

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
Pennsylvania Labor Relations Board

----- X
:
IN THE MATTER OF THE EMPLOYEES OF : Case No.
TEMPLE UNIVERSITY : PERA-R-14-400-E
:
----- X

Pages 531 through 657

Hearing Room No. 3
North Office Building
401 North Street
Harrisburg, Pennsylvania

Thursday, July 23, 2015

Met, pursuant to adjournment, at 10:04 a.m.

BEFORE:

JOHN POZNIAK, Hearing Examiner

APPEARANCES:

MEREDITH C. SWARTZ, Esquire
SHANNON D. FARMER, Esquire
Ballard Spahr, LLP
51st Floor
1735 Market Street
Philadelphia, Pennsylvania 19103-7599
(For Temple University)

AMY L. ROSENBERGER, Esquire
LAUREN M. HOYE, Esquire
Willig, Williamson & Davidson
24th Floor
1845 Walnut Street
Philadelphia, Pennsylvania 19103
(For the Union)

Commonwealth Reporting Company, Inc.
700 Lisburn Road
Camp Hill, Pennsylvania 17011

C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Kathleen Stengel	533	543	--	--
Michael R. Sitler	551	582	--	--
Donald T. Wargo	606	635	639	--
Stanley K. McDonald	640	653	--	--

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>Temple</u>		
52 (Michael R. Sitler CV)	552	656
<u>Union</u>		
14 (3/19/15 memo from Michael Sitler)	602	655
15 (4/10/14 letter)	608	655
16 (5/26/15 letter)	652	655

Any reproduction of this transcript
is prohibited without authorization
by the certifying reporter.

P R O C E E D I N G S

HEARING EXAMINER POZNIAK: We're on the record for the fourth day of hearing in the matter of the employees of Temple University which is docketed at PERA-R-14-400-E.

Does Temple want to call its next witness?

MS. FARMER: Yes; Kathleen Stengel.

HEARING EXAMINER POZNIAK: Raise your right hand.

Whereupon,

KATHLEEN STENGEL

having been duly sworn, testified as follows:

HEARING EXAMINER POZNIAK: Can you state your name?

THE WITNESS: Kathleen Stengel. It's spelled K-a-t-h-l-e-e-n, S-t-e-n-g-e-l.

DIRECT EXAMINATION

BY MS. FARMER:

Q. Ms. Stengel, have you ever served as an adjunct at Temple University?

A. I have.

Q. When?

A. I started in spring of '14 and I taught both spring semesters.

Q. So, spring of 2014 and spring of 2015?

1 A. Yes, ma'am.

2 Q. In what department?

3 A. The Department of Psychology and Liberal Arts.

4 Q. Just make sure you keep your voice up. It's an
5 echoey room.

6 A. I'm sorry.

7 Q. Do you have any other employment?

8 A. I do. I'm a full-time clinician; I'm a Behavioral
9 Analyst.

10 Q. Have you ever held any other positions at Temple
11 other than serving as an adjunct for those two semesters?

12 A. No.

13 Q. What's your academic background?

14 A. I actually graduated from Temple University as an
15 undergraduate in the Department of Psychology with a
16 Bachelor's of Arts and then I went to the University of
17 North Texas for a Master's of Science in Applied Behavior
18 Analysis.

19 Q. Is that considered a terminal degree in your field,
20 the Master's?

21 A. You can practice with a Master's Degree, and you can
22 get certified and licensed, which I am.

23 Q. But is that the terminal degree or is there an
24 additional degree?

25 A. No. There is an additional. You can get a Ph.D. in

1 Behavior Analysis. You can also get an Ed.D. as well.

2 Q. Have you ever taught as an adjunct anywhere other
3 than Temple?

4 A. No, I have not.

5 Q. How did it come about that you started serving as an
6 adjunct at Temple?

7 A. I've had a relationship with one of the professors at
8 Temple since I was an undergrad, Dr. Philip Hineline in the
9 Department of Psychology. He was my undergraduate mentor,
10 but also mentored me throughout my graduate education and
11 followed my career.

12 He approached me via email and then I met with him,
13 and he asked if I would be willing to teach one of the
14 courses for practitioners in the undergraduate Department of
15 Psychology.

16 Q. At the time that Dr. Hineline approached you, did he
17 hold a leadership position within the department?

18 A. He's an emeritus professor, if I'm saying that
19 correctly. So, he's retired, but he still teaches and he
20 still works with graduate students.

21 Q. He wasn't the Chair or a Dean or anything like that?

22 A. No, ma'am. I'm sorry.

23 Q. Had you ever sought to be an adjunct before you heard
24 from him?

25 A. No, I did not.

1 Q. Why did you decide to pursue the opportunity when he
2 reached out to you?

3 A. I work with a group of practitioners, and Behavior
4 Analysis is a growing field. So, as it's growing, we're
5 seeing more individuals in need of the services, but we
6 don't have enough people practicing. So, I thought it
7 worked well within my field to be able to train some of the
8 individuals to work with us. So, I wanted more people to
9 come into my particular area of practice.

10 Q. And do you hire Temple graduates regularly?

11 A. I do.

12 Q. What is the process of you being approved to serve as
13 an adjunct after you received that contact from Dr.
14 Hineline?

15 A. So, after Dr. Hineline, then he put me in contact
16 with the Chair of the Psychology Department, and I can't
17 recall his name right now. Sorry.

18 Q. That's okay.

19 A. But he then called me in for kind of like an
20 interview to talk to me about whether or not I'd be
21 interested, what kind of things I would be able to do.
22 Peter James. Sorry. It was Dr. James. So, I spoke with
23 him about it. We reviewed some of the previous syllabi for
24 the courses. He told me how many people would be in it,
25 asked me what my teaching style was, and then he brought me

1 on board.

2 Then there was a Human Resources process where I had
3 to work with one of the people in the department to get me
4 the ID, to get my W-9 and all of that taken care of, but it
5 was pretty rapid.

6 Q. At the time that you were contacted by Dr. Hineline,
7 was it to teach a specific existing course?

8 A. Yes, ma'am.

9 Q. What course was that?

10 A. It was Learning and Behavior Analysis, which I
11 believe is a 2000 level course.

12 Q. What does 2000 level mean?

13 A. Undergraduate, and it's usually sophomore or junior.

14 Q. Approximately when was this relative to the start of
15 the spring semester in 2014?

16 A. It was actually in the fall semester that we started
17 talking about it and it was right around September that we
18 started having initial contact about it, and I thought about
19 it for a little while, and then probably November is when I
20 went through the whole hiring process to start in January.

21 Q. The course that you were asked to teach was a course
22 that had been taught in the past?

23 A. Yes. I was able to make any changes that I wished,
24 but I kind of took the lead and worked with Dr. Hineline to
25 make sure that I was not changing the core components of the

1 class, but I did change the textbook.

2 Q. Did you have to get approval to do that?

3 A. I asked for permission. There wasn't a formal
4 process, because I wasn't changing the core components of
5 the class, and I was using a similar textbook. So, I just
6 notified them and resubmitted the syllabus for approval.

7 Q. When you said "notified them," who did you notify?

8 A. I'm sorry. Dr. James.

9 Q. The Department Chair?

10 A. Yes, ma'am.

11 Q. And you said you also taught a class in the spring of
12 2015. Was it the same class?

13 A. No. I taught a different class. It was a higher
14 level class with less students and it was Direct
15 Applications of Behavior Principles. So, it was a lot of
16 the students actually requested that I teach that next class
17 from the first class that I taught the previous spring.

18 Q. Was that still an undergraduate class?

19 A. Yes, ma'am.

20 Q. Did you have any role in developing the contents of
21 that course?

22 A. Not at all.

23 Q. That was something that already existed?

24 A. Correct.

25 Q. Have you been asked to teach again?

1 A. I have.

2 Q. And have you made any decision -- have you committed
3 to teaching again?

4 A. I have not yet.

5 Q. While serving as an adjunct at Temple, what
6 involvement have you had in the university outside of
7 teaching your class?

8 A. Outside of teaching a class, not a whole lot. When I
9 say teaching the class, I would assume that grading is a
10 part of that and reading the papers is a part of that.
11 That's the only outside work that I did for Temple.

12 Q. Were you invited to any department meetings of the
13 Psychology Department while you were an adjunct?

14 A. I was invited to continuing education forums, but I
15 don't think that was a department meeting. Is that what
16 you're referring to?

17 Q. What were you invited to?

18 A. I was invited to -- they would have lunch bag events
19 where it was continuing education, where they would bring in
20 experts in the field to do talks. They would also invite us
21 to a lot of meet and greets after hours in the department,
22 but I don't think it was ever an agenda for the department,
23 per se.

24 Q. Were you involved in any discussions about department
25 governance?

1 A. No, ma'am.

2 Q. Were you ever asked to serve on any university or
3 school-wide or departmental committees?

4 A. No.

5 Q. Do you know what committees exist in the Psychology
6 Department?

7 A. I would only be guessing.

8 Q. Were you ever asked to serve on the collegial
9 assembly?

10 A. No.

11 Q. Do you know what that is?

12 A. I do not.

13 Q. Do you know of any adjuncts who do serve on
14 committees at the university?

15 A. I do not.

16 Q. Based on your experience as an adjunct, do you feel
17 qualified to participate in departmental meetings or
18 committees where governance would be discussed?

19 A. I do not.

20 Q. Have you ever done any research as an adjunct for the
21 university?

22 A. Not for Temple University as an adjunct, no.

23 Q. Have you ever been involve in any recruiting efforts
24 on behalf of the university?

25 A. No, not on behalf of the university, but I am a

1 Temple grad, so I try and bring them in.

2 Q. From your experience, do you believe that the role of
3 an adjunct is different than the role of a full-time faculty
4 member?

5 A. I do.

6 Q. In what way?

7 A. I was never asked to solicit any grants or any
8 research, and I definitely don't do any outside events for
9 the university. I just teach.

10 Q. Are you aware of the effort to unionize the adjuncts
11 at Temple University?

12 A. I am now.

13 Q. How did you become aware of it?

14 A. During the spring semester this previous year, I was
15 teaching the Direct Applications of Behavior Analysis and I
16 came out of my class, and it was during the add/drop period.
17 So, there was an individual waiting for me outside, and I
18 presumed he was a student looking to participate in the
19 class because it was a closed class.

20 He approached me and did not introduce himself, but
21 said, "I'm working with adjuncts and are you familiar with
22 unions as a general concept?" I said, "Yes, of course, I
23 am." He started walking, and I said, "Listen, I have to
24 move to my next" -- I had to go back to my full-time job and
25 I had appointments. I said, "I'm walking to the elevator.

1 You can feel free to walk with me."

2 He started to say, "Would you be able to support
3 adjuncts coming into developing their own union and
4 participating in that?" I said, "You know what? If you
5 have information, I'd be more than happy to look at it.
6 Right now, I'm kind of in a rush." And he kept following
7 me, and it started to make me a little bit nervous, down to
8 the bottom part of the building.

9 Then as I was walking, it was kind of getting dark
10 outside and I stopped right there, and I said, "Whatever you
11 want me to do. What do you need me to do?" He did not have
12 any materials that he gave me. So, I just signed his thing.

13 I was feeling very intimidated, very uncomfortable,
14 and I got a little bit nervous that he was going to be
15 walking me to my car, which is not necessarily something
16 that I would have wanted to have happened in North
17 Philadelphia.

18 Q. During your interaction with this individual, was he
19 displaying a Temple ID?

20 A. I do not recall.

21 Q. During the interaction, was there any reference to
22 joining a union or full-time faculty?

23 A. No. It was specific that it was an adjunct union
24 that they were attempting to create so they could maintain
25 rights at the university.

1 Q. You should have in front of you a group of exhibits.
2 Can you take a look at Temple Exhibit 6?

3 A. Okay.

4 Q. Do you recognize the person who approached you in any
5 of the photographs shown on Temple Exhibit 6?

6 A. I do.

7 Q. Can you point out which photograph?

8 A. Well, there are two of the same photographs, and they
9 look like they'd be a video, and it's the gentleman to the
10 left-hand side.

11 MS. FARMER: Let the record reflect that the
12 witness is pointing to on the right-hand side of the
13 photograph that has the arrow in a circle representing that
14 it's a video.

15 BY MS. FARMER:

16 Q. You say it's the individual on the right-hand side in
17 that photograph?

18 A. Yes, the African-American gentleman.

19 MS. FARMER: I have no further questions.

20 MS. HOYE: Could we take a few minutes?

21 HEARING EXAMINER POZNIAK: Sure. Off the
22 record.

23 (Recess.)

24 HEARING EXAMINER POZNIAK: We're back on.

25 **CROSS-EXAMINATION**

1 BY MS. HOYE:

2 Q. Ms. Stengel, my name is Lauren Hoyer. I'm one of the
3 lawyers that's representing the union. I have a few
4 additional questions for you.

5 In the spring of 2014, the course that you taught
6 that semester, that was the foundations course; is that
7 right?

8 A. Learning and Behavior Analysis.

9 Q. Foundations of Learning and Behavior Analysis; is
10 that right?

11 A. Yes.

12 Q. Do you know who taught that course prior to you
13 teaching it?

14 A. I do not know.

15 Q. How about the course that you taught in the spring of
16 2015, Direct Applications of Behavior Principles; do you
17 know who taught that before you taught it?

18 A. I do not know. I know there were several other
19 people, but if you're asking consecutive, I know Dr. Paul
20 Neumann taught it prior to myself, and he was also an
21 adjunct, but I don't think it was the immediate semester
22 prior or the year prior, but I know he provided me a
23 syllabus, actually.

24 Q. Anyone else that you know of that taught that course
25 prior to you?

1 A. Dr. Hineline as well.

2 Q. Anyone else that you can think of that taught that
3 course prior to you?

4 A. Those are the only two I would actually have any
5 interaction with.

6 Q. And Dr. Hineline would have taught that course when
7 he was a full-time faculty member; is that right?

8 A. Yes, I believe so.

9 Q. Now, in your role as an adjunct, I know you had
10 testified on direct about some of the duties and
11 responsibilities that you have. Am I correct that you
12 develop assignments for your students?

13 A. I do.

14 Q. And am I correct that you choose the readings and the
15 texts for the course?

16 A. Yes, ma'am.

17 Q. And am I correct that you prepare and deliver
18 lectures?

19 A. Yes, ma'am.

20 Q. Do you write exams?

21 A. I do.

22 Q. Do you grade those exams?

23 A. I do. I do more writing exercises rather than exams,
24 but yes.

25 Q. And you grade those writing exercises; correct?

1 A. Yes, ma'am.

2 Q. Do you evaluate students?

3 A. I do.

4 Q. Do you make yourself available for students outside
5 of class time?

6 A. I do.

7 Q. Do you hold office hours?

8 A. I do.

9 Q. Do you respond to student emails?

10 A. Yes, ma'am.

11 Q. Have you ever written a reference or a recommendation
12 for a student?

13 A. Several.

14 Q. And you testified that you revised the syllabus for
15 the course that you taught?

16 A. Yes, ma'am.

17 Q. Are you evaluated by students?

18 A. There is an online evaluation that occurs during part
19 of the year that we encourage the students to give us
20 feedback. So, in that respect, yes.

21 Q. Are you subject to the student grievance procedure?

22 A. I am.

23 Q. Have you ever had a student file a grievance?

24 A. I have not.

25 Q. Do you interact with full-time faculty members?

1 A. Only when I initiate it, but they initiated it quite
2 often, you know, to come in and meet and greet, but I was
3 never asked to come in for an appointment unless I initiated
4 it.

5 Q. Do you see them around campus?

6 A. I do.

7 Q. Where do you teach, what campus?

8 A. Main campus.

9 Q. And do you teach in a classroom where full-time
10 faculty also teach?

11 A. I do.

12 Q. Do you use a blackboard?

13 A. I do sparingly.

14 Q. Are you subject to Temple's policy on academic
15 dishonesty?

16 A. Yes, ma'am.

17 Q. Do you have to provide progress reports for student
18 athletes and ROTC students that are in your courses?

19 A. I do, but I have not had to do that thus far.

20 Q. Are you subject to Temple's policy on plagiarism?

21 A. Yes, ma'am.

22 Q. Have you had to participate in Temple-provided
23 training on sexual harassment?

24 A. Yes, ma'am.

25 Q. What other trainings have you participated in?

1 A. I can't recall the exact name of them, but there were
2 a couple that you have to go online and go on to the
3 learning management system and take like a half-hour and
4 then an exam at the end.

5 The child abuse one is one that comes to me, but then
6 I think there was a sexual harassment one that I had to take
7 as well, and then you print that out. There were at least
8 three that I took in spring of this semester.

9 Q. All online?

10 A. All online.

11 Q. The course that you taught in spring of 2014, what
12 days did you teach that course?

13 A. Tuesday-Thursday.

14 Q. And what time was that course offered?

15 A. It started at 3:30; so, 3:30 to 5:00. It was an
16 hour-and-a-half each day, and I did have a graduate
17 assistant.

18 Q. And how about the course that you taught in spring of
19 '15, what days was that course?

20 A. That was also Tuesday-Thursday. That's my schedule,
21 and it was 2:00 to 3:30, I believe.

22 Q. So, it let out at 3:30?

23 A. Yes, ma'am.

24 Q. Do you know how many adjuncts are in your department?

25 A. I don't.

1 Q. Just to clarify, the discussion that you had with the
2 African-American gentleman that you identified, that was
3 this past spring, spring of 2015?

4 A. Yes, ma'am.

5 Q. The meet and greets that you described and talked
6 about, tell me more about what those entail.

7 A. They're like lunch bag, brown bag education
8 opportunities for continuing education. I could also get
9 credits for them for my license and my certification. I've
10 only been to one. I declined several other just because of
11 a scheduling issue. If I'm not on campus, I wasn't going to
12 stay

13 It was maybe a professor or somebody that they
14 invited in that was a guest lecturer who would give some new
15 information specific to whatever area of psychology that
16 they practice, and then they would open it up for questions.

17 You brought your own lunch, but in some cases they
18 had some snacks here and there.

19 Q. And you were invited to attend those?

20 A. I was.

21 Q. Who invited you to attend those?

22 A. Dr. James.

23 Q. Were there other adjunct faculty members there?

24 A. I believe there were. I didn't go around to mingle.

25 Q. And were there full-time faculty members there as

1 well?

2 A. Yes, ma'am, and some graduate students in a lot of
3 cases.

4 Q. And some what?

5 A. Graduate students.

6 Q. Do you understand as we sit here today that when the
7 vote happens for the accretion of the adjunct faculty into
8 the union, that that vote would be for one union, a full-
9 time and adjunct faculty; correct?

10 A. I understand that now.

11 Q. When did you first understand that?

12 A. I actually complained to the university with the
13 interaction that I had with the individual, and I got a call
14 and he actually explained that at that time.

15 Q. You got a call from who?

16 A. I can't recall. It was whoever I had sent the email
17 to. I apologize. Maybe a Provost.

18 Q. Someone from Temple?

19 A. Someone from Temple.

20 Q. And explained to you that the vote is for one union;
21 correct?

22 A. Correct.

23 Q. And that was sometime this spring then?

24 A. Yes.

25 MS. HOYE: Thank you. I don't have any other

1 questions for you.

2 MS. FARMER: No redirect.

3 HEARING EXAMINER POZNIAK: You can step down.

4 (Witness excused.)

5 MS. FARMER: May we have a break for just a
6 moment?

7 HEARING EXAMINER POZNIAK: Sure. Off the
8 record.

9 (Recess.)

10 HEARING EXAMINER POZNIAK: We're back on.

11 MS. FARMER: Temple calls Michael Sitler.

12 Whereupon,

13 MICHAEL R. SITLER

14 having been duly sworn, testified as follows:

15 HEARING EXAMINER POZNIAK: Please state your
16 name.

17 THE WITNESS: Michael R. Sitler, S-i-t-l-e-r.

18 **DIRECT EXAMINATION**

19 BY MS. FARMER:

20 Q. Mr. Sitler, by whom are you employed?

21 A. I'm sorry?

22 Q. By whom are you employed?

23 A. Temple University, Philadelphia, Pennsylvania.

24 Q. How long have you worked for Temple?

25 A. Since 1988.

1 MS. FARMER: I'm going to mark this as Temple
2 Exhibit 52.

3 (Whereupon, the document was marked as Temple
4 Exhibit No. 52 for identification.)

5 BY MS. FARMER:

6 Q. Dr. Sitler, I'm showing you what we have marked as
7 Temple Exhibit 52. Can you identify this?

8 A. This is my curriculum vita representing the extent of
9 my professional work throughout my life.

10 MS. ROSENBERGER: Can you keep your voice up?
11 I'm having trouble hearing you.

12 BY MS. FARMER:

13 Q. What is your educational background?

14 A. I received my doctorate from New York University.
15 Prior to that, my Master's Degree and my undergraduate
16 degree at East Stroudsburg, at that time, State College,
17 which is now a university.

18 Q. You said you came to Temple in 1988?

19 A. That is correct.

20 Q. What was your background before you came to Temple?

21 A. Prior to Temple, I had worked at West Point for six
22 years as a faculty member. I was providing classroom
23 instruction in their Department of Physical Education and
24 also providing clinical experience services to the cadets at
25 West Point.

1 Q. What is your current position at Temple University?

2 A. I'm currently the Deputy Provost for Operations, so I
3 work for the Provost of the university.

4 Q. How long have you been in that position?

5 A. I began that position in 2013, so I'm beginning my
6 third year.

7 Q. Do you also have a faculty appointment at Temple?

8 A. Yes, I do.

9 Q. What is that?

10 A. So, when I came in 1988, it was an assistant
11 professor. I rose through the ranks, the professorial
12 ranks, and currently I'm a tenured full professor in the
13 Department of Kinesiology.

14 Q. What is kinesiology?

15 A. The study of human movement.

16 Q. And what school or college is the Department of
17 Kinesiology in?

18 A. At the time that I was there, it was the College of
19 Health Professions and Social Work but has since been
20 renamed the College of Public Health.

21 Q. What other positions have you held at Temple during
22 your career?

23 A. Prior to my current position, for three years I was
24 the Interim Dean of the College of Health Professions and
25 Social Work; that was from 2010 to 2013.

1 Prior to that, I was the Special Project Director
2 working in the Dean's senior staff for two years, and then I
3 had a 13-year run as the Department Chair of the Department
4 of Kinesiology.

5 Q. Let's start with your time as the Department Chair in
6 kinesiology. What were your responsibilities as Department
7 Chair?

8 A. So, you're basically the CEO of the department, and
9 what that means is that you're responsible for the academic
10 programs, all the course work, scheduling, in charge of
11 periodic program reviews, accreditation activities, those
12 kinds of things, also personnel in terms of hiring all the
13 faculty and the staff in the department, to oversee that.

14 You're in charge of tenure and promotion activities,
15 merit, award processes, student success in terms of making
16 sure that we're making student needs, the support systems,
17 also in charge of the budget to make sure that we're
18 financially solvent.

19 Q. And then from being the Department Chair, you said
20 you worked as the Director of Special Projects?

21 A. Yes. The then Dean asked me to come and work in his
22 portfolio, asking me to oversee projects that over-arched
23 the entire college.

24 At that time, we had I believe nine different
25 departments in the College of Health Professions and Social

1 Work. So, there was a lot of important work that had to be
2 completed and you need someone with the expertise that I had
3 to help be able to develop those policies, procedures and
4 guide it through to operations.

5 Q. And from there, you became the Interim Dean; is that
6 correct?

7 A. That's correct. So, the Dean at that time left
8 Temple to become the Provost at another university, and at
9 that time the current Provost at Temple University asked me
10 to serve as the Interim Dean.

11 The intention was for one year, but, unfortunately,
12 there were some budget issues with the state for the
13 following years, and that led to several years of me being
14 appointed that role.

15 Once we got through that time period, the search was
16 completed. A Dean was hired, and at that time, that's when
17 the current Provost asked me to come and to work for him as
18 the Deputy Provost of Operations.

19 Q. When you were working as the Interim Dean, what were
20 your responsibilities?

21 A. So, you're basically the CEO of the entire college.
22 There were no handcuffs on me in the interim role, all the
23 academic programs across all nine departments in the
24 college, accreditation, periodic program reviews, personnel,
25 working with the Provost to decide what our hiring plan

1 would be for the next year and then executing it; that's in
2 terms of our full-time faculty. Having responsibility in
3 terms of student grievance processes, faculty grievance,
4 planning, strategizing to make sure the college is moving
5 forward.

6 At that time, we were beginning to talk about the
7 concept of an RCM budget model.

8 Q. What does that mean?

9 A. What that is is the model in which the university
10 functions and the authority by which an individual at the
11 school/college has in terms of accountability and
12 responsibility for its budget.

13 So, the university was moving into that new model
14 just prior to that, and I was beginning to put some building
15 blocks in place within the college at that time to
16 anticipate that.

17 Also, as the Interim Dean, I was responsible in terms
18 of the budget, fund raising. So, I spent a lot of time
19 traveling the country, quite frankly, soliciting gifts to
20 support our endowments within the college.

21 Q. Within the college, were there programs in addition
22 to departments?

23 A. Oh, yes.

24 Q. What does that mean?

25 A. What that means is you have hierarchial structure.

1 You have an academic department, and then comprised within
2 that department you have the actual programs and that's
3 where the students reside in terms of their individual
4 discipline or what they're being educated in. So, there are
5 different levels of responsibility there and the program is
6 really the functional unit in which the student is being
7 trained.

8 Q. Are there programs that operate across departments?

9 A. There are programs that are interdisciplinary. So,
10 that means that they would be working across departments,
11 yes.

12 Q. And sometimes do those interdisciplinary programs
13 work across schools and colleges?

14 A. It's entirely possible, yes. For an example, we have
15 in our College of Engineering with the medical school a
16 joint program; so, yes.

17 Q. How autonomous are those programs in terms of their
18 operation?

19 A. Well, all programs are reviewed and authorized by the
20 Board of Trustees. So, within that context of that
21 authority, the operationalizing of it resides down at the
22 college, the department and then the program level. So,
23 each level has a different level of responsibility, but when
24 you look at the day-to-day operations, it really is going to
25 be the department and the individual programs who have that

1 responsibility of the day-to-day management.

2 Q. So, let's talk now about your responsibilities as the
3 Deputy Provost. First, I think just for the record, what is
4 the role of the Provost at the university?

5 A. The Provost is the chief academic officer within the
6 university. His portfolio is the largest portfolio within
7 the university. So, it's a very, very important -- a very
8 simple conceptual way to look at it, if it touches a student
9 directly or indirectly, it falls under the purview of the
10 Provost's office, but more specifically, within the
11 Provost's office, we have various vice-presidents who are
12 responsible for various aspects of operationalizing the
13 Provost office.

14 So, we have undergraduate. We have graduate studies.
15 We have a research office. We have enrollment in management
16 admissions. We have a faculty office in terms of overseeing
17 faculty in terms of tenure promotion, those kinds of
18 activities. We have budget people. We have a communication
19 person. The list goes on and on in terms of how you really
20 operationalize what goes on within an academic institution.

21 Q. What is the relationship of the leadership of the
22 schools and colleges to the Provost's office?

23 A. So, those Deans report to the Provost. The Deans do
24 have autonomy as the CEO of their individual school/college,
25 but they are reporting to the Provost. So, they work in a

1 very close relationship.

2 For example, as we look for next year's hiring
3 strategies and plans, each of those Deans would bring those
4 plans forward to the Provost for approval and then
5 authorization to be able to conduct it. That would be for
6 our tenure track searches that that plan would be developed.

7 Q. What is your role within the Provost's office?

8 A. Mine is really cutting across all these different
9 service units as well as the schools and colleges,
10 developing policies, procedures, guidelines, helping to
11 operationalize those, also, quite frankly, dealing with a
12 lot of personnel issues, because we're a very large
13 organization both in terms of our faculty staff and
14 leadership. So, personnel, I get heavily involved with our
15 legal team, our counsel, but also in terms of our HR.

16 Q. Do you have a relationship in your role with the
17 Council of Deans?

18 A. Yes, I do. I participate in the Council of Deans.
19 That's where our Deans and our Senior VPs within the
20 Provost's portfolio come together. It's typically twice a
21 month during the academic year, once during the summer
22 months, but it's where policies, procedures, looking at the
23 conceptual framework as well as the strategies impacting the
24 academic programs in all the breadth and depth of that are
25 discussed and then initiatives are tentatively developed

1 there, and then from there the Provost, depending on the
2 nature of it, would either take it to the President or some
3 other agent to get it authorized or, if he has the
4 authority, he can do it himself, to actually implement it
5 himself.

6 So, this is really the responsible group of people
7 for running the university in terms of the academic side and
8 in each of these the unit leaders within the individual
9 schools and colleges participating.

10 Q. In addition to sitting on the Council of Deans, do
11 you have a specific role?

12 A. Besides sitting and doing the functional work, I also
13 help generate the agendas with the Provost. So, in
14 consultation with him, make sure that we know what the items
15 will be that are being discussed in a timely manner, making
16 sure the agenda is presented in a timely manner.

17 Q. You talked a little bit about RCM budgeting moving
18 into place and planning for that when you were serving as
19 Interim Dean.

20 A. Uh-huh.

21 Q. Let's talk a little bit more about RCM budgeting. Is
22 that something that has been fully implemented at the
23 university?

24 A. Yes. We're now in our first year of full
25 implementation. So, we're fully immersed in this as a

1 university.

2 Q. How does that impact the role of the Deans?

3 A. You have to first understand what RCM is. It's a
4 business model that allows for accountability and
5 responsibility to be driven down into the school and college
6 level.

7 What it's driving is innovation and entrepreneurship.
8 At the end of the day, it's allowing each school and college
9 to live on its own financial bottom.

10 So, if you have that responsibility, that
11 accountability and responsibility, then you're going to be
12 thinking in terms of creating new programs in an innovative
13 way, but also working in an efficient way and to make sure
14 that all your resources are being maximized.

15 So, at the end of the day, it's allowing the
16 university to have the school/college having that
17 responsibility for really it's own bottom line.

18 Q. How does that impact what the responsibilities are of
19 the Deans?

20 A. With the Dean being the CEO of the school/college,
21 clearly, they having an understanding that this
22 responsibility is now theirs, they're going to be very
23 focused in terms of providing a high quality education in a
24 very cost-effective way, but in an innovative way that
25 insures their sustainability over time.

1 So, at the end of the day, you want to make sure that
2 you're not just surviving, you want to make sure that you're
3 really thriving; that you're growing, evolving; that it
4 gives you the ability then to make further investments as
5 you see fit in this very competitive environment of higher
6 education.

7 Q. Does RCM impact the role of Department Chairs?

8 A. In a hierarchial structure, you have the Dean, you
9 have the departments lead by Department Chairs. So, by
10 default, yes, Department Chairs are going to have a heavy
11 involvement in terms of RCM, particularly in terms of
12 operationalizing and making sure that they have enrollment,
13 making sure that they are delivering a high quality product,
14 making sure that their sum is adding up to the whole for the
15 school/college.

16 Q. Does it impact the work of those program directors
17 that you talked about?

18 A. Because at the end of the day, they're the ones who
19 are really operationalizing these academic programs. So, on
20 a day-to-day basis, it's your program directors who help
21 lead those programs, lead the faculty in the program, to
22 teach the students, to educate the students, to train them.

23 Q. Under an RCM model, would you expect programs that
24 aren't able to operate efficiently to continue to survive?

25 A. That would be a decision that the Dean would have to

1 make. Quite frankly, each school/college has a faculty
2 consultative committee for providing some insights and
3 perspectives, knowing that the final authority rests with
4 the Dean, but at the end of the day, with the university
5 giving this authority to the individual schools and
6 colleges, yes, Deans would be paying very close attention
7 and the program directors would be paying very close
8 attention in terms of their bottom line. Are they being
9 effective; are they growing?

10 Q. Do you expect RCM to have an impact on full-time
11 faculty?

12 A. Well, knowing that full-time faculty have by contract
13 a 12-semester-hour workload and that entails teaching,
14 research, service, particularly if they're tenured, non-
15 tenure track primarily teaching, but they still, too, have a
16 12-hour semester workload assignment, ultimately, you're
17 going to make sure that you maximize efficiencies with that
18 full-time staff.

19 So, by all means, those are going to be priorities
20 that have to be established, but you're going to make sure
21 that your needs are being fulfilled from a financial
22 perspective.

23 Q. Will RCM or has RCM already had an impact on the
24 importance of the work of committees within the schools and
25 colleges of the departments?

1 A. For sure, because at the end of the day, if you have
2 a program that is not cost-effective -- not that every
3 program is cost-effective and there may be other reasons to
4 make a decision to allow it to run, but that's a conscious
5 decision and awareness in terms of making that decision up
6 front. But at the end of the day, if you're not financially
7 viable as a program, that will be looked at very closely,
8 and, quite frankly, it's probably not sustainable in this
9 new environment.

10 Q. Do you believe RCM has an impact on adjunct faculty?

11 A. It could definitely have that impact.

12 Q. Why?

13 A. At the end of the day, if you're looking at your cost
14 efficiencies in terms of workload, it may be that, quite
15 frankly, you're going to be using your full-time faculty in
16 a more robust way, which means you have less needs in terms
17 of adjuncts.

18 If you have a course that, quite frankly, is a very
19 low enrollment course for an adjunct, you're probably not
20 going to offer it unless there's a very good reason to be
21 offering it just because of the issue of cost.

22 Q. What do you consider to be the mission of Temple
23 University?

24 A. It's to provide a superior education without regard
25 to status or station in life. We're very focused,

1 obviously, in training, education, but also in terms of
2 development of knowledge through research, scholarly
3 activities.

4 Q. Are there policies at the university that govern
5 outside work by faculty?

6 A. Yes, there is. We have our faculty handbook and we
7 also have our faculty contract that specifically state that
8 faculty may work up to one day per week outside of the
9 university with the approval of their Dean, insuring that
10 there are no conflicts, that all their Temple University
11 responsibilities are upheld.

12 So, there is an opportunity for faculty to engage in
13 that, but there's a process by which it has to be reviewed
14 and approved.

15 Q. Is that different than the roles that are in place
16 for adjuncts?

17 A. There are no such rules for adjuncts.

18 Q. Are you familiar with the concept of faculty shared
19 governance of the university?

20 A. Yes. Within the context that the Board of Trustees
21 has final authority for functioning of the university,
22 universities are very large ecosystems with multiple layers
23 of involvement of people.

24 Across those layers of involvement, you have the need
25 to have faculty engagement both at the faculty level, the

1 committee level, the department level, the college level in
2 much of the operationalizing of the university.

3 A good example perhaps is in terms of academic
4 programs are approved by the Board of Trustees, but courses
5 are really approved at the Provost level which really comes
6 out of the faculty. So, that's a good example of having
7 shared governance and involvement in delivery of an academic
8 program.

9 Q. Is this shared governance by the faculty important to
10 the functioning of the university?

11 A. It's very important.

12 Q. Why?

13 A. Because at the end of the day, it's our high quality
14 faculty -- which we're very proud of our faculty at Temple
15 University -- who provide, quite frankly, the education that
16 we're providing. So, without it, I don't think we'd be
17 successful. This is not a top down organization like you
18 would perhaps see in a business model.

19 At the end of the day, you need to have engagement.
20 You have creativity by faculty. They're the ones who bring
21 courses forward, the full-time faculty do, new ideas in
22 terms of potential areas, in terms of engagement with new
23 academic programs. You need that creativity.

24 Q. Do adjuncts typically participate in shared
25 governance?

1 A. Not to my knowledge.

2 Q. And why is that?

3 A. Quite frankly, when you look at it, most adjuncts are
4 teaching and they're teaching, they're providing or
5 delivering the product that has been created by the full-
6 time faculty.

7 So, at the end of the day, they're here providing a
8 very important service with regards to the education of our
9 students, but they're providing that in terms of the
10 delivery of the content.

11 Q. Are you generally familiar with the governance
12 structures of the schools and colleges?

13 A. Yes, I am.

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

16 A. Yes. That would be based in terms of the bylaws of
17 the individual school and college. Those bylaws would
18 dictate what the standing committees are across the college
19 which helps govern the functions of the college; so, yes.

20 Q. You mentioned standing committees. Are there also ad
21 hoc committees?

22 A. Yes. Those standing committees would have a function
23 in terms of ongoing functionality, repetition over the year
24 time and time again; whereas, your ad hoc committees would
25 be more task specific, more time limited, often for a very

1 specific function.

2 Q. Can you give me some examples of the kinds of
3 committees that operate typically at the school and college
4 level?

5 A. You have curriculum committees, undergraduate
6 committees, oftentimes a research committees with a high
7 productive research department. You have personnel
8 committees in terms of tenure and promotion, award
9 committees. You'll have grievance committees for students
10 typically. Those are the kinds of committees that you have.

11 Q. Are these committees important to the operation of
12 the school and the college?

13 A. It's where the school/college is operationalized,
14 yes.

15 Q. Throughout the university, do full-time faculty
16 typically serve on these kinds of committees?

17 A. By nature of their contract of teaching, research and
18 service, this is a component of their service; so, yes, this
19 is very important and you need that involvement.

20 Q. Within the full-time faculty, do all levels of full-
21 time faculty typically serve on these committees?

22 A. The short answer is yes. The shift in the
23 university's focus in terms of research, that we're seeing
24 more of our tenure track faculty really focusing on that
25 research aspect, their service component may be a little bit

1 less than we see in other full-time faculty, but nonetheless
2 they would still be engaged in it.

3 Q. And do non-tenure track faculty serve on these
4 committees and engage in that service responsibility?

5 A. In very important roles. Because they are full-time
6 faculty, they bring in expertise and understanding of the
7 breadth and depth of the university. That's very important.

8 Q. Who determines what the membership will be on
9 committees at the school and college level?

10 A. That will come out of the school and college bylaws
11 which has been authorized at the school/college level for
12 functioning at the college level.

13 Q. Is participating on these kinds of committees at the
14 school level part of what you described as shared faculty
15 governance?

16 A. Without question.

17 Q. Does the functioning of the university that you
18 talked about rely on full-time faculty playing that kind of
19 a role on these committees?

20 A. Yes, it does.

21 Q. Does the university system contemplate adjuncts
22 having a role on these school or college committees?

23 A. No.

24 Q. Why is that the case?

25 A. Well, adjuncts are typically teaching on a semester

1 basis maybe for a limited time period. I don't believe that
2 they are going to have the breadth and depth of
3 understanding of a very complex university. They're here to
4 teach. They have other full-time jobs. So, quite frankly,
5 they're in to teach and then they're back to their normal
6 lives.

7 I don't think that they have the time length in terms
8 of the horizon, because they're not here for that long of a
9 period of time over many years oftentimes that they're
10 really going to see the important needs and the
11 understandings of the university.

12 Another important part is there is a potential
13 conflict, and the conflict here is in terms of they have
14 full-time jobs often, often in the business world, but also
15 in other academic institutions, and in those institutions,
16 they could be competitive of ours here at Temple University.
17 So, we would be very concerned of putting them in the very
18 awkward position of where's their allegiance. Is it to
19 Temple University or is to their primary employer outside of
20 Temple University?

21 So, because we're in a very competitive environment
22 in higher education in terms of student enrollment,
23 developing new programs, you want to be very protective of
24 that in terms of how you manage your people.

25 Q. Do departments have committees that are separate from

1 the school-wide committees?

2 A. Yes. They will be very similar in name but at a
3 lower level, but basically what you see at the college level
4 parallels at the department level as well. There are some
5 differences, but in general, they follow the same.

6 Q. What role do the committees play within the
7 department?

8 A. In terms of academic courses, for example, you're
9 generating standing up a new course, so that would come from
10 the full-time faculty in the department. That would come to
11 a department committee for review, and then from there it
12 would go up to the department for a final decision before
13 going elsewhere in the university.

14 So, it's part of the review process. It's part of
15 the shared governance. It plays a very important role.

16 Q. Does the university contemplate adjunct faculty
17 having a role on department committees?

18 A. Not to my knowledge.

19 Q. Why is that?

20 A. Again, for all the reasons I just stated.

21 Q. If there are adjuncts who participate on departmental
22 committees, in your experience, would that be outliers?

23 A. Without question.

24 Q. Are you aware of any adjunct faculty who are eligible
25 to vote on any committee at Temple?

1 A. Not to my knowledge.

2 Q. You talked a little bit about creation of academic
3 programs. Can you explain how it comes about that a new
4 program is created?

5 A. Yes. Full-time faculty would conceptually think
6 about the opportunity. It may be a small cluster. It could
7 be interdepartmental. It could be intercollege, in other
8 words, other groups getting involved depending on the nature
9 of the program. But from that small cluster, it would then
10 go to a program group for review and approval, from there
11 typically to a curriculum committee within the department;
12 from the committee in the department, then the department as
13 a whole making a decision about whether they're going to
14 support it.

15 If so, then it would come up to the college level for
16 review, and then from the college level, it would come up to
17 the Provost for review.

18 If it's an academic program involving graduate
19 programs, it would then go to the graduate board with
20 feedback then back to the Provost.

21 If it was an undergraduate academic program, it would
22 go to our undergraduate studies and then back to the
23 Provost.

24 From the Provost then, if approved, it goes to the
25 President, and from the President it goes to the Academic

1 Affairs Committee which is a subcommittee of the Board of
2 Trustees.

3 From there then, assuming approval at that
4 subcommittee level of the board, it would go to the full
5 board for review and approval.

6 So, there's a whole hierarchial structure there for
7 approving academic programs. This is a board authorized
8 approval that's required.

9 Q. Is this a lengthy process?

10 A. Typically, it can be upwards of a year or longer.
11 Because of that time period, we have a very prescribed
12 schedule, and, quite frankly, people are very astute and
13 they know to back into that schedule when they have to have
14 their functions completed to get up to each of the
15 subsequent layers.

16 If it's interdisciplinary, quite frankly, it can take
17 even much longer. If you're working across departments or
18 across colleges, it could be several years because of all
19 the reviews.

20 Quite frankly, an important part of standing up a new
21 academic program is to make sure we don't have something
22 that already exists elsewhere across the university, but you
23 can imagine in an RCM environment where different units may
24 see opportunity to create a new program, even though it may
25 exist someplace else, you don't necessarily in the

1 university want to have two of the same programs within the
2 university. So, there's quite a review. It takes time to
3 get it done.

4 Q. So, if there's a conflict, where does it get
5 resolved?

6 A. We have an APAC committee that's a special committee
7 designed to be able to take a look at that. Programs are
8 stood up in a public format through the Web with public
9 comment and then ultimately hopefully resolved at that
10 level, but ultimately the final decision is made by the
11 Provost before going up to the President as I said.

12 Q. Within a department or a program, when there are new
13 curriculum or courses that are being created, what's the
14 process?

15 A. It's very similar. It starts out with a faculty
16 member, a full-time faculty member, up through the
17 Curriculum Committee of the department, up to the college.
18 Here, it's different in terms of the academic programs.
19 Courses only end at the Provost level in terms of review.

20 If there's a referee that's needed, so to speak,
21 between courses and someone else may have a similar course
22 at another college, again, that APAC Committee that I just
23 referenced would be responsible for adjudicating, making
24 sure that the conflicts are resolved.

25 Q. What's needed to create a successful program in your

1 experience?

2 A. A breadth and depth of the university. You need to
3 understand what currently exists. You need to see
4 opportunity in terms of the work force labor development,
5 where is the work force going, where are the needs. You
6 need content experts, people who understand the field.

7 You need to understand accreditation processes both
8 inside and outside of the university. It's a very complex
9 process to be able to stand up a new academic program, let
10 alone the investment that goes with that and the decisions
11 that have to be made there as well.

12 Q. In order to create a successful course within a
13 department or program, what's needed?

14 A. It's a very similar process. So, you have to go
15 through the process of due diligence at the department level
16 to make sure that not only do you have the ability content-
17 wise, but do you also have the budget to be able to pay the
18 faculty to be able to stand that course up. So, how you are
19 going to manage it is really an important consideration.

20 Q. What's the concept of mission creed? Are you
21 familiar with that concept?

22 A. It's where there are opportunities, but there are
23 only so many hours in the day and you can't get it all done.
24 So, with mission creed, you start deviating from what is
25 your primary mission.

1 In higher ed where you have very creative faculty and
2 opportunities exist in the world at large, you can see where
3 it becomes quite challenging, but that's where a Dean, also
4 the Department Chairs have a responsibility to help people
5 focus in terms of what the mission is of that particular
6 unit, that program, all in the context of RCM budget
7 modeling.

8 Q. Do program directors have that same responsibility
9 within the offerings for their programs?

10 A. They would certainly be asked those questions as it's
11 being brought up through the process.

12 Q. Have you ever seen a program that was created by an
13 adjunct?

14 A. No.

15 Q. Have you ever seen any courses created by adjuncts?

16 A. Not in my experience.

17 Q. How many courses does Temple offer?

18 A. Temple currently has over 11,000 active courses which
19 are in our ERP system called Banner. So, by being active,
20 that means that those are all approved courses that can be
21 taught at any semester during the academic year or including
22 summers.

23 Q. If there are changes that are being made to a course
24 that's been approved, how does that happen?

25 A. It depends on the nature of the change. If it's,

1 quite frankly, a textbook change, a reading change, those
2 kinds of things, that would be managed at the local level,
3 at the department level.

4 If it's anything that's going to result in a change
5 in our ERP Banner system -- that's our computer system in
6 which all of our courses are controlled and managed -- such
7 as a name change or a course number change, a description of
8 a course, all that is required to go up through the process
9 that I previously described.

10 So, any change that gets effectualized in Banner has
11 to go through an approval process.

12 Q. Why does Temple use adjuncts?

13 A. Many different reasons. They have an expertise that
14 we need to be able to capitalize on. Programs, quite
15 frankly, and the courses that you have to offer, you don't
16 have the full work force within your full-time faculty, so
17 you want to supplement that out.

18 Full-time faculty -- and, again, I come from the
19 health professions and I'll use nursing for an example. Our
20 faculty may have an expertise in hospital care, but,
21 clearly, there are individualized patient centered care that
22 is starting to evolve today; and so clinicians who are
23 engaged in that currently have a different expertise than
24 our faculty, but if we want to train our students in those
25 new areas, we need to tap into using adjuncts to be able to

1 deliver that teaching.

2 Adjuncts are also used in terms of periods of
3 transitions. Quite frankly, faculty retire. Faculty go off
4 on research study leaves, sabbaticals, and during those
5 gaps, you need to fill in with someone to teach those
6 courses, and that's a great use of adjuncts, particularly in
7 the content areas where they have expertise.

8 Q. Which schools and colleges employ adjuncts?

9 A. To my knowledge, they all will.

10 Q. At Temple, are there any adjuncts who are represented
11 by a union at any school or college including the
12 professional schools?

13 A. Not to my knowledge.

14 Q. Within your school when you were Dean in the
15 Department of CHP, are there program directors?

16 A. Yes, there are.

17 Q. And who are those program directors in terms of what
18 is their role?

19 A. They're full-time faculty. Prior to RCM, they may
20 have tended to have been more tenured, tenure track faculty,
21 but today under RCM, quite frankly, they're going to be more
22 non-tenure track faculty; running those programs, making
23 sure that the courses are offered, make sure we have high
24 quality instructors, including the operationalizing of the
25 program.

1 Q. Typically, in your experience, how long is the hiring
2 process for adjuncts?

3 A. It can be upwards of several weeks. It's not too
4 long of a period. Quite frankly, if just prior to a
5 semester, there has been a change in terms of a tenure track
6 faculty member's workload and we have to fill in very
7 quickly with an adjunct, then we try to expedite getting
8 that done, quite frankly, in a very short period of time.

9 Q. How is that different than the hiring process for
10 full-time faculty at all ranks?

11 A. Those require searches, and so that's six months to
12 twelve months or longer. It's a much longer process.

13 Q. Have you reviewed the testimony given by Jerry
14 Ratcliffe at the last hearing about bumping of adjuncts for
15 full-time faculty?

16 A. Yes, I did.

17 Q. Does this happen in other schools and colleges as
18 well?

19 A. I think we're speaking now about research, a
20 situation where a faculty member had planned in terms of
21 having release time for research. At the end of the day,
22 that funding did not come through and now that faculty
23 member because of having a 12-semester-hour workload
24 assignment is now going to be instructed to fill in with
25 teaching.

1 So, as a result, if we had an adjunct intended to
2 teach that course, we now have to shift that course to a
3 full-time faculty. That would be a great example of the use
4 of adjuncts or in this case not using the adjunct.

5 Q. Does that circumstance happen in other schools and
6 colleges as well?

7 A. For sure. I mean, any department that has a heavy
8 research focus with faculty, those transition periods are
9 not so uncommon.

10 Q. Are there other circumstances where adjuncts may be
11 bumped from a class assignment?

12 A. Sure. If the class has a low enrollment, classes
13 have to be cancelled, that would result in the adjunct, not
14 having that being offered to them in terms of teaching.

15 Q. If there is a conflict that occurs between a class
16 assignment for an adjunct and an assignment for a full-time
17 faculty member at any rank, who is typically going to get
18 the class?

19 A. You're going to give it to the full-time faculty
20 member because you have that 12-semester-hour workload
21 assignment that we're holding by contract faculty
22 accountable to. Adjuncts don't have that accountability.

23 Q. Did you review the testimony given by Dr. Scott
24 Gratson at the last hearing about work being done by NTTs in
25 his department?

1 A. Yes, I did.

2 Q. Is the level of involvement described by Dr. Gratson
3 of NTTs consistent with involvement of NTTs throughout the
4 university?

5 A. Let me preface it by saying this. Again, NTTs have a
6 12-semester-hour workload assignment. That assignment can
7 consist of four three-credit courses for a total of 12
8 credits. It can also involve in terms of service engagement
9 being a program director and getting load for that as part
10 of your 12-semester-hour assignment.

11 So, the answer is that we have a full range of NTTs
12 in terms of what their workloads look like. Some might be
13 fully engaged in terms of teaching. Others may have service
14 as part of it as a program director.

15 So, I don't believe that that's atypical. Are all of
16 our NTTs doing it to the level that he was? I don't believe
17 so, but I do think that those situations do exist.

18 Q. Are there a number of NTTs throughout the university
19 who serve as program directors?

20 A. Yes. They have and I think increasingly even more so
21 today.

22 Q. Are there also NTTs who serve as Assistant Chairs or
23 Acting Chairs or Associate Chairs in departments?

24 A. Particularly where you have very large academic
25 departments, you will often have an Assistant Chair and

1 oftentimes they are an NTT.

2 Q. Are NTTs expected to engage in service on committees
3 and shared governance just as tenure and tenure track
4 faculty are?

5 A. If they are a full-time faculty member, that's an
6 expectation.

7 MS. FARMER: I have no further questions.

8 **CROSS-EXAMINATION**

9 BY MS. ROSENBERGER:

10 Q. Good morning, Mr. Sitler. I'm Amy Rosenberger.
11 We've met before.

12 A. Nice to see you again.

13 Q. I'm one of the lawyers representing TAUP. You've
14 testified a lot about what adjuncts do, what their role is.
15 Outside of what is now the College of Public Health where
16 you were an Interim Dean and Department Chair of the
17 department and you had your special projects role, outside
18 of that part of your employment at Temple, what's your basis
19 for knowledge about how adjunct faculty are used in
20 departments?

21 A. It's not directly within my reporting structure and
22 my responsibilities, but clearly in terms of my working
23 across schools and colleges and being engaged with many
24 faculty on many of our committees, special task force and so
25 forth, I have a lot of opportunity to engage in conversation

1 with faculty in terms of what they do.

2 Q. With full-time faculty?

3 A. Full-time faculty.

4 Q. You don't engage with adjunct faculty at your level
5 at the Provost office at all, do you?

6 A. Only if it's a personnel issue that cannot be
7 resolved at a lower level would it come up to the Provost,
8 and depending on the nature of the situation, the Provost
9 may or many not ask me to become engaged in it. So, I have
10 become engaged with adjunct issues.

11 Q. How many times in the two years that you've been at
12 the Provost's office have you actually had contact with
13 adjunct faculty?

14 A. On a personnel issue that's come up to us?

15 Q. Yes.

16 A. I would say at least two to three times each year in
17 terms of a difficult case, yeah.

18 Q. And in each instance, that involves an individual
19 adjunct faculty member?

20 A. That is correct.

21 Q. So, two to three adjunct faculty members per year for
22 two years?

23 A. For the last two years. Prior to that, it was a much
24 different level of engagement.

25 Q. So then what is the basis for your knowledge about

1 how many adjunct faculty have full-time jobs outside of
2 Temple University?

3 A. It was on my reference in terms of my experience as
4 Interim Dean, as a Department Chair for 13 years; so it was
5 in the context of that.

6 Q. So, within what is now the College of Public Health?

7 A. That is correct.

8 Q. You had knowledge about adjunct faculty in the
9 Department of Kinesiology when you were in that department?

10 A. Uh-huh.

11 Q. And in the college generally because you would have
12 been involved in signing off on hiring letters?

13 A. That is correct.

14 Q. Did you, as Interim Dean, have access to the resume
15 or curriculum vitae of the adjunct faculty whose hiring
16 letters you were signing off on?

17 A. Typically, you would use your hierarchial structure
18 within the department to help inform that decision-making
19 about who the adjuncts are going to be hired for the
20 department.

21 By that, I mean is you have your program directors,
22 and kinesiology at the time, I believe we had around 1300 or
23 1400 students. That's a very large academic department
24 within Temple University, and within that we had five
25 different content tracks at the undergraduate level. So we

1 had program people leading each of those tracks who would
2 help identify who those adjuncts would help fill out the
3 schedule in terms of the teaching assignments.

4 That would all get fed up to a program coordinator at
5 the undergraduate level or graduate level, respectively, and
6 those individuals then would come and meet with me and we
7 would take a look at what the recommendations are.

8 Understand, quite frankly, is it a first-time hire, why are
9 we hiring them, what's their expertise; what does their vita
10 look like.

11 If it's a repeat hire, we have a student evaluation
12 system at the university. It's now electronic, electronic
13 student feedback system. We take a look at their
14 performance of past teaching. So, we would take a look at
15 the individual instructors as a new instructor or if it's a
16 repeat instructor.

17 But what I would like to say, though, is overall we
18 had very good instructors. These people did a really
19 outstanding job for us.

20 Q. And this process that you're describing when you say
21 we would look at this, is this when you were Department
22 Chair or when you were in the Dean's office?

23 A. It's at the department level. It would get somewhat
24 engaged at the college level, because as we were moving into
25 RCM at that time, it became very important to start looking

1 very closely at workload.

2 Q. At what?

3 A. At workload for the faculty; so looking at how those
4 12 semester hours were being deployed for the individual
5 faculty member.

6 So, I would meet with each individual Department
7 Chair, look at the workload assignments of the full-time
8 faculty and try to gain understanding in terms of what the
9 other needs are within the department in terms of adjuncts.

10 So, we would have conversations about the full
11 deployment of teaching, and that becomes very important
12 under an RCM budget model when you're looking at financial
13 efficiencies to meet the bottom line.

14 Q. Because it costs less to employ an adjunct faculty
15 member to teach a particular course than to employ a full-
16 time faculty member?

17 A. There are certainly benefits there, but the other
18 thing you want to keep in mind is that you want to make sure
19 you're getting the most out of your full-time faculty.

20 So, if there's capacity, instead of just teaching two
21 three-credit courses and we could have a full-time faculty
22 teach three or four depending on the situation, quite
23 frankly, that's going to affect your bottom line, too, and
24 probably in an even more dramatic manner than thinking about
25 cheaper employment with the adjunct faculty members. Full-

1 time faculty members have higher salaries.

2 Q. When you were in what is now the College of Public
3 Health, how many adjunct faculty -- understanding that it
4 would vary from semester to semester, but approximately how
5 many adjunct faculty were there in the college?

6 A. This is purely a guess. I have no way of really
7 knowing specifically at this point without going back to the
8 records, but I would imagine 100 to 200 maybe. It's a high
9 number is what I'm saying.

10 Q. And of those 100 to 200 in that college when you were
11 Interim Dean, what proportion, if you know, held a full-time
12 job outside of Temple?

13 A. My reference would be back to the Department of
14 Kinesiology, and my answer there is that all of them would
15 be. Quite frankly, one of the challenges that we had
16 operationalizing this at the department and at the program
17 level is because they had full-time jobs, day jobs, 8:00 to
18 5:00, so to speak, and yet we had the need to have this
19 course offered in the middle of the afternoon, how are we
20 going to be able to pull that adjunct faculty member to
21 Temple University to disengage from their full-time
22 employment to be able to work at Temple?

23 That's a challenge, and, quite frankly, we had to
24 look often in terms of creative scheduling to be able to be
25 accommodating as much as we could.

1 Q. So, if I understand you correctly, a place where you
2 know whether or not what percentage of adjunct faculty had
3 full-time jobs outside of the university is in the
4 Department of Kinesiology?

5 A. My reference would be there, but also at the college
6 level, certainly in terms of each of our disciplines, each
7 of our departments, nursing, physical therapy, occupational
8 therapy, rehab sciences, because those faculty teaching in
9 each of those different departments had to be credentialed
10 to teach for us. By default, that tells us that they're
11 working someplace else full time or they wouldn't have their
12 credential current.

13 So, the challenge there is that understanding -- I
14 don't know directly having asked each one of them, but by
15 virtue of their work for us in the college in those
16 programs, it tells me, quite frankly, they were engaged
17 outside of the university in other work.

18 Q. And you're saying they couldn't be credentialed if
19 they were working part time outside the university?

20 A. I'm saying that to maintain those credentialing,
21 that's going to be a challenge; that people are going to
22 have engagements in terms of demonstrating that they're
23 current in their field and they're doing CEU activities.
24 All those things relate in terms of demonstrating efficacy
25 to be able to teach for us.

1 Q. But if I understand you correctly, you're not saying
2 they would have to have been employed full time to be --

3 A. Oh, no. I see what you're asking. No; that's truly
4 the case, but by intuition and inference, I'm saying that
5 most likely they were.

6 Q. Okay, but you don't know for a fact?

7 A. Without going back individually, that's correct.

8 Q. And you don't know for a fact with regard to any of
9 the adjuncts outside of what is now the College of Public
10 Health what proportion of those individuals at Temple
11 University have a full-time job outside of Temple?

12 A. No. I think there's a full range. I think you're
13 going to have those with that situation and others who
14 aren't in that situation. So, it will be a full gamut.

15 Q. You talked about the fact that there are certain
16 interdisciplinary programs that cross school or college
17 lines at Temple.

18 A. Yes.

19 Q. And one example that you gave was one between the
20 College of Engineering and the medical school.

21 A. Yes.

22 Q. Do full-time faculty participate in those
23 interdisciplinary programs?

24 A. I would imagine so, yes. I didn't review that
25 particular program. I just know that that program exists.

1 So, my intuition is that we would have our full-time faculty
2 engaged in teaching that, yes. Would they be the only ones
3 doing it? Probably not.

4 Q. Are there other interdisciplinary programs that cross
5 the lines between the TAUP schools and colleges and the
6 medical, law or dental schools?

7 A. Yes. We have I believe between social work and law,
8 there's an SW program. We also have I believe with our
9 Public Health Department MPH in terms of our medical school.
10 So, there are others that exist.

11 Q. And do you know whether full-time faculty participate
12 in those interdisciplinary programs?

13 A. They would participate, yes.

14 Q. Full-time faculty from the law school?

15 A. If it's an interdisciplinary, you're going to have
16 courses from both units in this case, so you would have
17 faculty from the respective units. So, they would be the
18 full-time faculty, yes.

19 Q. So, from both the College of Public Health and the
20 law school?

21 A. That's correct.

22 Q. And adjunct faculty from both the College of Public
23 Health and the law school?

24 A. Depending on the need, the expertise. Again, those
25 are all factors that get played in as to who will be

1 teaching what.

2 Q. You talked about at the Provost's office there are a
3 number of what you refer to as VPs. That's Vice Provosts?

4 A. Vice Provosts typically. We do have one or two Vice
5 Presidents, but typically Vice Provosts, yes.

6 Q. With regard to this RCM budgeting model that you
7 described, I think what you said is that each school or
8 college has to live on the money it generates.

9 A. Its own bottom, that's correct.

10 Q. So, where is the money generated for, for example,
11 the Provost's office?

12 A. Well, the school/college comes from tuition and
13 revenue. So, you have these revenue-generating units called
14 schools and colleges.

15 Then you have the service units that support the
16 schools and colleges. An example would be the Provost's
17 office.

18 So, off of those revenue-generating units, there's a
19 carve-out called an allocated cost, and that allocation
20 helps to support the Provost's office, the President's
21 office, all the different things that are non-academic in
22 the university.

23 Q. And who decides, for example, what amount from the
24 College of Public Health is going to be devoted to support
25 say the Provost's office?

1 A. This is really not my area, per se, but my
2 understanding would be is that it's coming -- I'm trying to
3 get this right, so I want to think a little bit through my
4 head for you.

5 I don't know if this comes from the President or from
6 the Board of Trustees. I just don't know that, but there is
7 a higher level that creates and then our CFO from the
8 university identifies what those allocated costs would be
9 for the different service units to support their budgets.

10 Q. And the CFO is the Chief Financial Officer?

11 A. That is correct.

12 Q. Also known as the Controller?

13 A. Yes.

14 Q. So, in any event, it's not the schools and colleges
15 that are deciding how those funds are going to be expended;
16 that's from top down?

17 A. That's a good way to put it. That's right.

18 Q. So, the schools and colleges aren't merely living on
19 their own bottom; they're also supporting all of the
20 services units?

21 A. Well, they are living on, but everybody else is being
22 supported by their hard work as well.

23 Q. Right. More people are being supported by them.

24 A. Well, the primary driver in terms of revenue is
25 clearly the enrollment within the university; so, yes.

1 Q. Enrollment and research; right?

2 A. You hope that your ICR for research is very high and
3 that it can help support that infrastructure. It's very
4 challenging, but yes.

5 Q. And there's also state appropriations?

6 A. Clearly. We're very appreciative of that.

7 Q. And those state appropriations, for example, come to
8 the university; right?

9 A. That's correct.

10 Q. And then who decides what proportion of that, for
11 example, goes to the College of Public Health?

12 A. Again, this is at a higher level, but I believe that
13 that is probably made through the President or the Board of
14 Trustees in work with the CFO. I'm not directly involved
15 with that, so that's why I'm a little hesitant to give you a
16 definitive answer.

17 Q. But, in any event, it's not decided at the school or
18 college?

19 A. That much I can say.

20 Q. And you made a reference a moment ago to something
21 called ICR. What's that?

22 A. Indirect Cost Recovery. So, just, for example, your
23 direct cost for a grant would be perhaps, let's say, a
24 \$1,000 to run the graduate assistants, pay subjects, pay for
25 supplies per study, but then the university is providing.

1 electricity, heating and light and all those kinds of
2 overhead costs. So, an ICR, an Indirect Cost Recovery, is
3 designed to help the university offset those other costs.

4 Q. So, if I'm a faculty member and I apply for and
5 receive a research grant from NIH or something, a proportion
6 of that grant does not stay in my school or college or
7 department; it goes to support overhead?

8 A. Well, you're asking a really important question.
9 Today, under RCM, that ICR now all goes to the school and
10 college who has to pay all their bills.

11 Q. Because they're paying their overhead?

12 A. Yes.

13 Q. Their lights, equipment.

14 A. So, the Dean has that resource within and then makes
15 decisions about not only paying bills but having future
16 investments.

17 Q. And, again, their share of overhead along the lines
18 of what you were talking about, electricity, lights, et
19 cetera, is determined by the CFO or someone above the school
20 and college?

21 A. Are you asking what the rate is?

22 Q. No. I'm asking who determines what proportion of --
23 what the electric bill is for the College of Public Health.

24 A. It's actually done through another pathway. It's
25 done through the allocated cost process in terms of really

1 what do we need to do in terms of research, support and all
2 that infrastructure and facility support. So, it's done
3 through another process.

4 Q. The decision if a program is going to be eliminated
5 because it's not financially viable, that's a decision
6 that's made at the Dean's level?

7 A. Actually, it's finalized -- any restructuring,
8 creation or elimination is made by the Board of Trustees.
9 So, it goes up through the process from the college to the
10 Provost up to the President and then up to the Academic
11 Affairs Committee of the subcommittee, the Board of Trustees
12 and then to the full Board. So, that's a full Board
13 authority.

14 Q. Do you know from your experience in the Provost's
15 office what proportion of non-tenure track faculty at Temple
16 have 12 credit hours of courses to teach, meaning a full
17 teaching load?

18 A. I don't know offhand.

19 Q. Do you know what percentage of the 11,000 courses
20 that are offered at Temple are taught by adjunct faculty?

21 A. I do not know.

22 Q. And when you gave that number of 11,000, is that
23 university-wide or just within the TAUP schools and
24 colleges?

25 A. It's the university-wide.

1 Q. So, that includes the professional schools?

2 A. That's correct.

3 Q. With regard to adjunct faculty participation on
4 departmental committees, you obviously know whether or not
5 they did participate on departmental committees in the
6 Department of Kinesiology when you were Department Chair,
7 because you know that from your personal knowledge; right?

8 A. That is correct, yes.

9 Q. But you don't know as you sit here today in what
10 percentage of the departments in the 14 schools and colleges
11 that are in the TAUP bargaining unit adjunct faculty are
12 either invited or expected to participate on committees?

13 A. I do not have the concrete number, but having at the
14 college level known the bylaws, there were no committees in
15 which adjuncts were allowed to be on.

16 Q. I'm talking about at the department level.

17 A. I'm taking up to the higher level as well.

18 Q. My question is about department level. You don't
19 have personal knowledge about how that works at all of the
20 departments, the 70-some departments?

21 A. I would not have that knowledge across the
22 university.

23 Q. Adjunct faculty are required to abide by the
24 university's conflict of interest policy, aren't they?

25 A. Yes. So, as a teacher, you're upheld to all those

1 standards, yes.

2 Q. Do you know how many of the non-tenure track faculty
3 at Temple are on one-year contracts in any given year?

4 A. No, not offhand, although we have made it a concerted
5 effort to make sure that we are improving that number. I
6 don't know what that number is.

7 Q. Improving what number?

8 A. Making sure that we are looking at that; that they
9 have multiple year contracts where appropriate.

10 Q. But that's a decision that's ultimately made at the
11 school or college level?

12 A. Yes, it is, yes.

13 Q. Not at the Provost level?

14 A. That's right.

15 Q. And you can't sit here today and tell us that you
16 know that no adjunct faculty member has ever created a
17 course?

18 A. I cannot say that unequivocally, but it has never
19 been my experience in my prior roles.

20 Q. In your Department of Kinesiology or in the College
21 of Public Health, to the extent you knew what adjunct
22 faculty members were doing?

23 A. That's correct, and also in terms of just general
24 conversations that the Council of Deans having heard from
25 other Deans across the university how they function. It's

1 certainly personal experience, but also in conversation,
2 too.

3 Q. Both adjunct faculty and full-time faculty teach
4 classes; isn't that right?

5 A. Yes, they do.

6 Q. And when full-time faculty teach classes and adjunct
7 faculty teach classes, they are governed by all the same
8 rules about teaching classes university-wide; isn't that
9 right?

10 A. You're teaching that responsibility to uphold the
11 principles of the university, yes, that's right.

12 Q. They have to follow the syllabus policy?

13 A. Yes, they do.

14 Q. They have to follow the rules that apply to student
15 athletes; right?

16 (Witness nodding head.)

17 Q. You need to say yes or no.

18 A. Yes.

19 Q. And students with disabilities?

20 A. That's correct.

21 Q. And students who are in ROTC?

22 A. That's correct.

23 Q. They are all subject to getting this online student
24 feedback form that you described?

25 A. The electronic student feedback form, that's correct.

1 Evaluations of all instructors is conducted at the
2 university on a semester basis.

3 Q. And they're all required to enforce the university's
4 plagiarism policies, academic dishonesty policy?

5 A. That is correct.

6 Q. And they all have to evaluate their students?

7 A. They're teaching. They have these responsibilities,
8 yes.

9 Q. And there aren't certain courses that are reserved
10 for adjunct faculty to teach and others that are reserved
11 for full-time faculty to teach across the university; there
12 are plenty of courses that are taught by both full-time and
13 adjunct faculty; isn't that right?

14 A. Generally. It's coming down to expertise. It's
15 filling in those gaps, the transition things that I've
16 talked about. So, it really comes down to a lot of trying
17 to meet need at a particular point in time, but you want
18 your most qualified person teaching and in the context of an
19 RCM budget model which we've already talked about.

20 Q. Adjuncts are always part of Temple's employee
21 complement every semester; isn't that true?

22 A. Are they part of our work force of teachers every
23 semester?

24 Q. Yes.

25 A. Yes.

1 Q. And from time to time, adjunct faculty are actually
2 hired to fill non-tenure track teaching positions; isn't
3 that true?

4 A. I'm not sure about calling it a filling an NTT
5 teaching position. They're filling the teaching of a
6 course. So, we don't necessarily tie courses to faculty.
7 We have courses which have to be taught and it's who's best
8 to be teaching that at a given time.

9 Q. My question is, from time to time individuals who are
10 employed as adjunct faculty become hired as NTT faculty; is
11 that right?

12 A. They could be by all means, yes. So, if they're
13 qualified, they fulfill the needs of the department at that
14 particular point in time, there is an opportunity that that
15 could happen. Again, in terms of a non-tenure track
16 faculty, you're looking for the best.

17 Q. And there are occasions when non-tenure track faculty
18 who have not been renewed as non-tenure track have
19 subsequently taught as adjunct faculty; isn't that right?

20 A. I'm not familiar with that case. It never occurred
21 in my prior roles. So, if it's happening across the
22 university, I'm not aware of that.

23 Q. Adjunct faculty teach on all the same campuses as
24 full-time faculty; isn't that true?

25 A. It's a Temple course, so there is no distinction in

1 terms of campus.

2 Q. And adjunct faculty teach in the same classrooms as
3 full-time faculty?

4 A. If they're qualified to teach that course and we have
5 a need, yes.

6 Q. Not all full-time faculty have a terminal degree, do
7 they?

8 A. Define "terminal degree." Do you mean the highest
9 degree within their field?

10 Q. Yes.

11 A. So, someone in the fine arts, an MFA could be their
12 terminal degree then.

13 Q. Right?

14 A. Yes. So, what's the question?

15 Q. Not all full-time faculty have a terminal degree.

16 A. I would say that that's correct. From my experience
17 again back at the college department level, we do have four
18 professorial levels, instructors, assistants, associates and
19 full professors. Instructors may not have and typically
20 don't have that terminal degree.

21 Q. Since the hearings in this case have been going on,
22 you notified all full-time and adjunct faculty about the
23 hearings, didn't you?

24 A. Yes, through communication, yes, updates.

25 Q. And you told them that the petition is seeking to

1 have adjunct faculty brought into the existing full-time
2 faculty bargaining unit?

3 A. That's my understanding, that's correct.

4 Q. My question isn't whether that's your understanding.
5 My question is whether you told them that in those
6 communications, whether you told the full-time and adjunct
7 faculty that that's the purpose of the petition.

8 A. Without going back and reading each document, that's
9 my intuition that I had said that. So, I'd have to read it
10 to make sure.

11 (Whereupon, the document was marked as Union
12 Exhibit No. 14 for identification.)

13 BY MS. ROSENBERGER:

14 Q. I've handed you a document that's marked Union
15 Exhibit 14, and for some reason the second page, I couldn't
16 get it to print on the first page. If you take a look
17 through that, do you recognize what that is?

18 A. Yes.

19 Q. What is it?

20 A. I sent this out as a communiqué on March 19th as an
21 update.

22 Q. And you sent it to all full-time and adjunct faculty,
23 didn't you?

24 A. Temple University faculty, yes.

25 Q. I'm sorry?

1 A. Temple University faculty, which would have been all
2 our faculty.

3 Q. Including adjunct faculty?

4 A. Without looking at the LISTSERV of who it went out
5 to, I assume that it's all our faculty right now.

6 Q. If you look on the second page, the first paragraph
7 below the numbered paragraphs.

8 A. So, "By attempting to"?

9 Q. That one. On the third line, there's sentence that
10 starts, "For this reason, I am sending this update to
11 adjunct faculty and full-time faculty."

12 A. There we are. Thank you.

13 Q. Does that refresh your recollection as to whether you
14 sent it to full-time and adjunct faculty?

15 A. Thank you. Yes, it does.

16 Q. You did send it to them all; right?

17 A. That's correct.

18 MS. ROSENBERGER: Can I take just a couple
19 minutes?

20 HEARING EXAMINER POZNIAK: Off the record.

21 (Recess.)

22 HEARING EXAMINER POZNIAK: We're back on.

23 BY MS. ROSENBERGER:

24 Q. Just a few more questions, Mr. Sitler.

25 A. Yes.

1 Q. Do you know what proportion of full-time faculty do
2 not participate in school or college shared governance
3 functions?

4 A. I do not.

5 Q. Do you know what proportion of full-time faculty
6 don't participate in any shared governance functions?

7 A. I do not.

8 Q. Full-time faculty sometimes teach at other
9 institutions; isn't that true?

10 A. Yes; that could happen. Again, based on our one-day-
11 a-week rule, through an approved process, that could happen,
12 yes.

13 Q. And it's true, isn't it, that there have been
14 occasions where a department is granted permission to -- is
15 granted a new tenure track line that results in the
16 elimination of a non-tenure track line?

17 A. Sure, absolutely.

18 Q. And in that situation, a non-tenure track faculty
19 member is being bumped by a tenure track person?

20 A. In that particular situation. If I may say that it's
21 perhaps also possible and common is that we're adding new
22 tenure track lines to a department. So, that's another
23 pathway by which tenure track lines are generated.

24 Q. And on occasion that results in elimination of an NTT
25 position?

1 A. Not the example that I just gave. It would be an
2 add-on.

3 Q. But it happens both ways?

4 A. It could, yes.

5 MS. ROSENBERGER: That's all I have on cross.

6 MS. FARMER: No additional questions.

7 HEARING EXAMINER POZNIAK: You can step down,
8 sir. Thank you.

9 (Witness excused.)

10 MS. FARMER: That completes our witnesses for
11 today.

12 HEARING EXAMINER POZNIAK: That's it?

13 MS. FARMER: That completes our witnesses for
14 today.

15 HEARING EXAMINER POZNIAK: Okay. Let's go
16 off the record.

17 (Discussion off the record.)

18 HEARING EXAMINER POZNIAK: We'll come back at
19 ten after one.

20 (Whereupon, at 12:10 p.m., the hearing was
21 adjourned, to be reconvened this same day at 1:10 p.m.)

22 ***

23

24

25

AFTERNOON SESSION

(1:15 p.m.)

HEARING EXAMINER POZNIAK: We're back on the record.

It's my understanding that at this point the union is going to call some rebuttal witnesses out of order. Is that correct?

MS. ROSENBERGER: That's correct.

HEARING EXAMINER POZNIAK: Do you want to call your first witness?

MS. ROSENBERGER: Our first witness is Donald Wargo.

HEARING EXAMINER POZNIAK: You can have a seat. Raise your right hand.
Whereupon,

DONALD T. WARGO

having been duly sworn, testified as follows:

HEARING EXAMINER POZNIAK: Can you state your name?

THE WITNESS: Donald T. Wargo.

DIRECT EXAMINATION

BY MS. ROSENBERGER:

Q. Mr. Wargo, you're employed by Temple University?

A. Yes, I am.

Q. What's your position?

1 A. I'm currently Associate Professor of Economics in the
2 Department of Economics in the College of Liberal Arts.

3 Q. And are you a full-time or part-time professor?

4 A. I'm full time.

5 Q. As a full-time professor, are you tenure, tenure
6 track or non-tenure track?

7 A. I'm non-tenure track.

8 Q. What's your educational background?

9 A. I have a Bachelor's of Arts in Philosophy from St.
10 Charles Seminary in Philadelphia, Pennsylvania. I have a
11 Master's of Arts in Philosophy from Villanova University. I
12 have a Master's of Arts in Economics from Temple University,
13 and I have a Ph.D. in Economics from Temple University.

14 Q. How long have you worked for Temple?

15 A. Approximately 11 to 12 years.

16 Q. When you first were hired, were you hired as a non-
17 tenure track faculty member?

18 A. No; I was hired as an adjunct faculty.

19 Q. And how long did you work as an adjunct faculty
20 member?

21 A. Two to three years.

22 Q. What was the next position you held?

23 A. Then I became an NTT, non-tenure track, full time.

24 Q. When you were an adjunct faculty member, had you
25 completed all of the degrees you just described?

1 A. Yes. My last degree, a Ph.D., was completed in 1985.

2 Q. And you said it was about 11 or 12 years ago that you
3 came?

4 A. Yeah, about 11 years ago, yes, 2004, something like
5 that.

6 Q. How many total faculty are there in your department
7 presently?

8 A. We have 30 faculty.

9 Q. And can you break that down by adjunct, NTT, et
10 cetera?

11 A. Yes. We have four NTTs. We have nine adjuncts, and
12 I'm just going to do the math in my head. Thirty minus
13 thirteen is I guess what?

14 Q. Seventeen.

15 A. Seventeen full-time tenure and tenure track.

16 Q. And has that always been approximately the makeup or
17 does it vary?

18 A. We've been as low as 22, but we are growing. So,
19 obviously, we've grown over the last number of years to 30.

20 Q. So, as a non-tenure track faculty member, you're
21 currently on a contract for a defined period of time?

22 A. I have a two-year contract.

23 (Whereupon, the document was marked as Union
24 Exhibit No. 15 for identification.)

25 BY MS. ROSENBERGER:

1 Q. I've handed you a document that's marked Union
2 Exhibit 15. It's a multi-page document. If you would page
3 through that and tell me when you're done.

4 (Witness perusing document.)

5 A. Okay. I'm done.

6 Q. Do you recognize what that is?

7 A. I do.

8 Q. What is it?

9 A. It is my appointment letter for the current position
10 that I have with a two-year time frame.

11 Q. And it looks like that two-year time frame was from
12 July of 2014 through June of next year, 2016.

13 A. That is correct.

14 Q. Prior to this contract, did you have any multi-year
15 contracts as an NTT?

16 A. No. This is the first multi-year contract.

17 Q. So, for all the years prior to that that you were an
18 NTT, you had one-year contracts?

19 A. That is correct.

20 Q. What is your current teaching load?

21 A. I teach four classes in the fall semester, four
22 classes in the spring semester, and I have been regularly
23 teaching one summer class in each of the two summer
24 sessions, Summer 1 and Summer 2.

25 Q. When you say four classes in the fall and four in the

1 spring, are all of those classes three credit classes?

2 A. That is correct.

3 Q. So, your entire 12 credit workload is made up of
4 teaching?

5 A. That is correct. That's the requirement as an NTT.

6 Q. Are you expected to engage in any research as an NTT?

7 A. Not now. I was asked to do -- demanded to do
8 research when I was in the Fox School of Business, but I'm
9 not demanded to do research now.

10 Q. So, let's backtrack. When were you in the Fox School
11 of Business?

12 A. For approximately I would say for the first three
13 years. I was there during my adjunct period and there
14 during my NTT period, probably my first year of NTT.

15 Q. So, when you say you were demanded to do research,
16 part of what you were required to do was research?

17 A. Not by contract, but during my second year there, the
18 Fox School of Business was going through re-accreditation.
19 They did not have enough faculty who were qualified to get
20 accredited, so the Assistant Dean came to me and told me
21 that if I didn't do research and become academically
22 qualified, they would look for someone else to do my
23 position.

24 Q. And that was when you were an adjunct faculty member?

25 A. That is correct.

1 Q. So, what courses did you --

2 A. No; I'm sorry. That was when I was a non-tenure
3 track. That was the first year as tenure track -- non-
4 tenure track.

5 Q. Okay. Were you required or expected to engage in
6 research in the Fox School when you were there as an adjunct
7 faculty member?

8 A. No.

9 Q. So, let's go back to when you were an adjunct faculty
10 member. What did you teach and in which departments?

11 A. As an adjunct, I taught Business Ethics in the Fox
12 School of Business. I taught two courses of Business
13 Ethics.

14 Q. Did you teach anything besides Business Ethics during
15 the time you were an adjunct?

16 A. No. When I became an NTT, I was shared with the
17 Economics Department; so I was in Human Resource Management
18 and Economics in my first year of NTT.

19 Q. And did you still teach Business Ethics as an NTT?

20 A. I did.

21 Q. Did you teach anything else in the Fox School of
22 Business as an NTT?

23 A. Economics; I taught Macroeconomics and
24 Microeconomics.

25 Q. In the Fox School of Business?

1 A. Yeah, I did.

2 Q. What were you teaching in the Economics Department?

3 A. At the time, the Economics Department was in the Fox
4 School of Business. They left five or six years ago, I
5 think, maybe six years ago. So, at the time, up until five
6 or six years ago, the Economics Department was part of the
7 Fox School of Business. So, I was shared between two
8 departments in the Fox School of Business.

9 Q. Okay. And now the Economics Department is in the
10 College of Liberal Arts?

11 A. That is correct.

12 Q. So, what do you teach now normally as an NTT?

13 A. I teach pretty advanced courses. I teach one course
14 called Behavioral Economics, which is mostly seniors who
15 take it, economics majors or seniors. It uses psychology,
16 neuroscience and economics to investigate and study how
17 people make economic decisions.

18 I teach another course which is called Economics for
19 Life. It is a combination of dealing with the economics of
20 personal finance and also a new field in economics called
21 the Economics of Happiness.

22 I also teach the only online Macroeconomics class
23 that's fully online, and I teach one of those each semester,
24 and then the fourth course that I get, I had typically done
25 another Macroeconomics principles course in class, but more

1 recently I have been handling the internship course which is
2 an academic credit for people who take internships. It's
3 called Cooperative Experience in Economics, and I've been
4 getting that. I have that this summer. I'm managing that
5 course along with my online macro course. I'm now handling
6 that every other semester.

7 So, in the spring, I will do that. In the fall, I'm
8 teaching two macro courses, one online and one in class.

9 Q. Do you on occasion also teach Microeconomics anymore?

10 A. I have in the past. I have not taught it in a couple
11 of years, but I've taught the Microeconomics Principles and
12 in a number of cases, I've taught the Honors Microeconomics
13 class for honor students which is a pretty smart group of
14 students. They have to have a 3.8 average to be an honor
15 student at Temple.

16 Q. Of all the courses you teach, are any of them also
17 taught by adjunct faculty?

18 A. Yes, absolutely.

19 Q. Which ones?

20 A. The Macroeconomics is taught by adjunct faculty and
21 we have adjunct faculty that was teaching Microeconomics and
22 probably still are, which are the principles courses.

23 Q. Your contract which is Union Exhibit 15, if you turn
24 to the last page of that, at the top, it says, "Attachment
25 B." Do you see that?

1 A. Uh-huh.

2 Q. Under "Workload Assignment," it says, "During the
3 term of your appointment, you will teach 12 credit hours in
4 the fall semester and 12 credit hours in the spring
5 semester."

6 A. Yes.

7 Q. Are you required currently under this contract to do
8 any research?

9 A. No.

10 Q. And have you been required to do research since the
11 Economics Department was removed from the Fox School of
12 Business?

13 A. No.

14 Q. Are you required to do any service?

15 A. Service is -- yes, I am, and service is part of
16 the -- even though it's not in the contract, it's part of
17 the tradition, culture and request of the Chairman of the
18 Department of Economics. So, everyone has to do some sort
19 of service to the department.

20 Q. When you say "everyone," who do you mean?

21 A. We have adjuncts who are doing service. We have NTTs
22 who are doing service and we have full-time tenure track and
23 non-tenure track who are doing service.

24 Q. When you were an adjunct in the Department of
25 Economics, did you perform service?

1 A. Well, technically, I was -- the answer is yes.
2 Remember I was an adjunct first of all in Fox School where I
3 taught nothing but Business Ethics. I did that for two
4 years. Then I became an NTT and I taught partly Economics,
5 partly Business Ethics in order to fulfill the four course
6 requirements.

7 When I was an adjunct, I did do service, but I just
8 wanted to correct you that I was not teaching economics as
9 an adjunct. I was teaching Business Ethics.

10 Q. Oh, I'm sorry. Right. What service did you do as an
11 adjunct?

12 A. As an adjunct, I was a member of a committee that
13 created the entire Business Ethics curriculum at Temple
14 University.

15 I actually had suggested to the Dean that we should
16 be teaching Business Ethics. It actually came as a result
17 of all the fallout from the 2001 stock market crash, going
18 to jail of the executives of WorldCom. That was a pretty
19 crappy couple years for crooked CEOs.

20 So, I actually recommended to the Dean that we teach
21 Business Ethics in the school, and he actually put a
22 committee together with some full-time faculty and me -- I
23 think I was the only adjunct on the committee -- to design a
24 curriculum of Business Ethics and then to get it all
25 approved by the Faculty Senate and also to get it

1 implemented in the Fox School of Business.

2 Q. Is there any other service that you engaged in while
3 you were an adjunct faculty member?

4 A. Other than mentoring students and talking to
5 students, no.

6 Q. Did you attend faculty meetings?

7 A. No.

8 Q. Currently, what kind of service do you engage in?

9 A. Currently, I am a member of the Undergraduate Affairs
10 Committee of the Department of Economics. I am also the
11 faculty advisor for the Temple Economics Society. I am the
12 creator and co-director of an institution called the Center
13 for Regional Economics at Temple University where we do
14 regional economics. We do regional economics research in
15 order to help with the economic development of the City of
16 Philadelphia.

17 The principal purpose of that is to give the
18 students, the economics students, real world economics
19 experience, because recent research by Purdue University has
20 shown that companies, organizations, both profitable
21 companies, for-profit companies and non-profit companies,
22 value an internship twice as much as they do the final
23 grades of a student when they're coming out of college.

24 So, the co-director and I decided that this was time
25 to give Temple students in economics a heads-up so their

1 resume would get to the top of the piles by actually giving
2 them internships.

3 Last semester, in the spring semester, we had 21
4 students that we were training and doing real world
5 economics research. We were teaching them econometrics. We
6 were teaching them programming in both Python and R, which
7 they don't get at Temple, but are positive things that are
8 going on.

9 This summer, we now have six students who are doing
10 that, and we're training them to be team leaders come the
11 fall when we continue with that.

12 Q. You described this as part of your teaching them
13 certain things, training them in certain things, but you're
14 not getting -- that is service to you, not credit hours in
15 your workload.

16 A. No, no, no. I don't get paid for that nor do I get
17 any course release for that.

18 Q. Do -- I don't mean to have cut you off if you had any
19 other additional service to list. Were you involved in any
20 committees?

21 A. I was on the Undergraduate Affairs Committee. Let me
22 see what else. The other service that I operate, which is a
23 really serious service, I think is really serious because it
24 took me a whole year to do it, create the first online
25 Macroeconomics course for Fox School of Business. They

1 wanted an online course. That involved designing the
2 curriculum. It involved recording and creating a whole new
3 text for it, recording about 18 different videos 15 minutes
4 apiece to go with my courses.

5 It was particularly a lot of work because of the fact
6 that Fox wanted to copyright and is going to copyright the
7 course that I created, and so we weren't allowed to use any
8 material at all from any other textbook that was in any way
9 copyrighted; and so I had to create all my own PowerPoints,
10 create my own course, create all my own material and record
11 it all individually, and that took me a whole year to do it.

12 So, I would say that would be service, because I'm
13 the only one who has done it in the department so far.

14 Q. In the Department of Economics, you said there are
15 four adjunct faculty?

16 A. Currently, yes.

17 Q. I'm sorry; nine.

18 A. Oh, nine adjuncts, yes.

19 Q. Four NTTs?

20 A. Four NTTs, correct.

21 Q. Do adjunct faculty members participate in
22 departmental meetings?

23 A. Yes, they do.

24 Q. Do adjunct faculty members participate in committees
25 in the department?

1 A. Yes, they do.

2 Q. Can you give me some examples?

3 A. We have two adjuncts on our Undergraduate Affairs
4 Committee. One was just made an NTT this year. So, we used
5 to have two. One is still an adjunct.

6 Q. And the one that was just made an NTT this year, he
7 was on that committee when he was an adjunct?

8 A. Yes, he was.

9 Q. Do adjunct faculty attend department meetings?

10 A. Yes, they do.

11 Q. Are there any adjunct faculty involved in the Center
12 for Regional Economics at Temple, or is that you and other
13 full-time faculty?

14 A. Not at this particular time, but I would -- oh, yes,
15 there is. One of our co-directors is a retired full-time
16 professor, Dr. Paul Rappaport, one of the top
17 econometricians in the country in my opinion. He recently
18 retired, and he has volunteered to be a co-director.
19 Technically, he's an adjunct because he has come back to
20 teach one of the courses this semester. So, technically, he
21 is an adjunct.

22 Oh, and the other co-director. So, the other two co-
23 directors are both adjuncts. The other co-director is a
24 doctor by the name of Chris Swan. Chris Swan most recently
25 was the vice-president of economic research for the

1 Philadelphia Chamber of Commerce. He left there and now he
2 is teaching as an adjunct teacher -- he will be teaching as
3 an adjunct teacher, and he is the co-founder and co-director
4 of the Center for Regional Economics. So, yes, the other
5 two directors are technically adjuncts at Temple right now.

6 Q. Where do you teach physically, what campus?

7 A. All on the main campus.

8 Q. All on the main campus?

9 A. Correct.

10 Q. And your one online course?

11 A. Oh, and online I teach in my pajamas sometimes. Just
12 kidding. Just kidding. I teach that Wednesday nights from
13 7:00 to 8:30 and not in my pajamas.

14 Q. Do adjunct faculty in your department teach on main
15 campus?

16 A. Yes, they do.

17 Q. Did you teach on main campus when you were an adjunct
18 faculty member?

19 A. I did.

20 Q. Did you teach elsewhere?

21 A. I did. When I was an adjunct and also at the
22 beginning of my time as an NTT, I taught at Center City and
23 I taught at Ambler.

24 Q. And when you were an adjunct teaching at Center City
25 and Ambler, were there full-time faculty teaching at those

1 campuses, too?

2 A. Yes.

3 Q. You mentioned about adjunct faculty teaching
4 Macroeconomics and Microeconomics, which you have also
5 taught as a full-time faculty member.

6 Are there other courses in the Department of
7 Economics that are taught both by full-time and adjunct
8 faculty members?

9 A. Yes. There is a course called the American Economy,
10 which is sort of a combination which really is a
11 Macroeconomics course. By the way, for general education of
12 everyone here who haven't had economics, Macroeconomics
13 deals with the overall economy. It deals with unemployment,
14 recessions, inflation, gross domestic product.

15 Microeconomics deals with the behavior of individuals
16 in terms of consumer decision behavior and behavior of
17 corporations, firms. So, that's the difference between the
18 two.

19 American Economy is a general course, a GenEd. It's
20 call GenEd, which means it's for general people who may not
21 be as math heavy, and it is often taken by journalists, and
22 education people who are taking secondary education in
23 social science are required to take economics courses, too,
24 and that American Economy is taught by both full-time
25 faculty and adjuncts and NTTs.

1 Another course that's taught specifically by adjuncts
2 is a course called Health Economics.

3 Q. And is that also taught by full-time faculty, Health
4 Economics?

5 A. Yes. We have one full-time faculty that teaches
6 Health Economics.

7 Q. You mentioned that you were an adjunct faculty member
8 and then became a full-time faculty member.

9 A. Right.

10 Q. Have other people in your department gone from
11 adjunct to full time in your department?

12 A. Yes. A professor by the name of Bill Newman was an
13 adjunct for probably two years and just this last academic
14 year he became an NTT.

15 Q. And have you ever had someone go from full time to
16 adjunct?

17 A. We have. We have one specific case where a full-time
18 NTT became an adjunct. Oh, we have another case where we
19 had the retired professor, Paul Rappaport, who retired from
20 Temple and now he's back teaching as an adjunct.

21 Q. As an NTT faculty member now, are you required to
22 have a syllabus for your courses?

23 A. Yes, of course.

24 Q. Were you required to do that as an adjunct?

25 A. Yes.

1 Q. Do you now write your own syllabus for your courses
2 or is it provided?

3 A. I write my own syllabus.

4 Q. Did you write your own syllabus as an adjunct faculty
5 member?

6 A. Yes.

7 Q. Do other people who are adjuncts now in your
8 department write their own syllabi?

9 A. Yes, they do. We do give them guidance, and so I
10 actually created as a member of the Undergraduate Affairs
11 Committee a suggested syllabus for Macroeconomics. We also
12 created a suggested syllabus for Microeconomics, which we
13 give to the faculty when they come in. We have a suggested
14 book that has been used pretty commonly, but it's only a
15 suggestion, and the main reason it's a suggestion is that
16 we've been able to get the book for half-price. So, it's
17 very inexpensive for the students to use, but they are not
18 required to use the book and they're not required to use our
19 syllabus.

20 Q. As an NTT faculty teaching classes, do you develop
21 assignments for students?

22 A. I do, yes.

23 Q. Did you do that as an adjunct?

24 A. I did, yes.

25 Q. And do adjunct faculty do that now?

1 A. Absolutely.

2 Q. Do you as an NTT choose readings or texts for your
3 courses?

4 A. Yes.

5 Q. Did you do that as an adjunct faculty member?

6 A. I did, yes.

7 Q. And do adjunct faculty members do that now?

8 A. Yes, they do.

9 Q. Do you perform research to prepare for your classes
10 as an NTT?

11 A. I do.

12 Q. Did you do that as an adjunct faculty?

13 A. Yes, I did.

14 Q. And do adjunct faculty do that now?

15 A. Yes.

16 Q. Do you prepare and deliver lectures in your courses?

17 A. Yes.

18 Q. Did you do that as an adjunct faculty member?

19 A. Yes.

20 Q. And do adjunct faculty members do that now?

21 A. Yes.

22 Q. Did you write exams or give written projects that
23 students had to do?

24 A. Yes.

25 Q. Did you do that as an adjunct faculty member?

1 A. Yes.

2 Q. Do adjuncts do that now?

3 A. Yes.

4 Q. Do you evaluate the students who take your classes?

5 A. Yes.

6 Q. Did you do that when you were an adjunct faculty?

7 A. Yes.

8 Q. And do adjunct faculty do that now?

9 A. Yes.

10 Q. Are you responsible for developing end of the
11 semester grades for your students?

12 A. Yes.

13 Q. And reporting them to Temple?

14 A. Yes.

15 Q. Did you do that as an adjunct faculty member?

16 A. Yes.

17 Q. Do adjunct faculty members have to do that now?

18 A. Yes.

19 Q. Have you ever had occasion to write references or
20 recommendations for students?

21 A. Yes, pretty often.

22 Q. As a full-time faculty member?

23 A. Yes.

24 Q. As an adjunct faculty member?

25 A. I don't recall.

1 Q. Do adjuncts do that now; do you know?

2 A. Yes.

3 Q. Are you required to follow rules about reporting
4 progress for student athletes and those in ROTC who are in
5 your courses?

6 A. Yes.

7 Q. Did you have to do that as an adjunct faculty member?

8 A. Yes.

9 Q. Do adjunct faculty in your department now have to do
10 that?

11 A. Yes.

12 Q. Is there anything about the requirements with regard
13 to teaching the courses you teach that was different when
14 you were an adjunct faculty member, the rules you had to
15 follow, the processes you had to follow, than it is now as
16 an NTT?

17 A. Not that I can recall.

18 Q. Are you required to make yourself available to
19 students outside of classtime?

20 A. Yes.

21 Q. How do you do that?

22 A. We have to officially post office hours on our door.
23 We also have to officially post them in the department. The
24 secretaries, we have to send an email to the secretaries,
25 and there's a full list of office hours put together by our

1 administrators. So, students can ask any of the secretaries
2 when our office hours are and look on our door. It is very
3 open and accessible as to when we would be specifically
4 there.

5 Q. Where do you hold your office hours?

6 A. The office hours I hold in my office at Temple. The
7 online course, I hold office hours online.

8 Q. So, you have an office at Temple?

9 A. I do.

10 Q. Where is it located?

11 A. The entire Department of Economics is on the eighth
12 floor of Ritter Annex. So, we're consolidated on one floor
13 there.

14 Q. And your office is on that eighth floor?

15 A. Correct.

16 Q. And are the offices of all 30 faculty on that eighth
17 floor?

18 A. Yes.

19 Q. Including the adjunct faculty?

20 A. Yes.

21 Q. Do you have your own office or do you share an
22 office?

23 A. I have my own office with a view.

24 Q. I'm sorry?

25 A. With a view.

1 Q. Congratulations.

2 A. A window, a nice window.

3 Q. Did you have an office when you were an adjunct
4 faculty member?

5 A. Without a window. Yes, I did without a window.

6 Q. Did you share it with anybody when you were an
7 adjunct?

8 A. Yes, I did share it.

9 Q. Do the adjunct faculty in your department now have
10 their own offices or share?

11 A. They share; usually two to an office.

12 Q. Are you subject to a student evaluation in connection
13 with your teaching?

14 A. Yes.

15 Q. What's that? What form does that take?

16 A. It's an online evaluation that is sent to the
17 students, emailed -- I'm sorry. Made available to the
18 students in the team portal which is what opens up every
19 time you enter the Temple website, which you have to do to
20 get access to your courses, access your email and all those
21 other things, and that becomes available about three weeks
22 before the end of each semester and the students fill it out
23 online.

24 Q. Were you subject to a similar student evaluation when
25 you were an adjunct faculty member?

1 A. Yes, although up until about four years ago, it was
2 administered in class with physical paper.

3 Q. Are adjunct faculty presently in the Department of
4 Economics subject to those online evaluations?

5 A. Yes.

6 Q. Do you have occasion to interact with the adjunct
7 faculty members in your department?

8 A. Yeah, all the time.

9 Q. What's the context for that?

10 A. I'm sorry?

11 Q. What's the context for that interaction?

12 A. One of the specific things that our current chairman
13 did was to actually make sure that everybody was on the same
14 floor. I see them regularly. I see them at get-togethers,
15 little parties maybe once or twice a year at the department.
16 Some of them come to faculty meetings, which we have once a
17 month. So, it's really in the course of business that I see
18 them.

19 I also interact with some of them because there is
20 one other faculty, the one who was taken from adjunct and
21 made a full-time, who is also currently creating an online
22 microcourse, and so I have occasion to talk to him somewhat
23 regularly about that.

24 Q. Are you on committees with them as well?

25 A. I am on committees with them. That particular

1 professor is on the Undergraduate Affairs Committee and
2 there's another -- now he's an NTT, of course, was an
3 adjunct, but he was on the committee when he was an adjunct,
4 and the gentleman who was an NTT and now an adjunct is on
5 the Undergraduate Affairs Committee and is also the
6 secretary of the faculty meetings. So, he takes all the
7 notes at the faculty meetings -- minutes. I'm sorry.
8 Technically the minutes of the faculty meetings.

9 Q. Do adjunct faculty members have a vote in department
10 meetings or committee meetings?

11 A. They have a vote on the Undergraduate Affairs
12 Committee, but I believe that is the only place they have a
13 vote.

14 Q. Do any of the adjunct faculty in your department have
15 a terminal degree?

16 A. Oh, yes, they do.

17 Q. Do you know how many of them do?

18 A. I don't know.

19 Q. But you know some?

20 A. You're talking about the adjuncts. Most of them do,
21 most of them do.

22 Q. In terms of your chain of command, for lack of a
23 better term, who do you report to?

24 A. Directly to the Chair. The Chair is in charge of
25 everyone.

1 Q. Everyone meaning who?

2 A. Meaning the NTTs, the full-time faculty, tenure and
3 tenure track and the adjuncts.

4 Q. Who did you report to when you were an adjunct?

5 A. When I was an adjunct, I actually reported directly
6 to the Assistant Dean of the Fox School.

7 Q. You mentioned that since you've been an NTT you've
8 had a number of successive one-year contracts and now you're
9 on this two-year contract.

10 What has been the process for renewal of your
11 appointment as an NTT?

12 A. The process of renewal is that we have to submit each
13 year or now each time the contract is up, because now I've
14 got a two-year contract, we have to submit curriculum vitae.
15 We have to submit the online -- well, it used to be before
16 the paper ones which we could get online, but now all of the
17 student evaluations for every class that we taught in the
18 last academic year and submit that on a form that then goes
19 to the Chair and he recommends it to the College of Liberal
20 Arts.

21 Q. Do you know whether the Chair's recommendation has
22 ever been overruled by the College of Liberal Arts since
23 you've been an NTT?

24 A. For me?

25 Q. For you.

1 A. No, it has not.

2 Q. Do you know whether there are any other NTTs in your
3 department who are on a --

4 A. Oh, I'm sorry. I'm sorry. Let me take that back.
5 Up until recently, there had been a movement to only give
6 one-year contracts to NTTs, principally the reason being at
7 the College of Liberal Arts, it gave them a lot of
8 flexibility in case enrollments went down.

9 So, prior to my receiving this two-year, I was
10 recommended for a two-year contract the last time, but that
11 was denied and I got a one-year contract.

12 Q. You were recommended by the Department Chair to have
13 a two-year?

14 A. By the Department Chair, yes, and he was told that
15 they wanted flexibility because enrollments were declining
16 in CLA and they didn't want to have their hands tied to
17 having too many faculty.

18 Q. Other than you, are there other NTTs in your
19 department who are teaching a full 12 credit hours of
20 teaching -- whose workload, I'm sorry, is a full 12 credit
21 hours of teaching, so a four-four load?

22 A. Absolutely. An NTT is required to have a four-four
23 load.

24 Q. All of the NTTs in your department?

25 A. All the NTTs, yes.

1 Q. I want to take you back to your service a bit. We've
2 heard in the testimony in this case about committees above
3 the level of a department, committees and other forms of
4 shared governance.

5 Are you familiar with the collegial assembly in the
6 College of Liberal Arts?

7 A. Yes.

8 Q. Do you participate in that?

9 A. I don't go to it, no.

10 Q. Do you participate in any college level committees?

11 A. No.

12 Q. Are you familiar with something called the Faculty
13 Senate?

14 A. I am.

15 Q. Do you participate in that?

16 A. No, although I'm allowed to and I'm even allowed to
17 run for office, but --

18 Q. But you don't choose to?

19 A. I ran for office one year, but a lot of people want
20 to run for office and I did not get elected.

21 Q. Okay. And in your department, are there any
22 committees that you are not permitted to serve on?

23 A. I am not permitted to serve on the Tenure Committee,
24 tenure and promotion for the Tenure and Tenure Track
25 Committee. I am not permitted to serve on the Executive

1 Committee which is an advisory committee to the Chair, and I
2 believe those two I'm not allowed to.

3 Q. And are adjunct faculty permitted to participate in
4 those committees?

5 A. No.

6 Q. Are there any committees within your department where
7 adjunct faculty are prohibited from participating that NTT
8 faculty can?

9 A. For sure, the two that I mentioned, they're not
10 allowed to be on it. It wouldn't make any sense for
11 adjuncts nor NTTs to talk about tenure track, giving tenure.

12 Q. I'm talking about ones where NTTs are permitted to
13 participate but adjuncts are not.

14 A. I don't know the answer to that. That's a general
15 question. We have other committees. We have a Personnel
16 Committee and there's a couple other committees, but I
17 cannot tell you for sure whether -- I'm allowed to be on all
18 of them, but --

19 Q. But you don't know about adjuncts?

20 A. I don't know about adjuncts. I will say that, as I
21 told you, adjuncts are on my Undergraduate Affairs
22 Committee.

23 Q. What does the Undergraduate Affairs Committee do?

24 A. It basically sets curriculum guidelines and approves
25 any new courses that are taught to the undergraduates. It

1 actually oversees the affairs of all the undergraduate
2 efforts of the university -- I'm sorry -- of the Department
3 of Economics.

4 (Pause.)

5 MS. ROSENBERGER: That's all I have on
6 direct.

7 MS. FARMER: Break, please.

8 HEARING EXAMINER POZNIAK: Off the record.

9 (Recess.)

10 HEARING EXAMINER POZNIAK: Back on the
11 record.

12 THE WITNESS: Would you kindly speak up
13 because, as you know, all handsome men are fairly hard of
14 hearing? You knew that, didn't you? That happens to be a
15 scientific fact.

16 MS. FARMER: Do you teach that in the
17 Economics of Happiness?

18 THE WITNESS: What did you say?

19 MS. FARMER: I said --

20 (Laughter.)

21 THE WITNESS: I'm losing a little bit of
22 hearing in my left ear, not a lot; at least my wife says I
23 am, but I think it's selective -- okay, never mind.

24 **CROSS-EXAMINATION**

25 BY MS. FARMER:

1 Q. Dr. Wargo, I'm just going to have a few additional
2 questions for you. You mentioned that you've been teaching
3 one class in each of the summer sessions; correct?

4 A. Yes.

5 Q. And that's something that you do voluntarily for
6 additional compensation; correct?

7 A. Yes, ma'am.

8 Q. You mentioned that when you were an adjunct in the
9 Fox School, you were a member of a committee that worked on
10 creating the Business Ethics curriculum; correct?

11 A. Uh-huh.

12 Q. That was in approximately 2004; correct?

13 A. Or 2005 maybe, yes. I have been there I think 11 or
14 12 years. The first two or three years I was an adjunct.
15 So, let's do the math. 2015 -- 2004, yeah, something around
16 there, yes.

17 Q. And when a new curriculum was created, then it has to
18 go up through the department and then the school and then
19 all the way to the Provost; correct?

20 A. Correct.

21 Q. You testified about this center that you're the
22 co-director of; correct?

23 A. Correct.

24 Q. And the acronym for it is CREATE; right?

25 A. Yes.

1 Q. Now, you testified that a Mr. Swan is your co-founder
2 and your co-director; correct?

3 A. That is correct.

4 Q. And he has not taught at Temple previously; correct?

5 A. No, he has not. He will be teaching in the fall as
6 an adjunct.

7 Q. So, when you created this center, CREATE, which is a
8 little confusing to say, he had not been an adjunct at
9 Temple at the time; correct?

10 A. That is correct.

11 Q. And that's something that a lot of students are
12 involved in; correct?

13 A. Yes.

14 Q. So, it's faculty and students who are doing research;
15 correct?

16 A. That is correct.

17 Q. You're aware, are you not, that there are NTTs who
18 get course release for service; correct?

19 A. I do not know of any.

20 Q. Do you know that there are NTTs who serve as program
21 directors?

22 A. I would suppose so. I think I've heard of that, but
23 I don't know anybody, any personally.

24 Q. You receive a formal evaluation from your Department
25 Chair; correct?

1 A. I do.

2 Q. And the process for that evaluation is the same
3 that's used for all NTTs in your department; correct?

4 A. To my understanding, yes, although I'm not part of
5 it, so I can't testify to their evaluations.

6 Q. It's also your understanding that that same process
7 is used for tenure track faculty in your department, isn't
8 it?

9 A. It is a different process because of the fact that I
10 know that I have a different process from the tenure track
11 faculty. The tenure and promotion of tenure track faculty
12 is under the auspices of the Tenure and Promotion Committee.
13 The approval and reappointment of the NTTs is under the
14 Personnel Committee, who, of course, the chairperson is a
15 member of that committee, and those recommendations then go
16 to the Chair.

17 Q. Just to be clear, I wasn't asking about the
18 recommendation for your appointment. I was just asking
19 about the performance evaluation that's done.

20 A. I don't know about the tenure track, but I know my
21 performance evaluation is under the aegis of the Personnel
22 Committee and under the chairperson.

23 Q. Thank you. You were awarded merit for 2013-2014;
24 correct?

25 A. (Witness nodding head.)

1 Q. You have to answer verbally.

2 A. Oh, yes.

3 Q. And that was awarded for research and service;
4 correct?

5 A. Yes.

6 Q. And you do research and you continue to publish
7 regularly; correct?

8 A. I do.

9 MS. FARMER: I have no further questions.

10 MS. ROSENBERGER: Just one.

11 **REDIRECT EXAMINATION**

12 BY MS. ROSENBERGER:

13 Q. Are you contracted with Temple to perform research?

14 A. No.

15 Q. Doesn't your contract specifically say you're not
16 expected to perform research?

17 MS. FARMER: Objection; leading.

18 MS. ROSENBERGER: I'll let it speak for
19 itself.

20 THE WITNESS: I would say the contract --

21 MS. FARMER: There's no question.

22 MS. ROSENBERGER: It's okay. You don't have
23 to answer. That's all I have.

24 HEARING EXAMINER POZNIAK: Do you have
25 anything else?

1 MS. FARMER: No questions.

2 HEARING EXAMINER POZNIAK: You can step down,
3 sir. Thank you.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 HEARING EXAMINER POZNIAK: Off the record.

7 (Discussion off the record.)

8 HEARING EXAMINER POZNIAK: We're back on.

9 MS. HOYE: The Union calls Stan McDonald.

10 HEARING EXAMINER POZNIAK: Can you raise your
11 right hand?

12 Whereupon,

13 STANLEY K. McDONALD

14 having been duly sworn, testified as follows:

15 HEARING EXAMINER POZNIAK: Can you state your
16 name?

17 THE WITNESS: Stanley K. McDonald. McDonald
18 is M-c-D-o-n-a-l-d.

19 DIRECT EXAMINATION

20 BY MS. HOYE:

21 Q. Stan, are you employed by Temple University?

22 A. Yes, I am.

23 Q. What is your position with the university?

24 A. I'm an Associate Professor on the
25 teaching/instructional track.

1 Q. Can you explain to us what the teaching/instructional
2 track is?

3 A. Yes. It's a non-tenure track with a heavier teaching
4 load. My appointment is in the First-Year Writing Program,
5 and our courses are four credits. So, I teach three courses
6 per semester.

7 Q. So, when you say that you have a heavier load of
8 teaching, am I correct that you're only teaching?

9 A. That's correct.

10 Q. In your department, what's the teaching load for
11 tenure track and tenure professors?

12 A. Tenure track and tenure would be two-two. So, two in
13 the fall, two in the spring.

14 Q. Two courses?

15 A. Yes.

16 Q. And they have release time to do research and
17 service?

18 A. I believe they do.

19 Q. Do you have release time?

20 A. No.

21 Q. Are you required to do research as part of your job?

22 A. Not according to my contract.

23 Q. Are you required to perform service as part of your
24 job?

25 A. No.

1 Q. What's your educational background?

2 A. I have a Bachelor of Arts in English from Arizona
3 State University and an MFA, Master of Fine Arts, in writing
4 from Brown University.

5 Q. What year did you obtain your BA?

6 A. 2000.

7 Q. What year did you obtain your MFA?

8 A. 2003.

9 Q. Is the MFA the terminal degree in your field?

10 A. Yes, it is.

11 Q. And when did you first start working for Temple as an
12 NTT?

13 A. As an NTT, I started in the fall of 2007.

14 Q. Have you held any other positions with Temple?

15 A. I was an adjunct from 2006 to 2007.

16 Q. And you testified a moment ago that you taught in the
17 First-Year Writing Program. What department is that a part
18 of?

19 A. That's in the English Department.

20 Q. Have you taught in any other departments?

21 A. Never have.

22 Q. As an adjunct or as an NTT?

23 A. No.

24 Q. Where do you currently teach?

25 A. I teach at Temple on the main campus.

1 Q. Main campus only?

2 A. Only the main campus.

3 Q. Have you taught online at all?

4 A. This summer I'm teaching a hybrid course where we
5 meet in person and online. That's the only time I've ever
6 done that.

7 Q. When you were an adjunct faculty member, what campus
8 did you teach on?

9 A. Main campus.

10 Q. And you testified that you teach three courses per
11 semester, four credits each; is that right?

12 A. That's correct.

13 Q. Walk us through what courses you have taught as an
14 NTT at Temple?

15 A. As an NTT, I've taught every course that we have.
16 So, I'll go through them in order. There's English 701,
17 which is called Introduction to Academic Discourse. I
18 taught English 711, which is Introduction to Academic
19 Discourse for ESL students. I've taught English 802, which
20 is Analytical Reading and Writing, and I've taught English
21 812, which is the ESL version of Analytical Reading and
22 Writing. That's for the First-Year Writing Program.

23 Q. Okay.

24 A. Outside of that in the English Department, more
25 broadly speaking, I've taught English 902, which is an

1 Honors Literature Reading and Writing course. I've taught
2 Modern Poetry and I've taught Contemporary Poetry as well as
3 Creative Writing for Poetry and Creative Writing for
4 Fiction.

5 Q. Do adjunct faculty in your department also teach
6 those courses?

7 A. Yes. To be more specific, adjuncts teach all of the
8 first-year writing courses; so that's English 701, 711, 802,
9 812 and the creative writing courses for poetry and fiction,
10 as well as English 902.

11 Q. And do tenure track faculty teach those courses?

12 A. Tenure track faculty do not teach any of the
13 first-year writing courses. They do from time to time teach
14 English 902 and from time to time they teach the creative
15 writing courses.

16 Q. How about tenured faculty?

17 A. Tenured faculty do not teach first-year writing.
18 They do teach 902 from time to time and the creative writing
19 courses, I believe they do.

20 Q. So, within your department am I correct that only
21 NTTs and adjuncts teach in the First-Year Writing Program?

22 A. That is correct.

23 Q. What courses did you teach as an adjunct faculty
24 member at Temple?

25 A. As an adjunct, I taught -- I don't remember the

1 course numbers, but I do know the names -- Introduction to
2 Cinema Studies in the fall. I taught English 902 in the
3 fall. In the spring, I taught International Cinema and a
4 special topics course in the honors college or honors
5 program that was a combination writing workshop and
6 literature course.

7 Q. Who teaches those courses now, if you know?

8 A. The film courses, I believe, when they are taught are
9 taught by an NTT. 902, as I said a moment ago, is taught by
10 pretty much every type of faculty, and the honor special
11 topics course, that fluctuates. I think that's mostly NTTs
12 and adjuncts.

13 Q. Walk us through what your duties and responsibilities
14 are as an NTT at Temple?

15 A. Okay. I'm responsible for planning the readings,
16 building the syllabus. So, that would include planning the
17 readings, planning the assignments, which could include
18 essay prompts as well as writing exercises, any quizzes that
19 I have to give or decide to give, rather, during the course
20 of the semester.

21 I also am required to meet three times with a
22 teaching circle, which is usually made up of three to five
23 faculty members also teaching the same courses; and that's
24 typically in a teaching circle, there will be NTTs as well
25 as adjuncts.

1 Q. Any other duties and responsibilities that you have?
2 Do you have to grade students?

3 A. I do have to grade students, yeah, of course. I
4 guess I think of that as an automatic. I grade students. I
5 comment on their essays so that they can revise them. I
6 grade their quizzes. I meet with them in office hours. I
7 write recommendation letters. I have to -- the ROTC,
8 athlete questionnaire that goes around, I have to fill that
9 out.

10 Q. Do you respond to emails from students and
11 colleagues?

12 A. Yes, of course; yes.

13 Q. Do you attend faculty development meetings?

14 A. I do, yes. I forgot to mention those. Those are
15 about three times per semester, and they are for first-year
16 writing faculty. So, NTTs are required to attend and
17 adjuncts are invited.

18 Q. So, the duties and responsibilities that you just
19 identified, I want to go through those one by one. Planning
20 the readings and course materials, was that something you
21 did as an adjunct?

22 A. Yes, definitely.

23 Q. Choosing and planning assignments, was that something
24 you did as an adjunct?

25 A. Absolutely.

1 Q. Planning the syllabus, is that something you did as
2 an adjunct?

3 A. Yes.

4 Q. Meeting with the teaching circle, is that something
5 you did as an adjunct?

6 A. No, because the courses I taught at that time didn't
7 have teaching circles.

8 Q. Grading and evaluating students, was that something
9 you did as an adjunct?

10 A. Yes.

11 Q. Receiving assignments from students and offering
12 feedback, was that something you did as an adjunct?

13 A. Yes.

14 Q. Writing recommendation letters, did you do that as an
15 adjunct?

16 A. Yes.

17 Q. Did you attend faculty development meetings as an
18 adjunct?

19 A. I did not, because we didn't have them yet.

20 Q. When did those first come into existence?

21 A. Those started I believe in 2008.

22 Q. Did you hold office hours as an adjunct?

23 A. I did.

24 Q. Did you respond to emails from students and
25 colleagues as an adjunct?

1 A. Yes, I did.

2 Q. Did you write exams as an adjunct?

3 A. Yes, or the equivalent, quizzes or essay prompts.

4 Q. And did you evaluate students in the ROTC program and
5 student athletes as an adjunct?

6 A. Yes, I did.

7 Q. Do you have an office?

8 A. Yes, I do.

9 Q. Where is it located?

10 A. It's in Anderson Hall.

11 Q. Where are the adjunct offices in your department
12 located?

13 A. They're everywhere. I share my office with an
14 adjunct. The office next door has adjuncts, the offices
15 across the hall. NTTs and adjuncts share offices.

16 Q. When you were an adjunct, did you have an office?

17 A. I did.

18 Q. Did you have to share your office then, too?

19 A. Yes.

20 Q. And where was your office located then?

21 A. Anderson Hall.

22 Q. I want to talk to you a little bit more about
23 teaching circles. Describe for us what exactly a teaching
24 circle is.

25 A. Okay. Well, the first meeting of the semester

1 usually happens towards the end of September, say, and
2 that's where we will get together and talk with each other
3 about our syllabus, what we're reading, what our assignments
4 are, just to try to get a sense of what everybody's up to,
5 and also talk a little bit about whether anybody is having
6 any difficulties so far with students or with getting
7 particular ideas across in the classroom.

8 The second meeting is what we call a norming meeting,
9 n-o-r-m, norming, where we sort of bring in an essay or two
10 each so that we can sort of get a sense of how each other
11 grades. So, we're trying to normalize the grading process,
12 because for the third meeting, we collectively grade the
13 portfolios that are turned in by the students.

14 Q. Who participates in teaching circles?

15 A. Non-tenure track faculty as well as adjuncts.

16 Q. Do graduate students ever participate in teaching
17 circles?

18 A. Yes, they do, when they're teaching a first-year
19 writing course.

20 Q. Tenure track and tenured professors do not
21 participate in teaching circles?

22 A. No.

23 Q. Does a teaching circle have a leader of the teaching
24 circle?

25 A. Yes, they do. The leaders are usually an NTT who has

1 experience in the program and that leader is responsible for
2 writing up a report of how that meeting went, and then at
3 the end of the semester writing up an overall report.

4 Q. Can adjuncts also serve as leaders?

5 A. I believe they can. I've never been in a circle with
6 an adjunct as a leader, but I believe they can.

7 Q. In the First-Year Writing Program, are you required
8 to have a syllabus?

9 A. Yes.

10 Q. And are you permitted to write your own syllabus?

11 A. Yes, after the first year. The first year for
12 anyone, no matter if you're a grad student, adjunct, NTT,
13 you're required to use a set syllabus.

14 After that first year, it's assumed that you get a
15 sense of what the program seeks to teach and you can design
16 your own syllabus, meaning you can choose your own readings
17 and types of assignments as long as the same sets of
18 concepts get taught.

19 Q. And is that true for both NTTs and adjuncts?

20 A. Yes.

21 Q. Are you evaluated by students?

22 A. Yes, with the ESFF.

23 Q. And describe that evaluation process.

24 A. It's sent out towards the end of the semester. It's
25 online, and basically students are asked questions about the

1 effectiveness of their professors, whether or not they feel
2 like they learned anything. Was the instructor
3 conscientious in meeting office hours, et cetera?

4 Q. Were you evaluated by students as an adjunct
5 professor?

6 A. Yes.

7 Q. Was there anything different about that evaluation
8 process?

9 A. The only thing different was that it was on paper.

10 Q. Are you subject to the student grievance procedure?

11 A. Yes.

12 Q. Were you subject to the student grievance procedure
13 as an adjunct faculty member?

14 A. Yes.

15 Q. Do you interact with adjunct faculty members?

16 A. Daily.

17 Q. What's the context for that interaction?

18 A. Sometimes it's in teaching circles. That wouldn't be
19 daily, but that's one context. Sometimes it's at faculty
20 development meetings. It can be something like running into
21 another adjunct in the hallway and discussing how classes
22 are going. Because I share my office with an adjunct, I'm
23 likely to talk with that adjunct about classes.

24 Q. Do you attend department meetings?

25 A. No, I do not.

1 Q. Why not?

2 A. In our department, the announcement for meetings is
3 only sent out on the tenure track LISTSERV. So, in other
4 words, NTTs and adjuncts may not know when the meetings are
5 even happening.

6 Q. So, there's a separate email LISTSERV for tenure
7 track and tenured faculty members in your department?

8 A. Yes.

9 Q. I'm going to show you a document that we'll mark
10 Union 16.

11 (Whereupon, the document was marked as Union
12 Exhibit No. 16 for identification.)

13 BY MS. HOYE:

14 Q. Let me know when you have a chance to review the
15 document in front of you, Stan.

16 (Witness perusing document.)

17 A. Okay. I'm finished.

18 Q. What are we looking at here?

19 A. We're looking at my appointment letter for the
20 upcoming academic year.

21 Q. I'm looking at the second page of this packet. Who
22 signs your appointment letter?

23 A. William J. Stull, Interim Dean.

24 Q. And I'm looking at the front page of this packet, the
25 second paragraph, and I see that you're currently under a

1 two-year appointment; is that right?

2 A. Yes, that's what I see.

3 Q. And have you ever been under a multi-year contract
4 prior to this one?

5 A. I have not. This is my first multi-year contract.

6 Q. What have your previous contracts been for?

7 A. One year.

8 Q. Other than the term of this contract, is this
9 representative of what your other contracts with Temple
10 stated?

11 A. Yes.

12 (Pause.)

13 MS. HOYE: I don't have any other questions.
14 Thank you.

15 MS. FARMER: Break, please.

16 HEARING EXAMINER POZNIAK: Off the record.

17 (Recess.)

18 HEARING EXAMINER POZNIAK: Back on the
19 record.

20 CROSS-EXAMINATION

21 BY MS. FARMER:

22 Q. Good afternoon, Mr. McDonald. I just have a few
23 questions. I believe you said that you were teaching what
24 you refer to us a hybrid course this summer?

25 A. Yes.

1 Q. So, partially online, partially in person?

2 A. Yes.

3 Q. Were you involved in designing this class?

4 A. Yes.

5 Q. And this is something that you teach voluntarily over
6 the summer for additional compensation?

7 A. Yes. I wouldn't say voluntarily, but it's outside of
8 my regular contract.

9 Q. Have you served as a representative on the Faculty
10 Senate?

11 A. I have.

12 Q. And are you currently?

13 A. No. I did a three-year term and that was it.

14 Q. And when did that term end?

15 A. In the spring, May. I don't know the exact date, but
16 in May.

17 Q. Of 2015?

18 A. Yes.

19 Q. When you served on the Faculty Senate for those three
20 years, were there any adjuncts serving on the Faculty
21 Senate?

22 A. There were not.

23 Q. Are you aware that the Associate Director of the
24 writing program is also an NTT?

25 A. Yes.

1 MS. FARMER: I have no further questions.

2 MS. HOYE: Nothing additional.

3 HEARING EXAMINER POZNIAK: You can step down.

4 (Witness excused.)

5 HEARING EXAMINER POZNIAK: Any other
6 witnesses today?

7 MS. HOYE: No additional witnesses today.

8 HEARING EXAMINER POZNIAK: Off the record.

9 (Discussion off the record.)

10 HEARING EXAMINER POZNIAK: Let's go back on.

11 Do you want to move for your exhibits?

12 MS. ROSENBERGER: Yes. I'd like to move for
13 the admission of Union Exhibits 14 through 16.

14 HEARING EXAMINER POZNIAK: Any objection?

15 MS. FARMER: No, and we would like to move
16 for admission of our exhibit as well, 52.

17 HEARING EXAMINER POZNIAK: Temple 52, any
18 objection?

19 MS. ROSENBERGER: No objection.

20 HEARING EXAMINER POZNIAK: Okay. Union 14
21 through 16 are admitted into the record, and Temple 52 is
22 admitted into the record.

23 (Whereupon, the documents marked as Union
24 Exhibits Nos. 14 through 16 were received in
25 evidence.)

1 (Whereupon, the document marked as Temple
2 Exhibit No. 52 was received in evidence.)

3 HEARING EXAMINER POZNIAK: Is there anything
4 else today?

5 MS. ROSENBERGER: No.

6 HEARING EXAMINER POZNIAK: Okay. This
7 hearing is concluded. We're off the record.

8 (Whereupon, at 2:45 p.m., the hearing was
9 adjourned, to be reconvened on Thursday, July 30, 2015, in
10 Harrisburg, Pennsylvania.)

11 ***
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I hereby certify, as the
stenographic reporter, that the foregoing proceedings were
taken stenographically by me, and thereafter reduced to
typewriting by me or under my direction; and that this
transcript is a true and accurate record to the best of my
ability.

COMMONWEALTH REPORTING COMPANY, INC.

By:

Sandra J. Milus
Sandra J. Milus
