

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

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

Pages 658 through 737

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

Thursday, July 30, 2015

Met, pursuant to adjournment, at 10:02 a.m.

BEFORE:

JOHN POZNIAK, Hearing Examiner

APPEARANCES:

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Kevin Delaney	661	684	---	---
Robert J. Levis	697	709	713	---
Kathleen A. Davis	715	---	---	---

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14-B (Remarked) (3/19/15 memo from Michael Sitler)	660	660
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17 (4/1/15 letter)	716	734
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18 (Kathleen Davis profile)	720	734
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Temple

53 (Kevin J. Delaney CV updated 6/30/15)	662	714
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54 (Kevin J. Delaney CV updated 7/10/15)	662	714
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55 (Robert J. Levis CV)	700	714
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P R O C E E D I N G S

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

At this point, it's my understanding that Temple is going to call its next witness.

MR. LANGE: Correct.

HEARING EXAMINER POZNIAK: There was an issue as to Union Exhibit No. 14 before we do that?

MS. ROSENBERGER: Yes. We -- or, actually, counsel for Temple discovered that we had inadvertently marked and entered two Union Exhibit 14s. So the first one is going to be referred to as Union Exhibit 14-A, and that was from probably two hearing days ago, and the second one, which was from the July 23rd hearing, will be Union Exhibit 14-B.

(Whereupon, the document marked as Union Exhibit No. 14 was remarked as Union Exhibit No. 14-B for identification, and was received in evidence.)

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

MR. LANGE: Yes; Kevin Delaney.

HEARING EXAMINER POZNIAK: Will you raise

1 your right hand?

2 Whereupon,

3 KEVIN DELANEY

4 having been duly sworn, testified as follows:

5 HEARING EXAMINER POZNIAK: Can you state your
6 name?

7 THE WITNESS: Kevin Delaney, D-e-l-a-n-e-y.

8 DIRECT EXAMINATION

9 BY MR. LANGE:

10 Q. Kevin, who is your employer?

11 A. Temple University.

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

13 A. Since 1989.

14 Q. 1989?

15 A. Yes.

16 Q. And what is your current position?

17 A. I'm now Vice Provost for Faculty Affairs, and I
18 started that on February 1st of this year.

19 Q. What are your job duties as Vice Provost for Faculty
20 Affairs?

21 A. My office is mostly handling the processes for tenure
22 line and non-tenure track full-time faculty. Those would
23 include hiring, recruitment hiring, tenure processes,
24 faculty awards, sabbatical and study leads, those sorts of
25 things.

1 Q. Obviously, since you've been at the university since
2 1989 and you started this position in February of this year,
3 you've held other positions.

4 A. Yes. My previous position just before this one was
5 as Vice Dean for Faculty Affairs in the College of Liberal
6 Arts, and I did that for about nine-and-a-half years.

7 Prior to that, I was a faculty member, a professor
8 with tenure in sociology.

9 Q. Tell us your job duties as Vice Provost for Faculty
10 Affairs in CLA.

11 A. In CLA, Vice Dean I was.

12 Q. I'm sorry.

13 A. Similar duties at the college level rather than at
14 the larger university level. I handled merit processes in
15 the Dean's office for faculty, sabbatical, faculty awards,
16 hiring, helped with tenure and promotion, helped the Dean
17 with that. So a similar set of duties at a college level.

18 Q. What degrees do you hold?

19 A. I have a Bachelor's Degree, a Master's and a Ph.D; a
20 Bachelor's in government and a Master's and Ph.D. in
21 sociology.

22 Q. I'm going to show you Temple Exhibits 53 and 54 and
23 ask you to tell me what they are. Okay?

24 A. Sure.

25 (Whereupon, the documents were marked as

1 Temple Exhibits Nos. 53 and 54 for
2 identification.)

3 THE WITNESS: These are CVs, curriculum
4 vitae. One is oriented more towards my scholarly faculty
5 duties and one is oriented more towards my administrative
6 duties.

7 BY MR. LANGEL:

8 Q. Which is which?

9 A. Let's see. Do you have them labeled? Yeah. Temple
10 Exhibit 53 is the one that's more oriented towards my
11 faculty duties. Fifty-four, my administrative experience is
12 highlighted.

13 Q. Let's focus first on the College of Liberal Arts.
14 Does the College of Liberal Arts employ adjuncts?

15 A. Yes, it does.

16 Q. And approximately how many adjuncts are in the
17 College of Liberal Arts?

18 A. In the College of Liberal Arts, I would estimate
19 about 325, somewhere in that range. It does, of course,
20 fluctuate from semester to semester and year to year.

21 Q. And are adjuncts hired to teach a particular course?

22 A. Yes. In CLA, we would hire them for a particular
23 class that we needed taught.

24 Q. And are they expected to participate in service?

25 A. No. That wouldn't be part of their duties.

1 Q. Are they expected to participate in research?

2 A. No.

3 Q. Generally, are adjuncts hired semester by semester?

4 A. Generally, yes, semester length contracts for the
5 particular course.

6 Q. Does CLA employ tenure, tenure track and non-tenure
7 track faculty?

8 A. Yes.

9 Q. How many?

10 A. I think the most recent number I saw was about 440
11 full-time tenure, tenure track, non-tenure track faculty.

12 Q. And are full-time faculty expected to participate in
13 service activities at Temple?

14 A. Yes.

15 Q. Is there a search process for hiring full-time
16 faculty in CLA?

17 A. Yes.

18 Q. And how long does that search typically take?

19 A. It can take the better part of a full year.

20 Typically, the position is authorized in summer and then the
21 search begins in earnest, and it will conclude usually late
22 in the spring semester. So it's a very elaborate process
23 across many levels and it takes a good part of a year.

24 Q. Is there a similar search conducted for adjunct
25 faculty?

1 A. No. It would be very different. That's usually done
2 at the department level. They would be looking for someone
3 who has the capabilities to teach a particular course, a
4 particular class, day, time and the skills to teach that
5 class, and that would be done through maybe word of mouth,
6 calling other Chairs, referrals from other adjuncts, that
7 type of thing.

8 Q. Why do you have searches for full-time faculty and
9 you do the word of mouth and telephone call for adjuncts?

10 A. Well, when we're hiring a full-time faculty member,
11 it's a large investment of time. You're looking for someone
12 who you hope will have their career there. There's a lot
13 more to be evaluated in terms of their research, their
14 teaching, their service. There's more involvement of
15 various levels of review from the department committees all
16 the way up through the President of the university.

17 We're looking at a much broader array of skills. You
18 need experts to evaluate some of those research skills.

19 Q. Are you familiar with the course assignment process
20 for different types of faculty?

21 A. Yes, to a good degree, yes, in CLA, certainly.

22 Q. And I'm focusing on CLA.

23 A. Okay.

24 Q. Does CLA ever cancel scheduled courses on short
25 notice?

1 A. They do sometimes, yes.

2 Q. When adjuncts are given their appointment letters,
3 are they aware of the possibility that their scheduled
4 course could be cancelled on short notice?

5 A. Yes. There's language in the contract letter that
6 says that.

7 Q. What would be the most typical reason for a class to
8 be cancelled?

9 A. Probably the most common reason would be under-
10 enrollment in classes or enrollment moving, students
11 switching class and the class not being able to run because
12 not enough students are enrolled. That would be the main
13 reason. Other reasons might be someone getting ill or
14 something like this.

15 Q. Does that frequently occur before classes even begin?

16 A. It does, yeah.

17 Q. Are classes sometimes cancelled due to low enrollment
18 after classes begin?

19 A. On occasion. In CLA, we try hard to avoid that for
20 the sake of everyone, but I think it does happen on
21 occasion, yes.

22 Q. Does enrollment fluctuate at times during the first
23 few days, weeks of classes?

24 A. Yes.

25 Q. Why?

1 A. We have an add/drop period of two weeks after the
2 start of classes in which students can, without really much
3 restriction other than there being room in the class, add
4 and drop their classes, and they're doing that to make sure
5 they're fulfilling their requirements on track to graduate.
6 They might visit, they might sample the class and see they
7 can't handle it or a number of reasons that the students
8 might have for adding or dropping a particular class.

9 So there is a lot of movement in the first week or
10 two.

11 Q. Allowing the add/drop in the beginning of a semester,
12 is that option beneficial for students' educational
13 experiences?

14 A. I would say so. I would say it's necessary for them
15 to be able to have that right and ability to do that to make
16 sure they're getting the courses they need. Some students
17 will enroll for, say, six -- a normal course load is five
18 courses. Typically, in CLA, they might enroll for six and
19 know they might drop one or go to the first class and find
20 out the workload is going to be too much to have an
21 overload. So it's important for them to have some
22 flexibility, sure.

23 Q. So that we can understand the time frame, for the
24 spring of 2015 -- and that would be the semester that goes
25 from January to May of 2015; correct?

1 A. Right.

2 Q. When was the spring 2015 drop/add deadline?

3 A. Classes began on January 12th, and the add/drop
4 deadline was January 26th.

5 Q. So, essentially, we're talking two weeks?

6 A. Two weeks, right.

7 Q. Where full-time faculty suddenly have availability
8 let's say because of low enrollment in his or her class and
9 the cancellation, would they bump an adjunct from a course
10 to teach the course that the adjunct had been assigned to
11 teach?

12 A. That does happen, yes.

13 Q. Are full-time faculty given priority to teach summer
14 courses if they choose to do so?

15 A. Typically, I would say yes. That's assigned at the
16 departmental level, and typically or generally speaking, I
17 think that the Department Chairs give priority first to
18 full-time faculty.

19 You have to realize the summer schedule is much
20 smaller than the fall or spring semester schedule, so there
21 are many fewer courses being offered.

22 Q. Do adjuncts get refused summer classes because full-
23 time faculty want to teach them?

24 A. Yes.

25 Q. Continuing to focus on CLA, how many departments are

1 there in CLA?

2 A. There are 16 academic departments.

3 Q. And does CLA use committees to help govern the
4 college?

5 A. Yes, certainly.

6 Q. And do committees help develop long-term strategic
7 plans for the university?

8 A. Yes.

9 Q. And do committees help develop and implement
10 curriculum?

11 A. Yes.

12 Q. And do they help develop and implement degree
13 programs?

14 A. Yes.

15 Q. And do committees help and develop academic
16 initiatives?

17 A. Yes.

18 Q. Do committees help recruit, appoint and promote full-
19 time faculty?

20 A. Yes.

21 Q. Do committees help the school meet accreditation and
22 licensing standards?

23 A. Yes.

24 Q. Do committees help develop policies and procedures
25 for its faculties and students?

1 A. Yes.

2 Q. Have you heard the phrase shared governance?

3 A. Yes.

4 Q. And when we refer to shared governance at Temple,
5 what does that mean to you?

6 A. To me it means that the full-time faculty have a very
7 essential role in establishing and helping create and
8 develop and implement all the curriculum of the university,
9 the policies, procedures to help govern the university.

10 Q. Are these committees that I just went through in
11 terms of having different functions, are they part of shared
12 governance?

13 A. Yes.

14 Q. Are they part of giving faculty input into the
15 governance of the university?

16 A. Yes.

17 Q. Can the school function from an academic perspective
18 without these committees?

19 A. In my opinion, no, they couldn't function without
20 them.

21 Q. Do you rely on full-time faculty to help you run the
22 college?

23 A. Yes.

24 Q. Do you rely on adjuncts to assist in any shared
25 governance tasks?

1 A. Not in the governance tasks, no.

2 Q. Does CLA have a committee on instruction?

3 A. Yes.

4 Q. What's its purpose?

5 A. The committee on instruction in CLA helps to evaluate
6 and develop and improve curriculum, revise and revamp
7 curriculum, is reviewing proposals for new courses, new
8 majors, new minors, certificates that might be offered
9 within a department saying that you've taken four courses in
10 a particular area and it gives you a set of expertise.

11 So their job is really to help overseeing the
12 revitalization, the refreshing of the curriculum in CLA.

13 Q. Is curriculum development ongoing?

14 A. Yes, all the time.

15 Q. And when you say all the time, does it go on every
16 year?

17 A. Oh, yes.

18 Q. Is there a constant development of what goes into a
19 particular major?

20 A. Yes. It's being done at the department level and at
21 the college level, of course.

22 Q. Are fields within CLA constantly evolving?

23 A. Yes. I've noticed an increase in the pace of change
24 and development of curriculum. It's happening more and
25 faster and faster as the knowledge bases change and trends

1 in the field change.

2 Q. Is it important to keep the curriculum vibrant?

3 A. Yes. It's essential. It's essential to the
4 existence of any university, including Temple, to keep it
5 vital and up to date.

6 Q. What do you mean by that?

7 A. Keeping up with new trends and professions, new
8 theories, new data, new techniques, statistical techniques,
9 and also keeping up with student interests, what they want
10 to learn and what's changing in the world about what they
11 need to learn to be employed. All of that's, of course,
12 changing faster and faster.

13 Q. Without the committee on instruction, is there a
14 concern that courses and curriculum will get stale?

15 A. Yes.

16 Q. Are full-time faculty on the committee of
17 instruction?

18 A. Yes.

19 Q. And does that include both tenure, tenure track and
20 NTT?

21 A. Yes.

22 Q. Do you rely on full-time faculty to develop
23 curriculum?

24 A. Yes.

25 Q. Are adjuncts on the committee of instruction?

1 A. No.

2 Q. Do you rely on adjuncts to develop curriculum?

3 A. Not the curriculum, no.

4 Q. Why not?

5 A. We are hiring the adjunct faculty to teach a course
6 that's in existence and they're contracted to do that. So
7 they're not being paid to develop the curriculum itself.
8 I'm talking about the courses and the course approval
9 process and the overall curriculum of the university.

10 They're part-time employees contracted for the course that
11 they're teaching and they certainly develop that course.

12 Q. I started this line of questioning by asking you if
13 the college has a committee on instruction.

14 A. Right.

15 Q. Now let's go to the departments, and you mentioned
16 how many departments there are. Do departments have their
17 own committees to help govern the internal business of the
18 department?

19 A. Yes.

20 Q. Are the department committees within CLA similar to
21 the college level committees?

22 A. There's a high degree of similarity. There's some
23 additional committees at the department level like a
24 colloquium speaker series committee. So, of course, there
25 are other committees, but there's a lot of mirroring kind of

1 committees. Like the undergraduate committee is developing
2 the curriculum that feeds up to the committee on
3 instruction.

4 Q. Do the committees in the department level have
5 similar purposes as the college level committees that we
6 mentioned?

7 A. Yes. Often it's a similar type of purpose, yes.

8 Q. Generally, do adjuncts serve on departmental
9 committees?

10 A. Generally speaking, they don't.

11 Q. If an adjunct served on a committee, would you
12 consider that to be an outlier?

13 A. Yes. I think it could happen on occasion, but it's
14 not typical. It would be an outlier, I would think.

15 Q. At my request or our request, did you review the
16 testimony given by Don Deeley on March 19, 2015?

17 A. Yes. You had asked me to read it, so I did.

18 MR. LANGE: I refer everyone to page 68 of
19 the transcript.

20 BY MR. LANGE:

21 Q. Did you review the portion of the testimony where Mr.
22 Deeley was asked: "Have you ever developed your own
23 course"?

24 A. Yes.

25 Q. And his response was: "Yes, I have." I'm continuing

1 to read. "What course did you develop?" Answer: "I
2 developed and pitched the honors first year writing course
3 that I taught."

4 How long has the honors course been taught?

5 A. That particular honors course 902 has been taught
6 since 2008 when the GenEd curriculum was developed.

7 Q. Did Mr. Deeley ever develop the first-year honors
8 course?

9 A. He didn't develop the course, no. The course was
10 developed in 2008 and approved through all the various
11 levels for a GenEd course.

12 Q. His testimony refers to work that he did in 2011.

13 A. I believe so, yes.

14 Q. And he goes on to say in that testimony, after he
15 said he developed the course, and you're now saying he
16 didn't, he says: "I conferred with the -- with Rachel
17 Growner (phonetic), who is currently co-chair of my
18 department, for advice on how to develop and pitch a course,
19 but I put together the theme of the course, the reading
20 assignments and the overall collection of requirements and
21 syllabi."

22 Do you recall reading that?

23 A. That makes sense. I don't have it in front of me,
24 but that makes sense. Yes, I had read that.

25 Q. When he says "I put together the theme of the

1 course," is that essentially selecting the reading materials
2 for the course?

3 A. Yes. It's deciding on the kind of focus of that
4 class that he's teaching. I assume he picked a focus of
5 class, chose the readings that went with it that would fit
6 within the structure of that course, yes.

7 Q. Is selecting the readings akin to creating a syllabi?

8 A. Yes. If you're creating a syllabi, you would select
9 the readings, yes. There are some places in which the
10 readings are selected by the department or a textbook is
11 selected by the department, but, in general, yes, it's
12 creating the course. Creating the syllabi is selecting the
13 readings.

14 Q. So any question in your mind when he says "I
15 developed the honors first year writing course that I
16 taught" that that is a misstatement?

17 A. That would be a misstatement because the course was
18 already developed, approved and in place. He developed the
19 honors version of the class that he taught it seems to be.

20 Q. Do adjuncts typically have anything to do with
21 developing a course?

22 A. Not the course in terms of putting it into the
23 curriculum as a new course, no.

24 Q. The first-year writing course, is that part of the
25 GenEd curriculum?

1 A. Yes, it is.

2 Q. And what is the GenEd curriculum?

3 A. The general education curriculum is the curriculum
4 that is required of all Temple undergraduates no matter what
5 their college or major. It's generally trying to give
6 students the set of skills that are needed for all college
7 educated students.

8 Q. Do full-time faculty monitor the general education
9 curriculum?

10 A. Yes, in many ways, including through the general
11 education executive committee, and also at the college and
12 department level, they're looking at it, too.

13 Q. Do full-time faculty do that through the general
14 education executive committee on the Faculty Senate?

15 A. Yes.

16 Q. Do full-time faculty propose changes to the general
17 education curriculum?

18 A. Yes.

19 Q. Are adjuncts involved in proposing changes or
20 modifications to the general education curriculum?

21 A. I'm not aware of any involvement in that level of
22 change by adjuncts in the curriculum at the GenEd level, at
23 the executive committee level or things like that.

24 Q. Do adjuncts typically have anything to do with
25 developing a course?

- 1 A. The course in the curriculum, typically not.
- 2 Q. Generally speaking, what do adjuncts do?
- 3 A. They teach our students. They teach courses.
- 4 Q. Would you consider selecting textbooks or readings
- 5 for a syllabus to be equivalent to curriculum development?
- 6 A. No. That's a different process. Selecting the
- 7 readings and the assignments and grading schemes for the
- 8 course, that's developing the course itself. The curriculum
- 9 is developing and approving the course as part of the
- 10 university's curriculum and where it fits.
- 11 Q. Have full-time faculty created or helped to create a
- 12 course?
- 13 A. Yes. All the time, yes.
- 14 Q. Are full-time faculty responsible for curriculum
- 15 development?
- 16 A. Yes.
- 17 Q. Have full-time faculty proposed courses to go through
- 18 the course approval process?
- 19 A. Yes, many, many times.
- 20 Q. If Mr. Deeley had, in fact, developed a course, would
- 21 it have had to have gone through a course approval process?
- 22 A. To develop a course and have it in a curriculum, yes.
- 23 Q. And what would that process entail?
- 24 A. Well, for a GenEd course, which is the one we're
- 25 talking about here, the way those GenEd courses are

1 typically developed is kind of complicated. There's an area
2 coordinator who's a full-time faculty member that's part of
3 the GenEd executive committee who will work with usually a
4 series of full-time faculty members in developing the class,
5 trying to do some work to see that it fits in that area of
6 the GenEd curriculum, that there's enough interest for the
7 course, that it's important enough to be in the GenEd
8 curriculum, that it gets at the skills that the GenEd
9 executive committee has set out for that area of the GenEd
10 curriculum.

11 Then that group of faculty would work together to
12 develop the course itself. It would go through the GenEd
13 executive committee and get all kinds of approvals, and then
14 the GenEd executive committee usually will often send it
15 back for revisions.

16 I think the GenEd executive committee advises that
17 you should give about six to seven months for that whole
18 process to play out. I think sometimes it can take longer,
19 and there's some times where a course doesn't get into the
20 curriculum, of course, because that committee doesn't
21 approve of it.

22 Q. Are adjuncts evaluated?

23 A. Yes.

24 Q. How are they evaluated?

25 A. They're generally evaluated at the departmental level

1 through the Student Feedback Forms, which are the teaching
2 evaluation forms. Department Chairs or others who are doing
3 the evaluating may look at the syllabus, make sure it's
4 robust and appropriate, that the reading levels are
5 appropriate.

6 Chairs may elect or delegate a full-time faculty
7 member to do a class visit. Particularly if there's a
8 problem in a course, they might do a kind of review of the
9 class. Those sorts of things are the main ways I would say
10 that they're evaluated. We want to make sure they're
11 excellent teachers.

12 Q. Do you know Peter James in the Psychology Department?

13 A. Yes, I do know him.

14 Q. What does he teach?

15 A. He teaches in psychology. The courses I think he is
16 -- he's a full-time non-tenure track instructor. He teaches
17 Brain Matters quite often, which is a GenEd course in
18 psychology. He teaches that with some regularity. He also
19 teaches a course in Careers in Psychology for their majors.
20 I think he might teach a kind of methods-related course once
21 in a while, too. Those are the types of courses I think he
22 teaches.

23 Q. Has he ever held the position of Department Chair?

24 A. No. He has not been a Department Chair, no.

25 Q. Is it common for full-time faculty to be involved in

1 the selection of an adjunct?

2 A. Full-time faculty involved in the selection of an
3 adjunct. I'll speak for CLA, which --

4 Q. That's what I'm focused on.

5 A. It is common. It will differ from department to
6 department, but it's not uncommon.

7 Q. And what would that selection process be?

8 A. For example, it's hard to give one way because it's
9 done different ways. In CLA --

10 Q. Go through the different ways.

11 A. Okay. In CLA, sometimes the Department Chair will do
12 the selection alone. Other times he may have a small
13 committee. Other times --

14 Q. Now, when you say he may have a small committee, what
15 would that small committee be?

16 A. He would take two or three faculty members who are
17 available to maybe do a telephone interview or something
18 like this. That might happen.

19 In some departments, like I'm thinking of like a
20 department like French, German, Italian and Slavic, there
21 are coordinators for each of those languages. So the Chair
22 might have the coordinator of Italian pick the adjunct
23 faculty member rather than the Chair, who might be, in fact,
24 a full-time faculty member in French. So the coordinator
25 could line up and select the adjunct faculty member.

1 There are some very large departments, and I think
2 psychology is one of those, where Peter James, one of his
3 duties as a full-time faculty member is to interview, select
4 or meet the adjunct faculty. So that can happen in
5 different ways.

6 Q. Now, let's focus on coordinators, the departments
7 that have coordinators, and you mentioned foreign languages.
8 Is the coordinator a faculty person?

9 A. In that case, it's a full-time faculty member. It
10 would be the coordinator of the Italian language major, say.

11 Q. You talked about department meetings and college
12 meetings. Let's focus on department meetings right now.
13 Are there discussions that happen at the department level
14 that address the best mix of full-time faculty and adjunct
15 faculty?

16 A. Yes. Those discussions would go on, sure.

17 Q. And do those discussions go on annually?

18 A. Yes.

19 Q. Do full-time faculty in those discussions request to
20 have more full-time faculty lines, meaning to create more
21 full-time faculty positions?

22 MS. ROSENBERGER: I'm going to object to this
23 question. There's no foundation for this individual's
24 knowledge of whether that gets discussed in a particular
25 department meeting.

1 BY MR. LANGE:

2 Q. Are you in any department meetings?

3 A. Not since I came into the Dean's office job about ten
4 years ago. Before that, yes, of course, I was.

5 Q. So when I asked do full-time faculty request more
6 full-time faculty lines, how would you know that?

7 A. Well, the way I know that is in the Dean's office
8 position, those requests come up to us every single year.
9 Chairs and departments -- I mean, I know that most Chairs
10 consult with the departments about who they should search
11 for and what lines they should search for. They tell us
12 they do that, and they're always asking for more hires of
13 tenure line faculty.

14 Q. Would the result of those requests mean that there
15 would be fewer adjuncts?

16 A. It certainly could, yes. If the course demand is the
17 same, more full-time faculty are hired with more teaching
18 capacity, it could mean fewer adjuncts.

19 Q. Are there similar discussions at the college level?

20 A. Yes.

21 Q. And would the result be similar in that more full-
22 time faculty would mean -- could mean fewer adjuncts?

23 A. Yes.

24 MR. LANGE: Could we just take a couple of
25 minutes, because I may be finished?

1 HEARING EXAMINER POZNIAK: Sure. Off the
2 record.

3 (Recess.)

4 HEARING EXAMINER POZNIAK: Back on the
5 record.

6 MR. LANGE: Nothing further at this time.
7 Thank you.

8 CROSS-EXAMINATION

9 BY MS. ROSENBERGER:

10 Q. Good morning, Mr. Delaney. I'm Amy Rosenberger. You
11 might recall me. I represent TAUP.

12 A. Good morning.

13 Q. In the College of Liberal Arts -- first of all,
14 College of Liberal Arts is the largest single college in the
15 university; isn't that right?

16 A. I think it depends on whether you count the number of
17 students or number of faculty. It's one of the two largest
18 along with the business school. So it is a large college.

19 Q. So, College of Liberal Arts and the Fox School of
20 Business and Management are the two largest?

21 A. Yes.

22 Q. In the time that you've been in the College of
23 Liberal Arts, has the number of adjunct faculty remained at
24 about 325 or has it increased or decreased?

25 A. I'm not sure of those numbers. I think it's been.

1 relatively stable, but I'm not positive.

2 Q. And has the number of full-time faculty increased or
3 decreased over those years?

4 A. For what years? I'm sorry.

5 Q. The years that you've been involved in the -- the
6 years that you were testifying about.

7 A. Yes. There has been a slight decline in full-time
8 numbers, I believe, over that -- well, all full-time
9 numbers, no. There has been a slight decline in tenure/
10 tenure track. The full-time numbers I think have been
11 fairly stable.

12 Q. So the non-tenure track numbers have increased?

13 A. They have increased, yes.

14 Q. You testified toward the end of your direct
15 examination about the possibility that if a department
16 requests and receives authority to fill a tenure track line
17 and the number of course requirements or courses offered
18 remains the same, that could mean the elimination of an
19 adjunct faculty member; right?

20 A. It could mean that, yes.

21 Q. If a department requests an increase in the number of
22 tenure track lines in the department, positions in the
23 department, and the courses remain the same, that could also
24 result in the elimination of a non-tenure track faculty
25 position?

1 A. That could happen, yes.

2 Q. It's common, is it not, in the College of Liberal
3 Arts for non-tenure track faculty members to be hired on a
4 one-year contract?

5 A. Is it common for non-tenure track, yes.

6 Q. In fact, that's more common than multi-year
7 appointments for non-tenure track; is that right?

8 A. Probably it's more than 50 percent, though those
9 numbers are shifting as we are moving towards more multi-
10 year contracts. We have been for a number of years. But
11 yes, it's common.

12 Q. And you have in the College of Liberal Arts non-
13 tenure track faculty who are hired for a full load of
14 teaching, meaning no release time for service or research;
15 right?

16 A. They would have a full four-four teaching load, yes.

17 Q. That's fairly common for non-tenure track, isn't it?

18 A. It's common. I wouldn't -- yeah, it's common.

19 Q. The committees at the college level or the
20 departmental level or at the Faculty Senate level don't have
21 final say over whether or not a new course is going to be
22 approved or a certain curricular change is going to be
23 approved, do they?

24 A. I don't believe they have final say, right. They're
25 one of the places that have to approve it as it moves up the

1 chain of command.

2 Q. And one of the types of courses that has been
3 developed and approved in any number of curricula or degree
4 programs are courses that have a number and a title that is
5 something like special topics --

6 A. Selected topics.

7 Q. Selected topics.

8 A. Yes.

9 Q. And within that -- and that will be a course with a
10 number; right?

11 A. Yes, right.

12 Q. That's approved as part of the curriculum?

13 A. Right.

14 Q. But it could be a completely different course from
15 one semester to the next; right?

16 A. That can happen; and in CLA, the rule was it couldn't
17 be taught more than twice without going through -- as a
18 curricular course and then going through all that curriculum
19 approval.

20 Q. But the first time that somebody develops a new
21 special topic and you named the subject matter area, they
22 develop that course soup to nuts. It doesn't go through the
23 curricular process.

24 A. It would probably go through a departmental level of
25 approval. A Department Chair would approve of it, send it

1 up to the college, and they can add it for that semester.

2 Q. And that's a similar situation to you may have a
3 special topics course. You may also have honors level in a
4 particular subject matter area that can also change from
5 semester; isn't that right?

6 A. Well, the honors level course would have to go
7 through the curricular approvals.

8 Q. Every time the material that's taught within the
9 honors level course is changed?

10 A. No, to be installed into the curriculum, yes.

11 Q. Okay. You'd have an honors level course, and let's
12 say it's Number 803 in this particular subject matter area.
13 It is a course that has flexibility within it for the
14 instructors in terms of the material that's delivered; isn't
15 that right?

16 A. In terms of teaching that course, often selecting the
17 reading material, yes.

18 Q. And has more flexibility than a course that is
19 specifically, you know, say, Introduction to Sociology or
20 Introduction to Political Science; right?

21 A. I'm not sure of the question.

22 Q. An honors level course like the one you've just been
23 talking about has more flexibility for the instructor to
24 develop what the material is going to be than, say, a course
25 that is a set subject matter like Intro to Sociology.

1 A. I think it's a little more dependent on the course
2 than whether it's honors or not. The course itself like,
3 say, an Analytical Reading and Writing when we were talking
4 about the honors version as 902, it has to fulfill the same
5 kind of requirements and all that as it was approved along
6 with 802, the regular version of that.

7 The honors seminars are often -- in other words, if
8 someone was developing a theme within that course, they
9 might do that in the honors seminar version of it or
10 something like that.

11 Q. And coming up with new themes in -- let's use that as
12 an example --

13 A. Yes.

14 Q. -- of what the sub-topical themes are going to be for
15 the honors analytical writing course that you're describing,
16 is that something that would have to get approved at the
17 departmental level?

18 A. That particular theme, I think it would be by the First-
19 Year Writing Program Director, yes. They would -- I don't
20 know what their formal approval process was, but they
21 probably advise on it. And then if it's an honors, the
22 Director of Honors, Ruth Ost, would also approve of it to be
23 taught in honors.

24 Q. Is there an evaluation process for non-tenure track
25 faculty in CLA?

1 A. There is, yes.

2 Q. What's that process?

3 A. The Chair is supposed to meet each year with the NTT
4 faculty member and give them an evaluation of their
5 performance, and then there's sort of a more formal
6 evaluation with each contract renewal for that person where
7 the Dean's office, the department and the Dean's office are
8 looking at teaching evaluations and things of that nature.

9 Q. When you say looking at teaching evaluations, are you
10 referring to the Student Feedback Form?

11 A. Student Feedback Forms, correct.

12 Q. And on occasion, are other full-time faculty -- do
13 Chairs or other full-time faculty sit in on the classes of
14 those NTT faculty?

15 A. Sometimes, yes.

16 MR. LANGE: Objection; compound question.
17 Chairs or other faculty. Chairs we know are not in the
18 bargaining unit. Full-time faculty are.

19 MS. ROSENBERGER: I can break it out.

20 HEARING EXAMINER POZNIAK: Do you want to
21 separate it out?

22 MS. ROSENBERGER: That's the preference.

23 BY MS. ROSENBERGER:

24 Q. Do on occasion Chairs sit in on the classes of other
25 full-time faculty?

1 A. Yes.

2 Q. In evaluating NTT faculty, do Chairs also look at the
3 syllabi that those faculty have used?

4 A. Yes. Typically, yes.

5 Q. Am I understanding you correctly that at the
6 departmental level, there is an undergraduate studies
7 committee typically?

8 A. Yeah. Typically, it would be called the
9 undergraduate committee.

10 Q. And that committee, one of its functions is to review
11 proposed curricular changes?

12 A. Yes, or create them themselves.

13 Q. There's no prohibition on adjunct faculty serving on
14 such committees, is there?

15 A. Most departments have bylaws that state who makes up
16 the committee, and most of those would say full-time faculty
17 I would say.

18 Q. There's no prohibition at the university on a
19 department deciding to include --

20 A. I don't believe --

21 Q. Let me finish my question.

22 A. I'm sorry.

23 Q. -- deciding to include adjunct faculty on an
24 undergraduate committee, for example.

25 A. I don't believe there's a university prohibition, but

1 they're contracted for a course. You know, they're not paid
2 to do that. They're not paid in their contract or hired
3 with that as one of the expectations.

4 Q. Full-time faculty contracts don't generally spell out
5 you're going to serve on the undergraduate committee, do
6 they?

7 A. Not that specifically.

8 Q. Both adjunct faculty and full-time faculty teach
9 classes in the College of Liberal Arts; isn't that right?

10 A. That's true, yes.

11 Q. And both full-time faculty and adjunct faculty when
12 teaching classes are subject to the same rules about class
13 teaching; isn't that right?

14 A. Yes; policies about teaching, yes.

15 Q. Policies like requirements to have office hours?

16 A. Office hours, syllabi, policies.

17 Q. Policies about progress reports for student athletes?

18 A. Yes.

19 Q. And students in ROTC?

20 A. Yes.

21 Q. Do you know how many adjunct faculty are employed by
22 the university in any given semester?

23 A. I would say -- the entire university, not the TAUP?

24 Q. Yes.

25 A. Probably in the upper 1500s, somewhere like that.

1 Q. And do you know how many adjunct faculty the
2 university employs within the schools and colleges that are
3 in the TAUP bargaining unit in any given semester?

4 A. I believe it's around 1100, 1050, 1100.

5 Q. And do you know whether that number is any higher or
6 lower than it was, say, when you started in the Dean's
7 office at CLA?

8 A. I don't know that university-wide.

9 Q. Adjunct faculty teach on all the same campuses as
10 full-time faculty, don't they?

11 A. Yes, I believe so.

12 Q. And they teach in the same classrooms that full-time
13 faculty teach in; right?

14 A. Yes.

15 Q. And they teach courses that full-time faculty also
16 teach; right?

17 A. Yes.

18 Q. And, in fact, you mentioned that sometimes if
19 enrollment were low and a full-time faculty member's course
20 was dropped, they may take over a course that had been
21 planned to be taught by an adjunct; right?

22 A. Yes.

23 MS. ROSENBERGER: I'd just like to take a
24 quick break just to make sure. I may be done.

25 HEARING EXAMINER POZNIAK: We're off.

1 (Recess.)

2 HEARING EXAMINER POZNIAK: We're back on.

3 BY MS. ROSENBERGER:

4 Q. You talked about the search process for full-time
5 faculty.

6 A. Yes.

7 Q. Is there a different search process for tenure track
8 versus non-tenure track faculty?

9 A. Yes.

10 Q. Which one did you describe?

11 A. Maybe we can see the testimony or read back. I think
12 I was describing the tenure track search process. That goes
13 all the way to the present.

14 Q. What's the process for searching for a non-tenure
15 track faculty?

16 A. That process goes up through the Dean. So it starts
17 -- once the position is authorized for a hire of a new NTT,
18 non-tenure track full-time faculty member, the search would
19 start at the department. They would run an add in national
20 publications that they're looking for a full-time non-tenure
21 track person.

22 There would be a period of time in which they could
23 submit. They'd submit their application. There usually
24 would be a committee in the department that would look at
25 those, work with the Chair to make a selection. They would

1 then send their recommendation and selection to the Dean.

2 The material would include usually a CV, evidence of
3 past teaching, things of that nature, and then the Dean's
4 office reviews it and can write a contract offering that
5 person a position.

6 Q. And that search process varies from department to
7 department; isn't that true?

8 A. That would be kind of the standard way -- how they do
9 it in the department could vary a bit, yes, it could.

10 Q. But it ultimately would end with recommendations to
11 the Dean who makes the decision?

12 A. The Dean makes that decision.

13 Q. And how long does that process take?

14 A. That process could take two months, something like
15 that, including that ad time running.

16 Q. And sometimes where there is a more immediate need,
17 it's a much shortened process?

18 A. It can be a shortened process, yes. One of the
19 elements of the search is they have to have sign-off on the
20 search procedures by the Office of Affirmative Action and
21 Diversity in Education. They have to sign off that the
22 search was done properly.

23 In an emergency situation, they can waive that long
24 search process for a semester or a year so that you can hire
25 that person in an emergency. If they are then reappointed,

1 they should go through the full search again, yes.

2 MS. ROSENBERGER: That's all I have.

3 HEARING EXAMINER POZNIAK: Redirect?

4 MR. LANGE: Can we take a break?

5 HEARING EXAMINER POZNIAK: Off the record.

6 (Recess.)

7 HEARING EXAMINER POZNIAK: We're back on.

8 MR. LANGE: I have no further questions.

9 Our next witness arrived at the train station at a quarter
10 of eleven and is on his way, so it will be just a few
11 minutes.

12 HEARING EXAMINER POZNIAK: Sure. You can
13 step down, sir.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 HEARING EXAMINER POZNIAK: Off the record.

17 (Recess.)

18 HEARING EXAMINER POZNIAK: We're back on.

19 Does Temple want to call its next witness?

20 MR. LANGE: We do. Thank you. Rob Levis.

21 HEARING EXAMINER POZNIAK: Can you raise your
22 right hand?

23 Whereupon,

24 ROBERT J. LEVIS

25 having been duly sworn, testified as follows:

1 HEARING EXAMINER POZNIAK: Can you state your
2 name?

3 THE WITNESS: Robert Levis.

4 HEARING EXAMINER POZNIAK: Can you spell your
5 last name?

6 THE WITNESS: L-e-v-i-s.

7 DIRECT EXAMINATION

8 BY MR. LANGE: L

9 Q. Good morning, Rob. How are you?

10 A. Good morning.

11 Q. Who's your employer?

12 A. Temple University.

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

14 A. Since 2002, 13 years.

15 Q. And what is your current position?

16 A. Senior Associate Dean.

17 Q. Of?

18 A. The College of Science and Technology.

19 Q. What is the College of Science and Technology?

20 A. It's a combination of six departments that provides
21 science education for the university.

22 Q. What are your job duties in that position?

23 A. It's basically to build the research program, manage
24 something like 130 tenure faculty and then probably another
25 200 NTTs.

1 Q. And for how long have you held that position?

2 A. One month.

3 Q. And have you held any other positions at Temple?

4 A. Yes.

5 Q. And what positions?

6 A. I was the Chair of the Chemistry Department since
7 about 2004 for 11 years.

8 Q. Are you a full professor?

9 A. Yes.

10 Q. And were you hired as a full professor?

11 A. Yes.

12 Q. And you were hired in 2002?

13 A. That's correct.

14 Q. And chemistry is within the College of Science and
15 Technology?

16 A. That's correct.

17 Q. What were your job duties as Chair?

18 A. As Chair, I was set to the build the department, hire
19 new faculty, build our graduate program, align the teaching
20 mission with current practice, and generally set the policy
21 for the department.

22 Q. Let's go through those. When you say you were
23 responsible to build the department, what do you mean by
24 that?

25 A. At the time I got there, the department would have

1 maybe had \$800,000 in external funding, and I built it up to
2 something like four to five million dollars in external
3 funding. There were maybe four federally funded
4 researchers. We now have something like 23 federally funded
5 researchers.

6 So, in general, the primary responsibility was to
7 hire the right faculty to make the department as strong as
8 possible.

9 Q. And then you mentioned build the graduate program.
10 What does that entail?

11 A. That's correct. So when I got to Temple University,
12 there were approximately 40 graduate students in the program
13 and we invested heavily in building that component from 40
14 to presently 110, soon to be something like 130, graduate
15 students.

16 Q. How did you go about that?

17 A. We put a lot of money into recruiting, sent faculty
18 out to local schools and colleges, advertised, brought a lot
19 of students into the university, and as a consequence of
20 that, we built the program.

21 Q. Were you involved in creating a new curriculum?

22 A. Yes.

23 Q. Were you involved in creating new courses?

24 A. Yes.

25 Q. Were you involved in the hiring of new faculty?

1 A. Absolutely.

2 Q. Did your job duties as Chair entail strategic planing
3 of the department?

4 A. Yes.

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

7 A. I was a full professor at Wayne State University in
8 Detroit.

9 Q. What degrees do you hold?

10 A. Bachelor's of Science and a Ph.D. in chemistry.

11 Q. Let me show you what we've marked as Exhibit 55.

12 (Whereupon, the document was marked as Temple
13 Exhibit No. 55 for identification.)

14 (Document handed to witness.)

15 BY MR. LANGE:

16 Q. What is that?

17 A. Pardon me?

18 Q. What is that?

19 A. It's my CV.

20 Q. Does the Chemistry Department employ adjunct faculty?

21 A. Yes.

22 Q. In a general sense, what are adjuncts hired to do?

23 A. They teach laboratories and recitation sections for
24 our entry level courses.

25 Q. Are adjuncts hired for a particular course?

1 A. Yes.

2 Q. Do adjuncts lecture at all in the Chemistry
3 Department?

4 A. No.

5 Q. Approximately how many adjuncts does the Chemistry
6 Department employ during a regular semester?

7 A. Approximately ten.

8 Q. Was that number higher a few years ago?

9 A. Yes.

10 Q. How much higher?

11 A. Somewhere between 10 and 15 adjuncts depending on the
12 year.

13 Q. Why has it declined?

14 A. Primarily because we put a focus on bringing in
15 graduate students and hiring faculty to cover the positions.

16 Q. Why would bringing in more graduate students and you
17 talked about having more graduate students affect the number
18 of adjuncts?

19 A. In the research enterprise, the graduate students are
20 usually around between four and six years. The first two
21 years that they're at Temple University, they teach in our
22 undergraduate program.

23 Q. You said we put a focus on increasing full-time
24 faculty and you said we put a focus on increasing graduate
25 students. Who's the "we"?

1 A. It's the tenure track faculty in the department.

2 Q. And as a result of these changes, did you increase
3 the number of full-time faculty?

4 A. Yes.

5 Q. Did you increase the number of non-tenure track
6 faculty?

7 A. Yes.

8 Q. And when I say "you," who was involved in the
9 decision to increase full-time faculty?

10 A. The entire tenure stream faculty.

11 Q. And who was involved in the decision to increase the
12 number of graduate students?

13 A. The entire tenure stream faculty.

14 Q. And as a result of these changes, did you increase
15 the quantity of courses taught?

16 A. Yes. It probably went up by 50 percent.

17 Q. And did enrollment increase?

18 A. Yes.

19 Q. By how much?

20 A. It nearly doubled.

21 Q. And is that both undergraduate and graduate?

22 A. Yes.

23 Q. And undergraduate, what did it go from, if you know?

24 A. I can tell you in terms of the number of slots that
25 we have to fill each year. It went from approximately 80 to

1 90 in General Chemistry to something like 140, 150 slots
2 that have to be filled.

3 Q. And you already gave us the graduate student number.

4 A. Right.

5 Q. Are adjuncts hired semester by semester?

6 A. Yes.

7 Q. Is there a typically educational or professional
8 background of adjuncts in your department? What degree do
9 they generally hold?

10 A. They generally have a college degree.

11 Q. As the Chair of the department, were you the primary
12 person in charge of course scheduling for each term?

13 A. Ultimately that responsibility rests with me, but
14 it's typically done by the Vice-Chair.

15 Q. And did you delegate that to the Vice-Chair?

16 A. Yes.

17 Q. And is the Vice-Chair a faculty person?

18 A. Yes.

19 Q. Does a full-time faculty person schedule courses for
20 adjuncts?

21 A. Yes.

22 Q. Does a full-time faculty person hire adjuncts?

23 A. Yes.

24 Q. Let's focus on adjunct involvement. Who develops a
25 syllabi for courses in your department?

1 A. Full-time faculty.

2 Q. And does an adjunct typically have anything to do
3 with planning a syllabus?

4 A. Never.

5 Q. Do full-time faculty make curriculum decisions that
6 could affect whether an adjunct's course is discontinued?

7 A. Yes.

8 Q. In your time at Temple, have adjuncts created a
9 course in the Chemistry Department?

10 A. Never.

11 Q. In your time at Temple, have full-time faculty
12 created a course?

13 A. Yes.

14 Q. Have full-time faculty helped to create courses?

15 A. Absolutely.

16 Q. Let's focus on department-specific committees for
17 chemistry. Does the Chemistry Department have committees
18 that help with governance?

19 A. Yes.

20 Q. Are these committees important to the operation and
21 governance of the department?

22 A. Yes.

23 Q. Do you have an undergraduate committee?

24 A. Yes.

25 Q. What's its purpose?

1 A. The undergraduate committee is responsible for
2 curriculum development, developing new courses, overseeing
3 the course syllabi, hiring non-tenure track faculty, and all
4 things that have to do with course deployment in the
5 department.

6 Q. Do they when they add courses also focus on what
7 courses should be taken out of the curriculum?

8 A. Yes.

9 Q. Is the creation of the curriculum critical to the
10 successful operation of the department?

11 A. Absolutely.

12 Q. Why?

13 A. The needs of the students are constantly changing as
14 it responds to global forces and we try to keep up and
15 abreast with that and deliver the highest quality product
16 that we can.

17 Q. Are fields within chemistry constantly evolving?

18 A. Yes.

19 Q. Is there a need to stay cutting edge?

20 A. Absolutely.

21 Q. Is curriculum development critical to the ability of
22 particularly the Chemistry Department to be competitive?

23 A. Yes.

24 Q. Is curriculum development ongoing?

25 A. Yes.

1 Q. Does it happen every year?

2 A. Yes.

3 Q. Are there tenure and non-tenure track faculty on the
4 curriculum undergraduate committee?

5 A. Yes.

6 Q. Does curricular development require a depth and
7 breadth of knowledge of the school and the types of courses
8 offered?

9 A. Yes.

10 Q. Does it require an understanding of what the
11 strategic direction of the school should be?

12 A. Yes.

13 Q. Are there adjuncts on this committee?

14 A. No.

15 Q. Would it make sense for adjuncts to participate on
16 this committee?

17 A. No.

18 Q. Why?

19 A. They're generally brought in to teach a particular
20 course in the university, and in the Department of
21 Chemistry, that's the lowest level courses.

22 Q. Are you aware of adjuncts serving on any departmental
23 committees in the Chemistry Department?

24 A. No.

25 Q. Does your department when you were the Chair until a

1 month ago have regular department meetings?

2 A. Yes.

3 Q. And how frequently?

4 A. Approximately three times per semester.

5 Q. And do you make decisions about curriculum and course
6 offerings at those meetings?

7 A. Yes, definitely.

8 Q. And when I say "you," what do you understand "you" to
9 be?

10 A. It's the department as a whole. Generally there's
11 somewhere between 14 and 22 faculty at those department
12 meetings, tenure stream faculty.

13 Q. And how many -- pardon?

14 A. Fourteen to 22 tenure stream faculty are at those
15 meetings.

16 Q. And do non-tenure track faculty attend those
17 meetings?

18 A. Not typically.

19 Q. Do you make decisions about faculty recruiting?

20 A. Yes.

21 Q. And does include whether to hire more full-time
22 faculty?

23 A. Yes.

24 Q. Do you make decisions about graduate student
25 recruiting?

1 A. Yes.

2 Q. Do you also make decisions about how to spend your
3 money?

4 A. Yes.

5 Q. And what is the objective of the Chemistry Department
6 regarding adjunct employment?

7 A. In general, we try to keep the number as low as
8 possible.

9 Q. Is that a collaborative position of the full-time
10 faculty?

11 A. Yes.

12 Q. You mentioned the collective decision of full-time
13 faculty to increase graduate students. Does that increase
14 of graduate students negatively impact the number of
15 adjuncts?

16 A. Yes.

17 Q. Why?

18 A. Because the graduate students typically teach exactly
19 the courses that an adjunct would teach.

20 Q. Do you give priority to adjuncts to teach those
21 courses or graduate students?

22 A. Graduate students.

23 Q. Why?

24 A. Because graduate students, part of their activity as
25 a graduate student is to learn how to teach chemistry.

1 Q. Are full-time faculty expected to attend department
2 meetings?

3 A. Yes.

4 Q. Are adjuncts invited to department meetings?

5 A. No.

6 Q. If a tenure, tenure track, non-tenure track faculty
7 member or graduate student ended up with an insufficient
8 workload, would an adjunct be bumped from a course?

9 A. Yes.

10 Q. Are there occasions where this happens and an adjunct
11 is bumped?

12 A. Yes.

13 Q. How often?

14 A. Probably about two bumps per semester.

15 MR. LANGE: Nothing further at this time.

16 CROSS-EXAMINATION

17 BY MS. ROSENBERGER:

18 Q. Good morning, Professor Levis.

19 A. Good morning.

20 Q. If you don't recall, I'm Amy Rosenberger. I
21 represent TAUP. We met before.

22 NTTs you said don't typically attend department
23 meetings?

24 A. No.

25 Q. So when you said full-time faculty attend department

1 meetings, you meant tenure and tenure track faculty?

2 A. Yes, that's correct.

3 Q. Have you ever had -- if I understand your testimony
4 correctly, over the course of time that you were Department
5 Chair, you increased the number of full-time faculty; right?

6 A. Yes, that's correct.

7 Q. Was that an increase in tenure track lines or non-
8 tenure track lines or both?

9 A. Both.

10 Q. How many tenure and tenure track faculty when you
11 first became Chair?

12 A. Something like 16.

13 Q. And how many NTTs when you first became Chair?

14 A. I think it was three.

15 Q. And as you sit here today, how many tenure and tenure
16 track faculty in the Chemistry Department?

17 A. There's 24 tenure faculty and approximately 20 NTTs.

18 Q. And did you do a search for each of those additional
19 NTT lines that you got?

20 A. Absolutely.

21 Q. Did any adjunct faculty apply for any of those
22 positions?

23 A. They have in the past, yes.

24 Q. Were any of them hired for NTT positions?

25 A. One or two.

1 Q. And your NTT faculty --

2 A. But can I clarify that?

3 Q. Sure.

4 A. That was at the beginning. There was a series of
5 pretty good adjuncts that were brought on board as NTTs, but
6 in the last five, six years, we haven't hired any.

7 Q. You haven't?

8 A. We haven't hired any adjuncts into the NTT roles.

9 Q. Okay. Am I correct that in the Chemistry Department,
10 the NTT faculty generally don't have research as part of
11 their job?

12 A. It depends. There's all sorts of flavors of NTTs.
13 So some do have research. Most of the NTTs teach three and
14 three, so they do exclusively teaching. They're hired for
15 that. We have some of the best people in the city teaching
16 for us. But there are I'm going to say four or five that
17 have split loads between research and teaching.

18 Q. We've heard over the course of the days of hearing in
19 this case that you weren't here for, we've heard about
20 teaching loads. You mentioned three-three for the majority
21 of your NTTs.

22 In chemistry, the courses are four credits each?

23 A. No; typically three credits. Some are four. A few
24 are five.

25 Q. And when your NTTs teach a three-three load, is it

1 some combination of three -- how many credit hours per
2 semester?

3 A. If they're doing a three-three, it would be somewhere
4 between nine and eleven credits per semester, and it's
5 unusual in chemistry because often there are 200, 300
6 student courses.

7 Q. Meaning large enrollments?

8 A. Yes.

9 Q. And that's part of the reason why you don't give the
10 NTTs a 12-credit/12-credit load; right?

11 A. That's correct, and also, there is some service
12 component to their work in the department as well.

13 (Pause.)

14 MS. ROSENBERGER: I'd just like to take a
15 minute. I may be finished.

16 HEARING EXAMINER POZNIAK: Off the record.

17 (Recess.)

18 HEARING EXAMINER POZNIAK: We're back on.

19 MS. ROSENBERGER: No further cross.

20 HEARING EXAMINER POZNIAK: Any redirect?

21 MR. LANGE: None. Thank you.

22 HEARING EXAMINER POZNIAK: Sir, I have a
23 question for you. You testified that the adjuncts generally
24 have a college degree. Is that a requirement to be an
25 adjunct?

1 THE WITNESS: Typically that's what we shoot
2 for, yeah. I don't think we have any adjuncts that don't
3 have college degrees.

4 HEARING EXAMINER POZNIAK: I don't have
5 anything else. Do you guys have any follow-up?

6 MR. LANGE: I do.

7 REDIRECT EXAMINATION

8 BY MR. LANGE:

9 Q. Your NTTs and your tenure track, tenured faculty,
10 they typically have Ph.D.s?

11 A. Typically have a Ph.D. There are two NTTs that just
12 have Master's at this point.

13 HEARING EXAMINER POZNIAK: Anything else?

14 MS. ROSENEERGER: Not from me.

15 HEARING EXAMINER POZNIAK: You can step down,
16 sir. Thank you.

17 (Witness excused.)

18 HEARING EXAMINER POZNIAK: Is that everyone?

19 MR. LANGE: That is everyone for today, yes.

20 MS. ROSENBERGER: We have one witness who
21 isn't going to be here yet. We'd like to take a lunch break
22 anyway. She'll be here by the time we're done lunch.

23 HEARING EXAMINER POZNIAK: Off the record.

24 (Whereupon, at 11:54 a.m., the hearing was
25 adjourned, to be reconvened at 1:00 p.m., this same day.)

AFTERNOON SESSION

(1:24 p.m.)

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

Before you call your next witness, does Temple want to move for 53 through 55?

MS. FARMER: Yes, please.

HEARING EXAMINER POZNIAK: Any objection?

MS. ROSENBERGER: No.

HEARING EXAMINER POZNIAK: Temple 53 through 55 are admitted into the record.

(Whereupon, the documents marked as Temple Exhibits Nos. 53 through 55 were received in evidence.)

HEARING EXAMINER POZNIAK: I did have a question. I don't know if I asked this at the first day of hearing. Will the parties stipulate that the adjuncts are professional employees under Act 195?

MS. ROSENBERGER: Yes.

MR. LANGEL: Not sure. Let us think about it.

HEARING EXAMINER POZNIAK: Okay.

MR. LANGEL: We'll get back to you.

HEARING EXAMINER POZNIAK: Does the Union want to call its next witness then?

1 MS. ROSENBERGER: Yes, please. Our next
2 witness is Kathleen Davis.

3 HEARING EXAMINER POZNIAK: Ma'am, can you
4 raise your right hand?
5 Whereupon,

6 KATHLEEN A. DAVIS
7 having been duly sworn, testified as follows:

8 HEARING EXAMINER POZNIAK: Can you state your
9 name?

10 THE WITNESS: Kathleen A. Davis.

11 DIRECT EXAMINATION

12 BY MS. ROSENBERGER:

13 Q. Are you employed by Temple University?

14 A. Yes, I am.

15 Q. In what capacity?

16 A. I'm a non-tenure track faculty member.

17 Q. And in what department and school or college?

18 A. I'm in the Human Resources Management Department in
19 the Fox School of Business.

20 Q. How long have you been in the Human Resources
21 Management Department?

22 A. I had two stints. From 1993 to 1997, I taught full
23 time. Then I became an administrator and continued to teach
24 two courses. I went back to the department in January of
25 2000, and I've been a full-time version of an NTT ever

1 since.

2 Q. How many non-tenure track faculty are there in your
3 department?

4 A. Roughly, seven.

5 Q. And how about tenure or tenure track, approximately?

6 A. Fourteen.

7 Q. Are there adjunct faculty in your department?

8 A. Yes; about 24.

9 Q. And how long is your current appointment as an NTT?

10 A. One year.

11 Q. Have you ever had an appointment of more than one
12 year?

13 A. Sometime in the mid '90s, I had a three-year
14 contract, but I've worked primarily with a one-year
15 contract.

16 (Whereupon, the document was marked as Union
17 Exhibit No. 17 for identification.)

18 BY MS. ROSENBERGER:

19 Q. I've handed you a document that's marked Union
20 Exhibit 17. It's a multi-page document. Would you take a
21 look at it, and then when you're done, let me know.

22 A. Okay.

23 (Witness perusing document.)

24 A. Yes. This is my contract for this year.

25 Q. And for this year, you mean --

- 1 A. Coming.
- 2 Q. The coming year, 2015-'16?
- 3 A. Correct.
- 4 Q. On the second page, I see it's signed by at least the
5 typewritten name is Moshe Porat; is that right?
- 6 A. Correct.
- 7 Q. And who's that?
- 8 A. He's the Dean of the School of Business.
- 9 Q. And then signed by you at the bottom, obviously?
- 10 A. Yes.
- 11 Q. Is this contract similar to the contracts you've had
12 for your other appointments?
- 13 A. I assume it's identical.
- 14 Q. You haven't noticed any significant differences?
- 15 A. No.
- 16 Q. It indicates on the first page in the third paragraph
17 that, "Faculty hired to teach have no responsibility to
18 Temple for research or scholarly activity."
- 19 Are you required to engage in research of scholarly
20 activity?
- 21 A. No.
- 22 Q. What's your course load?
- 23 A. I teach four courses each semester and I've taught in
24 the summer as well.
- 25 Q. And those four courses each, how many credits each?

1 A. Three.

2 Q. So you have 12 credits of teaching each semester?

3 A. Yes.

4 Q. And you mentioned you teach during the summer. Is
5 summer teaching part of this contract?

6 A. No. It's optional at the discretion of the Chair.

7 Q. To whom do you report?

8 A. Deanna Geddes, Chair of the department.

9 Q. On the first page of your appointment letter, Union
10 Exhibit 17, in the first paragraph, it says that you're
11 being appointed as an Assistant Professor in the Human
12 Resources Management Department, and then in parentheses it
13 says, "Practice Track."

14 What does practice track mean to your knowledge?

15 A. Practice track means that my duties are confined to
16 teaching.

17 Q. Do you engage in any service?

18 A. Yes, I do.

19 Q. What are some of the things that you do for service?

20 A. Currently, I've been on the undergraduate program
21 committee, which is a curriculum committee, for well over
22 five years. I'm on the honors committee, the business
23 honors advisory committee, which I've also sat on for well
24 over five years.

25 I'm not doing any university service at this time;

1 but I've been on committees.

2 Q. The two committee that you named that you're on
3 currently, are they at the school level or the department
4 level?

5 A. I'm the departmental representative for the
6 undergraduate program committee, but business honors is an
7 invited committee. It's not necessarily by department.

8 Q. It's not what?

9 A. By department.

10 Q. So when you say you're a department representative to
11 the undergraduate committee, that committee is at the
12 college or school level?

13 A. Correct.

14 Q. Do you participate in collegial assembly for Fox
15 School?

16 A. I could, but the meetings are generally when I have
17 other obligations.

18 Q. So you don't generally participate?

19 A. No. I go occasionally.

20 Q. Do you participate in the Faculty Senate?

21 A. No, but I could if I wanted to. I've applied for
22 many committees but never been selected.

23 Q. What's your educational background?

24 A. I have a Juris Doctor from the University of
25 California at Berkeley and my undergraduate degree is from

1 the University of Pittsburgh which I earned in 1973 in
2 sociology.

3 (Whereupon, the document was marked as Union
4 Exhibit No. 18 for identification.)

5 BY MS. ROSENBERGER:

6 Q. I've handed you a document marked Union Exhibit 18.
7 Do you recognize that?

8 A. Yes.

9 Q. What is it?

10 A. It's my profile which is on the web.

11 Q. It looks like it's from the Fox School of Business
12 website?

13 A. Yes, from the Fox School of Business section of the
14 website, yes.

15 Q. It mentions in the second paragraph that. "In 1989,
16 Dr. Davis joined Temple as an adjunct professor." Is that
17 accurate?

18 A. Yes.

19 Q. How long did you teach as an adjunct professor?

20 A. I taught as an adjunct from 1989 through 1992 first
21 in the English department as a writing instructor, and then
22 in 1990, I joined the Human Resources Management Department.

23 Q. Were you expected to engage in research or scholarly
24 activity as an adjunct faculty member?

25 A. No.

1 Q. When you were an adjunct faculty member, were you
2 hired to teach?

3 A. Yes.

4 Q. Was that all you did, just show up and teach your
5 classes?

6 A. I also spent a good amount of time, as anyone does,
7 counselling students, holding office hours. I worked with
8 the Dean's office to help with enrollment efforts. I was on
9 their list as a faculty member who they could send
10 prospective students to to experience courses at Temple.

11 Q. Presently as an NTT, do you go to faculty meetings,
12 departmental faculty meetings?

13 A. Yes.

14 Q. As an adjunct faculty member, were you permitted to
15 go to departmental faculty meetings?

16 A. Yes.

17 Q. How did you come to move from being an adjunct
18 faculty member to a full-time non-tenure track faculty
19 member?

20 A. There was a need in the department for someone with
21 my background and experience, and so Stuart Schmidt, who was
22 Chair of the department at the time, asked me if I would
23 consider a full-time appointment, and I said yes.

24 Q. You said that there are adjunct faculty in the
25 Department of Human Resources Management today; right?

1 A. Correct.

2 Q. Do any of them do more than just show up to teach
3 their classes and just associated with teaching?

4 A. Yes.

5 Q. What do they do?

6 A. For example, Ken Riemer, who's been a colleague for
7 16 years, has been the advisor for our student chapter of
8 the Society for Human Resources Management, S-H-R-M, which
9 we call SHRM, for 12 of those 16 years. He and I also have
10 worked together to develop the Capstone course for the
11 Business Management major, which also is part of my
12 department's responsibilities.

13 Q. You worked with Ken Riemer on that?

14 A. Correct, as well as Gary Blau, who is a full-timer.

15 Q. Are there any other adjunct faculty who do more than
16 just do their teaching of their classes?

17 A. Yes. Michael Guglielmo, pronounced Guglielmo, and I
18 have worked together since 1994. We developed the last
19 course that all HR seniors take, which we call the Capstone,
20 and we've worked together all these years developing it,
21 making it better, switching database platforms.

22 Mike also has been the Chair of our department
23 advisory committee, an external group of employers, and is
24 handing the reins over this year, but he's done it for at
25 least four, if not five years.

1 Q. You mentioned that he worked with you developing the
2 Capstone course?

3 A. Correct.

4 Q. So both he and Mr. Riemer did?

5 A. No; two different Capstones. One was for the
6 Business Management major, which is housed in our
7 department, but Michael Guglielmo and I worked on the
8 Capstone course for the Human Resources Management major.

9 Q. Are you familiar with something called a Metrics
10 course?

11 A. Yes.

12 Q. Have any adjunct faculty been involved in helping
13 develop that?

14 A. Yes. An outgrowth of our work together on the
15 Capstone course made it seem like a great idea to Mike to
16 carry the metrics portion of our work further, and so he
17 developed a course in metrics, which we're hoping to make
18 mandatory soon; and so in addition to teaching the Capstone
19 with me, he teaches the Metrics course.

20 Q. And when you talk about developing these courses with
21 your colleagues, as you develop, is that something that has
22 to then go through an approval process?

23 A. Yes. Would you like me to explain?

24 Q. Yes, just generally.

25 A. All new courses in the business school in the

1 undergraduate program go to the undergraduate program
2 committee of which I'm a member now, but I wasn't in the
3 '90s. That group generally refers it to a subcommittee
4 which has to vet it. Then it comes to a full committee vote
5 and then needs to be approved by the Dean's office and the
6 the Provost's office and it comes to a Board of Trustees
7 vote.

8 Q. And is that the process that was used for the two
9 Capstone courses you mentioned?

10 A. Yes.

11 Q. And is that the process that is happening now for the
12 Metrics course?

13 A. It already happened for the Metrics course. The
14 Metrics course was approved two years ago.

15 Q. Do you have employment outside of Temple?

16 A. Yes. I work as a labor and employment arbitrator and
17 I also do some consulting.

18 Q. And we've heard in previous hearings about there
19 being a policy that full-time faculty can work one day of
20 work outside. Do you follow that rule?

21 A. Yes.

22 Q. Do you know any other full-time faculty who you work
23 with who have outside employment?

24 A. Well, for example, Sam Hodge, till recently, the
25 Chair of the Legal Studies Department, has a law practice.

1 Many of the Legal Studies professors have law practices. In
2 my own department, a recently retired member who was a
3 tenure track faculty, Tom Daymont, has always had a practice
4 where he provides expert testimony in employment
5 discrimination cases.

6 Q. Since you've been a non-tenure track faculty member,
7 what campuses have you taught on?

8 A. Ambler, Fort Washington, Main and Center City.

9 Q. And when you were an adjunct faculty member, what
10 campuses did you teach on?

11 A. Ambler, Main Campus and Center City.

12 Q. What courses have you taught at Temple as a non-
13 tenure track full-time faculty member?

14 A. As a service course, many of us teach Ethics, which
15 is BA-3102. Within the Human Resources Management
16 Department, I've taught Introduction to Management, which we
17 call Management and Organization. I've taught Introduction
18 to Human Resources Management. I've taught Human Resources
19 and Public Policy, which is essentially employment law.
20 I've taught Labor Relations Strategy and Practice. I've
21 taught Power, Influence and Negotiation. I've taught
22 Managing People at Work. I've taught Communicating in
23 Organizations, which is a basic communications course, and,
24 of course, I've taught the Capstone.

25 The only course in the undergraduate curriculum I.

1 haven't taught is compensation and I haven't taught metrics
2 yet, but I assume I will teach it at some point. That's
3 every undergraduate course except for compensation.

4 Q. Did you teach any of those courses when you were an
5 adjunct faculty member?

6 A. Yes. I taught Introduction to Management. I taught
7 Introduction to Human Resources. I taught Power, Influence
8 and Negotiation. I taught maybe one other, but it was a
9 very long time ago.

10 Q. Do adjunct faculty members in the current day teach
11 any of the courses that you listed that you've taught as a
12 non-tenure track faculty member?

13 A. Yes.

14 Q. Can you give some examples?

15 A. Sure. Communicating in Organizations is taught by
16 Dominique Klieger, who is a Vice Provost and has other
17 administrative responsibilities, along with Carly
18 Pappenburg. They've taught that course for many years.
19 Carly is responsible for some instructional design in our
20 online program. So they've taught those courses.

21 Labor Relations Strategy and Practice is taught by an
22 adjunct, as well as me, Alex Godun. HR and Public Policy
23 Reed Employment Law has also been taught by Debra Casey, who
24 used to be an adjunct but is currently an NTT, and has also
25 been taught by a woman whose name I don't remember off the

1 top of my head.

2 Managing People at Work has been taught by Ken
3 Riemer, and Ken has also taught the Capstone a few times.

4 Q. You mentioned a Professor Guglielmo. You mentioned
5 that you worked with him on developing the one course.

6 A. Yes; and Mike has taught both Metrics and the HR
7 Capstone since -- well, Metrics the last five or six years
8 and the HR Capstone since '94-'95.

9 Q. As a non-tenure track faculty member teaching
10 classes, do you develop syllabi for your classes?

11 A. Yes.

12 Q. Did you do that when you were an adjunct?

13 A. Yes.

14 Q. And do adjunct faculty do that today?

15 A. Yes.

16 Q. Do you develop assignments today? Do you develop
17 assignments for your students?

18 A. Yes, I do.

19 Q. Did you do that when you were an adjunct faculty
20 member?

21 A. Yes, I did.

22 Q. And do adjunct faculty do that today?

23 A. Yes, they do.

24 Q. Do you currently choose readings and texts for your
25 student classes?

1 A. Yes.

2 Q. And did you do that when you were an adjunct faculty
3 member?

4 A. Yes, I did.

5 Q. Do adjunct faculty members do that today?

6 A. Yes.

7 Q. Do you currently perform research to prepare to teach
8 your classes?

9 A. Yes.

10 Q. Did you do that when you were an adjunct faculty
11 member?

12 A. Of course.

13 Q. And do adjunct faculty members do that today?

14 A. Yes.

15 MS. FARMER: Objection. How does she know
16 what adjunct faculty members do today? She's not an adjunct
17 faculty member.

18 MS. ROSENBERGER: I'll lay some foundation.

19 BY MS. ROSENBERGER:

20 Q. Do you work in close proximity with adjunct faculty
21 members?

22 A. Yes.

23 Q. You mentioned developing courses with a couple of
24 them.

25 A. Yes.

1 Q. Do you have occasion to interact with them about the
2 courses they're teaching?

3 A. Yes, including this morning.

4 Q. Is there any adjunct faculty member with whom you
5 coordinate the teaching of any course?

6 A. Yes; Michael Guglielmo, Ken Riemer, Alex Godun.

7 Q. And are you coordinating the teaching of those
8 courses because you both teach them?

9 A. Yes.

10 Q. Do you deliver material to your students in your
11 classes?

12 A. Yes.

13 Q. Whether through lecture or other means?

14 A. Yes.

15 Q. Did you do that when you were an adjunct faculty
16 member?

17 A. Yes.

18 Q. Do you know whether adjunct faculty members do that
19 today?

20 A. Yes.

21 Q. Do they?

22 A. Yes.

23 Q. Do you write exams and other forms of evaluating
24 students' comprehension of the course material?

25 A. Yes.

1 Q. Did you do that when you were an adjunct faculty
2 member?

3 A. Yes.

4 Q. And do you know whether adjunct faculty members do
5 that today?

6 A. Yes.

7 Q. And do they?

8 A. Yes.

9 Q. Are you responsible to submit grades for the students
10 in the classes you teach?

11 A. Yes.

12 Q. Were you as an adjunct faculty member?

13 A. Yes.

14 Q. And are adjunct faculty members expected to do that
15 today?

16 A. Yes.

17 Q. Have you ever had occasion to write recommendations
18 or references for students as an NTT?

19 A. Yes, I have.

20 Q. And did you ever have occasion to do that as an
21 adjunct faculty member?

22 A. Yes.

23 Q. And do you know whether other adjunct faculty members
24 do that today?

25 A. Yes, I do.

1 Q. And do they?

2 A. Yes.

3 Q. Are you responsible for following university policies
4 about progress reports for, for example, student athletes or
5 students who are in the ROTC today?

6 A. Yes.

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

8 A. Yes.

9 Q. And do adjunct faculty have to do that today?

10 A. Yes.

11 Q. Do you have an office?

12 A. Yes.

13 Q. Where is it located?

14 A. 345 Alter Hall.

15 Q. And is Alter Hall where the Fox School of Business is
16 located?

17 A. That's correct.

18 Q. And did you have office space in the Fox School when
19 you were an adjunct faculty member?

20 A. Yes, I did.

21 Q. Is your office that you have today your own or do you
22 share it?

23 A. It's my own.

24 Q. And when you were an adjunct faculty member, did you
25 have your own office or did you share?

1 A. I shared it.

2 Q. And do adjunct faculty have office space in the Fox
3 School today?

4 A. Yes.

5 Q. Their own offices or shared?

6 A. Shared.

7 Q. And are their offices in the same suite with full-
8 time faculty?

9 A. Yes.

10 Q. Are you evaluated by the students in your classes?

11 A. Yes.

12 Q. In what format?

13 A. There's a student survey which used to be paper. Now
14 it's electronic referred to as EFFS.

15 Q. We've heard them referred to as SFF, Student Feedback
16 Form.

17 A. Maybe I have it wrong. Yeah, SFF.

18 Q. Is that what you're thinking of?

19 A. Yeah.

20 Q. Did you have to be evaluated with an SFF when you
21 were an adjunct faculty member?

22 A. Yes. All teachers are.

23 Q. All teachers, including adjunct faculty members?

24 A. Yes.

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

1 A. Yes.

2 Q. Were you subject to that as an adjunct faculty
3 member?

4 A. Of course.

5 Q. And are adjunct faculty subject to that today?

6 A. Yes.

7 MS. ROSENBERGER: That's all I have on
8 direct.

9 MS. FARMER: I'd like a break, please.

10 HEARING EXAMINER POZNIAK: Off the record.

11 (Recess.)

12 HEARING EXAMINER POZNIAK: Back on the
13 record.

14 MS. FARMER: We have no questions of this
15 witness.

16 HEARING EXAMINER POZNIAK: You can step down,
17 ma'am. Thank you.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 MS. ROSENBERGER: We would like to move for
21 admission of Union Exhibits 17 and 18.

22 HEARING EXAMINER POZNIAK: Any objection?

23 MS. FARMER: No.

24 HEARING EXAMINER POZNIAK: Union 17 and 18
25 are admitted into the record.

1 (Whereupon, the documents marked as Union
2 Exhibits Nos. 17 and 18 were received in
3 evidence.)

4 HEARING EXAMINER POZNIAK: Anything else?

5 MS. ROSENBERGER: That completes our
6 rebuttal.

7 HEARING EXAMINER POZNIAK: Does Temple have
8 anything else?

9 MS. FARMER: Yes. We'll have additional
10 testimony. We need an additional day.

11 HEARING EXAMINER POZNIAK: Off the record.
12 (Discussion off the record.)

13 HEARING EXAMINER POZNIAK: Let's go back on
14 the record.

15 So it's my understanding that Temple wants
16 another day of hearing in this case. Is that correct?

17 MS. FARMER: Yes.

18 HEARING EXAMINER POZNIAK: Can I have an
19 offer of proof as to what you're going to present?

20 MS. FARMER: We intend to -- again, some of
21 what we present may depend on whether we can work out these
22 stipulations, but we intend to present probably at least one
23 witness that would be responding to some of the testimony
24 that was put on by the Union, and additional witnesses that
25 are not directly rebuttal are going to depend on whether we

1 can work out this stipulation, because we have heard from
2 several witnesses who have said things that our witnesses
3 have testified about apply across the different schools and
4 colleges without putting on witnesses from every school and
5 college, and whether we need to put on additional witnesses
6 is going to depend to what extent the Union will stipulate
7 to some of that.

8 MS. ROSENBERGER: Can I ask what the subject
9 matter of the stipulation is? Is it as to certain things
10 being consistent across schools and colleges?

11 MS. FARMER: Correct. So, for example, there
12 was testimony from Mike Sitler about the way things exist in
13 terms of who serves on committees and things like that, and
14 you in your testimony raised certain questions saying this
15 is in CPH. So we'd be looking at stipulations that similar
16 things exist in other schools and colleges without having to
17 put on a witness from every school and college to say these
18 are the rules that apply or this is how things occur.

19 HEARING EXAMINER POZNIAK: So if I understand
20 what you're asking for, you're saying you need another day
21 for surrebuttal testimony and new testimony that hasn't been
22 covered?

23 MS. FARMER: Correct. So some of that --

24 HEARING EXAMINER POZNIAK: Well, how did you
25 not know that you would need that before today, the new

1 evidence?

2 MS. FARMER: Well, again, we've raised this
3 issue about doing a stipulation or an offer of proof before
4 today.

5 MS. ROSENBERGER: And I said I was willing to
6 hear any stipulations before today a long time before today
7 and I haven't received any stipulations.

8 HEARING EXAMINER POZNIAK: Well, we need to
9 get this resolved. This is a representation petition. So I
10 encourage you to do that immediately; and if you need
11 another day, contact -- I can set it up. You can contact me
12 directly.

13 MS. FARMER: Okay.

14 HEARING EXAMINER POZNIAK: Because Linda is
15 gone. I don't know if you guys knew that. So I guess
16 contact me as soon as you get some dates lined up and I'll
17 try to maybe juggle things around for another day.

18 MS. FARMER: Okay.

19 HEARING EXAMINER POZNIAK: But I would
20 encourage you to immediately resolve anything that you can
21 by way of stipulation.

22 MS. FARMER: Okay.

23 HEARING EXAMINER POZNIAK: Is there anything
24 else today?

25 MS. FARMER: No.

1 MS. ROSENBERGER: No.

2 HEARING EXAMINER POZNIAK: Okay. We're off
3 the record.

4 (Whereupon, at 2:20 p.m., the hearing was
5 adjourned, to be reconvened at a time and date to be
6 determined.)

7 ***

8 C E R T I F I C A T E

9 I hereby certify, as the stenographic
10 reporter, that the foregoing proceedings were taken
11 stenographically by me, and thereafter reduced to
12 typewriting by me or under my direction; and that this
13 transcript is a true and accurate record to the best of my
14 ability.

15
16
17 COMMONWEALTH REPORTING COMPANY, INC.

18
19 By: Sandra J. Milus
20 Sandra J. Milus

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