." Who is the "we"?

24 A. It would vary. First I brought it up to students, who I
25 always look to to get their input on what they think about the

1 possibility of something like studying in New York. And then
2 I also brought it up to the chairs of the departments. At
3 that time it was the School of Communications and Theater. So
4 there were a total of six chairs. I then brought it up also
5 with our faculty council, which is our Curriculum Committee.
6 And I brought it up with the Senior Associate Dean. Actually
7 there were two of them that I spoke with because one
8 transitioned out. So I spoke with the new one. That in full
9 I think would be the "we." And then I also followed up with
10 my dean.

11 Q. And you mentioned multiple departments. Why were you
12 consulting with multiple departments for this program?

13 A. In order to stay current really in the City of New York I
14 want to find out as much information as possible. I wanted to
15 see if it would be of interest to the other members, and so I
16 would find out their impressions about the city, but also what
17 they think their students would be able to gain from insight
18 of New York.

19 Q. So would you characterize this program as an
20 interdisciplinary program?

21 A. Absolutely.

22 Q. And so you mentioned that you met with certain chairs and
23 the Associate Dean?

24 A. Yes.

25 Q. And then did you come up with a program proposal of some

1 sort?

2 A. Oh, yes.

3 Q. So tell me about that process, what it entailed and how
4 long it took?

5 A. The New York City program is founded on the idea of
6 experience, but it's more than that. It's also a series of
7 readings, a series of texts. So I would have to go through
8 and evaluate the texts to see if they're still current. I had
9 done a number of days of visiting New York to find out
10 organizations, as well as institutions that we could visit,
11 and I put that into the proposal. We went back and forth on
12 "What is the definition of a community?" because that's not
13 just for example West Village. There's other definitions of
14 communities. So we had to define those terms. And then
15 finally I put everything together.

16 Q. And again, the "we," who are you referring to?

17 A. In that case often it was me, the chairs specifically,
18 and then the Senior Associate Dean.

19 Q. Okay, and once you had the program proposal in place what
20 happened next in terms of the approval process?

21 A. Once it was approved do you mean?

22 Q. No, the proposal.

23 A. Oh, the proposal. After the proposal had been approved
24 by the chairs, they thought it was a good idea, and the
25 curricular committee, and they thought it was a good idea, and

1 then signed off on by the dean, it then is sent to the Vice
2 Provost for Undergraduate Studies' office to process the
3 forms. And then the courses are extant and we began to offer
4 them. We then started advertising in order to see if students
5 would join the program, and they did. I think the first
6 entering class was eleven students.

7 Q. You mentioned that the proposal had to go through the
8 Curriculum Committee.

9 A. Yes.

10 Q. Can you explain what Curriculum Committee you're
11 referring to and what process -- what was the process like
12 when a proposal goes through a curricular committee?

13 A. The Curricular Committee is referred to in the bylaws of
14 the school as Faculty Council. That is its official name and
15 it acts as a curricular committee. It is made up of
16 representatives, full-time faculty representatives, from each
17 of the departments as well as an at large member. They meet
18 and discuss all new course proposals, and any course or
19 program that may have interdepartmental impacts. Obviously
20 this class does. This program does. So I brought it to their
21 attention. They asked me a series of questions, primarily
22 related to how I saw the program happening, and the location
23 that I had picked, what we would be looking at. And then,
24 after that, I put the proposal through once they accepted it
25 to the dean's suite, and then I filed the forms that I've

1 already noted.

2 Q. What types of faculty are on the Faculty Council?

3 A. Do you mean as far as their positions?

4 Q. Um-hunh.

5 A. Well, there are some who are NTT faculty. There are some
6 who are tenure track. There are some who are tenured. One of
7 the representatives is actually a full professor who was our
8 current -- I'm sorry, our former dean.

9 Q. Okay, and so the proposal goes to the curricular
10 committee and there's a discussion about the proposal. Then
11 what happens next?

12 A. Well, after, if the curricular committee approves it, it
13 is then sent up to the dean's suite, and then the dean's suite
14 eventually sends it to the Director of Advising. It's also
15 sent to the Vice Dean of the School for Student Affairs to
16 make sure that all policies are being followed. If those two
17 parties agree then the third component is the Senior Associate
18 Dean for Academic Affairs.

19 Q. How long did this particular process take with regard to
20 the New York Study Away program?

21 A. Including or excluding the initial course offerings in
22 2007?

23 Q. Excluding. So at the time that you decided that you
24 wanted to turn it in to a program going forward?

25 A. That would have been approximately 2009. I actually

1 remember the exact date because it was September 12th. It was
2 the four hundredth anniversary of the sighting of Manhattan by
3 Henry Hudson. At that point I then put the proposal through,
4 and then we talked to the Study Away program about it. We
5 started advertising. By the time that we actually realized
6 how to make the program work, and were putting everything into
7 books and ready to go by 2011 we offered the class commencing
8 in 2012. So from time of -- let's say to Faculty Council to
9 the time of having actually put our feet on the ground in New
10 York City in the summer, approximately three years.

11 Q. And as part of that program do you distribute course
12 materials to students?

13 A. Absolutely.

14 Q. What is distributed?

15 A. Well, readings. There's a wonderful book by a man named
16 Adam Gosnick [phonetic] which deals with the experience of New
17 York. And I also have them look at a lot of videos. This is
18 the School of Media and Communication, so we look at film.
19 Additionally sometimes they read short stories, for example,
20 stories written in New York City. One of the classics being
21 the Gift of Magi, which was written by O'Henry in Pete's
22 Tavern. So we talk about that history. We also often read
23 the New York Times. I have them read some exhibits from
24 museums. It's rather extensive reading.

25 Q. And you mentioned, "I have them read." Who is in charge

1 of determining the course material content?

2 A. I am.

3 Q. And does this content vary summer-to-summer?

4 A. Everything with New York would vary summer-to-summer, but
5 there is going to be a baseline amount of readings. For
6 example, I will often have them watch certain video
7 depictions. Manhattan is the classic one. The opening of
8 Manhattan is iconic. And I will probably have them watch some
9 sections of Requiem for a Dream. Again, it's a very iconic
10 scene, where they're describing what it is to be lonely in New
11 York City. But additionally I do have them read up through
12 current readings. For example, just last night, there was a
13 decision made at the Frick Museum. I sent them that article
14 to read.

15 Q. So does it -- does your position require you to stay
16 current in terms of New York events in order to be able to
17 update your course material?

18 A. Absolutely. New York changes by the hour it seems. So,
19 yes, I have to stay very current.

20 Q. And have you been director of the program since its
21 inception?

22 A. Yes, I have.

23 Q. What degrees do you hold?

24 A. My first degree is a Bachelor of Science Honors in
25 Psychology. My second degree is a Master of Arts with an

1 emphasis on rhetorical criticism. My third degree is a Ph.D.
2 in Human Communication Studies, with an emphasis on familial
3 and interpersonal communication. And I am currently finishing
4 a second doctoral degree in Art History, with an emphasis on
5 Renaissance Germany.

6 Q. And when do you expect to finish your second doctoral
7 degree?

8 A. I hope to defend in March of 2018.

9 Q. And I wanted to talk a little bit about your role as
10 Director of Undergraduate Studies. Can you describe generally
11 what your job responsibilities are in that role?

12 A. A lot of my position as a faculty member is to look at
13 the curriculum, but it's also to look at the overall state of
14 the school in conjunction with the vice dean of the school.
15 We will meet and talk about, for example, policies that might
16 be affecting enrollment, course offerings, -- even when
17 classes begin and end. I also attend the University Assistant
18 Dean Meetings. I, in my capacity, sit on the Scholarship
19 Committee. We have a series of scholarships in our school. I
20 sit on that committee as Director of Undergraduate Studies. I
21 also sit on the Grade Dispute Committee as the Director of
22 Undergraduate Studies. I help with recruitment. I meet with
23 prospective students as well as their parents and family.
24 Those are some of my duties.

25 Q. Is an adjunct eligible to be a Director of Undergraduate

1 Studies?

2 A. No.

3 Q. So it is a position that only a full-time faculty member
4 could hold?

5 A. Yes.

6 Q. So let's talk a little bit about recruiting. How are you
7 involved in recruitment?

8 A. Meaning for undergraduate students?

9 Q. Yes.

10 A. We do have a series of events, both on campus as well as
11 off campus. For example, I went to a recent one at Columbia
12 University. Students will come in and they range, --
13 sometimes they'll be in the eleventh grade, other times
14 twelfth grade, but I have had some actually show up as young
15 as eighth grade, and they may talk about what they see the
16 role of college being. Others will be very specific. We do
17 raise a lot of awareness about Temple as an institution at
18 these events. And I also talk about the different majors that
19 are part of the School of Media and Communication. I'm very
20 familiar with each of them. So I try to guide students. I
21 try to inform them as much as I can as they make their college
22 choices.

23 Q. Would you bring adjuncts to these recruiting events?

24 A. No.

25 Q. Why not?

1 A. I think one of the important aspects of these events is
2 to present a depth of the major. That's what students are
3 looking for. They're going to ask me a very specific question
4 about a major. They want to know not only, let's say the
5 application of one course, but to the entirety of the school.
6 My position allows me to do that. The adjuncts may have a
7 great amount of attention to say a class, but they will not
8 have the full breadth that is necessary to effectively answer
9 the questions that might be required, and not to mention,
10 several of these events may be three or four days long.

11 Q. Okay. You also mentioned that you assist with grade
12 disputes.

13 A. Yes.

14 Q. Can you explain what you mean by that?

15 A. The School of Media and Communication has a very specific
16 policy concerning how grade disputes are to be handled. A
17 faculty member is the first point of contact. Then it goes
18 usually to the chair, and he or she may call a committee
19 within the department. If the grade cannot be resolved then
20 it is processed to the dean's level. At that point in time
21 the dean or dean's designee will call for a committee. I am
22 instructed to sit upon that committee.

23 Q. So in your capacity as Director of Undergraduate Studies
24 you sit on the committee that adjudicates any sort of grade
25 dispute?

- 1 A. Yes, if it reaches that level.
- 2 Q. Are adjuncts involved in any portion of the determination
3 part of that process?
- 4 A. No. The only time an adjunct would be involved would be
5 if it was a student speaking to an adjunct about a grade
6 appeal.
- 7 Q. So as far as the adjudication process only full-time
8 faculty are eligible to sit on that committee?
- 9 A. That is correct.
- 10 Q. In your capacity as Director of Undergraduate Studies do
11 you review all new proposed courses and programs?
- 12 A. Actually, yes.
- 13 Q. Do you ever recommend changes to particular courses or
14 programs?
- 15 A. I recommend changes to the programs as well as
16 occasionally to the forms in which they are written and how
17 they are written, yes.
- 18 Q. And are your changes sometimes accepted by the faculty
19 member who has come forward with a particular proposal or
20 program?
- 21 A. Yes.
- 22 Q. To the best of your knowledge have any adjuncts ever
23 proposed a new course or program?
- 24 A. No, I do not believe so.
- 25 Q. Are there particular guidelines that dictate when a

- 1 program or course needs to reach the Provost's Office in order
2 for it to be offered during a particular semester?
- 3 A. Yes, the Vice Provost Office indicates that, yes.
- 4 Q. Do you know when they are?
- 5 A. On average, and I'm not certain of the exact date, but
6 it's usually mid October for a class that will be offered in
7 the subsequent fall, and usually mid March for a class that
8 will be offered in the subsequent spring. It's usually around
9 the 15th or 16th of those two months.
- 10 Q. So it's roughly about eleven months or so?
- 11 A. About.
- 12 Q. Okay. Does your role as Director of Undergraduate
13 Studies require you to stay on the cutting edge of
14 developments in your industry?
- 15 A. Especially in media, yes, absolutely.
- 16 Q. And why is that?
- 17 A. Media is perpetually changing.
- 18 Q. And in your role as Director of Undergraduate Studies do
19 you need to stay current in order to be able to advise
20 students?
- 21 A. Oh, definitely.
- 22 Q. And what about in order to be able to properly evaluate
23 and assess course proposals or program proposals?
- 24 A. In order to know the state of the discipline, most
25 certainly.

1 Q. And do you advise students on a day-to-day basis?

2 A. I believe I advise students on an hourly basis, yes.

3 Q. Can you explain your role, and particularly as it relates
4 to your role as the Director of Undergraduate Studies, when it
5 comes to advising and mentoring students?

6 A. One of the big areas that an increasing amount of
7 students in the School of Media and Communication are
8 interested in is graduate school, and my position often links
9 to developing undergraduate research, undergraduate
10 scholarship. That includes posting, for example, the
11 symposium that Temple puts on in April that highlights
12 undergraduate research and creative work. I work with several
13 students and mentor them particularly if they're interested in
14 graduate school, or law school or professional school. I also
15 meet with them and talk about career advice regularly for
16 those students who may not be interested in graduate school.

17 Q. Is it common for you to develop a relationship with your
18 students over the course of their time at Temple?

19 A. I'm extremely proud of my relationship that I've been
20 able to develop with my students. I do see myself as, I hope,
21 a strong mentor.

22 Q. So is it commonplace for a freshman to come to you with a
23 certain idea of where they want to go career-wise, and then
24 come to see you the following year and for you to work with
25 them in any particular way?

1 A. I would actually say that it's very common for a
2 freshman, a first year student, to come to me. I don't know
3 if they wait a full year. Usually I probably see them within
4 a month or less.

5 Q. And what types of advising do you give the students as in
6 -- explain some context?

7 A. Some of it is personal. Some are very comfortable
8 talking to me on what it is like to experience college for the
9 first time. As they continue it may change into what classes
10 they should take, and still with others, what track they
11 should focus on. Others still, and we're now looking at the
12 sophomore year, what internship should they consider if they
13 want one? Others around the same time, should they try to
14 publish, present or have an internship? It depends on what
15 their future goals are. Still others I've had, consideration
16 of should I stay in college? Those are just some of the
17 questions, but to be honest they really do vary because I see
18 hundreds of students.

19 Q. Do you also help advise students about graduate school
20 decisions?

21 A. Absolutely. I try to actually talk with them, hopefully
22 in the sophomore year, and definitely by the junior year. I'm
23 very proud of our placement in graduate school with our
24 undergraduates, primarily among those who have been able to
25 publish and present. If one waits until the last semester as

1 a senior oftentimes it's too late.

2 Q. How much of your time would you say you devote to being
3 the Director of Undergraduate Studies?

4 A. It depends on the timing of the semester. For example,
5 if it's closer to graduation, because I also assist with that
6 process, it's going to be a little more intense. It tends to
7 be around April, our large graduation at least, and that's
8 also when our symposium is happening. So April is rather
9 intense. It might be a full two days where I'm working just
10 on undergraduate stuff, sometimes three. It depends again --
11 and that's per week. Additionally October is a little bit
12 hectic. That's when we're leading into registration issues.
13 The first two weeks of any term are hectic for every faculty
14 member. Every full-time faculty member does some element of
15 reaching out to make sure the department is functioning and
16 going to meetings. Couple that with the rest of the duties,
17 and it does get a little intense in September.

18 Q. And so it's about two to three days per week during the
19 busy times. What about a ball park in terms of, you know, the
20 quieter months?

21 A. Well, I would say as one goes up, the other one goes
22 down. As Communication Studies duties seem to increase,
23 Director of Undergraduate duties seem to decrease. So it
24 might actually end up being that I'm spending three days on
25 Comm Studies, as opposed to the usual two, and directing

1 Undergraduate Studies may go to one full day; but again, it
2 depends on the year and the month.

3 Q. Okay, so let's talk a little bit about your position as
4 Director of the Communication Studies program. Is that a
5 program within the School of Media and Communication?

6 A. Yes. It is a major that allows students to take classes
7 from across all of the different departments.

8 Q. And similar to the other director position, is this a
9 position that only a full-time faculty member can hold?

10 A. Yes.

11 Q. What are your job duties as the Director of the
12 Communication Studies program?

13 A. I am completely in charge of the program. That means
14 that I oversee the educational trajectory of approximately --
15 on two campuses approximately 375 students. On the other
16 campus we have the students -- TOJ [phonetic] -- so I talk --
17 I'm sorry, Temple University to Penn. I will also oversee all
18 of the curricular decisions that have to be made, programmatic
19 changes, internships, independent studies. I teach the
20 introductory class both in the fall and then in the spring,
21 and I teach in the summer. I do all of the recruiting for the
22 program. I do all of the publications for the program. I
23 also look at all of the web page development for the program.
24 I meet with the prospective students. I hold all open houses,
25 orientation days, and I even give tours of the building. I

1 feel safe to say I do most of it.

2 Q. Are there any adjunct faculty who teach in this program?

3 A. There are up to three adjunct faculty who teach one class
4 in this program.

5 Q. And do these three particular adjuncts specialize in
6 their respective industries?

7 A. Yes, they certainly do. We're very proud of that.

8 Q. Do they also have other full-time jobs outside of their
9 employment with Temple?

10 A. Absolutely.

11 Q. Are you involved in the hiring of adjunct faculty for the
12 Communication Studies program?

13 A. Yes, I am.

14 Q. How so?

15 A. I hire them directly. What it often amounts to is that I
16 might have a need for a class. Let's say that we have a large
17 entering class. I will try to solicit resumes. I evaluate
18 resumes. I also ask some of my colleagues if they can make a
19 recommendation. The resumes are given to me. I evaluate them
20 and make the hiring decision.

21 Q. So you choose which adjunct to hire out of all of the
22 resumes that you receive?

23 A. Absolutely.

24 Q. And once you make your decision about which adjuncts you
25 want to hire for a particular course what happens next?

1 A. After that they receive their letter.

2 Q. Well, in between the time that you make the decision and
3 they receive their letter?

4 A. I make a recommendation to the Dean's office. A letter
5 is then sent from the Dean's office. It is sent to the
6 adjunct faculty member with a sign-on date. They return it,
7 and then they begin teaching, assuming of course that they've
8 signed it.

9 Q. To your knowledge has the Dean ever not accepted your
10 recommendation as to which adjunct faculty member to hire?

11 A. The Dean has never not accepted it. Sorry it's a double
12 negative.

13 Q. Do you evaluate the adjunct faculty that teach courses in
14 your program?

15 A. Yes, I do.

16 Q. How?

17 A. It's not only, yes. I'm sorry. There are electronic
18 student feedback forms. It's more than that. I will often
19 look at the ESFF's, but I will also on occasion sit in on
20 their classes. I talk with them individually. I garner
21 feedback from students. I see how the class is going. And I
22 make determinations whether or not that adjunct faculty member
23 is able to continue.

24 Q. Do you ever counsel adjunct faculty if you receive
25 negative feedback?

1 A. Yes, I do.

2 Q. Have you done so before?

3 A. Yes, I have.

4 Q. And what happens if the adjunct does not improve his or
5 her performance?

6 A. Well, essentially I tell the adjunct, "I'm now notifying
7 you that there is an issue. Let's discuss it." It's often
8 rather collegial. Hopefully they change the issue. Let's
9 assume that they do not. Let's assume, for example, that
10 they're not following university policy. If they continue, I
11 tell them again, "It must change immediately." If it does not
12 change, then that person is asked not to return.

13 Q. Have you ever made the decision not to hire an adjunct
14 for a following semester?

15 A. Yes, I have.

16 Q. Can you explain what happened in that situation?

17 A. In this particular setting the adjunct faculty member was
18 not following university policy concerning dismissal of class.
19 They were allowing the class to go quite early. I noted that
20 that was an issue. Students have paid money to attend the
21 class for a certain amount of time, and they should not be
22 released so early. We're talking about a third of the class
23 consistently. I said that that was a problem and that that
24 had to be changed. Additionally, the same faculty member was
25 deviating greatly from the syllabus. I said, "You have to

1 follow the syllabus." I also noted that the faculty member,
2 over a process of time, -- that there had been a series of
3 complaints, and that I wanted them to try to work to try to
4 change and to address those complaints. There was not
5 sufficient improvement in any of these areas.

6 Q. Was it your decision not to hire that adjunct for a
7 following semester?

8 A. Yes, it was.

9 Q. Do you have any role in the creation of courses within
10 the Comm Studies program?

11 A. Yes.

12 Q. And what's your role?

13 A. I actually created the two required classes which we call
14 Comm Studies 1, Comm Studies 1111, as well as Comm Studies 2,
15 Comm Studies 2111. The latter, which is also referred to as a
16 seminar.

17 Q. And by "created the course," what do you mean?

18 A. From scratch.

19 Q. Explain to me what that entails.

20 A. I consider what is necessary in the field for someone
21 studying for a Communication Studies degree. I compare
22 syllabi from different institutions. I do a series of
23 readings particularly related to interdisciplinary education
24 because that's the foundation of the program. And I try to
25 figure out how an entering student, who has just arrived at

1 Temple University to study Communication, should be exposed to
2 our field. So I developed in the case of Comm I, Comm Studies
3 1111, four different modules that focused on what I saw being
4 the four areas of my school. Thereafter I actually taught the
5 different modules. I'm the one that teaches the introductory
6 class, and I've actually been asked to write a text book since
7 then.

8 Q. Okay, and in creating these courses did they have to go
9 through the approval process that you mentioned before for the
10 New York Study Away program?

11 A. Yes, absolutely.

12 Q. So they went up to the Curricular Committee?

13 A. Yes.

14 Q. And there were discussions at the Curricular Committee
15 level between full-time faculty about these particular
16 courses?

17 A. Before it would get to that level it would have to go the
18 chairs.

19 Q. The chairs, okay.

20 A. And then it went to the Faculty Council, the Curricular
21 Committee. And then, actually in this case, we even garnered
22 input from the full Assembly because it's such a school-wide
23 program, which we have Assemblies usually in December and May;
24 and we took that input back and we changed the proposal.

25 Q. So at the Assembly there was input into course

1 development that was ultimately changed or adopted?

2 A. Yes.

3 Q. And who participates in that Assembly?

4 A. The full faculty are invited to participate in the School
5 Assembly.

6 Q. And by full faculty do you mean full-time only or----

7 A. Full-time only, yes.

8 Q. So adjuncts are not permitted to participate in the
9 Assembly?

10 A. That's correct. That's actually part of our school's
11 bylaws.

12 Q. Okay, so once the course is passed through the Curricular
13 Committee what happens next to these courses?

14 A. Once the Comm Studies program went through the Curricular
15 Committee?

16 Q. Um-hunh.

17 A. After that -- well, it's put through, the whole package
18 that we present, along with the changes in the entire
19 Communication Studies program, that was sent up to the Dean's
20 Suite, and went through the usual process like the last
21 courses I've described.

22 Q. And from start to finish how long did it take to create
23 and to get these classes approved?

24 A. The Comm Studies program is a very in-depth program
25 because it involves up to, at one point, in the School of

1 Communications and Theater six different departments, and
2 working on all of those courses from start to finish the
3 program ended up taking approximately four years to get the
4 proposal through.

5 Q. Okay.

6 A. And that incidentally included three different re-
7 iterations of it.

8 Q. Do you become involved in the course content for the
9 Communication Studies courses that are taught in the program?

10 A. Yes, I do.

11 Q. And what does that involve?

12 A. The classes, particularly Comm Studies 1111, is an
13 introduction to the field of communication. The second class,
14 Comm Studies 2111, focuses a bit more on professional and
15 personal development. So as a result I'll often look, in the
16 latter case, what are some of the recent trends within
17 industries? What's happening within the field post-
18 graduation, and I focus on making assignments and readings
19 related to those topics.

20 Q. Are you responsible for creating the syllabi for those
21 two courses?

22 A. Yes, I am.

23 Q. And what does it mean to create a syllabus?

24 A. Essentially there are, I believe, eleven points from the
25 Vice Provost's Office that must be included in every syllabus.

1 Of course those are present. But additionally it includes
2 listing the learning outcomes, the objectives, obviously the
3 textbook. Where the class occurs has to be on there, the name
4 of the professor; but additionally, what we tend to do week-
5 by-week, and by the end of the class, what learning outcomes
6 should be achieved?

7 Q. Do you provide the adjuncts who teach the courses in your
8 program with the syllabus?

9 A. Yes, I do.

10 Q. Are adjuncts allowed to make any changes to the syllabus?

11 A. Adjuncts are allowed to come up with supplemental small
12 modest changes, but overall the basis is already established
13 in the syllabus that is to be followed.

14 Q. So would an adjunct be permitted to remove a textbook or
15 take out any material that you've put into the syllabus?

16 A. Not unless they present an extremely strong argument to
17 substantiate the idea that the text they are adopting meets
18 the same pedagogical needs as the text that has already been
19 part of that syllabus.

20 Q. If an adjunct makes a decision to supplement the reading
21 material do they need to present it to you for your review?

22 A. They do present it to me for my review, yes.

23 Q. And is it your ultimate decision whether or not to accept
24 the revisions to the syllabus?

25 A. As director of this program, yes.

1 Q. And do you try to ensure consistency across the sections
2 of these courses?

3 A. Absolutely.

4 Q. And as part of your review of the syllabus are you taking
5 that into consideration?

6 A. Yes, I definitely am.

7 Q. Have you ever had an issue where an adjunct deviated from
8 a syllabus?

9 A. Yes, as previously mentioned, the person did not follow
10 the prescribed syllabus.

11 Q. And what happened in that situation?

12 A. Ultimately that person was asked not to return.

13 Q. How much time would you say you spend on activities
14 related to your role as Director of the Comm Studies program?

15 A. It again depends upon the month, but I can honestly say
16 that I would probably wake up around 8:30 in the morning,
17 maybe 8:45. I'll probably check e-mails for a few hours.
18 This is everyday except Friday, which I'll go back to in a
19 second. I'll then probably teach my classes. I hold office
20 hours. If it's on Wednesday I usually will hold up to 7 hours
21 of office hours. I also hold additional office hours on
22 Monday because I'm sitting in my office usually doing research
23 and catching up, and I tell students to stop by. Let's say
24 that by the time I leave, -- if it's a Monday or Wednesday at
25 around -- I catch the 6:05 train. I then go home and have

1 dinner. After that I go back on e-mail. I'm probably on
2 e-mail from nine o'clock. My students actually clocked that
3 the latest that I was on e-mail was 4:15 a.m.

4 Q. Do you get a course load reduction for your role as both
5 the Director of the Undergraduate Studies and the Director of
6 Communication Studies program?

7 A. Under the Director of Undergraduate Studies I receive one
8 course load reduction a year. And under the Director of
9 Communication Studies I receive one course load reduction per
10 semester.

11 Q. Are you in charge of any other programs within FMC?

12 A. Any other programs, -- I particularly am involved with a
13 series of different committees that relate to programs, but
14 the only official program is the Communication Studies that's
15 an academic unit; but I'm also in charge of the internship
16 program for our school.

17 Q. Okay, and what's that?

18 A. Well, I'm sorry, I should restate, for the Communication
19 Studies program. The internship program allows a student
20 obviously to gain internship experience. It typically is
21 done, with very little exception, the junior or the senior
22 year. And I'm completely in charge of soliciting internships,
23 following up on the internship performance, the weekly upload
24 -- they have to upload their reports each week. I check on
25 those. I do evaluations at the end of each semester.

1 Q. And what about the Independent Studies program?

2 A. Independent Studies are actually a course that I am also
3 in charge of, and the amount of students vary. I'm not paid
4 for either the Independent Studies or the Internship program.
5 I just do it willingly. So sometimes it might just be a few
6 students that come on board. And other times it might be a
7 great amount. I think the largest was twenty-three
8 independent studies.

9 Q. And what is your role?

10 A. In which one?

11 Q. In the Independent Studies program.

12 A. In the Independent Studies program a student may sign up
13 to do research to create let's say a special creative work. I
14 am also in charge of the Major of Distinction track in the
15 Communication Studies program. That means that I have to
16 oversee all thesis projects. Those are also a type of
17 independent study. What are these thesis projects? Some are
18 just research papers. And when I say, "just" meaning solely.
19 In other cases I had a student that created a screenplay.
20 Another one actually combined a video along with a
21 photographic essay on economic disparities in the schooling
22 system. I oversee all of these.

23 Q. So you oversee all of the students in their various
24 studies?

25 A. Absolutely.

1 Q. In your role as a non-tenure faculty member have you been
2 involved in any changes to the curriculum in FMC?

3 A. Oh, yes.

4 Q. How many times?

5 A. Considering that I sit on the Curricular Committee, and
6 have from 2006 until 2014, I honestly believe that I have seen
7 curricular changes across every single one of these
8 departments multiple times.

9 Q. You mentioned that you were Chair of the Curricular
10 Committee for about eight years?

11 A. About. There's a little bit of variation because my
12 predecessor was retiring at the time.

13 Q. And can you explain to me your responsibilities as chair
14 of that committee?

15 A. I look at every proposal that comes to the Curricular
16 Committee. I evaluate it. I then bring it to the Curricular
17 Committee. I'm in charge of discussing it. Additionally, I
18 look at anything that may have a cross-interdepartmental
19 impact. We talk about the pros and cons of those impacts. We
20 make sure that the faculty member has followed through on
21 listing the course objectives, the pedagogical mission. And
22 sometimes I actually have to speak with the faculty member
23 directly.

24 Q. Are you still on the Curricular Committee?

25 A. I do still sit on the Curricular Committee as the Comm

1 Studies Program Director, and I also have to look at all of
2 the forms at the end as the Director of Undergraduate Studies.

3 Q. And who -- I think you might have mentioned this before,
4 but who sits on the Curricular Committee?

5 A. There's a representative from each of the different
6 departments. Now we have four departments, but there is
7 additionally an at large member who is selected by the full-
8 time faculty.

9 Q. And are all other members full-time faculty members?

10 A. Yes, they are.

11 Q. And are adjuncts permitted to sit on this committee?

12 A. They are not.

13 Q. Is it -- would it be fair to say that this committee is
14 involved in reviewing any pedagogical changes that are brought
15 to it through the various departments?

16 A. Absolutely. As well as departmental changes to reflect
17 that pedagogical needs.

18 Q. What do you mean by that?

19 A. Well, essentially -- for example, recently the Department
20 of Advertising just went through a course revision, a series
21 of course revisions that was created by their Interim Chair.
22 We reevaluated those, talked about their mission, where they
23 saw it was going to go, and what the next step was.

24 Q. Do you make suggestions in terms of course proposals and
25 program proposals?

1 A. We certainly are able to make suggestions. We do have
2 the ability to send the proposal back to the department.

3 Q. For further revisions?

4 A. Absolutely.

5 Q. And what happens -- let's say you would all agree on a
6 certain proposal. What's the next step in that process?

7 A. The next step is called the Dean's Level. The Dean's
8 Level is a level that includes the Vice Dean for the school,
9 as well as the Director of Advising. And then I also look at
10 it as the Director of Undergraduate Studies.

11 Q. Is this particular committee also responsible for
12 reviewing and deciding whether to cancel a particular program?

13 A. It's often brought up because, for example, if a class is
14 cancelled it may very well affect another department that also
15 requires that class, and particularly the Comm Studies
16 program.

17 Q. And if you want to just take a quick look at your c.v.,
18 Temple 48?

19 [The witness does as requested.]

20 A. Yes.

21 Q. I see that there are several dozen committees listed
22 under both the university level and the school level.

23 A. Are you referring to the section on Committee and Campus
24 Involvement?

25 Q. Yes.

- 1 A. Yes.
- 2 Q. So is serving on committees considered a service-related
3 activity?
- 4 A. Yes, it is.
- 5 Q. And as a non-tenure track faculty member at Temple are
6 you expected to participate in service-related activities?
- 7 A. Yes, we are. There are three elements of being a full-
8 time faculty member. Two of those are teaching and service.
9 The last one is research. I uphold two of those as my
10 particular emphasis area.
- 11 Q. And looking at the rest of the committees on that -- I
12 think it's the seventh page of that document, to the best of
13 your knowledge do any adjuncts sit on any of those committees?
- 14 A. To the best of my knowledge, no.
- 15 Q. And putting aside your role on the Curricular Committee,
16 have you been involved in any other course creation in your
17 role as a non-tenure track faculty member?
- 18 A. Yes, often in conjunction with -- in collaboration with
19 my other colleagues, certainly.
- 20 Q. What do you mean by that? Can you explain?
- 21 A. I can give you examples of that.
- 22 Q. Sure.
- 23 A. Probably the one that I am quite proud of is we did not
24 have any classes related to LGBT representation in media. And
25 a colleague of mine in the Media Studies Production department

1 came up to me and asked about the possibility of creating such
2 a course. I had also assisted with the creation of the LGBT
3 studies minor in the past. And we talked about what a class
4 would look like. She asked if I had media suggestions. Our
5 research areas are different. And so I brought those up and
6 she accepted some. Obviously she didn't accept all of the
7 ideas. And then she created a course. She created a
8 proposal. We talked a little bit about making sure the form
9 was filled out correctly. She sent it to the Curricular
10 Committee. It was then accepted, and the class has
11 consistently remained since then.

12 Q. You mentioned she was a full-time faculty member?

13 A. Yes, she is tenure track.

14 Q. Okay, and she came to you and you both discussed course
15 content for this potential new course?

16 A. Yes.

17 Q. Is this something that happens oftentimes in your school
18 or college amongst full-time faculty members?

19 A. Absolutely. Full-time faculty members have a wonderful
20 ability to talk about their research interests and their
21 teaching interests with each other.

22 Q. And why do you feel that that's really important for your
23 school?

24 A. I believe it's actually really important to a university.

25 Q. How so?

1 A. If one is walking by the capitol building there's a bench
2 that reads of the foundation of freedom. It's a society of
3 knowledge. Extending the ideas within a university with one's
4 colleagues, talking about what should make up a class, that is
5 the foundation of knowledge, even if we differ. And I think
6 that's part of course creation.

7 Q. And for this particular course you mentioned that it went
8 through the Curricular Committee as well. In that process
9 that you've been describing about how a course or a program
10 gets approved, are adjuncts involved in any step of that
11 process?

12 A. No, they are not.

13 Q. And is that process typical for any course or program
14 throughout FMC?

15 A. It is the only process that I have known since I arrived.

16 Q. And you mentioned that this particular full-time faculty
17 member came to you to discuss this particular course because
18 you were involved in creating a minor?

19 A. Well, and also because I'm involved with the LGBT
20 community.

21 Q. Okay. Tell me what your involvement was in the creation
22 of a minor?

23 A. It was actually proposed, the idea of an LGBT studies
24 minor, by another entity faculty member in a different
25 college, and she approached me. She had heard about my work

1 within the LGBT community and she asked if I would be
2 interested in talking with her about an idea for a minor.
3 This was at the time period relatively new. There weren't
4 many minors across the entire United States, and she was very
5 excited about it. She was in the Women's Studies program I
6 believe, and I'm a Women's Studies affiliated faculty member.
7 And so we sat down and we talked. She did say she wanted to
8 garner student input. There were some students I had been
9 working with, and I believe that they had written her some
10 letters explaining their interest as well. That was put into
11 the proposal that she accepted, and she put the proposal
12 forward. And the minor went to the Board of Trustees and it
13 became a real live minor and it still exists.

14 Q. And so you were one of many full-time faculty members who
15 were involved in the creation of this particular course?

16 A. I don't know how many faculty members there were, but I
17 can tell you that I was definitely one of the full-time
18 faculty members involved.

19 Q. And this was a cross-department initiative?

20 A. Cross-department and across schools and colleges.

21 Q. And do you know, to the best of your knowledge, whether
22 any adjuncts have assisted in developing any minors?

23 A. I do not believe, at least in my school, there has been
24 any adjunct involvement in the creation of a minor.

25 Q. Do you remember how long it took for this particular

1 minor to come to fruition from the start of the----

2 A. The LGBT Studies minor?

3 Q. Yes.

4 A. At least a year, -- at least.

5 Q. And you mentioned before that you were involved in some
6 additional curricular changes in the Comm Studies program.

7 A. Yes.

8 Q. Can you explain the impetus for those changes?

9 A. When I first took over the Communication Studies program
10 it was 2004, and it was called then the Communications
11 Program. Note that Studies was not part of it. We realized
12 that the program was rather -- shall we say, "loose"? I
13 didn't think that it was meeting the objectives of a strong
14 Communication Studies program as evidenced by models across
15 the United States. I brought this to the attention of the
16 chairs, and they agreed. Thereafter, we also found out that
17 we could make the program stronger and make it more
18 streamlined. So we created a series of proposals. Realizing
19 that this is up to six different departments this is going to
20 take some time and involves dozens of different classes. So
21 we created a series of proposals. One I admit was a little
22 too limiting. We were talking about making it hardly really
23 open for many students at all. And that proposal wasn't
24 extremely solid. The second one didn't really address the
25 issue of how loose it was. And the last one was the one that

1 finally went through.

2 Q. And you said, "we" again. Who was involved with you in
3 the creation of these courses?

4 A. The total amount of chairs that were actually helping
5 with the Comm Studies were many. They changed positions. But
6 it would have been the chairs, the Curricular Committee, and
7 at one point even the entire full-time Faculty Assembly.

8 Q. And were adjuncts involved in any part of that process?

9 A. No, they were not.

10 Q. And to the best of your knowledge have adjuncts ever
11 provided curricular proposals in Communication Studies?

12 A. No, they have not.

13 Q. Why do you -- would you expect them to?

14 A. No, I would not.

15 Q. Why not?

16 A. Well, first, an adjunct faculty member has an expertise,
17 at least in our school, often in industry because of the fact
18 that they're working in industry. Several of my adjunct
19 faculty members, for example, prefer to teach at 5:30.

20 There's a simple reason. They tend to work 9:00 to 5:00 five
21 days a week. To ask them to come in and assist with more
22 program development I think would actually draw away from
23 their position. Secondly, the Comm Studies program is a very
24 vast program. It entails knowledge of all of the different
25 departments across the entire school. I see that the adjunct

1 faculty members have great expertise in their particular
2 courses of instruction, but these proposals require knowledge
3 of the full breadth of the School of Communications and
4 Theater and in the School of Media and Communications. I
5 would not expect an adjunct faculty member to either feel that
6 they had to, or to be equipped to understand that full
7 breadth.

8 Q. And you mentioned a lot about your role in recruitment
9 and committee work and curricular changes. Would you trust
10 that particular role to adjunct faculty?

11 A. No, I would not.

12 Q. And explain why not.

13 A. Again I believe that the breadth that is necessary in
14 order to really hone in on the pedagogical focus of this
15 program would fall to someone who had a greater amount of
16 experience across the entire offerings of the school. As a
17 result I believe that is best equipped to full-time faculty
18 members who often are present and work in so many different
19 levels of the school.

20 Q. Do you hold office hours?

21 A. Oh, yes.

22 Q. How often?

23 A. As I stated, I have office hours on Wednesday at 1:00
24 until 8:00.

25 Q. I'm sorry, what? 1:00 until?

- 1 A. 1:00 until 8:00.
- 2 Q. 8:00 p.m.?
- 3 A. 8:00 p.m., yes.
- 4 Q. Okay.
- 5 A. However -- that's what I tell my students. It usually
6 begins, the semester, and I say, "I'm going to hold office
7 hours 3:00 to 5:00." By the second week I realize that that's
8 not even remotely possible. It then extends from 1:00 to
9 8:00. Around midterm it ends up being 1:00 to 8:00 on
10 Wednesday, and I'm usually there approximately at least 1:00
11 to 5:00 on Mondays.
- 12 Q. So do you have a particular individual office?
- 13 A. I do have an individual office, yes.
- 14 Q. Do adjuncts in your particular department get
15 individualized offices?
- 16 A. As an adjunct faculty member, no.
- 17 Q. Do other NTT's in your school head up programs like you
18 do?
- 19 A. Actually, yes, and they head up additional programs
20 beyond what I do.
- 21 Q. Would you consider yourself an anomaly from other NTT's
22 in FMC?
- 23 A. No.
- 24 Q. Why not?
- 25 A. Because if you look at the number of things that

1 different NTT members do in my school there's no way that I'm
2 an anomaly.

3 Q. Give me some examples.

4 A. Certainly, though I can't possibly be exhaustive.

5 Q. That's okay. Illustrative is fine.

6 A. The current Interim Chair of the Department of
7 Advertising is an NTT faculty member. Prior to that position
8 she was in charge of the Internship program for the Department
9 of Advertising. Additionally before that she was also
10 assisting with recruitment for the Department of Advertising.
11 She's just one person obviously. Recently she put together a
12 huge event honoring the scholastic achievements of students in
13 the Advertising Department. That event was also headed up by
14 two other NTT faculty members. Additionally, prior to them
15 taking on their role, they also assisted with recruitment,
16 open houses, prospective student days. Let's now go on to
17 journalism. In journalism the assistant chair is an NTT
18 faculty member, a newly inaugurated position. This is the
19 same person who, incidentally, also teaches the largest course
20 for the Journalism Department. He is also in charge of
21 recruiting. In fact, he was at one of the recruiting events
22 that I was at. Additionally, let's go into the Department of
23 Strategic Communication. There are three emphasis areas in
24 the Department of Strategic Communication. They are: Public
25 Relations, Organizational Leadership and Rhetoric. Each one

- 1 of those has always been headed up, at least in recent years
2 to my recollection, always headed up by an NTT faculty member.
3 One of those NTT faculty members heads up the Masters Program,
4 a Master of Science and Communication Management program.
5 Additionally, that same member actually heads up our Study
6 Away program in London during one of our summers. And the
7 Director of our Study Away programs is an NTT faculty member.
8 And I believe the School of Media and Communication has at
9 least a dozen now locations at which we have international
10 study going on. Beyond that we also have a person who is an
11 Assistant Chair in the Media Studies Production Department.
12 Before that she was the Director of Recruitment, and she has
13 taken over from a person who was her predecessor, who is also
14 an NTT faculty member. Obviously I'm not that unusual.
- 15 Q. Okay, so in light of everything that you've discussed,
16 and the amount of time that you spend on service commitments,
17 and in your director positions, and in teaching courses, and
18 advising and mentoring students, in general would you say that
19 what you do is similar to what an adjunct faculty member is
20 hired to do?
- 21 A. Would I say that my position is similar to what an
22 adjunct member is hired to do?
- 23 Q. Correct.
- 24 A. Absolutely not.
- 25 Q. And why not?

1 A. I am hired to particularly focus on service to the
2 university and teaching. I am hired to focus on
3 administration assistance. I am hired to know students across
4 the span of many, many years, in some cases from high school
5 until they graduate. I am hired to go do those things
6 regularly and to assist my school as much as possible. I
7 believe that that is different than the reason that an adjunct
8 faculty member is hired and may be expected to work in my
9 school and in my program.

10 Q. And why do you -- why are you hiring your particular
11 adjunct faculty?

12 MS. HOYE: I didn't hear the question.

13 Q(Con't) Why do you hire your particular adjunct faculty?

14 A. The faculty that I hire have an expertise in particular
15 industries. As an example, one is part of a large national
16 media outlet. Another one has their own consulting firm and
17 makes a very handsome profit if I do say. And I think she
18 brings great skill and expertise into the classroom.

19 Q. And they often teach in areas in which they have that
20 particular expertise?

21 A. They always teach in areas in which they have that
22 expertise.

23 Q. Are you a current member of TAUP?

24 A. Yes, I am.

25 Q. Are you a dues paying member?

1 A. The dues come directly out of my paycheck, yes.

2 MS. SWARTZ: Can I just have one minute?

3 MR. LANGE: Can we take five minutes?

4 HEARING EXAMINER: Off the record.

5 [Whereupon, at 2:55 p.m., June 5, 2015 the hearing
6 recessed.]

7 [Whereupon, at 3:06 p.m., June 5, 2015 the hearing
8 reconvened.]

9 HEARING EXAMINER: All right, back on the
10 record.

11 MS. SWARTZ: I have no further questions. I
12 would like to move Temple 41 through 51, the exhibits that we
13 noted today, into evidence.

14 MS. ROSENBERGER: We have no objection.

15 HEARING EXAMINER: So that would be Temple 41
16 through 51?

17 MS. SWARTZ: Yes.

18 HEARING EXAMINER: Those are admitted into the
19 record.

20 [Whereupon, the documents previously marked as
21 Temple University Exhibit Nos. 41 through 51
22 for identification were received in evidence.]

23 HEARING EXAMINER: Cross?

24 MS. HOYE: We don't have any questions for Dr.
25 Gratson on cross.

1 HEARING EXAMINER: You can step down, sir.

2 THE WITNESS: Thank you very much.

3 HEARING EXAMINER: Do you have anything else
4 today?

5 MS. SWARTZ: No. Nothing further.

6 MR. LANGE: You have no questions?

7 MS. ROSENBERGER: No. No, he isn't even up
8 there.

9 MR. LANGE: Oh.

10 MS. ROSENBERGER: Nothing further. I think
11 we're still working on dates.

12 HEARING EXAMINER: Okay, we can go off the
13 record.

14 [Whereupon, at 3:08 p.m., June 5, 2015 the hearing
15 concluded.]

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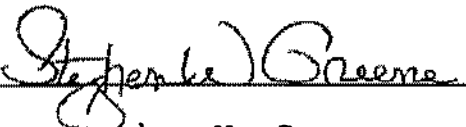
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C E R T I F I C A T E

I hereby certify, as the stenographic reporter,
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