

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

- - - - - X

IN THE MATTER OF THE EMPLOYES OF
TEMPLE UNIVERSITY

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

- - - - - X

Pages 1 through 203

Hearing Room 5
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania

Thursday, March 19, 2015

Met, pursuant to notice, at 10:08 a.m.

BEFORE:

JOHN POZNIAK, HEARING EXAMINER

APPEARANCES:

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1 C O N T E N T S

2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Christopher M. Rabb	29	49, 62	--	--
4	Donald J. Deeley	65	76	100	101
5	David White	104	118	--	--
6	Carrie Young	134	146	--	--
7	Margaret Avenier	151	162	--	--
8	Jennie Shanker	170	192	201	--

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11 E X H I B I T S

12	<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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13 JOINT:

14	1 (Stipulation - Unit Description)	8	8
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15 UNION:

16	1 (Internet press release - Adjunct	42	--
17	Professor Chris Rabb - March 27, 2014)		
18	2 (Employment/appointment offer -	47	--
19	Christopher Rabb, January 21, 2015)		
20	3 (Employment/appointment offer -	73	--
21	Donald Deeley - November 24, 2014)		
22	4A (Employment/appointment offer -	115	--
23	David White - July 19, 2013)		
24	4B (Employment/appointment offer -	115	--
25	David White - December 9, 2013)		

E X H I B I T S

(Continued)

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
4 <u>UNION</u> (Continued):		
5 4C (Employment/appointment offer -	115	--
6 David White - November 3, 2014)		
7 Comparison)		
8 5 (Most Supportive Faculty	142	--
9 re: Carrie Young)		
10 6 (Certificate of appreciation -	142	--
11 re: Carrie Young, April 26, 2012)		
12 7A (Employment/appointment offer -	144	--
13 Carrie Young - November 27, 2013)		
14 7B (Employment/appointment offer -	144	--
15 Carrie Young - November 21, 2014)		
16 8A (Employment/appointment offer -	159	--
17 Margaret Avenier - December 9, 2014)		
18 8B (Employment/appointment offer -	159	--
19 Margaret Avenier - August 13, 2014)		
20 B. May 12, 2011		
21 9 (Courses taught at Tyler by	173	--
22 Jennie Shanker)		
23 10 (E-mails between Jennie Shanker	182	--
24 and Margaret M. Carney)		
25		

E X H I B I T S

(Continued)

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>TEMPLE:</u>		
1	(Facebook/UAP snapshot - 1 page - 79	--
	w/photo & Comments)	
2	(UAP web site snapshot - 1 page - 85	--
	w/photos & comments)	
3	(Authorization/membership card) 80	--
4	(UAP web site snapshot - 4 pages - 86	--
	newsletter - captioned "We Want a	
	Union at Temple" w/photos & comments)	
5	(Facebook/UAP snapshot - 1 page - 88	--
	w/photos & comments)	
6	(Facebook/UAP web site snapshot - 90	--
	1 page w/photos & comments)	
7	(Facebook/UAP web site snapshot - 92	--
	1 page - w/photos w/comments)	
8	(Facebook/UAP web site snapshot - 94/95	--
	1 page - w/photo w/comments)	
9	(UAP web site snapshot - 4 pages - 96	--
	captioned "We Want a Union at Temple"	
	w/photos & comments)	
10	(UAP web page snapshot - 1 page - 98	--
	w/photos & comments)	

E X H I B I T S

(Continued)

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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TEMPLE (Continued):

11 (E-mail - Carrie Young)	147	--
12 (Facebook/United Academics of Philadelphia snapshot - 1 page - w/photograph & comments)	193	--
13 (Internet snapshot/posting - 1 page - United Academics of Philadelphia)	199	--
14 (Facebook snapshot - "People Who Like This" - 1 page - re: Union Exhibit 13 Facebook posting)	199	--
15 (Comments by Denise Cummins - re: PBS Newshour - captioned "Why the backlash against adjuncts is an indictment of the tenure system - 8 pages)	200	--

1 P R O C E E D I N G S

2 HEARING EXAMINER JOHN POZNIAK: All right,
3 we're on the record in the Matter of the Employees of
4 Temple University. The case number is PERA-R-14-400-E.
5 My name is John Pozniak and I'm the Hearing Examiner
6 that's been appointed by the PLRB to hear this case.
7 At this point I would ask the attorneys to introduce
8 themselves for the record starting with the Union.

9 MS. ROSENBERGER: Good morning. My
10 name is Amy Rosenberger. I'm with the Law Firm of
11 Willig, Williams and Davidson. And with me today is
12 Lauren Hoyer, who will also be presenting on behalf of
13 the Union.

14 MR. LANGE: John Langel from the Law Firm
15 of Ballard Spahr. I'm joined by Shannon Farmer also of
16 Ballard Spahr, and Meredith Swartz also of Ballard Spahr.

17 HEARING EXAMINER: And will the parties
18 stipulate that Temple is a public employer?

19 MR. LANGE: Yes.

20 MS. ROSENBERGER: Yes.

21 HEARING EXAMINER: And that the Union is an
22 employee organization?

23 MR. LANGE: That the Temple Association of
24 University Professionals is an employee organization, the
25 petitioning party, correct.

1 MS. ROSENBERGER: Yes.

2 HEARING EXAMINER: And the parties have
3 handed up a joint Stipulation that I'm going to mark as
4 J-1 and that will be admitted into the record as far as
5 the unit description goes.

6 [Whereupon, the document was marked as
7 Joint Exhibit No. 1 for identification
8 and was received in evidence.]

9 HEARING EXAMINER: Would you like to make a
10 brief opening?

11 MS. ROSENBERGER: Yes. The Temple
12 Association of University Professionals, American
13 Federation of Teachers Local 4531, is the certified
14 bargaining agent for certain professionals at Temple
15 University. I'm going to go into a little background so
16 that you -- that will address some of the evidence you
17 will hear subsequent to today so that today's testimony
18 makes sense to you in context.

19 The existing bargain unit includes full-
20 time employees only, full-time faculty, full-time
21 librarians, and full-time academic professionals in
22 certain schools and colleges within Temple University in
23 the United States. Temple has other campuses outside of
24 the United States that are excluded from the bargaining
25 unit, and Temple's United States campuses are in

1 Pennsylvania. The schools and colleges that are included
2 within the TAUP bargaining unit are all of them except the
3 School of Medicine, the School of Podiatric Medicine, the
4 School of Dentistry and the School of Law. The rest of
5 the schools and colleges are in the TAUP bargaining unit.
6 You will hear that there are just over -- a bit over
7 fourteen hundred employees in the bargaining unit, the
8 majority of whom are faculty, full-time faculty. Over
9 five hundred and fifty are tenured faculty. Just over two
10 hundred are tenure track faculty, so folks who are working
11 their way with the hope of getting tenure. And then about
12 -- something over six hundred are full-time what are
13 called non-tenure track faculty, who are hired for a
14 contract term, and don't have the possibility of achieving
15 tenure. Then, in addition, there are over fifty non-
16 faculty librarians and academic professors.

17 The faculty, the tenure track and tenured
18 faculty in the bargaining unit, have what is called --
19 you'll hear about -- you'll hear mention of the tripartite
20 mission of teaching, research, and what is sometimes
21 called scholarship or creative activity, and service to
22 the university and the community. Non-tenure track
23 faculty typically are hired to perform in one of those
24 areas or predominantly in one of those areas. And the
25 librarians and professionals don't have that tripartite

1 type mission as part of their function at the university.

2 The petition that is filed here seeks an
3 election among part-time faculty at Temple, who are
4 referred to at Temple as adjunct faculty, to see whether
5 -- for them it's self-determination to determine whether
6 they want to be represented by the Temple of Association
7 of University Professionals, the certified bargaining
8 agent, and included in the existing bargaining unit. The
9 petition seeks to accrete into the existing bargaining
10 unit -- to have an election to accrete into the existing
11 bargaining unit the adjunct faculty at the schools and
12 colleges that are listed in the TAUP bargaining unit.

13 The petition filed under the Board's
14 Westmoreland Intermediate Unit case that talks about how
15 the existing bargaining unit isn't subject to challenging
16 these proceedings, but all that is to happen is if the
17 Board finds that there is a community of interest between
18 the petition's core employees and the employees in the
19 existing bargaining unit, the language in Westmoreland
20 Intermediate Unit is that the Board shall direct an
21 election among the petition's employees -- the petition
22 for employees. So from our standpoint the only issue
23 that's properly before you in this case is whether there
24 is a community of interest between the petition for
25 employees and the employees in the Temple Association of

1 University Professionals bargaining unit.

2 As you know, I believe, the threshold for
3 establishing an identifiable community of interest under
4 the Public Employee Relations Act is not a high one. It
5 does not require perfect uniformity in conditions of
6 employment, and can exist despite differences in wages,
7 hours, working conditions and other factors. That's the
8 language that's been used by the Board and the courts in
9 countless cases.

10 Here the evidence will show that there is
11 similarity in work performed, educational and skills
12 requirements, available benefits, working conditions,
13 interchange of employees and supervision. There's not
14 perfect uniformity, but there doesn't have to be perfect
15 uniformity.

16 Today in particular -- we're expecting this
17 to go more than one day of hearing. Today you're going to
18 hear from several -- six -- we're hoping to get through
19 six adjunct faculty members who will talk about their work
20 performance, teaching, research and service activities,
21 their educational background, their working conditions,
22 which are similar to, and in some cases identical to,
23 those of the employees in the existing bargaining unit.
24 You'll also hear about the interchange between adjunct
25 faculty and full-time faculty.

1 And then we're anticipating another partial
2 day of hearing on our case. At a second day of hearing we
3 don't expect to take the entire day, but will present
4 additional evidence on that day at which you'll hear more
5 about those factors, in addition to similarities in
6 available benefits and supervision.

7 Based on this evidence there is an
8 identifiable community of interest between the employees
9 in the existing unit and the part-time faculty at issue in
10 the accretion petition. So our request would be that you
11 direct an election among the adjunct faculty to determine
12 whether they choose to be represented by TAUP in the
13 existing bargaining unit.

14 Now, you heard before we went on the record
15 today that there are some additional issues raised by
16 Temple with regard to the question of accretion, -- and
17 then the issue that Temple is raising about whether this
18 accretion of only some adjunct faculty is appropriate.
19 This is a -- as in any Westmoreland -- the unit
20 clarification in the Westmoreland Intermediate Unit
21 accretion case -- the union doesn't have to go after
22 everybody who might be appropriately included in the unit.
23 And typically the Board takes the existing unit as they
24 find it. Westmoreland Intermediate Unit specifically says
25 that the existing unit is not subject to challenge in this

1 proceeding, -- and, therefore, accreting adjunct faculty
2 from the same schools and colleges that are included in
3 the TAUP bargaining unit is appropriate.

4 To the extent that Temple is raising a
5 question about the organizing drive, and specifically what
6 they have -- the effectual issues that they've raised with
7 regard to the entity or entities that were named on a
8 designee card that they have seen, or cards, that's
9 nothing but an attempt to attack the showing of interest
10 in this case, which is not permitted under the Board's
11 Rules and Regulations, specifically under Section 95.17 of
12 the Board's Rules and Regulations. So any testimony or
13 evidence about that is inappropriate here.

14 As to the issue that Temple has raised with
15 regard to the department chairs, -- as I understand it
16 their contention is that because department chairs -- it's
17 undisputed -- and by the way, we are working on some
18 factual stipulations which I think both parties hope will
19 streamline the overall presentation here, -- that
20 hopefully will be placed into the record at the next day
21 of hearing. One of those factual stipulations that I'm
22 expecting would be agreed to is that the department chairs
23 in the TAUP bargaining unit effectively recommend hiring
24 and reappointment of adjunct faculty in their departments.

25 Temple has asserted that because of that

1 fact there would be a conflict of interest if they were
2 included -- if adjunct faculty were included in the same
3 bargaining unit with department chairs. There's a very
4 simple reason why that's not the case. First of all, the
5 legal ramification of a determination that department
6 chairs are supervisors, or are -- as is at issue in
7 another case pending before the Board right now, are
8 managerial employees, is to exclude those department
9 chairs. It is not -- the remedy for that is not to
10 exclude the purported or the actually supervised
11 employees. Secondly, however, the statutes that we're
12 operating under here, the Public Employee Relations Act,
13 contemplates that there will be circumstances when
14 somebody who is performing supervisory functions will be
15 in the same bargaining unit with other bargaining unit --
16 other non-supervisory employees who may perform -- with
17 respect to who may perform some supervisory functions.
18 Specifically under Section 604, Subsection 5 of the
19 statute, the Act directs the Board to take into
20 consideration, when determining supervisory status, how
21 much time is spent on supervisory functions versus non-
22 supervisory functions. And in the Board's case law and
23 court decisions that have flowed from that there are
24 instances where someone performs some supervisory
25 functions, and yet is included in the bargaining unit with

1 those they supervise. So as a legal matter there's not
2 really a factual dispute about any of that. It's a legal
3 argument, but as a legal matter that's not a reason to
4 exclude the adjunct faculty from the TAUP bargaining unit
5 should they vote to be included.

6 With that hopefully I've addressed all of
7 the issues that Temple is raising here. We're prepared to
8 present evidence on the only issue which we believe is
9 properly before you, which is the community of interest
10 issue.

11 HEARING EXAMINER: Thank you. Mr. Langel?

12 MR. LANGEL: Yes, good morning. The
13 instant petition for accretion of adjunct faculty into the
14 full-time faculty unit by TAUP presents at least four
15 issues. Those issues are critical threshold issues that
16 relate to the Petition of TAUP, meaning the union listed
17 on the petition; and it is an issue that relates to
18 misrepresentation based on the cards we believe the
19 individuals signed, that appear on the web page of the
20 union, and misrepresentation in connection with obtaining
21 the signatures. And the Board has allowed that issue in
22 the context of this type of hearing to be raised, and has
23 made the determination that that is a threshold issue. I
24 would point you to the Department of Corrections case
25 decided by the Board in 1990, and I'll give you that cite

1 leave today. So that's a critical and threshold issue
2 that has to be decided.

3 The second issue is a lack of identifiable
4 community of interest between the adjunct and the full-
5 time faculty such that accretion is inappropriate. There
6 is an inherent conflict of interest between adjuncts and
7 full-time faculty considering the role of full-time
8 faculty in shared governance at the university.

9 The fact that the direct supervisors of the
10 adjuncts are the department chairs, and that department
11 chairs currently are bargaining unit members, also
12 supports the decision that adjuncts can't join the full-
13 time faculty bargaining unit.

14 And the fourth is the over-fragmentization
15 that would result if this accretion were granted which
16 goes against Board precedent favoring bargaining units,
17 and that comes because the Petitioner has sought to
18 include adjuncts at some, but certainly not all, of the
19 schools at the university, -- even though adjuncts are
20 treated uniformly at all of the schools and colleges at
21 the university, and are employees of Temple University at
22 large.

23 Let's turn to the first issue. The
24 Petition for Representation which was amended on two
25 occasions was filed by TAUP as an accretion. An amendment

1 was filed even after the university raised this issue as
2 to whether TAUP was the appropriate petitioning party. As
3 a standard the petition provides that 30% or more of the
4 employees wish to be represented by TAUP. It provides
5 that the 30% are supported by authorization cards, and
6 states that the employee organization is Temple
7 Association of University Professionals. The
8 authorization cards that we have seen, and which we will
9 ask the witnesses about when we have an opportunity, and
10 the authorization card that appears on the relevant web
11 site, shows that there is a conflict between the
12 Representation Petition filed by TAUP and the
13 authorization cards. What we've seen asserts that the
14 adjuncts are organizing to be represented by TAUP and a
15 union known as United Academics of Philadelphia, which is
16 the local AFT, specifically Local 9608. It is a union
17 dedicated to organizing adjunct professors. The
18 authorization card language authorizes "TAUP, UAP" as the
19 exclusive representative. It does not authorize TAUP to
20 be the petitioning party. The card we've seen states, "By
21 signing below, I hereby authorize Temple Association of
22 University Professionals, United Academics of
23 Philadelphia, AFT-PA, AFL-CIO to be my exclusive
24 representative for purposes of collective bargaining with
25 my employer." On the UAP web site it states, "at the end

1 of last semester we," meaning UAP, "filed with the
2 Pennsylvania Labor Relations Board for an election to have
3 a union. Adjuncts would be joining the Temple Association
4 of University Professionals (TAUP), the full-time faculty
5 union at Temple, and United Academics of Philadelphia
6 (UAP) the metro-wide union for adjunct faculty."
7 Therefore, the authorization cards on which TAUP relies
8 for its showing of interest does not authorize TAUP to act
9 as the signers of the cards collective bargaining
10 representative. The petition, therefore, must be
11 dismissed if we're correct that the cards we think were
12 signed were the actual cards that were signed because TAUP
13 is not the designated representative.

14 The next issue, and again one that the
15 Board has recognized as appropriately raised, in the
16 context of a hearing just like this, is what we call
17 "confusion reigns." The organizing campaign that UAP has
18 engaged in has, at best, created confusion. TAUP put on
19 its Facebook page a link to an AFT article that states,
20 "Adjunct faculty at Temple University filed authorization
21 cards on December 17th with the Pennsylvania Labor
22 Relations Board seeking union representation with the
23 United Academics of Philadelphia," which is the AFT's
24 Philadelphia area local for adjunct faculty, and the
25 Temple Association of University Professionals, which is

1 the AFT affiliated union for Temple's full-time tenure
2 track and non-tenure track faculty. There is a video of
3 Temple adjuncts appearing on the day they filed the
4 petition with the PLRB saying that they are filing a
5 petition to be represented by UAP. There is no mention in
6 that video, which is on their web page, that they were
7 filing, or that there was filing to be represented by
8 TAUP.

9 The materials we have seen suggest the
10 adjuncts want to form a separate adjunct unit, not a unit
11 with full-time faculty. You'll hear evidence throughout
12 this case that adjunct faculty members are quoted in the
13 campaign materials as supporting an adjunct union, or a
14 union of adjunct professors, -- again, not to be part of a
15 unit of full-time faculty.

16 So relying on the foregoing we don't
17 believe that TAUP can bring this petition because the
18 adjuncts have only authorized an entity known as "TAUP
19 UAP" to be their exclusive representative, an entity that,
20 as far as we know, does not exist. Moreover, they've
21 promoted that they are seeking an adjunct unit represented
22 by UAP.

23 Now, could they simply amend and come to
24 you and say, "We want to accrete the adjuncts into the
25 full-time faculty bargaining unit under the title 'TAUP

1 UAP'," and have the petition filed by TAUP UAP? The
2 answer is, "No, they can't." And the reason they can't is
3 that TAUP, UAP does not represent anyone at Temple. And
4 Amy cited to you Westmoreland a few times. Westmoreland
5 Intermediate Unit states that accretion, which is what
6 this case is, is only permissible when the existing union,
7 in this case TAUP, seeks to accrete unrepresented
8 employees totalling more than 15% of the existing unit
9 -- into the existing unit. TAUP could be the only
10 petitioning party, but unfortunately they can't be in this
11 case because the cards don't authorize TAUP to proceed.
12 "TAUP, UAP," which is what the cards authorize as the
13 entity that can proceed, can't petition for an accretion.
14 Under Westmoreland there is no question that TAUP could
15 not seek an accretion because of what I just said to you.
16 Stated another way, TAUP, not a combination of TAUP and
17 UAP, could petition to represent the adjuncts if that's
18 what the cards said the signers of the card wanted.

19 I told you there are four issues. Let's
20 turn to issue number two, and that is whether -- if the
21 right party, TAUP, had the cards, could they accrete the
22 adjuncts into the existing bargaining unit? It would not
23 be. There are two parts to this answer. The first part
24 is that the adjuncts and full-time faculty lack an
25 identifiable community of interest. The testimony and

1 evidence throughout the hearing will show that adjuncts
2 are very different from full-time faculty in terms of
3 rights, responsibilities, and the role they play at
4 Temple. The adjuncts are not traditional part-timers
5 doing what the full-timers do, but for fewer hours.
6 Rather, their wages and benefits differ drastically.
7 Full-time faculty are paid on a salary basis. Adjuncts
8 are paid on a credit hour basis. If they teach three
9 credits they're paid a certain amount. If they teach four
10 credits they're paid a certain amount. They're not
11 salaried employees. Full-time faculty have a host of
12 benefits that adjuncts don't share in. They participate
13 in bonuses and merit awards and they have contracts with
14 specific terms. Full-time faculty have benefits related
15 to sabbaticals and work life balance which would never
16 apply in the context of adjuncts. They're very, very
17 different types of employees. The role of full-time
18 faculty, particularly when it comes to shared governance
19 of the university, are dramatically different from those
20 of adjuncts. Part of the service of full-time faculty
21 includes the expectation that full-time faculty will
22 participate in university adjuncts [sic], which adjuncts
23 do not, are not permitted to do, -- or, if they do, they
24 do as an occasional outlier. You'll hear that at Temple
25 full-time faculty are involved in what is known as the

1 "Faculty Senate." That is a body that assists in the
2 governance of the university. Full-time faculty are also
3 involved in other committees within their respective
4 schools and colleges that largely govern things like
5 promotions and merit, curriculum development, as well as
6 handling student grievances, which adjuncts do not -- are
7 not hired to do, and do not do. Full-time faculty are
8 heavily involved in the development of institutional
9 policies. Adjuncts, on the other hand, serve a limited
10 purpose and are not so involved. And it is not, as the
11 union may suggest, simply because the adjuncts have not
12 bargained to be included. Rather, it goes to the core
13 structure of the university. It goes to the role of full-
14 time faculty which leads to the second reason why adjuncts
15 do not share a community of interest.

16 The second part of the answer as to why
17 they don't share a community of interest is there is a
18 conflict of interest between adjuncts and full-time
19 faculty. This is not something the university is
20 developing on its own. There are numerous scholarly
21 articles on the issue, and actually you will see that
22 there are articles that have been identified by UAP on the
23 issues. Among other things, in the context of discussing
24 job security, in the very last negotiation that resulted
25 in a contract between TAUP and the university in October

1 of 2014 TAUP's chief negotiator, in the last round of
2 negotiations, told the university's chief negotiator that
3 any flexibility the university needed to have in order to
4 decide to hire fewer faculty it got from the flexibility
5 it had to hire or not hire adjuncts. In the context of
6 seeking greater job security for its non-tenured track
7 faculty TAUP argued that the university was always free
8 not to employ adjuncts. It pitted its full-time non-
9 tenure track faculty against the adjuncts it now seeks to
10 represent. Some of the decisions that faculty help make
11 when participating in shared governance may run, and do
12 run, counter to the best interests of adjuncts. For
13 example, full-time faculty are involved with curriculum
14 changes within departments. They are making
15 recommendations regarding the curriculum that do undermine
16 at times the need for courses that adjuncts teach. So
17 they are the decision makers. They are effective
18 recommenders of changes in curriculum that take courses
19 from the adjuncts they now seek to include. In addition,
20 full-time faculty have recommended increasing the full-
21 time faculty at the expense of the adjuncts. As well they
22 have asked that full-time faculty, as opposed to adjuncts,
23 be hired in the summer. You'll hear evidence on both of
24 those issues.

25 So on the conflict issue there's another

1 issue, -- and I find it interesting that Amy says that the
2 Community College of Philadelphia is outdated. It's
3 actually cited, and it's cited for the proposition that
4 you need to look at the numbers of employees that the
5 existing bargaining unit seeks to accrete, and not just
6 with respect to the 15%; but, all of a sudden you're going
7 to have almost as many adjuncts, according to the
8 petition, lopped on to a unit of full-time faculty. And I
9 note that the full-time faculty don't get a say as to
10 whether the adjuncts should be lopped on to their bargain
11 unit. The proposed accretion of adjuncts could almost
12 double the existing unit. This creates a risk that the
13 adjuncts would start sacrificing full-time faculty rights
14 and benefits in order to negotiate more favorable terms
15 for themselves. Note again that the full-time faculty do
16 not get a say as to whether the adjuncts, who have very
17 different interests than the full-time faculty -- they get
18 no say as to whether the adjuncts get to join them.

19 Let me turn to issue number three. The
20 adjuncts cannot be added to a unit that contains their
21 supervisors. Department chairs are their supervisors.
22 They're not occasional supervisors. They are the
23 supervisors that hire, that fire, that evaluate -- who
24 evaluate, and TAUP has conceded this point in its briefs.
25 So right now, and what it has argued is, department chairs

1 are really not very much different than full-time faculty.
2 So, therefore, department chairs shouldn't be considered
3 supervisors. But factually right now there is a finding
4 that department chairs are the supervisors, and to move
5 the adjuncts into that bargaining unit where department
6 chairs exist creates a conflict of interest.

7 The PLRB must evaluate the current petition
8 as the terms and conditions of employment exist today, --
9 and not what they might be if chairs are removed, or what
10 they might be if they were unionized. I'm getting near
11 the end.

12 I'll turn to issue number 4, and that is
13 that the addition of some, but not all, adjuncts employed
14 by Temple could result in over-fragmentation. TAUP is
15 petitioning to represent only a portion of the adjuncts,
16 even though all of the adjuncts at the university are
17 employed by one entity, the university, in accordance with
18 one set of wages, one set of benefit policies, one set of
19 terms and conditions. All, not just some, are treated the
20 same way. At the university all schools are also treated
21 the same from the university standpoint in terms of
22 overall governance. There's a Board of Trustees. There's
23 a President. There's a Provost. There's a Council of
24 Deans. And all of the schools and colleges participate in
25 the same way in that. At the university the Faculty

1 Senate, which is the faculty governing body, is at the
2 heart of a large university at Temple. All of the
3 faculty, not just some of the faculty, are in the Faculty
4 Senate. Furthermore, the adjuncts in all of the schools
5 and colleges are treated identically with respect to all
6 elements of a community of interest. There's no
7 separation between TAUP schools and colleges and non-TAUP
8 schools. There's one adjunct policy. There's one adjunct
9 procedure. There's one procedure for appointment. It's
10 uniform throughout. They have common benefits, payroll,
11 HR management functions. There's a centralized university
12 structure for all schools at the university and all of the
13 adjuncts are part of that one system. To ignore the
14 remaining adjuncts at Temple would violate the Board's
15 well-established policy against over-fragmentation. It is
16 inappropriate to create a unit of only a subset of the
17 adjunct faculty, and the offer or proof is that we'll show
18 that there is no basis for doing so. Amy is right. The
19 Board has interpreted PERA to favor the broadest unit
20 possible. The broadest unit possible is all adjuncts, and
21 not a convenient selection orchestrated by TAUP in order
22 to add to its membership. Thank you.

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

25 MS. ROSENBERGER: Yes. Although I have a

1 factual stipulation to offer that may help streamline
2 today's presentation, and it has to do with -- Mr. Langel
3 mentioned some language on the cards that were submitted
4 to the Board. And I can confirm -- I think he read off
5 exactly what I'm about to read, that the designee cards
6 that were submitted to the Board said, "By signing below,
7 I hereby authorize Temple Association of University
8 Professionals, United Academics of Philadelphia, AFT-PA,
9 AFT, AFL-CIO to be my exclusive representative for
10 purposes of collective bargaining with my employer." So
11 to the extent that there was going to be any questioning
12 about that I think we can stipulate to that and that may
13 streamline things.

14 MR. LANGEL: I don't know that will
15 streamline any of the cross-examination, but I would hope
16 that that's not going to be the only stipulation in that
17 regard. Can we also stipulate that there is no entity, no
18 legal entity of "TAUP, UAP"?

19 HEARING EXAMINER: Well, why don't we
20 handle one at a time. Is that stipulation agreeable?

21 MR. LANGEL: What? That that's what the
22 card says?

23 HEARING EXAMINER: Yes.

24 MR. LANGEL: Not that it would avoid any
25 testimony. That'll be your determination, but we will

1 stipulate that is what the card is that they signed, yes.

2 HEARING EXAMINER: And you want to offer
3 another one?

4 MR. LANGBL: I want to know if there is a
5 legal entity known as "TAUP UAP"?

6 MS. ROSENBERGER: That has that name?

7 MR. LANGE: Yes.

8 MS. ROSENBERGER: No.

9 HEARING EXAMINER: Is that agreeable?

10 MR. LANGE: Yes.

11 HEARING EXAMINER: Okay.

12 MR. LANGE: And that -- you have it
13 already -- that entity, or those entities that are in the
14 card are not the petitioning party before you.

15 MS. ROSENBERGER: And again I would note
16 that is an attempt to showing of interest, which is up to
17 the Board, and isn't to be done in this hearing under the
18 Board's Rules and Regulations. Then...

19 MR. LANGE: That also is a legal issue.
20 And there is case law, clear case law, that is not an
21 attack on the showing of interest. That is an attack as
22 to whether that card is appropriate for a petition filed
23 by TAUP.

24 HEARING EXAMINER: Well, this sounds like
25 to argument to me.

1 MS. ROSENBERGER: That sounds like -- yeah,
2 it sounds to me like it's a legal issue as opposed to a
3 factual one.

4 HEARING EXAMINER: Okay, why don't we get
5 on with your first witness?

6 MS. ROSENBERGER: Our first witness is
7 Chris Rabb.

8 [The witness approaches the witness box
9 and takes his seat in the witness box.]

10 [The witness was sworn.]

11 Whereupon,

12 CHRISTOPHER RABB

13 having first been duly sworn, testified as follows:

14 HEARING EXAMINER: Can you state your name
15 for the record?

16 THE WITNESS: Christopher Murphy Rabb.

17 HEARING EXAMINER: Can you spell your last
18 name, please?

19 THE WITNESS: R-A-B-B.

20 DIRECT EXAMINATION

21 BY MS. ROSENBERGER:

22 Q. Are you employed by Temple University?

23 A. I am.

24 Q. In what capacity?

25 A. As an adjunct professor.

1 Q. And do you have any other employment besides your
2 employment with Temple?

3 A. I'm self-employed.

4 Q. And what's your self employment?

5 A. I have a consultancy called Visceral Ventures. So
6 I'm a consultant and speaker and writer.

7 Q. What's your educational background?

8 A. I have a Bachelor's from Yale College and a Master's
9 of Science from the University of Pennsylvania.

10 Q. Has your entire employment with Temple University
11 been as an adjunct professor?

12 A. Yes.

13 Q. How long has that been?

14 A. Going on four years.

15 Q. So do you remember when you first started?

16 A. January of 2012.

17 Q. Okay, and have you worked as an adjunct professor
18 every semester, meaning fall and spring, since January of
19 2012?

20 A. Yes.

21 Q. Have you worked any summers?

22 A. No.

23 Q. And in what school or college do you serve as an
24 adjunct professor?

25 A. The Fox School Business.

- 1 Q. In a particular department there?
- 2 A. Yes, in SGM, Strategic and General Management.
- 3 Q. And is your role -- are you employed to teach in that
- 4 department?
- 5 A. I am.
- 6 Q. Where, in terms of what campus, do you teach at?
- 7 A. The main campus.
- 8 Q. And that's in north Philadelphia?
- 9 A. Yes, it is.
- 10 Q. At the Fox School Building?
- 11 A. Yes, Alter Hall primarily.
- 12 Q. Do full-time faculty teach there as well?
- 13 A. Yes.
- 14 Q. How many courses per semester do you teach?
- 15 A. One to three.
- 16 Q. And what courses have you taught at Temple as adjunct
- 17 professor?
- 18 A. Well, I was brought in to teach a seminar on Social
- 19 Entrepreneurship, which is exclusively for undergraduate
- 20 students. And then I was asked to expand my role to teach
- 21 a new course on Creative and Innovate Thinking also for
- 22 undergrads. And I also facilitated an independent study
- 23 course in the same department which is outside of the
- 24 classroom, and I've done that for a number of semesters,
- 25 three or four.

1 Q. And what is that independent study called? Does it
2 have a particular name?

3 A. The course code is SGM 3582, and it's always around
4 the same subject, which is a field that I was brought in
5 to Temple to be the expert on, which is Social Impact
6 Business.

7 Q. Let's take those one at a time. The seminar Social
8 Entrepreneurship, you said you teach that at the
9 undergraduate level.

10 A. Yes.

11 Q. Do you know who taught it before you?

12 A. Professor T. L. Hill.

13 Q. And do you know Professor Hill?

14 A. I do.

15 Q. And he's employed by Temple obviously?

16 A. He is.

17 Q. In what capacity?

18 A. He is a full-time professor, a full-time faculty
19 member.

20 Q. And the course you described in -- does anyone -- I'm
21 sorry. Before we move on, does anybody besides you now
22 teach a seminar on Social Entrepreneurship at the
23 undergraduate level?

24 A. No.

25 Q. Is it offered at the graduate level as well?

1 A. It is.

2 Q. And who teaches it at the graduate level?

3 A. T. L. Hill.

4 Q. How about the second course you mentioned, Creative
5 and Innovative Thinking I think you said it was called?

6 A. Yes.

7 Q. Has that course been taught by other faculty?

8 A. Yes.

9 Q. Has that course been taught by any full-time faculty?

10 A. Yes.

11 Q. Who?

12 A. My Academic Director, Rob McNamee. Rob heads the
13 entrepreneurship track in SGM.

14 Q. Have you, in teaching that course, had any
15 interaction with Professor McNamee?

16 A. Significant interaction.

17 Q. In what way?

18 A. Well, that course was created to be a general
19 education course to bring in people primarily outside of
20 the Fox School of Business to generate more income and
21 more interest, and my name was listed as one of the people
22 who was conferring around the development of that course.

23 Q. You were involved in developing the course?

24 A. Not substantively.

25 Q. But conferring you said?

- 1 A. My name was----
- 2 Q. Oh, your name was attached to it?
- 3 A. I found that my name was attached to it, but I did
- 4 have discussions about the nature of the course before it
- 5 was offered, -- and in anticipation of me teaching it the
- 6 first time it was offered, which I did.
- 7 Q. And discussions with whom?
- 8 A. With the main creator, Rob McNamee.
- 9 Q. And have you -- since that course has been developed
- 10 do you teach it on your own or do you teach it in some
- 11 other format?
- 12 A. I have taught it on my own in the first iteration,
- 13 and I have technically co-taught it in its second
- 14 iteration, which is in a hybrid form where I do----
- 15 Q. And what to you mean by "hybrid"?
- 16 A. Hybrid is essentially where I do the in-class
- 17 teaching, and someone else does the on-line learning --
- 18 the on-line teaching.
- 19 Q. And who does that on-line part of that course?
- 20 A. Professor McNamee.
- 21 Q. Okay, so when you say, "hybrid" it's a hybrid of in-
- 22 class and on-line?
- 23 A. Yes.
- 24 Q. And the independent study course that you mentioned,
- 25 does anyone besides you teach that course?

1 A. No.

2 Q. Okay, is that one that you developed?

3 A. It is.

4 Q. As an adjunct professor teaching, specifically in
5 regard to what you do in teaching classes, can you sort of
6 go through what your duties are with respect to teaching?

7 A. Yes. I develop the syllabus, update it, tweak it. I
8 prepare and deliver lectures. I do research before and
9 during the semester. I facilitate in-class discussion. I
10 oversee assignments. I make assignments and readings for
11 my students. I informally mentor them, and I make myself
12 available unfortunately at all hours of the night
13 electronically, via phone, -- and I evaluate their
14 progress formally and informally, and I grade them.

15 Q. Do you -- you mentioned choosing readings. Do you
16 choose texts for your class, for example, text books?

17 A. I do.

18 Q. Are you -- with regard to what you mentioned about
19 developing the syllabus, is there any policy about what
20 you are to do with the syllabus that you're bound by?

21 A. The only -- I have been told two things. One
22 consistently is to make it my own, which I appreciated.
23 And the second thing is, if you -- if it's more than 30%
24 different than it was in the previous semester then it's
25 "let us know."

- 1 Q. Do you turn it in to anybody?
- 2 A. Yes.
- 3 Q. Who do you turn it in to?
- 4 A. To the executive assistant for that department, for
5 my department, Cassandra Saunders.
- 6 Q. And you mentioned that you -- obviously as part of
7 teaching you grade your students, right?
- 8 A. Yes.
- 9 Q. Are there policies that you have to follow with
10 regard to grading?
- 11 A. Yes.
- 12 Q. What kinds of policies?
- 13 A. -- Well, there's normally a rubric that's offered in
14 terms of how things are graded, a curve, that sort of
15 thing, and their informal recommendations about how to
16 proceed particularly with regard to students who are not
17 doing well.
- 18 Q. Are there deadlines that you have to meet with regard
19 to turning in your grades?
- 20 A. Always, yes.
- 21 Q. And do you have to turn them in in a particular
22 format?
- 23 A. Yes.
- 24 Q. I assume in this day and age that's some sort of on-
25 line system that Temple has?

1 A. Yes.

2 Q. You mentioned that you make yourself available for
3 students outside of class time. Are you required to have
4 office hours?

5 A. -- I don't know.

6 Q. Do you have office hours?

7 A. Yes.

8 Q. And where do you conduct office hours?

9 A. Normally in a room -- in an office in the SGM suite.

10 Q. And is that an office that is in the vicinity of
11 offices that the full-time faculty use?

12 A. Yes.

13 Q. Do you ever write references or recommendations for
14 students?

15 A. Yes.

16 Q. Are you -- have you ever had occasion to deal with
17 students who are also student athletes or ROTC members?

18 A. Yes.

19 Q. Are there rules that you have to follow with regard
20 to those students?

21 A. Yes.

22 Q. What kinds of rules?

23 A. It involves paperwork, -- so there are very specific
24 things that, as far as I know, all professors have to
25 abide by and certain deadlines, and it's -- I think

1 initially it was in print, and now it's all electronic,
2 yeah, very specific requests or requirements -- I imagine
3 requirements with regard to -- I specifically recall doing
4 that a few times with student athletes.

5 Q. And it has to do with reporting on their progress or
6 lack thereof if there were a problem?

7 A. Yes.

8 Q. Are you -- you mentioned that you grade students.
9 Are you also evaluated by students?

10 A. Yes.

11 Q. Are you familiar with something called -- I know I'm
12 going to get the wrong acronym -- something called an SFF?

13 A. Yes.

14 Q. What is that?

15 A. That is the means by which students determine how
16 well or poorly I teach them over the course of a semester.

17 Q. And do you have any responsibility to ensure that
18 they -- to do something to urge them to fill out the SFF?

19 A. I can strongly and consistently encourage them to get
20 them to do something that some percentage of them actually
21 do.

22 Q. Okay, and that something being done is filling out
23 the SFF?

24 A. Yes, which is completely electronic.

25 Q. Do you know whether that system also is used with

1 regard to full-time faculty?

2 A. It is, yes. I am aware of that.

3 Q. Have you performed any -- outside of your teaching
4 function specifically, you know, the classes that you
5 mentioned, have you served in any other role at Temple?

6 A. Yes.

7 Q. Can you -- what other role or roles have you served
8 in?

9 A. Simultaneously with me being recruited to teach at
10 the Fox School of Business I was immediately affiliated
11 with the Innovation and Entrepreneurship Institute.

12 Q. And what is that?

13 A. That is an institute that resides in the Fox School
14 of Business and overlaps some kind of way with my
15 department, and it does all things entrepreneurship and
16 innovative with regard to the larger Temple community.
17 And I was asked to affiliate myself with them, having
18 become an adjunct, because of my unique expertise in the
19 field of social entrepreneurship.

20 Q. Asked by whom?

21 A. I was asked by Professor McNamee, the Academic
22 Director and current Managing Director of the Institute,
23 and by T. L. Hill, who was the one who was the specific
24 person to bring me in to Temple to teach his course, and
25 also the then Director of the Institute, Janey Lucas.

1 Q. And are you paid to be affiliated with the Institute?

2 A. No.

3 Q. Are there any other roles that you've filled that are
4 outside of teaching at Temple?

5 A. Yes, many.

6 Q. Can you give some examples?

7 A. I have been asked a number of times to speak on
8 behalf of either the Institute or the Fox School of
9 Business for specific gatherings or events. There was a
10 White House initiative on Latinos in Education I believe.
11 I don't know the exact title, and they wanted someone from
12 the Fox School of Business, and specifically from SGM
13 and/or IEI to be a presence there, and they asked me if I
14 would. And I said, yes.

15 Q. And what did that involve? What did that entail?

16 A. I was essentially there as kind of the eyes and ears
17 of the Fox School of Business and to provide the support
18 or perspective based on my role there. And it -- I guess
19 there are many ways in which I added value. Some of that
20 was serendipitous. I knew the head of that initiative at
21 the White House. They did not know that when they asked
22 me. So when they found that out they were particularly
23 excited about me representing them.

24 Q. "They" being? When you say, "they were particularly
25 excited about me representing them," who are you referring

1 to?

2 A. I believe Professor McNamee and -- I don't know
3 definitively, but perhaps other people who maybe brought
4 this opportunity to Professor McNamee. Oftentimes he will
5 approach me having been approached himself by other people
6 in the Fox School of Business, and he may say, "Do you
7 know somebody who can do this?" And so normally Professor
8 McNamee, sometimes the Director of the Institute will call
9 me and say, "Hey, Chris, can you do this?" So I was asked
10 to welcome -- to make some welcoming remarks on behalf of
11 the Institute and the Fox School of Business for a major
12 all day panel discussion gathering around crowd funding.
13 So I did that in that capacity.

14 Q. And where was that?

15 A. That was in Alter Hall, the Fox School of Business in
16 the MBA Commons on the seventh floor. So I represented
17 Fox in that regard. I made some comments and acted as a
18 resource for anyone who wanted to know more.

19 Q. Okay, are there any other examples of things that you
20 have done at Temple outside of your role as someone who
21 teaches there?

22 A. Many. I've done a number of workshops, and I
23 consistently get asked to do more workshops for SPO's,
24 Student Professional Organizations. So I've done it for
25 the Entrepreneurial Student Association a number of times.

1 I've done -- I've spoken at Net Impact, the undergraduate
2 chapter at the Fox School of Business. I try to always
3 accept invitations from students who reach out to me to
4 speak on campus and/or do workshops. I've been encouraged
5 to do workshops as a part of the workshop series at the
6 Institute. I have also -- it's quite a list, -- yeah.

7 Q. Do you recall anything connected with Fox School of
8 Business in a TEDx talk?

9 A. Yes. I was one of nineteen speakers to present at
10 the TEDx Conference last year on campus.

11 Q. What is the TEDx Conference?

12 A. It is a huge convening of thought leaders primarily
13 for the purposes of TEDx Philadelphia in, and focusing on,
14 the greater Philadelphia community, talking about
15 innovative things from our different fields of expertise.
16 Most talks are between eighteen and twenty minutes and
17 they were in front of a sold out crowd of twelve hundred
18 people, many of whom were Temple stakeholders, including
19 students, faculty, alumni, local residents. Several of my
20 current and former students, mentees, etcetera.

21 [Whereupon, a document was marked as Union
22 Exhibit No. 1 for identification.]

23 [Exhibit provided to witness and parties.]

24 Q. I've handed you a document marked Union Exhibit 1.
25 Do you recognize that?

1 [Witness briefly peruses document.]

2 A. Yes.

3 Q. What is it?

4 A. It is a press release promoting my presentations at
5 TEDx Philadelphia.

6 Q. And do you know from where this press release was
7 generated?

8 A. Given my experience it is the PR -- the great PR
9 people at the Fox School of Business.

10 Q. And in fact the by line there says, "Fox Public
11 Relations." Is that what you're referring to?

12 A. Yes, right.

13 Q. In the second paragraph it says, "Rabb was nominated
14 by his colleagues." Is that accurate? Is it for the TBDx
15 talk?

16 A. Yes.

17 Q. And on the third page it talks about, "Fox School of
18 Business students can see a live stream of the TEDx
19 Philadelphia on Friday, March 28 in Alter Hall's first
20 floor Undergraduate Commons." Is that what you were
21 referring to about students watching and attending as
22 well?

23 A. Yes, both virtually and on site in the Performance
24 Center, yes. I also----

25 MR. LANGEL: There's no question.

1 THE WITNESS: Oh.

2 HEARING EXAMINER: I'm sorry?

3 MR. LANGEL: There was no question. He was
4 just volunteering something, and I was objecting.

5 MS. ROSENBERGER: Oh, I didn't hear you
6 say, "objection." I didn't hear what you said.

7 BY MS. ROSENBERGER:

8 Q. With regard to you being nominated by your
9 colleagues, you were nominated by your colleagues at the
10 Fox School of Business for the TEDx Conference?

11 A. I'm not certain. How that process is made or who
12 nominates is not public----

13 Q. Publicized?

14 A. Yeah, publicized, yeah.

15 Q. Are you familiar with something called, "Enterprise
16 Management Consulting"?

17 A. Yes.

18 Q. What is that?

19 A. That is the brainchild I believe of T. L. Hill
20 and----

21 Q. Well, let me ask the next question. Have you ever
22 served any role in connection with Enterprise Management
23 Consulting?

24 A. Yes.

25 Q. What was your role?

1 A. I was an advisor to various teams of MBA students as
2 overseen by essentially a project manager.

3 Q. That's not part of -- that was not connected to one
4 of the classes you taught?

5 A. No.

6 Q. Are you familiar with a panel that was held on
7 Innovation in Media?

8 A. Yes.

9 Q. What was that panel?

10 A. It was a panel organized by a professor at the School
11 of -- I -- it's Media and Communications or Communications
12 and Media. I always get those confused. She asked me to
13 speak on the panel based on my expertise in both media and
14 social entrepreneurship.

15 Q. And who is that professor?

16 A. Professor Meredith Broussard.

17 Q. And do you know whether she is full-time or adjunct
18 or what status?

19 A. I do. She's full-time.

20 Q. So these roles that you've testified about are
21 outside your teaching of classes, right?

22 A. Yes.

23 Q. They're not included in your appointment letter as
24 something you are required to do?

25 A. No.

- 1 Q. But you do it?
- 2 A. I do.
- 3 Q. Who signs your appointment -- do you get appointment
4 letters each semester?
- 5 A. I do.
- 6 Q. And who signs them?
- 7 A. The Dean of the School of Business.
- 8 Q. When you were first hired did you have to interview
9 with anybody?
- 10 A. Yes.
- 11 Q. Who?
- 12 A. Raj Chandran, Dr. Raj Chandran.
- 13 Q. And is that, just for the court reporter's benefit,
14 the first name is R-A-J?
- 15 A. Yes.
- 16 Q. And the last name is C-H-A-N-D-R-A-N, Chandran?
- 17 A. I'm not certain.
- 18 Q. Okay, fine. We'll get it elsewhere. Do you know
19 whether -- you said -- what is his title?
- 20 A. I believe he is the Vice Dean at the School of
21 Business.
- 22 Q. He's in the Dean's office in any event?
- 23 A. Yes.
- 24 Q. And do you know whether he ordinarily interviews
25 adjunct faculty?

1 A. Yes, I do know that.

2 Q. How do you know that?

3 A. One, informally. That's what everyone says that I've
4 spoken to.

5 MR. LANGEL: Objection.

6 HEARING EXAMINER: I won't consider it.

7 MR. LANGEL: Pardon me?

8 HEARING EXAMINER: I won't consider it.

9 MR. LANGEL: Thank you.

10 Q. How else do you know?

11 A. Because he said so last night.

12 Q. You were at a meeting last night with him?

13 A. I was.

14 Q. And specifically what did he say at the meeting last
15 night?

16 A. That he interviews every faculty member.

17 Q. And do you know whether he was referring to full-time
18 or part-time faculty?

19 A. He was referring to both full-time and part-time.

20 Q. And how do you know he was referring to both?

21 A. Because the event at which he spoke was specifically
22 for adjunct professors, a meet and greet specifically and
23 exclusively for adjunct professors.

24 [Whereupon, a document was marked as
25 Union Exhibit No. 2 for identification.]

1 [Exhibit provided to witness and parties.]

2 Q. I've handed you a document marked Union Exhibit 2.

3 Do you recognize that document?

4 [Witness briefly peruses document.]

5 A. Yes.

6 Q. What is it?

7 A. It is my employment contract for the semester.

8 Q. For the current semester?

9 A. Yes.

10 Q. And you said you get letters of appointment for the
11 courses that you teach?

12 A. Yes.

13 Q. Is this what you were referring to as an example?

14 A. Yes.

15 Q. And have you -- so you've received other ones for the
16 other semesters from January of 2012 until this one?

17 A. Yes.

18 Q. And are they substantively -- were the other ones
19 substantively different than this one?

20 A. No.

21 Q. Except perhaps you've taught different courses?

22 A. Yes.

23 Q. And you got paid a different amount?

24 A. Yes.

25 Q. In the first paragraph it says, "I am pleased to

1 offer you a part-time appointment as an Adjunct
2 Professor". Is that your rank, adjunct professor?

3 A. Yes.

4 Q. And on the third page there's a signature underneath
5 what is written, "M. Moshe Porat". Who is that?

6 A. That is the Dean of the School of Business.

7 Q. Okay, and then the fourth page has a signature. Is
8 that your signature?

9 A. Yes.

10 Q. I wouldn't have been able to tell that.

11 A. [Laughs.]

12 MS. ROSENBERGER: That's all I have on
13 direct.

14 MR. LANGEL: Can we take five minutes?

15 HEARING EXAMINER: Sure.

16 [Whereupon, at 11:14 a.m., March 19, 2015 the hearing
17 recessed.]

18 [Whereupon, at 11:19 a.m., March 19, 2015 the hearing
19 reconvened.]

20 HEARING EXAMINER: All right, back on.

21 CROSS-EXAMINATION

22 BY MR. LANGEL:

23 Q. Good morning, Mr. Rabb. Do you have an adjunct job
24 outside of Temple University?

25 A. No.

1 Q. And you're a principal I think you said of Visceral
2 Ventures?

3 A. Yes.

4 Q. What is Visceral Ventures?

5 A. It's a consultancy.

6 Q. Consulting about what?

7 A. Consulting about organizational dynamics, leadership
8 development, -- facilitation, -- professional facilitation
9 for various organizations.

10 Q. What does that mean, "professional facilitation"?

11 A. When people don't get along or don't know how to
12 organize themselves they bring me in to make sure that
13 that process is smooth, and informative, and ideally
14 productive.

15 Q. Is Visceral Ventures involved in social
16 entrepreneurship?

17 A. Yes.

18 Q. And is it involved in organization innovation?

19 A. Yes.

20 Q. And what is "Shooters"?

21 A. Shooters is a -- as I know it was some kind of pilot
22 project by a colleague, El Sawyer, to facilitate the ex-
23 prisoners coming out of prison to acquire skills in video
24 production. As far as I know that's how I recall it being
25 described.

1 Q. And you sometimes have worked with El Sawyer with
2 *Shooters*, correct?

3 A. I'm not sure if that's how I would phrase it.

4 Q. Okay, you were part of a program led by him called
5 *Shooters*.

6 A. I'm not sure. I can tell you what I did. I don't
7 know if I can tell you if I'm----

8 Q. Okay, you hosted something, correct?

9 A. I did service in the form of doing a workshop twice
10 at the Fox School of Business.

11 Q. When you say, "at the Fox School of Business," it was
12 located at the Fox School of Business, right?

13 A. Yes.

14 Q. All right, and it was in connection with El Sawyer's
15 session called, "*Shooters*"?

16 A. I'm not -- I can't definitively answer that.

17 Q. Okay, well, take a look at Union Number 1.

18 [Witness does as requested.]

19 Q(Con't) And take a look at the second page. This is
20 what I'm trying to figure out. One, two, three, the
21 fourth paragraph down it says, "Temple Media and
22 Communication adjunct professor and documentarian El
23 Sawyer arranged a session that Rabb hosted, as part of a
24 program led by Sawyer called *Shooters*, a term for people
25 who do film, video editing and camera work." Do you see

1 that?

2 A. Yes.

3 Q. All right, that was a program that a fellow adjunct
4 set up called *Shooters*, right?

5 A. I can only reference what is cited.

6 Q. Okay, *Shooters* isn't a Temple program, correct?

7 A. Correct.

8 Q. It's an El Sawyer program?

9 A. I don't believe so. I believe it's not. I believe
10 it's not an El Sawyer program.

11 Q. Oh, okay. So it's a program, but it's not a Temple
12 program?

13 A. Correct.

14 Q. All right, when you said you did it at Fox it
15 physically was located at Fox, correct?

16 A. Yes.

17 Q. It was not in connection with your -- what you were
18 hired to do as an adjunct, correct?

19 A. -- I'm not really sure how to respond to that.

20 Q. Okay, let me try it this way. Take a look at Union

21 2. In Union 2 the second paragraph, that is why you were
22 hired at Temple, correct?

23 [Witness peruses document.]

24 A. [Does not respond.]

25 Q. The responsibilities you were required to perform

1 during the term of your professional obligation are
2 teaching, and it lists the course, correct?

3 A. Yes.

4 Q. All right, and that's -- and then it continues and
5 says that you're also responsible for providing
6 appropriate opportunities for your students to have access
7 to you outside of the normal class time. Correct?

8 A. Yes.

9 Q. That's what you were hired to do, correct?

10 A. -- That's what this document says.

11 Q. All right, and that's what you were paid to do?

12 A. [Does not respond.]

13 Q. The next paragraph says that the total compensation
14 for providing this service will be \$2,520, and then it
15 says how it will be paid. -- Correct?

16 A. Yes.

17 Q. All right. These other things that you said, and I
18 think Amy referenced it as "roles," were all roles that
19 you volunteered to do. -- Correct?

20 A. Well, in accordance with the policies and procedures.

21 Q. When you say, "in accordance with the policies and
22 procedures," what do you mean?

23 A. I'm just referring to the document.

24 Q. Okay, but you said that you had these other roles and
25 responsibilities. You did seminars. You spoke to people.

1 You went to round tables. You sat on panels. You weren't
2 hired and paid to do any of those, correct?

3 A. I can only reference what the document you had me
4 look it is saying. So I'd have to disagree. It says
5 quite clearly here----

6 Q. What? What does it say quite clearly there?

7 A. May I reference this?

8 Q. Sure.

9 A. The last paragraph on the first page says, "This
10 appointment is subject to all policies and procedures of
11 Temple University and its Schools and Colleges."

12 Q. Correct. I see that.

13 A. It's a policy that all faculty do these things.
14 That's why I'm asked all the time to do it.

15 Q. Do you know what policy there is that says that all
16 faculty are asked to do these things and must do these
17 things?

18 A. Do I know the distinction between a policy and a
19 requirement? Is that what you're asking me?

20 Q. So let's start with policy. You said that there are
21 these policies that require you to do these things. Can
22 you tell me what policy requires you as an adjunct to sit
23 on panels?

24 A. Let me clarify. I don't believe I used the word,
25 "require." I'm only referring to the document I signed

1 and the language it shows here that says, "This
2 appointment is subject to all policies." One of the
3 policies is that as a faculty member I engage in multiple
4 ways outside of the classroom, which is why I am
5 consistently asked by administrators and fellow faculty
6 members to do what I do.

7 Q. All right. Who are the administrators who ask you to
8 do these things?

9 A. Well, I would say Professor McNamee wears many hats.

10 Q. Okay, what hats as far as you're concerned does
11 Professor McNamee wear?

12 A. I'm saying it not in terms of what I think, but his
13 actual role. So he is----

14 Q. I didn't ask you what you think. I asked you as far
15 as you're concerned, in connection with you, what hats
16 does Mr. McNamee wear?

17 A. Professor McNamee is the Academic Director for the
18 Entrepreneurial track in SGM. He is the Managing Director
19 of the Innovation and Entrepreneurship Institute. He is
20 also a full-time faculty member. He is also the creator
21 of a course that I have co-taught with him. Those are
22 four hats right there that I can think of.

23 Q. So those are the hats. You said that you're
24 requested. Are you required by Mr. -- by Professor
25 McNamee, or maybe Dr. McNamee, to do these -- to play

1 these other roles that you play in the Fox School of
2 Business?

3 A. Am I required?

4 Q. Yes, because you said you do these things because
5 you're required to do them.

6 A. No. Actually I never said, "required."

7 Q. Okay, you do them because they're part of the policy
8 -- you said?

9 A. I do them for a number of reasons, inclusive of this
10 last paragraph on the first page. It is the policy,
11 albeit outside of this document, perhaps informal, but it
12 is a consistent recurring and emphatic role to be involved
13 well beyond my work in the classroom, which incidentally
14 includes beyond teaching. Grading is not listed on here.
15 I don't do any grading. I do very little grading in the
16 classroom. So I'm required to do that----

17 Q. Can I ask you, why do you keep looking at Dr.
18 Hupner [phonetic] while you're answering my questions?

19 A. I'm looking at this area of the room, and I also look
20 in that area of the room, as well as colleagues in the
21 back.

22 Q. So you said it's an emphatic role----

23 THE WITNESS: Excuse me. Am I allowed to
24 look? [Looking in direction of Hearing Examiner.] I've
25 never done this before. I don't want to be out of -- I

1 need to know where I need to look.

2 HEARING EXAMINER: You can look wherever
3 you want. Just don't let other people prompt your
4 answers. You can't look to other people for any
5 suggestion as far as your answer goes.

6 THE WITNESS: I see.

7 Q(Con't) You said -- you used the word, "emphatic." Who
8 emphasizes that these other roles are important for you to
9 play?

10 A. Professor McNamee, the Department Chair, Arvin
11 Parquet [phonetic], -- the folks at EMC, which are T. L.
12 Hill and his colleague there, Ann Bayless.

13 Q. I'm sorry, who is that?

14 A. Ann Bayless.

15 Q. Okay.

16 A. Who works in EMC.

17 Q. And what is EMT [sic]?

18 A. EMC, which is the -- it's the -- I need prompting to
19 remember the acronym.

20 Q. That's okay. We'll get to it later.

21 A. Management Consulting is the MC. I think it's
22 Executive. -- The current and former Directors of the
23 Innovation and Entrepreneurship Institute, -- other
24 faculty members. -- I have been encouraged by folks in
25 PR. It's a long list.

1 Q. I was trying to get to the word you used, which was
2 "emphatic."

3 A. Okay.

4 Q. And I understand that differently than I understand
5 encourage. So all of these other people who told you that
6 you needed to do these things, is that how I should
7 understand "emphatic," that you need to do these things,
8 that they're required?

9 A. I would draw a serious distinction between emphasis
10 and necessity.

11 Q. Oh, okay. So you're not required to do it?

12 A. No, nor have I ever said that I was.

13 Q. Okay, and these people -- why did you do these
14 things?

15 A. I did these things for a number of reasons. I'm
16 deeply invested in my role at Temple University and all of
17 the stakeholders beyond just my students. I am part of a
18 community, and I take my job seriously. This is more than
19 a paycheck clearly.

20 Q. In taking your job seriously is it unfair to say you
21 are a volunteer with respect to these other services as
22 opposed to a paid employee for teaching a course, and
23 grading a course, and doing the syllabus, and being around
24 to advise your students? Do you get paid any money -- you
25 don't get paid any extra money for doing any of these

- 1 other roles, correct?
- 2 A. Correct, yes.
- 3 Q. And your doing these other roles is consistent with
- 4 your being a principal at Visceral?
- 5 A. Can you repeat the question?
- 6 Q. Your doing these other roles is consistent with your
- 7 being a principal at Visceral?
- 8 A. No.
- 9 Q. It's not?
- 10 A. No.
- 11 Q. -- What's the highest degree you've obtained?
- 12 A. An MS.
- 13 Q. And what is an MS?
- 14 A. Masters of Science.
- 15 Q. What is TEDx Philadelphia?
- 16 A. TEDx is an affiliated network of TED, which I believe
- 17 stands for Technology and Design, -- which is much like a
- 18 franchise where groups of folks normally in geographic or
- 19 institutional kind of affiliations create a conference
- 20 that occurs normally on a full day where thought leaders
- 21 representing that community talk from eighteen to twenty
- 22 minutes about their field of expertise in front of a
- 23 diverse audience of interests.
- 24 Q. And I see that you received a \$200,000 grant from the
- 25 Knight Foundation, a BMe Leadership Award. Correct?

1 A. No.

2 Q. No. -- Turn to page 2 of the exhibit you
3 identified, Union 1?

4 [The witness does as requested.]

5 Q(Con't) After that paragraph that I asked you about, it
6 says, "Both Rabb and Sawyer were recipients of the 2013
7 Knight Foundation BMe Leadership Award. Rabb won a grant
8 of \$200,000, the highest amount given, to develop a series
9 of workshops to teach entrepreneurship to low-income
10 individuals." That's not true?

11 A. That is not true?

12 Q. Huh. Did you ever correct that?

13 A. Yes.

14 Q. And how did you correct it?

15 A. I let them know that that was an incorrect sum.

16 Q. It was less or more?

17 A. It was less.

18 Q. Okay, and how much was it?

19 A. Twenty thousand.

20 Q. Okay, and how did you come to be granted that
21 leadership award?

22 A. I was introduced to someone at the Knight Foundation
23 by a colleague of mine at the Fox School of Business.

24 Q. Who was the colleague?

25 A. Yung Jin Yung [phonetic].

1 Q. All right, so that was an introduction. How did it
2 come to pass that you received this award?

3 A. I applied and was accepted.

4 Q. And when you applied what did you represent in your
5 application?

6 A. I don't know. I don't remember offhand. It was --
7 maybe I should ask for you to restate the question.

8 Q. Well, you applied for a grant that's featured here in
9 this announcement. You were awarded the grant. You had
10 to tell them why you should be the recipient of the grant.

11 A. Oh, sure.

12 Q. What did you tell them?

13 A. That I am a national thought leader in this area and
14 that I wrote a book on the subject.

15 Q. And the area is the prisoner area, is that right?

16 A. No. Social entrepreneurship.

17 Q. Okay, and your role in these panels is consistent
18 with your being a thought leader in this area, correct?

19 A. It is inclusive of that, yes.

20 Q. Now, I'll ask you one last -- one time -- the pay you
21 receive from Temple University is consistent with Union
22 Exhibit 2, your appointment letter, correct?

23 A. Yes.

24 MR. LANGE: Nothing further. Thank you.

25 MS. ROSENBERGER: No redirect.

1 HEARING EXAMINER: You can step down, sir.

2 THE WITNESS: Thank you.

3 REPORTER'S NOTE: [Mr. Langel utilizes
4 lap top computer at his table.]

5 FURTHER CROSS-EXAMINATION

6 BY MR. LANGEL:

7 Q. Because I would like to introduce it later, what is
8 your web site?

9 A. I have many, many web sites.

10 Q. Do you have a web site for Visceral for which the URL
11 is sovisceral.com?

12 A. I own the domain, but I don't have an active web site
13 for that.

14 Q. Okay, that which appears, does the content come from
15 you?

16 A. What's that?

17 Q. That which appears on that domain, does the content
18 come from you?

19 A. I have nothing active on sovisceral.com. If it
20 forwards to another web site that's...

21 Q. So if I'm able to come up with something, because I'm
22 looking at a web site right now. You say it's not active,
23 so that which appears, the content that appears in it,
24 where would it come from?

25 A. The domain name, sovisceral.com, has zero content.

1 MR. LANGEL: Can I approach the witness and
2 show him what I'm looking at so that maybe we can cut
3 through this?

4 HEARING EXAMINER: Yes.

5 [Mr. Langel approaches the witness box and
6 shows lap top computer screen to the
7 witness.]

8 BY MR. LANGEL:

9 Q. I think if you scroll down you'll see it's your
10 picture.

11 [Witness peruses lap top computer screen.]

12 Q(Con't) Is that you?

13 MS. ROSENBERGER: I'm sorry. Did you ask
14 him a question, John? I didn't hear you.

15 MR. LANGEL: Yes. I said, "Is that you?"

16 A. Is that photograph of me? Yes.

17 Q. Can you tell me what I'm looking at and what you're
18 looking at?

19 A. You're looking at content forwarded to another domain
20 name. It's mast is sovisceral.com.

21 Q. Explain that to us.

22 A. Sure. I own hundreds of domain names, including
23 sovisceral.com. Presently it looks like sovisceral is
24 forwarded to the service provider that I was using. So it
25 looks like it's my domain, but it's hosted by another

1 entity, but that is my content.

2 Q. That is your content?

3 A. Yes.

4 Q. Okay, so this content that it describes -- and it
5 describes you in there as a free lance thinker at the
6 intersection of entrepreneurship, politics, media and
7 social responsibility?

8 A. Social identity.

9 Q. And social identity. That content is yours?

10 A. Yes.

11 Q. And as a free lance thinker, iconoclast, civil
12 innovator, that is all yours?

13 A. Civic, yes.

14 Q. Civic.

15 A. Yes.

16 MR. LANGE: Okay. Thank you.

17 MS. ROSENBERGER: And no re-redirect
18 either.

19 HEARING EXAMINER: You can step down.

20 [The witness departs the witness box and
21 takes a seat in the back of the hearing
22 room.]

23 MS. ROSENBERGER: The Union is ready with
24 its next witness. Donald Deeley.

25 [The witness approaches the witness box

1 and takes his seat in the witness box.]

2 [The witness was sworn.]

3 Whereupon,

4 DONALD J. DEELEY

5 having first been duly sworn, testified as follows:

6 HEARING EXAMINER: Can you state your name?

7 THE WITNESS: My name is Donald Joseph
8 Deeley.

9 HEARING EXAMINER: Can you spell your last
10 name?

11 THE WITNESS: It's D as in David, E-E-L-E-
12 Y.

13 DIRECT EXAMINATION

14 BY MS. HOYE:

15 Q. Don, -- may I call you Don?

16 A. Yes.

17 Q. Are you employed by Temple University?

18 A. Yes.

19 Q. What's your position with Temple?

20 A. I'm an adjunct faculty member in the first year
21 Writing Department and the English Department.

22 Q. What's your educational background?

23 A. I have a Bachelor's in English and Communication
24 Studies from the University of Iowa and a Master's in
25 Creative Writing from Temple University.

1 Q. Is your Master's in Creative Writing a terminal
2 degree?

3 A. No, it is not.

4 Q. At some point was the Master's in Creative Writing
5 changed to an MFA?

6 A. The year I graduated it transitioned into an MFA
7 program which involved paying for an extra 6 credit hours,
8 but the work required was the same.

9 Q. Is the MFA in Creative Writing a terminal degree?

10 A. Yes, it is.

11 Q. Do you work anywhere other than Temple?

12 A. Yes, I do. I'm also an adjunct instructor at the
13 Community College of Philadelphia and an adjunct
14 instructor at Moore College of Art and Design.

15 Q. For how long have you worked for Temple as an adjunct
16 instructor?

17 A. Six years.

18 Q. And you mentioned in the first year writing program
19 and in the English Department. Do you teach in any other
20 programs or departments?

21 A. Not at Temple.

22 Q. Where do you currently teach physically, on what
23 campus?

24 A. I teach at Temple's main campus.

25 Q. Do you teach anywhere else for Temple?

- 1 A. Not this semester.
- 2 Q. Have you taught on other campuses during other
3 semesters?
- 4 A. Yes, I have taught at Temple's Center City campus.
- 5 Q. How many courses per year do you teach for Temple?
- 6 A. Three -- sometimes two.
- 7 Q. Do you teach during the summers?
- 8 A. No.
- 9 Q. -- What courses have you taught as an adjunct
10 professor at Temple?
- 11 A. I've taught Analytical Reading and Writing which is
12 Temple's first year writing course. I've also taught an
13 honors section of that course. I've taught Creative
14 Writing Fiction, and a course called Creative Acts.
- 15 Q. The first year writing course that you teach, do you
16 know, is that course taught by full-time faculty members?
- 17 A. Yes, it is.
- 18 Q. How about the honors section of that, is that taught
19 by full-time faculty?
- 20 A. Yes.
- 21 Q. What about Creative Acts?
- 22 A. I'm not confident -- I'm not one hundred percent sure
23 that it is, but I'm pretty sure that it is.
- 24 Q. Okay, and what about Creative Writing, is that taught
25 by full-time faculty?

1 A. Yes, it is.

2 Q. Have you ever developed your own course?

3 A. Yes, I have.

4 Q. What course did you develop?

5 A. I developed and pitched the honors first year writing
6 course that I taught.

7 Q. When was that?

8 A. It was -- it was developed in the spring of 2011 and
9 taught the fall of 2012. No, I'm sorry, the fall of 2011.

10 Q. What was the process for developing that course?

11 A. I conferred with the -- with Rachel Growner
12 [phonetic], who is currently co-chair of my department for
13 advice on how to develop and pitch a course, but I put
14 together the theme of the course, the reading assignments
15 and the overall collection of requirements and syllabi.
16 I'm sorry, that's becoming word salad. I put together all
17 of the requirements, -- the planning stage, figuring out
18 what the course would be about, what the pedagogal goals
19 of the course would be, the materials that would be read,
20 and what the students would be expected to do in terms of
21 the work.

22 Q. And after putting that all together what did you do
23 with that information?

24 A. I ran it by Steve Newman, who was, I believe, Chair
25 of the Undergraduate English Department at the time, and

1 then submitted it to the English Department to be a
2 course, where it was accepted as an honors course for
3 first year writing.

4 Q. So it was approved?

5 A. Yes, it was.

6 Q. And how many times did you teach it?

7 A. I taught that course once.

8 Q. Has anyone else taught that course?

9 A. Not that particular iteration of it, no.

10 Q. As an adjunct faculty member generally speaking what
11 are your duties and responsibilities?

12 A. My duties and responsibilities are those of general
13 classroom work as an instructor. So I have to be in
14 class, develop lesson plans, deliver lectures, head up
15 discussions. I give assignments, give readings, and grade
16 those assignments, but also develop the courses in the
17 downtime, -- keep the research up-to-date, keep the
18 materials relevant. I have to maintain -- I have to stay
19 in line with all university policies regarding issues of
20 students with disabilities and accommodating them, filing
21 paperwork for students who are student athletes or members
22 of ROTC, submitting syllabi and other paperwork on time,
23 submitting grades through the specific rubric in a
24 specific period.

25 Q. Are you evaluated by students?

1 A. Yes, I am, -- through the SFF's mentioned prior, the
2 Student Feedback Forms.

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

5 A. Yes, I do. I have to maintain office hours, and I'm
6 also available to students via e-mail.

7 Q. I'm sorry, I didn't catch the end of what you just
8 said.

9 A. I'm also available to students via e-mail.

10 Q. Is there an office made available to you to meet with
11 students?

12 A. I do have a shared office that I share with another
13 adjunct and it's in the Anderson Building.

14 Q. Is that on main campus?

15 A. It's on main campus.

16 Q. Which floor of the Anderson Building is that office
17 located on?

18 A. It's on the ninth floor.

19 Q. Are there other faculty offices on that floor?

20 A. Yes.

21 Q. For full-time faculty?

22 A. For full-time faculty, adjunct faculty and graduate
23 students.

24 Q. Do you ever write references or recommendations for
25 your students?

1 A. Yes, I do.

2 Q. Are you familiar with Teaching Circles?

3 A. Yes, I am.

4 Q. What are they?

5 A. The Teaching Circle is how grading in the first year
6 Writing Department is handled. It is a method where at
7 the end of the semester, rather than each instructor
8 finalizing the grade for the student, the student's
9 collective work throughout the semester is presented to
10 several other instructors in the department, and we grade
11 each other's students. It's a way of maintaining --
12 preventing grade inflation as it were, and to ensure every
13 student is getting a fair shake.

14 Q. Who participates in the Teaching Circle?

15 A. Anyone teaching a first year writing course that
16 semester.

17 Q. So that would include full-time faculty?

18 A. Yes, it does.

19 Q. Do you write your own syllabi or are they provided to
20 you?

21 A. I write my own syllabi.

22 Q. Do you have to submit them for approval?

23 A. I have to submit them so that they can be filed, but
24 they don't have to be approved.

25 Q. -- Are you subject to the student grievance

1 procedure?

2 A. Yes, I am.

3 Q. Have you ever had a student file a grievance against
4 you?

5 A. Yes, I did. My first semester teaching a student did
6 not agree with the failing grade he received, and so I had
7 to lead him through the grievance procedure.

8 Q. When you say that you had to lead him through the
9 grievance procedure, what did you do?

10 A. I actually took him up to my department's office and
11 asked who we had to contact for him to file the paperwork,
12 and the person -- the head of the department happened to
13 be there, so the two of us -- the student and I sat down
14 with the department head and laid out both the student's
15 reasons for challenging the grade and my reasons for
16 giving him a failing grade.

17 Q. Do you interact with full-time faculty members at
18 Temple?

19 A. Yes, I do.

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

21 A. The context is sometimes just collegial just because
22 we're associates and we work in the same building and we
23 work in the same field. Sometimes it's in professional
24 terms, like the head of the Creative Writing Department
25 invites all of the Creative Writing instructors to gather

1 before the semester to talk about challenges faced in the
2 classroom, exercises people are doing, how to further
3 develop the courses.

4 Q. Are you invited to attend department meetings?

5 A. Yes, I am.

6 Q. Do you attend department meetings?

7 A. They usually conflict with my other teaching
8 responsibilities.

9 Q. -- Do you get an appointment letter each semester
10 from Temple?

11 A. Yes, I do.

12 [Whereupon, a document was marked as Union
13 Exhibit No. 3 for identification.]

14 Q. Don, I'm showing you a document that is marked Union
15 Exhibit 3. Take a moment to review this and let me know
16 when you have had a chance to do so.

17 [Exhibit provided to witness and parties.]

18 [Witness peruses document.]

19 A. What element did you want me to review again?

20 Q. Just take a moment to review the document that I've
21 put in front of you, and let me know when you've had a
22 chance to do so.

23 A. I've done so.

24 Q. Okay, what is the document we're looking at?

25 A. This is my most recent appointment letter.

1 Q. And what's the date on that?

2 A. The date is November 24th, 2014.

3 Q. And that's your appointment letter for the current
4 semester, is that right?

5 A. Yes.

6 Q. All right, have you received other appointment
7 letters from Temple for other semesters?

8 A. Yes, for every semester that I've taught I've
9 received an appointment letter.

10 Q. And is this document, U-3, representative of the
11 appointment letters that you've received from Temple for
12 other semesters?

13 A. Yes.

14 Q. I want to draw your attention to the second page of
15 this exhibit, the first paragraph.

16 [Witness peruses document.]

17 Q(Con't) It says, "This appointment is subject to all
18 policies and procedures of Temple University and its
19 Schools and Colleges." Do you see where I'm referring to?

20 A. Yes.

21 Q. What Temple policies and procedures are you subject
22 to?

23 A. The policies on students with disabilities and
24 accommodations for them, -- students who are members of
25 ROTC, student athletes, and filing paperwork with them, --

1 maintaining certain elements within the syllabus, making
2 sure there is an attendance policy, a grading policy, a
3 plagiarism policy, -- filing paperwork, including the
4 syllabus with the university by certain deadlines, filing
5 midterm grades and final grades at certain points and
6 certain deadlines.

7 Q. Are you required to do any sort of on-line training
8 by Temple?

9 A. Yes, I am. There's the sexual harassment training.
10 There's on-line training about identifying -- how to
11 respond to identifying students or minors who may be at
12 risk of abuse. There's OSHA standards training for
13 occupational health. I think those are all of the ones
14 I've done recently, -- but, yes, there are several.

15 Q. And turning to the final page in this document,
16 Exhibit U-3, I see it's signed by Teresa Scott Soufas. Do
17 you know who that is?

18 A. I believe that's the Dean. I do not know for sure.

19 Q. And I see that this particular letter is not signed
20 by you, but presumably you signed this and returned this
21 to Temple?

22 A. At this point Temple sends out the appointment
23 letters and asks for a digital confirmation replying to
24 the e-mail letter with the word, "accept."

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

1 at this point. Thank you, Doctor.

2 CROSS-EXAMINATION

3 BY MR. LANGE:

4 Q. Could we look at U-3? -- Would you read the second
5 paragraph into the record? U-3 is the appointment letter
6 of November 24, 2014.

7 A. The paragraph beginning, "The responsibilities"?

8 Q. Yes.

9 A. [Reading from document:] "The responsibilities you
10 will be required to perform during the term of your
11 professional obligation is teaching 4 credits and
12 providing appropriate opportunities for your students to
13 have access to you outside of the normal class time."

14 Q. And that's what you were paid for, right?

15 A. Yes.

16 Q. There is a UAP. Do you know what UAP stands for?

17 A. Yes.

18 Q. And what does UAP stand for?

19 A. United Academics of Philadelphia.

20 Q. And there's a web page, right?

21 A. Yes.

22 Q. And that web page is unitedacademicsphiladelphia.org,
23 correct?

24 A. I believe so.

25 Q. All right, and one of -- your picture is all over

1 that web page, isn't it?

2 A. Yes.

3 Q. All right. So one of the primary purposes of the web
4 site is to promote that there are adjuncts who want a
5 union at Temple, correct?

6 MS. HOYE: I'm going to object to this line
7 of questioning. It's outside the scope of direct
8 examination and it's also completely irrelevant to the
9 issue that's before you, which is whether there is a
10 community of interest.

11 MR. LANGEL: Do you want a response?

12 HEARING EXAMINER: All right.

13 MR. LANGEL: I mentioned the Department of
14 Corrections case, and it's not a sole case. It's a Board
15 case of 1990, and the Board was clear that allegations
16 were made that the showing of interest was obtained
17 through misrepresentation, -- and right now you have a
18 TAUP petition, a card that says, "TAUP, UAP." It is
19 relevant in the context of a Petition for Representation,
20 which is what this is because it is an accretion. In that
21 case the union relied on the general policy that it will
22 not permit collateral attack, that the Board should not
23 permit a collateral attack on the showing of interest.
24 However, the Board has allowed evidence to be adduced
25 where there is an allegation that showing of interest was

1 obtained by misrepresentation.

2 HEARING EXAMINER: I'm going to allow it
3 for now and I'll let you guys brief that issue after the
4 hearing.

5 BY MR. LANGE:

6 Q. So one of the primary purposes of this web site is to
7 promote that there are adjuncts who want a union at
8 Temple, correct?

9 A. I do not know that I can say what the primary purpose
10 of the web site is. I do not run the web site.

11 Q. All right, but what -- you read it?

12 A. Occasionally I read it.

13 MR. LANGE: We have it, and we will go
14 through it, and that's why we have that up there.

15 REPORTER'S NOTE: [Referring to a single
16 page with no content projected on the wall
17 behind the Hearing Examiner.]

18 Q. But a purpose of the web site is to promote that
19 there are adjuncts who want a union at Temple. We can
20 debate whether it's a primary purpose after we look at the
21 web site, but it is a purpose?

22 A. I'm sorry, I'm an English major so I'm about
23 precision in terms. I -- because I do not run the web
24 site I cannot speak to what the purpose of the web site
25 is. Since it is a web site for United Academics of

1 Philadelphia it's presumably a web site that puts forth
2 what the UAP is focused on at the moment.

3 Q. Okay, and is the UAP focused on -- at the moment on
4 having an adjunct union at Temple?

5 A. UAP is focused on organizing adjuncts at several
6 schools in Philadelphia.

7 Q. At several schools, -- including Temple?

8 A. Including Temple, yes.

9 Q. And among other things the web page encourages
10 adjuncts at Temple to sign the authorization card that you
11 heard read into the record?

12 A. I'm sorry, was that a question or a statement?

13 Q. It's a question.

14 A. Okay. Yes, that card is -- there is a link to the
15 card on the web site.

16 Q. And it's to sign an authorization card to petition
17 for a collective bargaining election, correct?

18 A. Yes.

19 Q. All right, let me show you what we'll mark for
20 identification as Temple Exhibit 1.

21 [Whereupon, a single page Facebook snapshot
22 with photograph and written comments was
23 marked as Temple Exhibit No. 1 for
24 identification.]

25 [Exhibit provided to witness and parties.]

1 Q(Con't) That's your picture?

2 A. Yes, it is.

3 Q. And there you are holding an authorization card,
4 correct?

5 A. Yes, I am.

6 Q. And that's the same card, is it not, that Amy read
7 into the record, correct?

8 A. I believe so, yes.

9 Q. All right, and looking at the card it says, "I hereby
10 authorize -- I'm sorry. You appear to be holding that
11 authorization card, correct?

12 A. Yes.

13 Q. And behind you is a UAP banner?

14 A. Yes.

15 MR. LANGEL: Now, could we mark that card
16 as either a joint exhibit or a union exhibit or----

17 MS. ROSENBERGER: We could add it to the
18 stipulation if you want.

19 MR. LANGEL: I'd like to be able to show
20 him that card right now. I have a copy. And this is --
21 I'm marking it out of order. It's being marked as 3, not
22 2 because I already have 2 that I'll show you in a moment.

23 [Whereupon, the single page document was
24 marked as Temple Exhibit No. 3 for
25 identification.]

1 [Exhibit provided to witness and parties.]

2 BY MR. LANGE:

3 Q. Do you see that card?

4 A. Yes.

5 Q. And that's the card you're holding up, right?

6 A. Yes, it is.

7 Q. Looking at it, it says, "I hereby authorize Temple
8 Association of University Professionals, United Academics
9 of Philadelphia, AFT-PA, AFT, AFL-CIO to be my exclusive
10 representative for purposes of collective bargaining with
11 my employer." Correct?

12 A. Yes.

13 Q. What is TAUP, UAP?

14 A. Those are two separate organizations.

15 Q. So what is TA -- this says, "I hereby authorize
16 Temple Association of University Professionals, United
17 Academics of Philadelphia ... to be my exclusive
18 representative." What is TAUP----

19 MS. ROSENBERGER: Objection. That's not
20 what it says, -- and the document speaks for itself. I
21 mean, we don't need a----

22 MR. LANGE: I've never heard a document
23 speak, and he certainly can talk about this card that he's
24 holding up. And I think I just read what it says, "I
25 hereby authorize Temple Association of University

1 Professionals, United Academics of Philadelphia ... to be
2 my exclusive representative for purposes of collective
3 bargaining with my employer."

4 MS. ROSENBERGER: That's not what it says
5 again.

6 HEARING EXAMINER: Don't we have a
7 stipulation about what it says?

8 MR. LANGEL: Yes.

9 BY MR. LANGEL:

10 Q. So I'm asking what is TAUP, UAP?

11 A. TAUP, UAP are two organizations in a list of -- it
12 looks like five organizations at the head of this
13 document.

14 Q. So they're two separate organizations?

15 A. Yes, they are.

16 Q. This card does not just say, "TAUP," correct?

17 A. Correct.

18 Q. All right, you agree that there is no card
19 authorizing people to join just TAUP, correct?

20 A. Actually I disagree with that.

21 Q. Have you seen a card that authorizes people to join
22 just TAUP?

23 A. Actually this card is just for authorization of TAUP.
24 I know because I was an organizer with UAP, and this is
25 not a membership card for UAP. Even in the discussions I

1 had with fellow adjuncts we were explicit that this is a
2 card to sign up with TAUP for representation with TAUP.

3 Q. That's what you told people?

4 A. Yes.

5 Q. Okay, the card -- you're the English major?

6 A. Yes.

7 Q. The card says, "I hereby authorize Temple Association
8 of University Professionals, United Academics of
9 Philadelphia." It doesn't just----

10 A. It says, TAUP, AFT, AFL-CIO. There is a list of
11 organizations there.

12 Q. Okay, it doesn't just say, "TAUP"?

13 A. Actually the only spot it says, "TAUP" is in the
14 header there.

15 Q. Pardon me?

16 A. The logo for TAUP is right in the header of the card.

17 Q. Well, there is a logo for----

18 A. Oh, I'm sorry, you're right. It also says, "TAUP" --
19 "notice of revocation sent to TAUP," the second card is
20 specifically saying that you're trying to become a member
21 of TAUP.

22 Q. It's -- the first -- the top says -- has the logo for
23 TAUP and the logo for UAP, and not just TAUP, correct?

24 A. Yes.

25 Q. So I'll go back. Is there a card with a logo that

1 just says, "TAUP" devoid of the logo for UAP?

2 A. No.

3 Q. And it says, "By signing below, I hereby authorize
4 Temple Association of University Professionals, United
5 Academics of Philadelphia," and then the others, "AFT-PA,
6 AFT, AFL-CIO to be my exclusive representative for
7 purposes of collective bargaining with my employer."

8 A. Yes.

9 Q. Do you see that?

10 A. That's what it says.

11 Q. Is there a statement like that that says -- a written
12 statement like that says, "I hereby authorize only TAUP"?

13 A. No. These are the organization cards.

14 Q. This is the organization card?

15 A. This is the card to organize a union through TAUP.

16 Q. Where does it say, "I'm organizing a union, TAUP?"

17 A. Right at the top. By signing below I hereby
18 authorize Temple Association of University Professionals
19 to be my exclusive representative for purposes of
20 collective bargaining with my employer.

21 Q. Yes. It says, "Temple Association of University
22 Professionals, United Academics of Philadelphia." It
23 doesn't just say -- would you agree with me that it
24 doesn't just say, "TAUP," but it names a series of
25 organizations?

1 MS. ROSENBERGER: Objection. This document
2 speaks for itself, A; and, B, we've already stipulated to
3 what the document says. We can argue about what the legal
4 significance is of what the card says, which is a
5 completely separate issue, but the document says what it
6 says.

7 MR. LANGEL: All right, I'll move on.
8 [Whereupon, a single page UAP web site
9 snapshot with several photographs and
10 written comments was marked as Temple
11 Exhibit No. 2 for identification.]

12 BY MR. LANGEL:

13 Q. Let me show you another exhibit. This is identified
14 as Temple Exhibit 2. Tell me what this is.

15 [Exhibit provided to the witness.]

16 [Witness peruses document.]

17 A. This looks like a screen grab from a specific blog
18 page from unitedacademicsphiladelphia.org.

19 Q. Okay, and it says, "We're voting for a union at
20 Temple! Join Us!"?

21 A. Yes.

22 Q. And it is under the banner of UAP?

23 A. Yes, there is a UAP banner behind me in that picture.

24 Q. And it's on UAP's web site, correct?

25 A. Yes.

1 Q. Now, the purpose of this is to encourage people to
2 vote for a union, right?

3 A. Presumably.

4 Q. All right, and it states that -- TAUP doesn't appear
5 anywhere on this, correct?

6 A. Well, actually since it's the same picture of me
7 holding the same card the TAUP logo is also there.

8 Q. All right, so, other than on the card, it doesn't
9 appear anywhere else here?

10 A. No, it does not.

11 [Whereupon, a four page UAP web site
12 snapshot with photographs and written
13 matter was marked as Temple Exhibit
14 No. 4 for identification.]

15 Q. Let me show you Temple Exhibit 4.

16 [Exhibit provided to witness and parties.]

17 Q(Con't) Can you tell us what that is?

18 [Witness peruses exhibit.]

19 A. This looks like -- yes, this looks like a blog post
20 printed from United Academics of Philadelphia.org.

21 Q. And this letter is on UAP's web site, correct?

22 A. I assume it is.

23 Q. Well, look at the bottom.

24 A. Yeah, it looks like it's printed from the web site.
25 It has the web site's address at the bottom.

1 Q. Okay, and you see that there is a paragraph that I
2 highlighted?

3 A. Yes.

4 Q. All right, now do you see where it says, "Adjuncts
5 would be joining Temple Association of University
6 Professionals, the full-time faculty union at Temple, and
7 United Academics of Philadelphia, the metro-wide union for
8 adjunct faculty."?

9 A. Yes, I see that.

10 Q. It doesn't just say they'll be joining TAUP, does it?

11 A. No, it does not.

12 Q. The purpose of this letter is to encourage people to
13 vote for a union, right?

14 A. Yes.

15 Q. So the message from UAP's web site is join UAP and
16 TAUP, correct?

17 MS. ROSENBERGER: Objection. He's already
18 testified he's not responsible for administering the web
19 site, creating the content on the web site. He can't
20 speak to what the purpose of it is.

21 HEARING EXAMINER: Do you want to rephrase
22 your question?

23 MR. LANGE: He's a -- he signed the letter
24 on the second page. His picture is at the mast head.

25 HEARING EXAMINER: I'll allow it.

1 A. Can you repeat the question, please?

2 MR. LANGEL: Would you read the question
3 back? Can you do that?

4 REPORTER: I can play it back.

5 MR. LANGEL: Never mind. I remember the
6 question.

7 BY MR. LANGEL:

8 Q. So the message from the UAP web site is to join TAUP
9 and UAP, correct?

10 A. From that phrasing I would say, yes, UAP is trying to
11 encourage people to join both TAUP and UAP.

12 Q. And the letter does not just anywhere say, "Join
13 TAUP," correct?

14 A. -- The letter does not say, "join exclusively TAUP."

15 [Whereupon, a single page Facebook/UAP
16 snapshot with photographs and written
17 comments was marked as Temple Exhibit No. 5
18 for identification.]

19 Q. Let me show you what we've marked as 5.

20 [Exhibit provided to witness and parties.]

21 [Witness peruses document.]

22 Q(Con't) Do you see that?

23 A. Yes, I do.

24 Q. And your picture is there again?

25 A. It's the same picture again.

- 1 Q. And it says, "We want a union at Temple"?
- 2 A. Yes.
- 3 Q. And it says, "We just filed for an election for an
4 adjunct union," correct?
- 5 A. Yes.
- 6 Q. All right, and that's on a mast -- under the logo
7 United Academics of Philadelphia, correct?
- 8 A. Yes, that's posted to -- it appears to be UAP's
9 Facebook page.
- 10 Q. Pardon?
- 11 A. It looks like it's UAP's Facebook page.
- 12 Q. And this was posted by UAP on its Facebook page and
13 you can tell that from this, right, from the top where it
14 says, "UAP United Academics of Philadelphia," and then has
15 a statement below it?
- 16 A. Yes, it's a posting by UAP on their Facebook page.
- 17 Q. All right. -- And the post has the UAP logo on it
18 next to United Academics of Philadelphia, correct?
- 19 A. Yes.
- 20 Q. All right, and the post says, "We have some pretty
21 exciting news. After a vast majority of adjunct faculty
22 teaching at Temple University signed union authorization
23 cards we filed a petition for a union election with the
24 Pennsylvania Labor Relations Board. We hope Temple agrees
25 with us to a speedy election in the spring semester, but

1 right now it's time celebrate." Correct?

2 A. Yes.

3 Q. And below that UAP posting according to this, at the
4 time of this screen shot, there are 106 likes?

5 A. Yes.

6 Q. And this posting does not mention TAUP, correct?

7 A. Correct.

8 Q. It only mentions UAP, correct?

9 A. Correct.

10 MR. LANGEL: I'd like to show a video.

11 [Whereupon, a single page Facebook/UAP
12 web page snapshot with photographs and
13 written comments was marked as Temple
14 Exhibit No. 6 for identification.]

15 MR. LANGEL: Here's a snapshot of the video
16 that we're going to show.

17 [Exhibit provided to Ms. Rosenberger.]

18 MS. ROSENBERGER: And when you say, "here,"
19 that's Temple 6?

20 MR. LANGEL: Yes.

21 [Copy of exhibit also provided to the
22 Hearing Examiner.]

23 HEARING EXAMINER: Thank you.

24 [Exhibit provided to the witness.]

25 Q. Have you seen Temple 6 before -- or what appears in

1 Temple 6, have you seen that before?

2 A. I've seen this video posted. I don't think I've
3 actually watched the video though.

4 Q. Okay, but you've seen it posted?

5 A. Yes, I've seen it posted.

6 Q. Okay, but you've seen the video posted on the web
7 site?

8 A. I've seen -- actually the screen grab they have here
9 I've seen that with the "play" logo in the middle of it.

10 Q. And below this posting there are 44 likes, correct?

11 A. Yes.

12 Q. And if you take a look at this here, what we've
13 captured from the web page, do you see TAUP mentioned
14 anywhere?

15 [Witness peruses exhibit.]

16 A. No.

17 MR. LANGEL: Can we show the video?

18 HEARING EXAMINER: You're going to put in a
19 video that he's never seen?

20 MR. LANGEL: Well, it's a video on the web
21 page. Is anyone disputing its authenticity?

22 MS. ROSENBERGER: He's never seen it
23 before. I mean, he can't testify about something he's
24 never seen.

25 MR. LANGEL: All right, we'll do it through

1 another witness. I'd just like to make a comment. I
2 understood these proceedings were to try to develop the
3 facts that all of us are operating under, and if no one
4 disputes that video why are we objecting that it appears
5 in the web page? Why are we objecting to its admission if
6 the purpose of this is to develop what everybody saw as
7 part of the organizing campaign?

8 MS. ROSENBERGER: First of all, there's no
9 record that everybody saw it. We've just heard from a
10 witness who didn't see it; and, second of all, it's not --
11 I don't have a basis to dispute or not dispute what it is.
12 I haven't seen it. So clearly not everybody has seen it.
13 If they have a witness who has seen it and they want to
14 put it into evidence, and it's relevant, they can put it
15 in the way we always do at these hearings.

16 HEARING EXAMINER: Mr. Langel, this is a
17 representation proceeding, but the Rules of Evidence are
18 the Rules of Evidence.

19 MR. LANGEL: So we've identified that one
20 as 6. We'll skip that one and not introduce it right now,
21 but here's 7.

22 [Whereupon, a single page Facebook/UAP
23 snapshot with photographs and written
24 comments was marked as Temple University
25 Exhibit No. 7 for identification.]

1 [Exhibit provided to witness and parties.]

2 BY MR. LANGE:

3 Q. Have you seen this before?

4 A. Yes, I have.

5 Q. Can you tell us what it is?

6 A. This is the posting to -- it's UAP'S page. This is
7 when UAP went public with the organization effort at
8 Temple and they posted the image that you've cited several
9 times with my inappropriately unshaven face, -- and, yes,
10 it also has comments on the post from me.

11 Q. And this is your writing, correct?

12 A. Yes, it is.

13 Q. And it's under the logo of United Academics of
14 Philadelphia?

15 A. It's a comment on their Facebook post.

16 Q. All right, and could you read to us what it says?

17 A. Sure. [Reading from exhibit:] "Marjorie, spread the
18 word to your friends, especially if they themselves are
19 adjuncts. If they're at Temple, I can get them a card to
20 sign. If they're at another school, encourage them to
21 join UAP and to start thinking about organizing their own
22 institution."

23 Q. And the card that you would have gotten them to sign
24 was the card we've previously identified as 3?

25 A. Yes.

1 Q. Let's go back. -- You said you saw the posting for
2 6, right?

3 A. Yes, I did.

4 Q. All right, and that again is under UAP?

5 A. Yes.

6 Q. And it says, "It was a really exciting day in
7 Harrisburg yesterday. Check out that big box full of
8 authorization cards from Temple adjuncts who want a
9 union." Right?

10 A. Yes.

11 Q. And then it says, "We have some pretty exciting news.
12 After a vast majority of adjunct faculty teaching at
13 Temple University signed union authorization cards, we
14 filed a petition for a union election with the
15 Pennsylvania Labor Relations Board. We hope Temple
16 agrees..." Do you see that?

17 A. Yes.

18 Q. Okay, and all of that is under UAP, correct?

19 A. Yes.

20 Q. And there's no reference there at all to TAUP,
21 correct?

22 A. Correct.

23 [Whereupon, a single page Facebook/UAP
24 web site snapshot with photograph and
25 comments was marked as Temple University

1 **Exhibit No. 8 for identification.]**

2 Q. And I'll show you what we've identified as Exhibit 8.

3 [Exhibit provided to witness and parties.]

4 [Witness peruses exhibit.]

5 Q(Con't) That is a post on UAP'S Facebook page, correct?

6 A. Yes.

7 Q. And this post says, "Follow Naomie Levin's lead and
8 join the hundreds of adjuncts at Temple University who are
9 telling the world why they need a union." Correct?

10 A. Yes.

11 Q. All right, and it says under the logo of UAP,
12 "everyone deserves" -- it says -- can you read that? It
13 says, "I'm voting yes for a union for adjunct faculty at
14 Temple University"?

15 A. It says, "I'm voting yes for a union for adjunct
16 faculty at Temple University because," and then it's
17 presumably Professor Levine's handwriting, "everyone
18 deserves dignity in their workplace."

19 Q. Okay, and that is under the UAP logo, correct?

20 A. Yes.

21 Q. All right, and there's no reference to TAUP there at
22 all?

23 A. No.

24 Q. And below that photo there are 20 likes, correct?

25 A. Correct.

1 Q. And this post does not mention joining a full-time
2 faculty unit, does it?

3 A. No, it doesn't.

4 [Whereupon, a four page UAP web site
5 snapshot with photographs and written
6 comments was marked as Temple University
7 Exhibit No. 9 for identification.]

8 BY MR. LANGE:

9 Q. Let me show you what we've marked as 9.

10 [Exhibit provided to witness and parties.]

11 [Witness peruses document.]

12 Q(Con't) Now again this is under -- on UAP's web site,
13 right?

14 A. Yes.

15 Q. And at the top it says, "We want a union at Temple."
16 Your picture is there. It talks about -- it says, "Temple
17 Adjuncts Speak Out." And then there are a series of
18 testimonials, correct?

19 A. Yes.

20 Q. Would you take a look through that?

21 [Witness peruses document.]

22 Q(Con't) Can you tell me, what's the purpose of these
23 testimonials' appearance on the web site?

24 A. The appearance of the testimonials on the web site
25 were to outline various instructors reasons for supporting

1 a union.

2 Q. So it's encouraging people to support the union?

3 A. Yes.

4 Q. All right. Now, take a look at the page at the
5 bottom with your picture.

6 A. Um-hunh.

7 Q. Read what it says under your picture -- I mean,
8 alongside your picture?

9 A. [Reading from exhibit:] "I support a union of
10 adjunct professors at Temple because I need job security
11 to develop new classes for my students, to serve as their
12 advocate before the administration, and to create a
13 stronger labor environment in the world they'll be
14 graduating into."

15 Q. And that says you support a union of adjunct
16 professors at Temple. It doesn't say you support becoming
17 part of a union of full-time faculty, does it?

18 MS. HOYE: Objection, it speaks for itself.

19 HEARING EXAMINER: I'll allow it.

20 Q(Con't) It doesn't say that you seek to join a full-time
21 faculty, does it?

22 A. In the blurb I wrote for this, no, I did not say
23 full-time faculty.

24 HEARING EXAMINER: Hold on. Off the
25 record.

1 [Whereupon, at 12:35 p.m., March 19, 2015 the hearing
2 recessed.]

3 [Whereupon, at 12:47 p.m., March 19, 2015 the hearing
4 reconvened.]

5 HEARING EXAMINER: All right, back on the
6 record.

7 [Whereupon, a single page UAP web site
8 snapshot with photographs and comments was
9 marked as Temple University Exhibit No. 10
10 for identification.]

11 Q. I'm showing you what we've marked as Temple 10.

12 [Exhibit provided to witness and parties.]

13 [Witness peruses exhibit.]

14 Q(Con't) And this again appears on the web page?

15 A. Yes.

16 Q. The same mast head, UAP at Temple University, "We
17 want a union at Temple," and then there is a testimonial
18 of "Julia Alford-Fowler, Why I need a union." Do you see
19 that?

20 A. Yes, I do.

21 Q. And that says, "I think the most basic thing is that
22 workers have a right to organize. It's our right. We're
23 being taken advantage of, and it's got to stop." Do you
24 see that?

25 A. Yes, I do.

1 Q. And immediately below it, it says, "Join us by
2 signing a card with UAP."?

3 A. Yes, it does.

4 Q. There's no mention of TAUP in this testimonial,
5 correct?

6 A. Not in that testimonial.

7 Q. I'm going to ask you a couple of final questions.

8 Are you aware that the full-time faculty have recommended
9 increasing the number of full-time faculty at the expense
10 of the adjuncts?

11 A. I had not heard that, no.

12 Q. Pardon?

13 A. I had not heard that.

14 Q. Are you aware that full-time faculty have asked that
15 full-time faculty, as opposed to adjuncts, be hired in the
16 summer?

17 A. No, I hadn't heard that.

18 Q. Do you know that TAUP has taken the position in its
19 bargaining that -- in making a request for job security
20 for non-tenure track faculty that the university always
21 has more flexibility to get rid of adjuncts, so they
22 should give non-tenure track faculty job security?

23 A. I heard you mention that in your opening.

24 Q. Have you heard it anywhere else?

25 A. No.

1 MR. LANGE: Nothing further at this time.

2 MS. HOYE: I have just a few questions on
3 redirect.

4 REDIRECT EXAMINATION

5 BY MS. HOYE:

6 Q. Don, what is your understanding of what UAP is?

7 A. UAP is the United Academics of Philadelphia. It's an
8 organization put together by AFT to facilitate the
9 organization of adjuncts in Philadelphia. It's the same
10 for any of the colleges here. I've been a dues paying
11 member of UAP from very nearly the beginning. And I know
12 it is the result of TAUP asking AFT to come in and help
13 assist in organizing the adjuncts.

14 Q. What's your understanding of what TAUP is?

15 A. TAUP is the union at Temple that handles full-time
16 adjunct faculty -- not -- I'm sorry, full-time faculty.

17 Q. What's your understanding of who the collective
18 bargaining agent would be in this case should the adjuncts
19 be accreted into the unit?

20 A. It would be TAUP.

21 Q. What's your understanding of what a collective
22 bargaining unit does?

23 A. They negotiate the contracts for the people covered
24 in the unit.

25 Q. In the course of your organizing efforts in this

1 campaign did you speak with other faculty adjunct members?

2 A. Yes, I did.

3 Q. Did you speak with them about the differences between
4 UAP and TAUP?

5 A. Yes, I did. When they asked what UAP was and when
6 they asked what TAUP was I explained the difference or the
7 distinction.

8 Q. What did you say to them?

9 A. Generally -- actually when I was organizing with help
10 from full-time employees with UAP we introduced ourselves
11 as members of UAP who were organizing on behalf of TAUP.
12 And when I was asked by adjunct faculty what UAP was and
13 what TAUP was I made it clear that TAUP was the union that
14 they were signing up to join, and that UAP was more of a
15 blanket adjunct rights organization operating in
16 Philadelphia and organizing.

17 Q. Does TAUP have a Facebook page? Do you know?

18 A. I don't know.

19 MS. HOYE: I don't have any other questions
20 for you on redirect, Don. Thank you.

21 RECROSS-EXAMINATION

22 BY MR. LANGE:

23 Q. So as I understand it, -- you acknowledge that the
24 card says they're selecting, and I'm not going to read all
25 of the names again, those entities "to be my exclusive

1 representative for purposes of collecting bargaining with
2 my employer."?

3 MS. ROSENBERGER: Objection, asked and
4 answered, and there's a stipulation about what the card
5 says, and the document speaks for itself.

6 HEARING EXAMINER: I'm going to allow it
7 just for clarification.

8 Q(Con't) So you acknowledge that that's what the card
9 says, that these entities are being -- that you're
10 authorizing these entities "to be my exclusive
11 representative for purposes of collecting bargain with my
12 employer."?

13 A. I agree that the language you read off the card is
14 the language on the card.

15 Q. Okay, and you're now telling us that you told people
16 something different than that when they asked you, and you
17 said that TAUP would be the exclusive representative for
18 purposes of collective bargaining with Temple?

19 A. I told them that TAUP is the union at Temple that
20 handles bargaining, and that UAP is not a union. UAP
21 doesn't handle collective bargaining.

22 Q. UAP is not a union?

23 A. No, it's just an organization for organizing.

24 Q. So the card says, "I'm authorizing"... these entities
25 ... "to be my exclusive representative for collective

1 bargaining," but you told the people something different
2 than the card -- that TAUP would be the exclusive
3 bargaining representative?

4 A. I said when I was talking to people that they were
5 signing up to have -- to join the existing union, TAUP.

6 Q. Okay, but that's not what the card says?

7 A. In my reading of the card it says that exactly, that
8 I am signing up to authorize TAUP to be my representative
9 for the purposes of collective bargaining. That's the
10 first name listed, "Temple Association of University
11 Professionals to be exclusive representative for purposes
12 of collective bargaining with my employer."

13 Q. And the other entities, -- no? It says a stream of
14 entities. It doesn't just say, "TAUP"?

15 MS. ROSENBERGER: Objection, asked and
16 answered. I mean, we've been through this now like five
17 times.

18 MR. LANGEL: Okay. Thank you.

19 HEARING EXAMINER: Do you have anything
20 else?

21 MS. HOYE: No additional redirect. Thank
22 you, Don.

23 HEARING EXAMINER: You can step down.

24 MS. ROSENBERGER: So we can call additional
25 witnesses now, or if you want to take a break we can do

1 that. It's up to you.

2 HEARING EXAMINER: Off the record.

3 [Brief recess/pause.]

4 MS. HOYE: Okay, the Union's next witness
5 will be----

6 MR. LANGEL: I need a bathroom break.

7 HEARING EXAMINER: Okay.

8 [Whereupon, at 12:55 p.m., March 19, 2015 the hearing
9 recessed.]

10 [Whereupon, at 1:05 p.m., March 19, 2015 the hearing
11 reconvened.]

12 HEARING EXAMINER: All right, back on.

13 MS. HOYE: The Union calls David White.

14 [The witness approaches the witness box and
15 takes his seat in the witness box.]

16 [The witness was sworn.]

17 Whereupon,

18 DAVID S. WHITE

19 having first been duly sworn, testified as follows:

20 HEARING EXAMINER: State your name.

21 THE WITNESS: David Stratton White.

22 DIRECT EXAMINATION

23 BY MS. HOYE:

24 Q. David, are you employed by Temple University?

25 A. Yes.

1 Q. What's your position with Temple?

2 A. Adjunct Instructor of Theater.

3 Q. Is there a theater department?

4 A. Yes, it's the Department of Theater with the Center
5 for the Arts. There's also a division between the
6 department and the -- so it's Department of Theater,
7 Division of Theater and Film Center for the Arts.

8 Q. What is your educational background?

9 A. I have a Bachelor of Arts in Theater from Purdue
10 University, and one Master of Fine Arts Degree in
11 Playwriting from Temple University.

12 Q. Is an MFA in Acting a terminal degree?

13 A. It is.

14 Q. Is MFA in Playwriting a terminal degree?

15 A. It is.

16 Q. Do you work anywhere other than Temple?

17 A. I do.

18 Q. Where do you work?

19 A. I work at Rowan [phonetic] University and Stockton
20 University.

21 Q. What's your position at Rowan?

22 A. Adjunct Instructor of Theater.

23 Q. And what's your position at Stockton?

24 A. Adjunct Instructor of Theater.

25 Q. Do you work anywhere else?

1 A. Not at the moment.

2 Q. For how long have you worked at Temple as an adjunct
3 faculty member?

4 A. I was an adjunct there in I believe 2010, and maybe
5 part of 2011. I'm not sure. And then the fall of 2012 to
6 the present.

7 Q. So since 2012 have you worked for Temple every
8 semester?

9 A. Every fall or spring semester.

10 Q. Do you ever teach in the summer?

11 A. I have once for Temple.

12 Q. Where do you currently teach physically?

13 A. The building?

14 Q. Yes.

15 A. I teach -- currently my classes are in Tuttleman Hall
16 and Barton Hall.

17 Q. Is that on main campus?

18 A. Yes.

19 Q. Have you taught on any other campuses at Temple?

20 A. On-line if that's a different campus.

21 Q. What course did you teach on-line?

22 A. The Collaborative Art.

23 Q. How many courses per year do you teach for Temple?

24 A. Per year?

25 Q. Yes.

- 1 A. Four or five.
- 2 Q. So you said you taught Collaborative Art on-line.
- 3 What other courses have you taught at Temple?
- 4 A. The Dramatic Imagination, Playwriting, Creativity
- 5 Basic, Art of Acting, Breakout Section of the Creative
- 6 Spirit. I TA'ed as an adjunct -- I know that's uncommon
- 7 -- I TA'ed as an adjunct for a course called Race on the
- 8 Stage. -- I think -- I said, Playwriting. Yeah, I think
- 9 that covers it.
- 10 Q. Okay, let's go through those one-by-one. I want to
- 11 start with the Dramatic Imagination.
- 12 A. Um-hunh.
- 13 Q. Do you know if full-time faculty teach that course?
- 14 A. Yes, sometimes.
- 15 Q. What about Playwriting, do full-time faculty teach
- 16 that course?
- 17 A. Yes.
- 18 Q. Do full-time faculty teach the Art of Acting?
- 19 A. Sometimes.
- 20 Q. Do full-time faculty teach Creative Basic?
- 21 A. Sometimes.
- 22 Q. What about the Creative Spirit?
- 23 A. That I'm not sure of.
- 24 Q. Okay, and what about Race on the Stage?
- 25 A. Yes.

1 Q. Generally speaking as an adjunct faculty member what
2 are your duties and responsibilities?

3 A. I prepare the courses. I design assignments and
4 exercises. I create the calendar. I write the syllabus.
5 I teach the class. I lesson plan each class. I execute
6 the classes. I design assignments and then evaluate the
7 students on the assignments. I do grading. I do
8 evaluation. I am responsible for the various midterm
9 progress ratings. Sometimes there are attendance checks.
10 I make myself available to the students through office
11 hours and through e-mail. I meet with students, former
12 students. I write letters of recommendation. I am
13 responsible for complying with the academic honesty
14 policy, so reporting plagiarism, reporting students who
15 seem to be having problems, whether I need to report them
16 to Psychological Services or something like that, just
17 sort of being responsible for the reasonable well-being of
18 my students within the class, -- and other things too.

19 Q. You mentioned reporting plagiarism. Have you ever
20 had to report a student for plagiarism?

21 A. Yes.

22 Q. How many times have you had to do that?

23 A. I don't know.

24 Q. More than once?

25 A. I'm not sure. I would say once at Temple for sure.

1 I've had to do it several times having taught at five
2 colleges in the past five or six or seven years. I'm
3 really not sure. There have been a number of times at
4 different schools, but I've dealt with that on occasion,
5 and I know once at Temple that I recall.

6 Q. Okay. You also talked about making yourself
7 available for students outside of class. Do you hold
8 office hours?

9 A. Yes.

10 Q. Where do you hold your office hours?

11 A. It's called the Joe First [phonetic] Media Center.
12 It's kind of a cafe. It's a bunch of tables in a large
13 open space by a coffee kiosk. I try to get the table next
14 to the outlet so I can plug my computer in.

15 Q. Do you write your own syllabi for the courses that
16 you teach?

17 A. I do.

18 Q. Do you have to submit them to be approved?

19 A. Yes.

20 Q. Have you ever had a syllabus not been approved?

21 A. I've had a course organizer -- I'm not sure what the
22 actual title is, but I've had the sort of course organizer
23 request changes due to -- like recently for a general ed
24 re-accreditation class. The Art of Acting class I taught
25 was -- you know, it went before a committee and they made

1 certain changes in order to maintain uniform learning
2 objectives for the course. So I -- it was requested, and
3 I met with the organizer to find out the new -- some new
4 things that have been added to the learning objectives for
5 this particular course.

6 Q. Do you remember who it was that you met with?

7 A. Yeah, David Ingram.

8 Q. Do you remember when that was approximately?

9 A. It would have been -- what month is it? -- It would
10 have been January. I think it was a couple days before
11 the start of the semester.

12 Q. Are you evaluated by your students?

13 A. Yes.

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

15 A. Yes.

16 Q. Have you ever had a student file a grievance against
17 you?

18 A. Not that I'm aware of.

19 Q. What's your understanding of what could happen if a
20 student files a grievance against you?

21 A. I could not be rehired. Potentially my contract
22 could be terminated or I could be spoken sternly to. I
23 don't know.

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

1 A. Yes.

2 Q. What's the context for those interactions?

3 A. There are many contexts for those interactions. They
4 may be talking about particular students and their overall
5 performance, particularly if I have a playwriting student.
6 One example is a full-time professor recommended that one
7 of her acting students take my playwriting class, and she
8 was interested in his performance, and we -- we still
9 touch base on how said student is doing. We have a
10 student of interest in common I guess. We may be talking
11 about doing artistic projects outside of school. We may
12 be talking about how our various classes are going, things
13 that we're trying, new exercises or assignments that we're
14 doing. We may be talking about the productions that the
15 theater department executes as part of the theater
16 education of the students. There are a lot of contexts in
17 which -- I may be congratulating them on a wedding or a
18 personal achievement or something. You know, there are
19 lot of ways in which we interact.

20 Q. Are you familiar with Blackboard?

21 A. Yes, I am.

22 Q. What is Blackboard?

23 A. Blackboard is -- it's an educational software
24 program. It does everything from -- you can post
25 assignments, discussion boards, communicate with your

1 students, post your syllabus, lots of things.

2 Q. Do you use Blackboard yourself?

3 A. Yes.

4 Q. Do you use Blackboard to communicate with full-time
5 faculty members?

6 A. Yes.

7 Q. How so?

8 A. One example is -- I mentioned David Ingram and the
9 new objectives for the Art of Acting. New exercises that
10 fulfill those learning objectives are put on -- there's a
11 site for everyone that teaches Art of Acting that's
12 separate from -- it's like -- Blackboard also has a
13 function for student organizations or just university
14 groups. There's a university group for people who teach
15 Art of Acting, and Blackboard is used to do that. Another
16 way I use Blackboard is for the student One Act Festival
17 that I organize every year, and I communicate with some of
18 the faculty members through that.

19 Q. Okay. You mentioned the student One Act Festival.
20 What is that?

21 A. It's something that I proposed and that we have
22 executed for the last three years. It's a festival of
23 student written work. So students write it. They submit
24 it. I curate it, meaning I select the student work that
25 gets presented. It's directed by student directors and

1 performed by student actors.

2 Q. When you say we've executed it the past three years,
3 who is the "we" we're talking about?

4 A. Well, Temple, -- myself. It's been held in the
5 Randall Theater in the Tomlinson Building. So it's a
6 Temple event.

7 Q. And you said that you proposed the creation of the
8 One Act Festival?

9 A. Yes, I did.

10 Q. Walk us through what that process was.

11 A. I had -- I was initially invited to every -- every
12 year in the fall there is student-faculty meet and greet
13 for all of the theater majors during an all theater major
14 seminar called 1087. And I was at the playwriting table
15 and I noticed that there are showcases for actors on the
16 main stage season, and designers, and all of the various
17 disciplines of theater, and I remarked that we should have
18 a student written festival to showcase the works of my
19 playwrights. And they said, "You should propose it." So
20 I proposed it to Doug Wayger [phonetic] who was at that
21 time the Chair of the Theater Department. We had several
22 meetings where he, you know, recommended changes to my
23 proposal, and he came up with the name "Short Stuff," and
24 at the time he brought in Lee Richardson, who is another
25 full-time faculty member. He was to coordinate the

1 directors and I was to coordinate the writers. So Lee and
2 I were both advisors for the first two years, and then
3 this year I was the lone faculty advisor for the event.

4 Q. Do you get paid for the work that you do with respect
5 to the One Act Festival?

6 A. Not directly, no.

7 Q. Has Temple ever produced any of your plays?

8 A. Yes.

9 Q. When was that?

10 A. The spring of 2013.

11 Q. Did you find that your play being produced had any
12 impact on student enrollment in your courses?

13 A. Yes, my playwriting course in particular. The
14 enrollment was larger. I taught it the semester before
15 and the semester after, and the enrollment went up.

16 Q. Are you invited to attend department meetings?

17 A. Sometimes.

18 Q. Do you attend the department meetings that you're
19 invited to attend?

20 A. When I can.

21 Q. Do you attend any other faculty meetings?

22 A. When they're necessary. Every semester there's a
23 meeting of adjuncts that's held by -- usually by the
24 associate chair. So I go to those. There was a meeting
25 for Art of Acting instructors that I could not attend, but

1 I had to -- and that was fine, but I had to meet
2 separately to get the information.

3 Q. So there was a meeting held for all instructors who
4 teach the particular course, Art of Acting?

5 A. Yes.

6 Q. And you were not able to attend that?

7 A. I was not able to attend that. I had another
8 obligation at another college.

9 Q. And because you weren't able to attend that
10 particular meeting what did you end up doing?

11 A. I ended up meeting with David separately.

12 Q. Are you talking about David Ingram?

13 A. Yes.

14 Q. Do you receive an appointment letter from Temple each
15 semester?

16 A. Yes.

17 [Whereupon, documents were marked as Union
18 Exhibit Nos. 4A, 4B and 4C for
19 identification.]

20 [Packet of exhibits provided to the
21 witness and parties.]

22 Q. David I'm showing you a document that we've marked
23 Union Exhibit 4A and 4B and 4C. It's a packet of pages.
24 Take a moment to review this, and when you've had a chance
25 to do so please let me know.

1 [Witness peruses exhibit packet.]

2 A. I've reviewed it.

3 Q. Okay, what are we looking at here?

4 A. These are a few of my letters of appointment.

5 Q. From Temple?

6 A. From Temple University, yes.

7 Q. Okay, and what's the date on the first one, Exhibit
8 U-4A?

9 A. July 19th, 2013.

10 Q. And what's the date on the second one, Exhibit U-4B?

11 A. It was December 9, 2014, but I corrected it to "2013"
12 because it seemed to be a typo.

13 Q. Yeah, I see there's a reference in Exhibit U-4B to
14 your credit hours during the spring of 2014 semester.

15 A. Right.

16 Q. And are these letters representative of the
17 appointment letters that you've received from Temple for
18 each semester that you've taught?

19 A. I believe so.

20 Q. Who signs these letters on Temple's behalf?

21 A. I believe the Dean, -- the Dean of the Center of the
22 Arts.

23 Q. I want to draw your attention to the very first page
24 in this packet, Exhibit U-4A, and I'm looking at about
25 two-thirds down the page at the paragraph that begins,

1 "This appointment is subject to all polices." Do you see
2 that paragraph?

3 A. Yes.

4 Q. Can you read that sentence for me?

5 A. [Reading from document:] "This appointment is
6 subject to all polices and procedures of Temple University
7 and its Schools and Colleges."

8 Q. What are some of the policies and procedures that
9 you're aware that you're subject to?

10 A. As I think I mentioned before, the Academic Honesty
11 Code, the discrimination policy or anti-discrimination
12 policy, -- the health policies, attendance policies, the
13 policies for student athletes/ROTC students, -- and many
14 more.

15 Q. You mentioned the health policy was----

16 A. Like there was a training about hazardous materials
17 at one point that I had to take. I think that's what I
18 was referring to when I said, "health policies."

19 Q. Have you been required to do any other training?

20 A. Yes.

21 Q. What training?

22 A. The discrimination training, -- again the trainings
23 for the various schools bleed together, but Temple has had
24 several on-line trainings that I've had to do. I do know
25 hazardous materials and anti-discrimination were two that

1 I did have to do for Temple.

2 Q. You also mentioned ROTC and student athletes.

3 A. Yes.

4 Q. What are the policies and procedures that you're
5 subject to with respect to those students?

6 A. Well, I group those together because both of them
7 require additional mid-semester progress reporting. So
8 there's that. Student athletes also get special
9 attendance allowances. So they come to me with their
10 schedule and I'm obliged to accommodate.

11 Q. And you are subject to the student feedback policy,
12 correct?

13 A. Yes.

14 MS. HOYE: Dave, I don't have any other
15 questions for you at this point. Thank you.

16 THE WITNESS: Thank you.

17 MR. LANGE: Five minutes?

18 HEARING EXAMINER: Sure. Off the record.

19 [Whereupon, at 1:32 p.m., March 19, 2015 the hearing
20 recessed.]

21 [Whereupon, at 1:40 p.m., March 19, 2015 the hearing
22 reconvened.]

23 HEARING EXAMINER: All right, back on.

24 CROSS-EXAMINATION

25 BY MR. LANGE:

1 Q. Mr. White, you have some exhibits in front of you.
2 Would you pull out of the exhibits Temple Exhibit 3,
3 Temple Exhibit 4, and Union Exhibit 4 which has A, B,
4 etcetera?

5 A. Temple Exhibit 3, Temple Exhibit 4.

6 Q. Yes.

7 A. I'll try to keep these in order. And Union Exhibit
8 what?

9 Q. 4.

10 A. Oh.

11 Q. Your appointment letters.

12 A. Oh, very good, yes. Got it.

13 Q. So let's look at Temple Exhibit 4 first.

14 A. Temple Exhibit 4.

15 Q. Yes. It says, "Union Strong. Why Temple Adjuncts
16 Want a Union."

17 A. Yes.

18 Q. And that's on the UAP web page, correct?

19 A. I don't know.

20 Q. Well, it's a letter that you signed, correct?

21 A. Is it?

22 Q. Well, it says you did.

23 [Witness peruses exhibit.]

24 Q(Con't) Page 2 at the bottom, near the bottom, it says,
25 "David White, Theater" under the word, "Signed."

1 A. Yes, yes, it is.

2 Q. Did they have your approval to put -- whoever put
3 this on the web site did they have your approval to say
4 you were a signature?

5 A. I don't recall specifically, but I'm assuming they
6 did.

7 Q. Okay. Would you have read this letter before you
8 signed it?

9 A. Yes, I would have read it before I agreed to put my
10 name on it.

11 Q. And turn to the third page.

12 [Witness does as requested.]

13 Q(Con't) Do you see your picture? Do you see that?

14 A. Yes.

15 Q. -- Have you seen this before?

16 A. I've seen -- not the video, but the picture that is
17 the thumbnail for the video apparently.

18 Q. But you never watched the video?

19 A. Right. I took the -- well, I had the picture taken.
20 I posed for the picture.

21 Q. Okay, and the writing underneath our name, have you
22 ever seen that before?

23 [Witness peruses document.]

24 A. I'm looking for my name.

25 Q. No, the writing under your picture.

1 A. Oh, okay. I don't -- I haven't seen it certainly in
2 this context. [Reading from exhibit]: "on February 10,
3 the Pennsylvania"... I don't know.

4 Q. Okay. Now, going back to the letter that you signed
5 near the bottom, do you see what I put -- what I
6 highlighted in yellow?

7 A. Yes.

8 Q. Adjuncts would be joining Temple Association of
9 University Professionals (TAUP), the full-time faculty
10 union at Temple, and United Academics of Philadelphia, the
11 metro-wide union for adjunct faculty.

12 A. Yes, I see that.

13 Q. All right, and that was written in the context of
14 people having signed authorization cards, correct?

15 A. It was -- could you repeat the question?

16 Q. It was written in the context of people having signed
17 authorization cards to join -- to select a union for
18 collective bargaining representative purposes?

19 A. People signed the cards and it was written -- yeah, I
20 don't know about the context, but it's true that people
21 signed cards, and it's true that that was written.

22 Q. Okay, and would you take a look at Temple Exhibit 3?
23 Well, I'm sorry, let's stay on Temple Exhibit 4. That
24 sentence that I highlighted---

25 A. Yes.

1 Q. Says -- it identifies both TAUP -- that people would
2 be joining both TAUP and UAP, correct?

3 [Witness peruses document.]

4 A. It says, "Adjuncts would be joining Temple
5 Association of University Professional (TAUP), the full-
6 time faculty union at Temple, and United Academics of
7 Philadelphia (UAP), the metro-wide union for adjunct
8 faculty."

9 Q. Does it say that they would be joining just TAUP?

10 A. It doesn't specify that.

11 Q. And would you take a look at Temple Exhibit 3.

12 [Witness does as requested.]

13 Q(Con't) At the top where it starts, "By signing below,"
14 would you read that?

15 A. [Reading from exhibit]: "By signing below, I hereby
16 authorize Temple Association of University Professionals,
17 United Academics of Philadelphia, AFT-PA, AFT, AFL-CIO to
18 be my exclusive representative for purposes of collective
19 bargaining with my employer? Union yes, Signature."

20 Q. Did you understand that you were selecting both TAUP
21 and UAP to be your collective bargaining representative?

22 A. That was not my understanding.

23 Q. All right, what was your understanding?

24 A. My understanding was that my authorization was for
25 TAUP to represent the adjuncts, and that I could choose to

1 join UAP.

2 Q. All right, and where did you get that understanding
3 from by virtue of signing this card?

4 A. I don't recall where I first got that understanding,
5 but I -- there were meetings and discussions.

6 Q. Okay, when did you get that understanding? Did you
7 get that understanding -- well, just tell me when.

8 A. Before I signed the card. Before I saw the card. I
9 can't say exactly because I don't know. I don't recall.

10 Q. So before you signed the card you understood by
11 signing the card that said you were selecting TAUP and UAP
12 that you were just selecting TAUP to be your collective
13 bargaining representative?

14 A. I understood before that that I could choose to join
15 UAP if I desired.

16 Q. I understand that, but I'm talking about what you
17 signed here----

18 A. Before I signed the card----

19 Q. Let me finish, let me finish.

20 A. Okay.

21 Q. You said -- what you signed here says that you
22 selected these parties "to be my exclusive representative
23 for purposes of collective bargaining with my employer."
24 That's what it says, but what you understood -- what
25 you're telling me is that you were not selecting TAUP, UAP

- 1 to be your collective bargaining representative?
- 2 A. I don't understand.
- 3 Q. You understand the plain language----
- 4 A. Okay, TAUP----
- 5 Q. You said you didn't understand so I'll try to clear
- 6 it up.
- 7 A. Okay.
- 8 Q. You don't understand that the plain language of this
- 9 says you're selecting these entities to be your collective
- 10 bargaining with the employer?
- 11 A. This entity?
- 12 Q. These entities.
- 13 A. These entities.
- 14 Q. It doesn't say, "this entity." It says multiple
- 15 entities.
- 16 A. Okay.
- 17 Q. Right?
- 18 A. So they're different things.
- 19 Q. They're different things.
- 20 A. Okay.
- 21 Q. And you understand TAUP is one thing?
- 22 A. Yes.
- 23 Q. And you understand UAP is another thing.
- 24 A. I understand.
- 25 Q. This says, "I'm selecting" at least two of them to be

1 my collective bargaining representative. That's what the
2 plain language says. You would agree with that, not what
3 your understanding was, but what the plain language says?

4 MS. HOYE: Objection. It speaks for
5 itself. He's asking him to characterize what the document
6 says, and it says what it says.

7 MR. LANGEL: I'm trying to cross-examine
8 him as to where and when he got an understanding that is
9 different from the plain language. And I need to
10 understand that----

11 HEARING EXAMINER: Didn't you already ask
12 him that too?

13 MS. HOYE: Yes.

14 MR. LANGEL: Well, he says he doesn't
15 know----

16 HEARING EXA INER: I mean, you're beating a
17 dead horse here. How many times are we going to go
18 through this?

19 MR. LANGEL: I think it's fundamentally
20 important to establish what he signed and what he
21 understood before or after he signed it.

22 HEARING EXAMINER: You already asked him
23 that.

24 MS. HOYE: And he's answered those
25 questions already.

1 BY MR. LANGE:

2 Q. You said there were multiple meetings that formed the
3 basis of your understanding that you were selecting just
4 TAUP.

5 A. There were conversations. There were gatherings,
6 yes.

7 Q. And conversations between how many people?

8 A. Sometimes two, sometimes four, sometimes six. I
9 can't say the number exactly.

10 Q. Okay, and gatherings, how many people were in the
11 gatherings?

12 A. I don't know. These weren't formal, you know, --
13 like, "Come here at this time."

14 Q. Okay, so based on those conversations you got an
15 understanding that TAUP would be your collective
16 bargaining representative?

17 A. Right.

18 Q. And what is that understanding? Was it your
19 understanding that when TAUP negotiates it will be
20 negotiating on behalf of full-time faculty and adjuncts at
21 one time or that there would be -- is that your
22 understanding?

23 A. Could you be more specific?

24 Q. You're saying that you selected TAUP to be your
25 exclusive representative was your understanding?

1 A. What is my understanding?

2 Q. No. That was your understanding, that you were
3 selecting----

4 A. Yes, yes.

5 Q. TAUP as your exclusive collective bargaining
6 representative?

7 A. Yes.

8 Q. All right, with that understanding is it your
9 understanding that TAUP will be bargaining on your behalf
10 in conjunction with the bargaining that it also does at
11 the same time for full-time faculty?

12 A. I'm not entirely certain what you mean by, "in
13 conjunction."

14 Q. At that same time. That you would all be part of one
15 bargaining unit and there are negotiations for everybody
16 in that bargaining unit simultaneously.

17 A. That we would all be in one bargaining unit is what I
18 understand.

19 Q. And that TAUP would be collectively bargaining for
20 you at the same time it was bargaining for tenure track,
21 non-tenure track, librarians and academic professionals?

22 A. Yes.

23 Q. All right, but you wouldn't be separate, a subpart of
24 TAUP, is your understanding?

25 A. That is my understanding.

1 Q. Okay, and where do you get that understanding from?

2 A. I don't recall. I mean, I read it somewhere or I --
3 like I can't cite my source right now. I just don't
4 recall. I don't have it in front of me.

5 Q. No large group meeting?

6 A. I don't believe so, no.

7 Q. So if you got that understanding it would have been
8 in the same small gatherings?

9 A. [Nods head in an affirmative manner.]

10 Q. Yes?

11 A. Yes.

12 Q. Okay. -- In the context of seeking job security for
13 non-tenure track faculty have you heard that TAUP told
14 Temple University that it should give non-tenure track
15 faculty greater job security because Temple University
16 could always get rid of adjuncts?

17 A. Not before today.

18 Q. And have you heard that full-time faculty have
19 recommended increasing the number of full-time faculty at
20 the expense of the adjuncts?

21 A. Full-time faculty have -- could you repeat that,
22 please?

23 Q. Have you heard anything to the effect that full-time
24 faculty have officially, in the context of bargaining with
25 the university, recommended increasing the number of full-

1 time faculty while they decrease the number of adjuncts?

2 A. Not before today, no.

3 Q. And have you heard that full-time faculty have
4 complained to the union that adjuncts were being hired
5 over full-time faculty in the summer, and that full-time
6 faculty should be hired in the summer at the expense of
7 adjuncts?

8 A. Not specifically before today.

9 Q. Have you seen the video posted on the web site that
10 appeared immediately after the Petition for Representation
11 was filed with the PLRB?

12 A. It's doubtful.

13 Q. Doubtful or you didn't?

14 A. I don't know what video you're talking about
15 specifically, so I----

16 Q. Well, take----

17 A. So all I can say is, I doubt it.

18 Q. Okay. Take a look at Temple Exhibit 4 on which you
19 appear. Go two pages after you appear.

20 A. Two pages after I appear?

21 Q. Yes.

22 [Witness peruses exhibit.]

23 Q(Con't) Let everyone know I'm voting, yes, for a union.

24 A. This one?

25 [witness holds up exhibit.]

1 Q. Yeah.

2 A. No, I've never seen that.

3 Q. Exhibit U-4 is your appointment letters, is that
4 correct?

5 A. Yes.

6 Q. And that says, "You have been assigned to teach the
7 following classes," and it identifies the classes?

8 A. Yes.

9 Q. Your total compensation for providing the services
10 described in this appointment letter was \$7572, correct?

11 A. That's what it says.

12 Q. No. I'm asking you if that's what it was?

13 A. I mean, I -- I don't count my paychecks. So if my
14 contract says so, then I assume so. I don't -- they may
15 have paid me less and cheated and I wouldn't have known.

16 Q. Okay, so let's discuss that. What I think you're
17 also saying is that with regard to other things that you
18 said you did, while you were an adjunct teaching classes,
19 you weren't paid for those?

20 A. It was not itemized as the bare minimum requirements
21 of my position, no.

22 Q. But you were assigned to do those things, weren't
23 you?

24 A. I went to my boss. I said, "Hey, Boss, I can do this
25 for you."

1 Q. So you volunteered -- so you went to your boss----

2 A. I'm taking some initiative. If I were not employed
3 by Temple University that would not have been something
4 that could have happened or would have happened. I do
5 this because it's the way to do my job well, -- and it is
6 part of my job.

7 Q. It's part of your job. Did anyone from Temple assign
8 you to do that job?

9 A. Yes.

10 Q. They did? I thought you just said you went to your
11 boss.

12 A. I went to my boss and said, "I can do this for you.
13 Do you want me to do it for you?" My boss said, "Yeah, I
14 would like you to do that for me."

15 Q. And take us through the process? You said, "I can do
16 this for you." He said, "I'd like you to do this for me."
17 What was the next step?

18 A. He said -- I'm paraphrasing of course. I think
19 that's obvious at this point. He said, "That's a great
20 idea. Write a specific proposal. Bring it to me."

21 Q. Okay, and then what happened?

22 A. And then he said, "I have a couple of things I'd like
23 to change. Can you come back?" And I changed some things
24 about the proposal and I came back.

25 Q. He gave you suggestions to make changes. You took

1 those suggestions and went to make them?

2 A. Yes.

3 Q. Okay, and then what happened?

4 A. When your boss gives you suggestions they carry
5 stronger suggestions than if a colleague gives you
6 suggestions. And then he approved the event, -- and we
7 implemented it. We put it in motion. We took the first
8 step.

9 Q. And what did you do?

10 A. Oh, I believe the first step that first time was to
11 schedule an announcement to all of the theater students
12 that we were going to do. Then we -- we had already made
13 choices about how that would work. I made an announcement
14 in the theater major seminar. We made fliers with the --
15 oh, I think it was Kalin who sort of -- I don't know her
16 title. She's like the PR person for the department. We
17 put the fliers up encouraging theater majors and those in
18 the playwriting class to submit their work. It goes on
19 and on.

20 Q. Okay, so a fundamental step was your going to your
21 boss?

22 A. Um-hunh.

23 Q. Discussing it with your boss, putting the proposal
24 together, his commenting on the proposal, your completing
25 it, and his approval of it, correct?

1 A. Yes. I took the initiative and my boss said, "Let's
2 go with it."

3 Q. Okay, and without his approval you couldn't have gone
4 forward?

5 A. In that -- without his approval it could not have
6 been a Temple sanctioned event.

7 Q. And your boss was who?

8 A. Doug Wayger.

9 Q. Pardon?

10 A. Doug Wayger.

11 Q. Doug Wayger.

12 A. He was the Chair of the Theater Department at the
13 time.

14 MR. LANGEL: Okay, nothing further.

15 MS. HOYE: Just one minute. -- I don't
16 have any redirect. Thank you, David.

17 HEARING EXAMINER: You may step down, sir.
18 Thank you.

19 THE WITNESS: Thank you.

20 [The witness departs the witness box and
21 takes a seat in the back of the hearing
22 room.]

23 MS. HOYE: The Union has another witness to
24 call whenever you're ready.

25 HEARING EXAMINER: Go ahead.

1 MS. HOYE: The Union calls Carrie Young.

2 [The witness approaches the witness box and
3 takes her seat in the witness box.]

4 [The witness was sworn.]

5 Whereupon,

6 CARRIE YOUNG

7 having first been duly sworn, testified as follows:

8 HEARING EXAMINER: Can you state your name?

9 THE WITNESS: Carrie Young.

10 DIRECT EXAMINATION

11 BY MS. HOYE:

12 Q. Carrie, are you employed by Temple University?

13 A. I am.

14 Q. What's your position with Temple?

15 A. I'm an adjunct faculty member in the School of Social
16 Work.

17 Q. Are you an adjunct in any other schools or colleges
18 at Temple?

19 A. Not at Temple, no.

20 Q. Okay, what's your educational background?

21 A. I have a Bachelor's Degree in -- a Bachelor of Arts
22 in Women's Studies from the College of Wooster. I have a
23 Master's Degree in Social Work from Temple, and I'm
24 currently a doctoral student at Bryn Mawr College in
25 Social Work and Social Research.

1 Q. What is your area of research for your PhD?

2 A. I haven't quite gotten to that yet, but what I'm
3 going to be -- what I'm interested in and what I'll be
4 looking at are experiences of incarcerated mothers and
5 their children with regard to visitation.

6 Q. And what's your estimated completion date for your
7 PhD?

8 A. I'm hoping for the spring of 2018.

9 Q. Do you work anywhere other than Temple?

10 A. I am currently just about to start -- well, I've
11 officially been hired -- I'll be having a first meeting
12 next week working with undergraduate students at Bryn Mawr
13 over the summer and into the fall who will be doing
14 undergraduate research projects, and I'll be working with
15 those students and then planning a symposium for them to
16 show what their work is in the fall.

17 Q. Do you work anywhere else?

18 A. Not presently.

19 Q. Have you taught anywhere else as an adjunct
20 instructor?

21 A. I have.

22 Q. Where did you teach?

23 A. I taught for six years at Holy Family University in
24 the School of Arts and Sciences. I taught sociology
25 courses there.

1 Q. When was that?

2 A. From the fall of 2000 through the summer of 2013 --
3 or 2007. Sorry.

4 Q. And for how long have you taught as an adjunct
5 faculty member at Temple?

6 A. I've taught every fall and spring semester since the
7 fall of 2005. There was one summer I taught there, and I
8 believe it was 2009.

9 Q. Where do you teach currently, on what campus?

10 A. I teach on the main campus.

11 Q. Have you taught on any other campuses?

12 A. No, not at Temple.

13 Q. Have you taught on-line?

14 A. No, I have not.

15 Q. Approximately how many courses per academic year do
16 you teach?

17 A. For the past two years it's been three to four,
18 mostly four.

19 Q. What courses do you teach at Temple?

20 A. I teach -- I taught a two semester course called
21 Helping Processes 1 and 2 in the undergraduate social work
22 program. I've also taught the Introduction of Social
23 Welfare program, and I've taught a two part Human Behavior
24 course in the graduate program.

25 Q. The Helping Processes course, do full-time faculty

1 teach that course, if you know?

2 A. They're not currently, but they do, yes, and they
3 have in the past.

4 Q. And what about the Intro to Social Welfare, do full-
5 time faculty teach that course?

6 A. Yes, they do.

7 Q. And what about Human Behavior in the Social
8 Environment, do full-time faculty teach that course?

9 A. They do.

10 Q. Generally speaking as an adjunct faculty member what
11 are your duties and responsibilities?

12 A. Well, certainly there's the being in the classroom
13 teaching classes, and then all of the prep work that goes
14 into that in preparing the course for each time, preparing
15 lectures and power point slides, and small and large group
16 activities. At the beginning of the semester I have to
17 work at pulling the syllabus together and designing
18 assignments and create -- choose readings that will
19 supplement the texts that we use. I work with students
20 fairly extensively outside of class. I meet with students
21 outside of class to talk about their papers or issues
22 they're having with the class. I grade papers. I create
23 rubrics and assignments and write exams, and I grade all
24 of those things. I give my students the opportunity to
25 submit drafts of their papers to me in advance. So

1 there's also a good amount of time reading drafts and
2 reviewing them.

3 Q. You said that you meet with students outside of
4 class. Is there an office available for you to meet with
5 students?

6 A. There is. There is a shared office available in
7 Ritter Hall -- in the Ritter Annex on the fifth floor,
8 which is the part of Temple where the social work faculty
9 are, where the social work program is centered. So there
10 is an office there and I use that sometimes. I also meet
11 with students at other locations on campus, and then there
12 is a lot of contact via e-mail as well.

13 Q. So that office is located where full-time faculty
14 offices are located?

15 A. Yes, it is.

16 Q. Do you ever write references or recommendations for
17 your students?

18 A. Yes, I do.

19 Q. Do you write your own syllabus or is it provided to
20 you?

21 A. There is an outline of a syllabus that's provided for
22 the courses that I teach. There's always multiple -- or
23 most always multiple sections of the same course, so
24 you're given a general outline. The objectives for the
25 course are specified. There's a text book that's

1 specified, and then some assignments, and there's a great
2 deal of flexibility. So I make adjustments to
3 assignments. I design the actual course outline itself,
4 what we're going to be covering every week. I sometimes
5 will -- I often will add additional readings to supplement
6 the text -- so make other kinds of changes.

7 Q. Have you made changes to the syllabus that have been
8 incorporated into that outline that you described?

9 A. Yes, I have.

10 Q. What changes did you make?

11 A. In the Helping Processes, the two part course that I
12 teach, I've taught it a number of times, and there's an
13 assignment that I started using a number of years ago now
14 that has since become a part of it. It's called the
15 Personal Practice Model assignment, and that has since
16 become a part of the syllabus outline that's given to all
17 of the people teaching that course every semester.

18 Q. Are you subject to student evaluations?

19 A. I am.

20 Q. And are you subject to the student grievance
21 procedure?

22 A. Yes.

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

25 A. No.

1 Q. Do you interact with full-time faculty when you are
2 at Temple?

3 A. I do.

4 Q. What's the context for those interactions?

5 A. All different kinds of contexts. I mean, there's
6 just of course the seeing people that I know and chatting
7 with them, and just coworkers with whom I have collegial
8 relationships. Sometimes we'll need to talk about
9 students, students that we both currently have, or
10 students that one or both of us have had in the past, --
11 about the work that we're doing. Sometimes I'll talk with
12 faculty members about their research or some of the work
13 that I have done.

14 Q. Do you talk with full-time faculty about the courses
15 that you are teaching?

16 A. Yes, certainly.

17 Q. And you mentioned that there are courses that you
18 teach that have multiple sections. Do you work with the
19 faculty that teach the other sections in developing those
20 courses?

21 A. A little bit. We always will meet at least at the
22 beginning of the semester. For the past few years there's
23 been the same group of people who have been teaching the
24 class. In the past few years there have been some new
25 people who have come on in teaching sections of that

1 course. So there were two different years where I was
2 asked to -- by faculty members to make myself available to
3 newer instructors, share my materials, the power point
4 slides that I've created, my syllabi that I have used in
5 the past. I just make myself available to them to answer
6 any questions that they might have.

7 Q. Who asked you to do that?

8 A. I know one year I was asked to do that by Sherrie
9 Carter, who is a full-time faculty member in the School of
10 Social Work. There was another year, in 2012, where I was
11 asked to do that by Scott Rutledge, who is also a full-
12 time faculty member in the School of Social Work.

13 Q. Other than the work that you've already described
14 have you served any other role at Temple?

15 A. I have. I was an advisor for the Social Work Student
16 Collective for three years beginning in the fall of 2010.

17 Q. What is the Student Collective?

18 A. It's the social work student organization for social
19 work students at Temple. Primarily it's made up of
20 undergraduates students, and it's a combination of social
21 activities, service learning, educational opportunities
22 for social work students.

23 Q. Did you receive any commendations from those students
24 for that service that you provided to them as an advisor?

25 A. I did.

1 [Whereupon, two, single page each,
2 documents were marked as Union Exhibit Nos.
3 5 and 6 for identification.]

4 [Exhibits provided to witness and parties.]

5 Q. Carrie, I'm showing you two documents that are marked
6 as Exhibit Union 5 and Exhibit Union 6. Take a moment to
7 review these two documents, and when you've had a chance
8 to do so, let me know.

9 [Witness briefly peruses exhibits.]

10 A. I've reviewed them.

11 Q. What are these?

12 A. These are two certificates that I received from the
13 members of the Student Collective at the end of 2011 and
14 the end of 2012 just thanking me and recognizing me for my
15 work in working with those students in the Student
16 Collective.

17 Q. What did working as the advisor for the Student
18 Collective group entail on your end?

19 A. I occasionally went to the meetings, and a lot of it
20 was just that I was available on-call. So essentially at
21 the beginning of each semester I would go to a number of
22 meetings and make sure that, you know, the students --
23 that anyone that was there -- if there were questions that
24 I could answer or things that I could help them with or
25 point them in the right direction. And then throughout

1 the year I was just available to them as needed. If they
2 wanted me to come to a meeting I would try to do so. If,
3 you know, people just wanted to e-mail or call or talk
4 through questions or plans or things they were working on,
5 then I would do that as well.

6 Q. Did you get paid for that time?

7 A. I did not.

8 Q. As an adjunct faculty member have you published at
9 all?

10 A. I have.

11 Q. When was that?

12 A. I have co-authored two chapters. One -- both of the
13 chapters were co-authored with a woman, Mary Bricker
14 Jenkins, who is Professor Emeritus from the School of
15 Social Work at Temple. The first chapter was published in
16 2007 in a book called *Challenges and Human Rights, a*
17 *Social Work Perspective*. The second chapter was published
18 initially in 2009 in the Fifth Edition of a book called
19 *The Strength Approach to Social Work Practice*. And then
20 we made some edits, added some material, added a co-
21 author, and it was republished in the Sixth Edition of
22 that text in 2012.

23 Q. When you say, "we," who are you referring to?

24 A. There were -- it was -- for that second chapter it
25 was myself, Dr. Mary Bricker Jenkins, a woman, Rosemary

1 Barbera, who was a former full-time faculty member at
2 Temple. She's currently at another university. And then
3 in the re-edit there was a woman, Monica Beamer, who is
4 the director of a nonprofit organization in Portland,
5 Oregon.

6 Q. Do you receive an appointment letter each semester?

7 A. I do.

8 [Whereupon, documents were marked as
9 Union Exhibits 7A and 7B for
10 identification.]

11 [Exhibits provided to witness and parties.]

12 Q. Carrie, I'm showing you an exhibit that is marked
13 Union Exhibit 7A and 7B. Can you review that document,
14 and when you've had a chance to do so, please let me know?

15 . [Witness peruses documents.]

16 A. Okay.

17 Q. What is this?

18 A. They are two copies of appointment letters, one that
19 I received in November of 2013 for spring 2014, and then
20 the second one is for -- I received in November of 2014
21 for the current semester.

22 Q. And do you receive an appointment letter like this
23 for each semester that you teach?

24 A. Yes.

25 Q. Are these representative of the letters that you

1 receive from Temple for each semester?

2 A. Yes, they are.

3 Q. Who signs these letters for Temple?

4 A. They're signed by the Dean of the College of Health
5 Professions and Social Work.

6 Q. And looking at the very first page of this packet
7 there is a paragraph and the first sentence reads, "This
8 appointment is subject to all policies and procedures at
9 Temple University and its Schools and Colleges." Do you
10 see where I'm referring to?

11 A. I do.

12 Q. What are some of the policies and procedures that you
13 are subject to?

14 A. There are so many things there are policies around,
15 -- syllabi and what they need to look like, things that
16 need to be included around plagiarism and academic honesty
17 and integrity. There is a grading policy. I mean, I get
18 to set grades, but they have to mean something that's
19 consistent, and also around when grades have to be
20 submitted, and how -- I have policies that apply when
21 working with students who have accommodations because of a
22 documented disability, working with students who are
23 student athletes or ROTC students.

24 Q. Have you been required to do any on-line training for
25 Temple?

1 A. Yes, yes. There are also a number -- I've done, you
2 know, handling hazardous materials. There's one having to
3 do with notification and responsibilities under the
4 Cleary [phonetic] Act. There have been others as well. I
5 know there was one on reporting child abuse.

6 MS. HOYE: Thank you, Carrie. I don't have
7 any other questions for you at this point.

8 THE WITNESS: Okay.

9 MR. LANGEL: Five minutes?

10 HEARING EXAMINER: Sure. Let's go off the
11 record.

12 [Whereupon, at 2:15 p.m., March 19, 2015 the hearing
13 recessed.]

14 [Whereupon, at 2:24 p.m., March 19, 2015 the hearing
15 reconvened.]

16 HEARING EXAMINER: All right, back on.

17 CROSS-EXAMINATION

18 BY MR. LANGEL:

19 Q. You should have Temple Exhibit 4 in front of you.
20 The one that says, "UAP at Temple University, Union
21 Strong: Why Temple Adjuncts Want a Union."

22 [Witness pages through exhibits.]

23 A. Okay, yes.

24 Q. -- You were a signer of that letter, correct?

25 A. I am, yes.

1 [Whereupon, a single page document was
2 marked as Temple Exhibit No. 11 for
3 identification.]

4 Q. Let me show you what I've identified as Temple 11.

5 [Document provided to witness and parties.]

6 [Witness peruses document.]

7 Q(Con't) Do you see that?

8 A. Um-hunh.

9 Q. And you're the Carrie on that e-mail, right?

10 A. I am.

11 Q. And that e-mail was to Scott Rutledge?

12 A. Um-hunh.

13 Q. And at the time Scott Rutledge was the Assistant
14 Department Chair, correct?

15 A. Yes.

16 Q. All right. -- In the context of seeking job
17 security for non-tenure track faculty have you heard that
18 TAUP has told Temple University that it should give non-
19 tenure track faculty greater job security because Temple
20 was always free to get rid of adjuncts?

21 A. I have heard that this morning -- or today here.

22 Q. And if that were true would that concern you that
23 TAUP would advocate on behalf of non-tenure track at the
24 expense of adjuncts?

25 A. Not necessarily. I would need to hear what -- or I

1 would need to know a lot more before I could make a
2 judgment.

3 Q. But you'd need to know something if you heard that?

4 A. I'd want to hear that from people who are directly
5 involved, yes.

6 Q. And have you heard that full-time faculty have
7 recommended increasing the number of full-time faculty at
8 the expense of adjuncts, and by that I mean increase the
9 number of full-time faculty and reduce the reliance on
10 adjuncts? Have you heard that?

11 A. I've heard that here today, and I believe I've heard
12 that in other places as well, yes.

13 Q. Other places within the university?

14 A. Yes.

15 Q. Okay, and do you see that as a tension between full-
16 time faculty and adjuncts?

17 A. Not necessarily, no.

18 Q. So I'll just posit for a moment that I'm a full-time
19 faculty person and I say, "Increase my rights and decrease
20 your rights." That wouldn't concern you?

21 A. Again it would depend on the situation. I wouldn't
22 say across the board one thing one way or the other.

23 Q. Would you want to know more about it if that were the
24 case?

25 A. I suppose so, yes.

1 Q. And have you heard that full-time faculty have
2 opposed adjuncts being hired in the summer so that full-
3 time faculty could have those positions?

4 A. I have not heard that, but I teach in a department
5 that doesn't hire adjuncts in the summer anyway for the
6 most part.

7 MR. LANGEL: Nothing further. Thank you.

8 MS. HOYE: One moment, please. -- I don't
9 have any redirect for Carrie.

10 HEARING EXAMINER: You can step down,
11 ma'am. Thank you.

12 MR. LANGEL: Thank you.

13 MS. HOYE: Thank you, Carrie.

14 MR. LANGEL: How many more witnesses do you
15 have?

16 MS. ROSENBERGER: Two.

17 MR. LANGEL: Can we take a half hour break?
18 We've been going at it since 10:00 nonstop.

19 MS. ROSENBERGER: Are you going to make all
20 of your cross-examination that short? I want to get
21 through my witnesses today?

22 MR. LANGEL: I understand that, but it's
23 been a long morning, and it's early afternoon, and we'd
24 like -- it's normal to take a break, and we're asking for
25 only a half an hour. We'd like a half hour break.

1 HEARING EXAMINER: You've got two more?

2 MS. ROSENBERGER: Yes. One is shorter, one
3 is longer, -- and one of whom I'm sure there will be lots
4 of cross-examination. I want to get them done today. And
5 as long as we're okay with going until we've done those
6 two people that's fine with me.

7 MR. LANGEL: As long as we're okay with
8 what?

9 MS. ROSENBERGER: To keep going till were
10 finished with these two people. I mean, we should be
11 okay. I just can't predict what Mr. Langel is going to
12 do. That's all.

13 MR. LANGEL: I'd like a break. I'd like to
14 get something to eat and my colleagues would like to get
15 something to eat.

16 HEARING EXAMINER: Why don't we take a half
17 hour. Off the record.

18 [Whereupon, at 2:28 p.m., March 19, 2015 the hearing
19 recessed.]

20 [Whereupon, at 3:08 p.m., March 19, 2015 the hearing
21 reconvened.]

22 HEARING EXAMINER: All right, back on.

23 MS. ROSENBERGER: Our next witness is
24 Margaret Avenier.

25 [The witness approaches the witness box

1 and takes her seat in the witness box.]

2 [The witness was sworn.]

3 Whereupon,

4 MARGARET AVENER

5 having first been duly sworn, testified as follows:

6 HEARING EXAMINER: Can you state your name?

7 THE WITNESS: My name is Margaret Avener.

8 HEARING EXAMINER: Can you spell your last
9 name?

10 THE WITNESS: Yes. It's A, V as in Victor,
11 E, N as in Nancy, E-R.

12 DIRECT EXAMINATION

13 BY MS. ROSENBERGER:

14 Q. And do you go by a different name than Margaret?

15 A. In regular conversation I go by Maggie.

16 Q. Okay. Are you employed by Temple University?

17 A. I am.

18 Q. And what's your position with Temple?

19 A. I'm an adjunct professor.

20 Q. Do you have any other employment outside of Temple?

21 A. Yes. I am also an adjunct professor at Penn State
22 Abington College. I do some on-and-off tutoring work for
23 a private tutoring center. I occasionally work for Temple
24 in some math outreach programs for local youth.

25 Q. For local youth who are college age or younger?

- 1 A. Younger, fifth through ninth, -- or maybe fifth
2 through tenth grade.
- 3 Q. Okay. And what's your educational background?
- 4 A. I have a Bachelor's Degree in Environmental
5 Engineering from the Massachusetts Institute of
6 Technology. I have a Master's Degree also in
7 Environmental Engineering from the University of
8 Washington. I've completed the requirements for a
9 Master's Degree in Math at Temple University with an
10 expected diploma date of May of 2015, and as part of that
11 program I also completed Temple's Teaching in Higher
12 Education Certificate in Math.
- 13 Q. Are any of your degrees a terminal degree?
- 14 A. Can you clarify what you mean by terminal degree?
- 15 Q. Is there a higher -- you have an MS in Engineering.
16 Can one get a higher degree?
- 17 A. Yes.
- 18 Q. That would be a PhD?
- 19 A. Yes.
- 20 Q. And you don't have a PhD?
- 21 A. Correct.
- 22 Q. And you said the same thing in math?
- 23 A. Correct.
- 24 Q. How long have you worked as an adjunct faculty member
25 for Temple?

1 A. Since the fall of 2014.

2 Q. Okay, so just this academic year?

3 A. Yes.

4 Q. And in what school or college do you currently teach?

5 A. In the College of Science and Technology in the
6 Department of Mathematics.

7 Q. And on which campus or campuses for Temple do you
8 teach?

9 A. Main campus.

10 Q. In a particular building or buildings?

11 A. My office is in Wachman Hall. I have taught classes
12 in Barton Hall and the Tuttleman Learning Center.

13 Q. So you have an office that's designated for you?

14 A. Yes. It's a shared office with other adjuncts.

15 Q. And is Walkman [sic] Hall----

16 MR. LANGEL: Wachman.

17 MS. ROSENBERGER: Wachman?

18 MR. LANGEL: Yes. It's W-A-C-H-M-A-N.

19 MS. ROSENBERGER: Thank you.

20 MR. LANGEL: He was a long time president
21 of the university.

22 Q(Con't) Is Wachman Hall where the Math Department is
23 located?

24 A. Yes. The main office of the department is there. As
25 far as I know all of the faculty and grad students also

- 1 have offices in Wachman.
- 2 Q. So full-time and part-time faculty?
- 3 A. Yes.
- 4 Q. And you said you teach in Barton Hall and Tuttleman?
- 5 A. Yes.
- 6 Q. Are those specific to the math programs?
- 7 A. No.
- 8 Q. Okay. How many courses did you teach last fall
- 9 semester?
- 10 A. I taught two sections of the same course.
- 11 Q. What course?
- 12 A. Pre-calculus.
- 13 Q. And how about this semester, how many courses are you
- 14 teaching?
- 15 A. This semester I've had two sections of Calculus I.
- 16 Q. Do full-time faculty members teach -- or did full-
- 17 time faculty members teach Pre-Calculus when you were
- 18 teaching there?
- 19 A. Yes.
- 20 Q. How about Calculus I this semester?
- 21 A. Yes.
- 22 Q. Is there -- do you know how many -- is Pre-Calculus,
- 23 when you taught it in the fall, something where there are
- 24 multiple sections?
- 25 A. Yes.

1 Q. Do you know how many approximately?

2 A. Approximately twenty.

3 Q. And is there any sort of coordinating among the
4 faculty who are teaching those sections?

5 A. Yes.

6 Q. How does that work?

7 A. There is one person who is the coordinator for the
8 class. She sets the syllabus in collaboration with others
9 in the department, writes the exams, assigns who grades
10 which problem on an exam, -- is regularly in touch with
11 us. She does a little bit more scheduling, -- and also
12 teaches one or two of the sections; and then the
13 responsibilities of everyone else are coordinated by the
14 coordinator.

15 Q. When you talk about grading, who grades what
16 questions----

17 A. Um-hunh.

18 Q. How did grading work for Pre-Calculus when you were
19 teaching it in the fall?

20 A. For homework and quizzes each instructor assigns
21 things and grades their own sections. Then everybody
22 proctors exams basically at the same time, and at the end
23 of the exams we meet together and each instructor grades
24 one or two problems from all of the exams across sections
25 to try to get more consistent grading. So that's what we

1 call coordinated grading, and it's done in the --
2 somewhere in the math department building by everybody
3 with some coordination and communication.

4 Q. You used the term "proctor," that people proctor the
5 exams. What is proctoring an exam?

6 A. Each section of the class is assigned a place to take
7 the exam. Occasionally students have conflicts, but, for
8 example, most of my students may all take the exam at the
9 same time in a room with two other sections. So each
10 instructor also gets a proctoring assignment which is
11 usually your sections, but possibly some other sections.
12 Sometimes we're proctoring jointly with people who teach
13 other sections.

14 Q. So there's a faculty member in the room while the
15 students are taking the class -- I'm sorry, taking the
16 tests?

17 A. Yes.

18 Q. And how about this semester with Calculus I, is it
19 different than that process or is it the same?

20 A. No. Everything I just said about the structure holds
21 with one exception. Homework is done electronically, and
22 the coordinator assigns the homework, though we decide
23 when to schedule it, -- where in Pre-Calculus we have the
24 option of collecting and grading homework for our own
25 section.

1 Q. So can you sort of describe all that -- let's take
2 Pre-Calculus from last semester as the example, -- all
3 that went in to you teaching Pre-Calculus in the fall, in
4 the two sections that you taught in the fall?

5 A. Sure. The first thing I was responsible for doing
6 was finalizing and posting a syllabus. The coordinator
7 put together a template and I filled in details for my
8 sections, and put the course on Blackboard, and
9 communicated with students. I was given a set of lecture
10 notes, but it was up to me to decide how to present the
11 information in there. I gave lectures three days a week,
12 assigned home work. I collected and graded homework
13 though that wasn't a requirement. I wrote regular quizzes
14 and administered and graded the quizzes. I proctored and
15 graded exams as I just mentioned. I was also responsible
16 for having regular office hours in my office in Wachman
17 Hall, and communicating with students as needed outside of
18 that, -- either meeting at other times by appointment if
19 they couldn't make my office hours, or communicating
20 electronically. And I also tried to make myself available
21 as an advisor for students if they had questions about
22 future courses or courses of study. I wrote
23 recommendations for students, things like that.

24 Q. You said you got a template syllabus that you filled
25 in details. Did you then have to turn it in like we've

1 heard from other folks today?

2 A. We post our syllabus on-line. There's a place on the
3 math department web site where students can find the
4 syllabus for their class. There was not a formal approval
5 process. I believe the coordinator looked at the syllabus
6 that we posted and would let us know if there was a
7 problem with it.

8 Q. And were you -- do you as an adjunct faculty member
9 get evaluated by your students?

10 A. Yes.

11 Q. The same SFF's that we've been hearing about or is it
12 a different process?

13 A. Yes.

14 Q. Other than the course coordinator for the two courses
15 that you've taught are there -- is there other interaction
16 that you have with full-time faculty members as an adjunct
17 faculty member?

18 A. Yes. In Calculus I currently a handful of the other
19 professors -- I think about half of the professors are
20 full-time. We talk about the class sometimes. If we're
21 grading we may ask each other to second check -- if we're
22 second guessing a question that we're grading we may ask
23 for a second opinion. Sometimes if one of our students
24 has a question about how they were graded we'll go talk to
25 the person who originally graded it for clarification. I

1 have sort of social interactions with faculty because I
2 know some of them and because we work in the same space.
3 There's one faculty member who serves sometimes as a
4 mentor for me and has helped me find other jobs to
5 supplement my work at Temple.

6 Q. Do you get an appointment letter for each -- did you
7 get an appointment for each of the two semesters that
8 you've taught as an adjunct?

9 A. Yes.

10 [Whereupon, documents were marked as Union
11 Exhibit Nos. 8A and 8B for identification.]

12 [Exhibits provided to witness and parties.]

13 Q. I've handed you an exhibit that I've marked as Union
14 Exhibit 8 with A and B subparts to it. Would you look at
15 that for a moment and let me know when you've had a chance
16 to review it?

17 [Witness peruses documents.]

18 A. Okay.

19 Q. Do you recognize those documents in that packet?

20 A. Yes.

21 Q. What are they?

22 A. Those are my appointment letters for the previous --
23 or the current and previous semester of work I've done as
24 an adjunct professor at Temple.

25 Q. Okay, and if you look at the first page of Union

1 Exhibit 8A.

2 A. Um-hunh.

3 Q. The first paragraph, the first line, it says, "I am
4 pleased to offer you a part-time appointment as an adjunct
5 instructor. Is that your rank, an adjunct faculty member?

6 A. Typically informally I just hear the word "adjunct."
7 I think this is the only place I've seen it on paper. So
8 I would assume that that's the correct rank.

9 Q. Okay, and in the sixth paragraph there it talks
10 about, "This appointment is subject to all policies and
11 procedures of Temple University and its Schools and
12 Colleges." You've been here for the testimony today?

13 A. Yes.

14 Q. Did you hear other adjunct faculty members talk about
15 examples of policies that they're subject to?

16 A. Yes.

17 Q. And is there any difference in terms of your
18 recollection, any additional----

19 A. No.

20 Q. Were there any of the policies that were mentioned
21 that you're not familiar with being applicable to you?

22 A. No.

23 Q. Okay, and what about -- have you had to take any sort
24 of on-line trainings?

25 A. Yes.

1 Q. Can you give us an example or examples of what you've
2 had to take?

3 A. Sure. There was, as has been mentioned before,
4 training on hazardous materials, the training on sexual
5 harassment. Those are the ones that I remember.

6 Q. And on the last -- if you page back to third page of
7 8A there's a signature on that page. Do you know who that
8 is?

9 A. At the top?

10 Q. The top signature, yes.

11 A. Yes, that is the Dean of the College of Science and
12 Technology.

13 Q. And down -- a little more than halfway down the page
14 is another signature. Is that yours?

15 A. That is mine.

16 Q. And so that first -- 8A has a date on the first page
17 of December 9, 2014. Is that your appointment for the
18 current semester?

19 A. Yes.

20 Q. And then if we turn to the next -- if you turn the
21 page from where you were with the signatures, to Union 8B,
22 -- that's the appointment for the fall semester?

23 A. Yes.

24 Q. And again on the last page of that, is that the same
25 signatures as on 8A?

1 A. Yes.

2 MS. ROSENBERGER: That's all I have on
3 direct for Miss Avener.

4 HEARING EXAMINER: Cross.

5 CROSS-EXAMINATION

6 BY MR. LANGE:

7 Q. In front of you are a number of exhibits. Would you
8 take a look at Temple Exhibit 4?

9 A. Temple Exhibit 4?

10 Q. Yes.

11 [Witness peruses document.]

12 A. Okay.

13 Q. And I take it that that explains -- it's under the
14 heading, "Why Temple Adjuncts Want a Union," correct?

15 A. Yes.

16 Q. And you signed that letter, correct?

17 A. Yes.

18 Q. And you recognize that that letter says, "Adjuncts
19 would be joining the Temple Association of University
20 Professionals (TAUP), the full-time faculty union at
21 Temple, and United Academics of Philadelphia, the metro-
22 wide union for adjunct faculty."?

23 A. Yes.

24 Q. And would you take a look at 3, please, Temple
25 Exhibit 3?

1 [The witness does as requested.]

2 Q(Con't) And you'll see that that says at the top, "By
3 signing below, I hereby authorize Temple Association of
4 University Professionals, United Academics of
5 Philadelphia, AFT-PA, AFL-CIO to be my exclusive
6 representative for purposes of collective bargaining with
7 my employer." Do you see that?

8 A. Yes.

9 Q. That, Temple Exhibit 3, and what you wrote in your
10 letter are consistent, that the authorization cards were
11 having people select TAUP and UAP to be the exclusive
12 representative for purposes of collective bargaining,
13 correct?

14 A. My understanding of that is that----

15 Q. No. I'm asking what it says, -- reading the
16 language, and then I'll ask you what -- and then you can
17 tell me what your understanding is.

18 MS. ROSENBERGER: I have an objection. It
19 says what it says. He's not asking her what it says.
20 He's asking her to characterize what it says.

21 MR. LANGE: No. Actually that's not what
22 I asked. I didn't ask her to characterize it. I said the
23 two are consistent.

24 MS. ROSENBERGER: Yes, and that's
25 characterizing what they say. They say what they say.

1 HEARING EXAMINER: Let's move on.

2 BY MR. LANGE:

3 Q. Okay, do you want to tell me what your understanding
4 is?

5 A. Sure. My understanding is that TAUP is the
6 collective bargaining agency that would be negotiating the
7 contract with Temple on my behalf, and that UAP is the
8 organization that is working to support the unionization
9 and to support adjuncts around the city.

10 Q. Okay, so that's your understanding?

11 A. Um-hunh.

12 Q. Can you tell whether you can get that understanding
13 from the card that you signed?

14 A. I believe that is a clarification of what's on the
15 card. I don't believe it's inconsistent with what's on
16 the card.

17 Q. You don't think it's inconsistent to say that TAUP
18 and UAP are being authorized to be my collective
19 bargaining representative, and then, in the next breath,
20 to say, "TAUP is my exclusive bargaining representative."?

21 A. I don't.

22 Q. Well, how can you say that? If one statement says,
23 "I hereby authorize" the two entities, or the multiple
24 entities, "to be my exclusive representative for purposes
25 of collective bargaining," -- how can you say that's not

1 inconsistent with the next sentence of, "I am selecting
2 TAUP to be my exclusive representative."? They both say,
3 "exclusive."

4 MS. ROSENBERGER: Objection, argumentative.

5 MR. LANGEL: Well, this is cross-
6 examination. We have something that's in plain language
7 that says, "TAUP and UAP are my exclusive representative."
8 This witness is saying it was clarified and that they're
9 not inconsistent. Now, I understand they clarified, but
10 how can you -- I'm just asking, how can you say that one
11 that says two entities are my exclusive, and one that
12 says, in your understanding that one entity is my
13 exclusive, how are they not internally inconsistent?

14 HEARING EXAMINER: Isn't that an argument
15 that you're making to me?

16 MR. LANGEL: No. I have a live witness
17 here. I'd love to hear her try to explain how those two
18 sentences mean the same thing.

19 MS. ROSENBERGER: He'd like to have her
20 argue that. It's an argument, not a fact.

21 MR. LANGEL: Well, I'd love to hear an
22 argument, but I'd like to hear an explanation of someone
23 who is a letter writer that says, "Come join these two
24 organizations, but really we mean just TAUP."

25 HEARING EXAMINER: If you want to ask her

1 how she got that understanding that's fine, but I'm going
2 to sustain the objection the way you asked it.

3 BY MR. LANGE:

4 Q. How did you get that understanding that you were just
5 selecting TAUP as your exclusive representative?

6 A. That was explained to me by the first person who
7 talked to me from UAP asking about my interest. I've
8 received e-mails from TAUP in which it was clear that that
9 was the union that would be bargaining on our behalf. So
10 I got more specific information.

11 Q. After you signed the card?

12 A. Before I signed the card.

13 Q. Okay, and do you know whether the some thousand who
14 -- strike that. -- Let me ask you this. Does it make
15 you at all uncomfortable if the following is true: In the
16 context of seeking job security for NTT's that TAUP told
17 Temple University that it could give NTT's greater job
18 security at the expense of adjuncts who they could get rid
19 of?

20 A. Not without more context, no.

21 Q. Not without more context. Well, what the context was
22 was that TAUP was making a demand that the university give
23 non-tenure track faculty greater job security, and the
24 university said, "I can't do that. I need flexibility."
25 And the union said, "You have that flexibility. You can

1 always get rid of the adjuncts." Would that concern you?

2 A. I would much rather have a non-tenure track job than
3 an adjunct job. So I have no concerns about the
4 university prioritizing and making more NTT jobs.

5 Q. Would you have no problem with the TAUP saying -- and
6 I didn't say, "more jobs." I said, "more job security."
7 Would you have any problem with TAUP saying, "Give the
8 existing non-tenure track faculty job security because you
9 can fire or not rehire the adjuncts." Would that concern
10 you as an adjunct?

11 A. As I said, not without more context.

12 Q. Well, assume that that was the full context, would
13 that concern you?

14 A. No.

15 Q. It wouldn't, that you would lose your job so that
16 non-tenure track faculty would have greater job security?
17 That wouldn't concern you?

18 MS. ROSENBERGER: Objection, asked and
19 answered twice.

20 MR. LANGE: This is cross-examination.

21 MS. ROSENBERGER: It's not the answer he
22 wants, but she's answered it twice.

23 MR. LANGE: It's cross-examination. I
24 think I'm allowed to probe.

25 MS. ROSENBERGER: Not the same question.

1 HEARING EXAMINER: All right, you're not
2 getting anywhere with this. I mean, you're just going to
3 keep getting the same answer.

4 BY MR. LANGE:

5 Q. So if greater job security for NTT's cost you your
6 job that wouldn't bother you?

7 A. I would be unhappy not to have a job anymore.

8 Q. Thank you. So I'll ask you this. Would it bother
9 you if you knew for a fact that full-time faculty through
10 TAUP have recommended increasing the number of full-time
11 faculty at the expense of the adjuncts?

12 A. No, it would not.

13 Q. That wouldn't bother you that TAUP was recommending
14 more full-time faculty which would mean you might lose
15 your job?

16 A. I answered your question already.

17 Q. No. The other one was greater job security for
18 NTT's. This is more full-time faculty which means fewer
19 adjuncts. So more full-time faculty to teach your
20 Calculus I and other courses and you lose your job. That
21 wouldn't concern you?

22 A. I believe that is the same question you just asked
23 me, and I said, yes. I'm sorry, I said, "No, that would
24 not concern me." My answer has not changed.

25 Q. And let me ask you this. Would it concern you that

1 if you had an opportunity to work in the summer, but the
2 union was advocating that you not be hired in the summer,
3 but full-time faculty be hired, would that concern you?

4 A. No.

5 Q. Why not?

6 A. I again would rather have the opportunity to get more
7 full-time jobs than more adjunct jobs. I think that's an
8 appropriate priority.

9 Q. I didn't say, more full-time jobs. I said, the
10 existing faculty teach in the summer and have a priority
11 over you, so you don't get the opportunity in the summer.
12 That wouldn't bother you?

13 A. I'm not concerned about that priority.

14 Q. Why not?

15 A. As I said, I think that's an appropriate priority.

16 Q. Okay, to cost adjuncts their jobs for the benefit of
17 full-time faculty?

18 A. I think it is appropriate to prioritize full-time
19 faculty having job opportunities over adjunct
20 opportunities, yes.

21 MR. LANGEL: That's admirable. Thank you.

22 HEARING EXAMINER: Are you done?

23 MR. LANGEL: No questions.

24 HEARING EXAMINER: What?

25 MR. LANGEL: No further questions.

1 HEARING EXAMINER: Okay. Do you have any
2 redirect?

3 MS. ROSENBERGER: No.

4 HEARING EXAMINER: You can step down.
5 Thank you.

6 [The witness departs the witness box and
7 takes a seat in the back of the hearing
8 room.]

9 MS. ROSENBERGER: Our last witness is
10 Jennie Shanker, -- our last witness for today I should
11 say.

12 [The witness approaches the witness box
13 and takes her seat in the witness box.]

14 [The witness was sworn.]

15 Whereupon,

16 JENNIE SHANKER

17 having first been duly sworn, testified as follows:

18 HEARING EXAMINER: Can you state your name?

19 THE WITNESS: Jennie Shanker.

20 DIRECT EXAMINATION

21 BY MS. ROSENBERGER:

22 Q. Good afternoon.

23 A. Good afternoon.

24 Q. Are you employed by Temple University?

25 A. I am.

1 Q. And what is your position there currently?

2 A. I'm an adjunct associate professor.

3 Q. Do you have other employment outside of Temple

4 University right now?

5 A. I do.

6 Q. What's that other employment?

7 A. I also adjunct at the University of the Arts and I'm

8 an artist, so I do free lance work.

9 Q. Have you ever been employed by Temple -- well, let me
10 go back a second. How long have you been an adjunct
11 faculty member at Temple?

12 A. I was first hired in 2001, and I worked until 2008 or
13 2009. And then I came back again in 2011 and I've been
14 working regularly since.

15 Q. And was all of that employment in both of those
16 blocks of time as an adjunct faculty member?

17 A. No, not all of it.

18 Q. What other capacity did you hold?

19 A. I served -- I had an NTT contract for five years, and
20 during that time for two years I served as the Interim
21 Chair of the Foundation Department, which that's the whole
22 freshman year at the Tyler School of Art.

23 Q. Okay. What's your educational background?

24 A. I have a BSA from the Philadelphia College of Art, an
25 MFA from Yale School of Art, and an MAT, which is a Master

1 in the Arts of Teaching Visual Arts from the University of
2 the Arts.

3 Q. Is the MFA that you have from Yale a terminal degree?

4 A. It is.

5 Q. Is the MAT, the Master of Arts in Teaching a terminal
6 degree?

7 A. It's not.

8 Q. In which school or college do you presently teach at
9 Temple?

10 A. I teach at the Tyler School of Art which is part of
11 the Center for the Arts.

12 Q. Part of the?

13 A. The Center for the Arts they're calling it now.

14 Q. Okay, so that's -- it's another entity under the
15 Center for the Arts. We've already heard from David White
16 who is in the theater side of that.

17 A. Yes. They brought together theater, dance and music
18 all under one roof.

19 Q. Okay, I'm going to ask you to keep your voice up a
20 little bit, okay?

21 A. I'm sorry.

22 Q. Get a little closer to the mike.

23 A. Okay.

24 Q. And what department or departments do you teach, and
25 I'm going to ask you to direct your attention, because

1 you've got a lot of history there. Since you came back in
2 2011 as an adjunct faculty member in what departments have
3 you taught?

4 A. I have taught in the Sculpture Department which is
5 part of the painting, drawing and sculpture -- actually
6 it's a Painting, Drawing and Sculpture Department, and
7 sculpture is considered an area within that. I've taught
8 in Ceramics, and I've taught in Community Arts and Art Ed.

9 Q. Okay.

10 A. Oh, and sorry, Visual Studies also.

11 Q. Okay. -- And how many courses per semester do you
12 usually teach, and again I'm talking about the time frame
13 since you've been an adjunct faculty member from 2011 to
14 the present?

15 A. At Temple either one or two.

16 [Whereupon, a document was marked as
17 Union Exhibit No. 9 for identification.]
18 [Exhibit provided to witness and parties.]

19 Q. I've handed you a document -- a one page document
20 marked Union Exhibit 9. Do you recognize that document?

21 [Witness briefly peruses exhibit.]

22 A. I do.

23 Q. What is that?

24 A. It's a list of courses that I've taught over the
25 years that I put together for this hearing.

1 Q. Okay, and can you tell the Hearing Examiner which of
2 those courses you've taught as an adjunct faculty member?

3 A. I have taught all of these as an adjunct except the
4 Advanced Sculpture class, although adjuncts do teach that
5 class.

6 Q. You taught the Advanced Sculpture class when you were
7 a non-tenure track full-time faculty member?

8 A. Yes.

9 Q. And which other, if any, of these courses besides
10 Advanced Sculpture did you teach as an NTT?

11 A. I taught 3D Foundation Principles. I taught
12 Sculpture. I think I taught a section of Mold Making
13 while I was an NTT -- advanced. Not Sculpture Techniques
14 and Materials. Independent Studies, yes. And the
15 Ceramics Workshop I also taught at that time.

16 Q. To your knowledge had any full-time faculty member
17 ever taught Sculpture Techniques and Materials?

18 A. That's a topics class. So often times they'll bring
19 in somebody with a specialty from the outside to teach
20 something that might not be available inside. So I can't
21 answer that positively, but I believe they tend to hire
22 people for that class who are from the outside.

23 Q. Meaning they would be adjunct faculty?

24 A. You know, it could be a full-time faculty from
25 another department.

1 Q. Oh, from outside Tyler you mean?

2 A. Yeah, it could be.

3 Q. Or outside of the----

4 A. I think that's how they think about that course.

5 Q. Okay. -- Are there any -- we talked about that one

6 -- of the other courses that are listed here, are there

7 any that you know of that are not taught by full-time

8 faculty?

9 A. -- Currently I'm not sure if there are full-time

10 people teaching 3D Design, but historically it was

11 considered important for them to do so.

12 Q. And you taught it as an NTT?

13 A. Yes. Yeah, everything else full-time faculty

14 teaches.

15 Q. As an adjunct faculty member, in conjunction

16 particularly with your teaching responsibilities, what

17 does that entail when you're teaching a particular course?

18 What do you do?

19 A. Well, it involves a lot of preparation. So things

20 like doing a lot of research, which in my field includes

21 not only reading and finding new essays and things like

22 that, but going out to the field, trying new materials to

23 introduce to students, -- figuring out what we can afford

24 to do with materials within our budget. So there's a

25 range of preparation like that; putting together a new

1 syllabus, creating new assignments, -- with the teaching
2 all of the same things that everybody else mentioned
3 essentially. You know, we follow the university policies
4 and work with students, not just in the class, but office
5 hours. We make sure -- in our department -- in Sculpture,
6 which is where I'm usually based, and when I was in
7 Foundation as well, part of what we do is we're always
8 overseeing the facility to make sure that it's safe and
9 that the students are safe within it. Often in sculpture
10 classes adjuncts will have a TA. So when that happens I
11 end up mentoring the TA aside from class time, which
12 includes just reviewing what happened in class, talking
13 about students, teaching them how to assess art work, how
14 to put together assessment tools and all of those things.
15 I do grading. I don't think that completes the list, but
16 you get the idea.

17 Q. Do you, like the other faculty have testified today,
18 get -- are you subject to student evaluations on the SFF?

19 A. Yes.

20 Q. You mentioned having office hours. Is there a
21 particular space that's made available to you to have
22 office hours in?

23 A. Yes. In each of the departments -- because Tyler is
24 a new building offices for adjuncts were considered, but
25 they're all shared. So in Sculpture I share. Every

1 adjunct shares. There's one desk for adjuncts that's
2 shared with our chair.

3 Q. And is your chair a full-time faculty member?

4 A. Yes, she's a tenured professor.

5 Q. When you say that there's a desk for all adjuncts
6 that's shared with your chair, you share a desk with your
7 department chair?

8 A. No. She has her desk and all of the adjuncts share a
9 separate desk that's in the same room.

10 Q. Okay. Do you have other interaction with full-time
11 faculty as part of -- let's start with as part of the
12 teaching work that you do. We've heard from folks today
13 about coordination in various ways. Do you have any
14 interaction with full-time faculty about your teaching?

15 A. Yeah, all the time. There's a lot of coordination
16 that goes on between faculty. We talk a lot about our
17 students to make sure that they are all doing well. There
18 are different sorts of things that we just have to figure
19 out in terms of where to put things in our school. So
20 there's a lot of conversation around those sorts of
21 things. We talk about curriculum. We talk about, you
22 know, different assignments that we're doing and how
23 they're coming along. I hear from them about what's going
24 on with admissions, and there are a lot of things that I'm
25 no longer involved with, but they include me in the

1 conversation.

2 Q. You mentioned that Tyler has moved to a new building.

3 A. Um-hunh.

4 Q. Where is the Tyler School of Art located?

5 A. It's located on main campus, 12th and Norris.

6 Q. And is that where you teach the classes that you
7 teach?

8 A. Yes.

9 Q. And are you using the same facilities that full-time
10 faculty are using?

11 A. Exactly the same.

12 Q. With regard to what you described as your -- what's
13 entailed in teaching classes, can you describe how that's
14 different from when you were employed as an NTT faculty
15 member and taught classes? Is there anything that's
16 different about how you teach a class now?

17 A. Well, as an NTT not only did I have an expectation
18 for teaching, but there was also service and research, but
19 as far as the teaching part of things goes it's the same.

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

21 A. Yes.

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

24 A. I'm not sure if a formal grievance has ever been
25 filed. I had some students who were not happy about their

1 grades last spring, and that -- you know, I informed them
2 of how the process worked, and they went to the chair, and
3 I think they resolved it.

4 Q. Is that process any different from when you were a
5 NTT faculty member?

6 A. It's exactly the same.

7 Q. And back to the SFF, is the student evaluation of
8 you, that process, is that any different from when you
9 were an NTT?

10 A. It's the same.

11 Q. Was it an on-line form when you were an NTT or paper?

12 A. You know, when I was -- Temple was transitioning from
13 analog to digital around that time. So I do remember
14 there being some, you know, handwritten recommendations,
15 which we actually loved because they are returned to us.

16 Q. And when you said, "handwritten recommendations," did
17 you mean evaluations?

18 A. Yes, I'm sorry.

19 Q. Have you written recommendations for students?

20 A. Many.

21 Q. And I mean as an adjunct faculty member?

22 A. Many.

23 Q. Did you as an NTT?

24 A. Yes.

25 Q. Apart from your interaction with full-time faculty in

1 connection with your teaching in particular, are there
2 other context* in which you interact with full-time
3 faculty as an adjunct faculty member?

4 A. At school?

5 Q. Yes.

6 A. Yes. There are meetings. There are different events
7 that occur, -- talks, things in the gallery.

8 Q. Are there -- are you invited to department meetings?

9 A. There are meetings that adjuncts go to, not all of
10 them.

11 Q. Have you ever been involved in any -- I mean, as an
12 NTT you certainly know what service is, right?

13 A. Yes.

14 Q. How would you describe the service element of that
15 tripartite mission that I mentioned in my opening
16 statement?

17 A. Well, in part it's institution building. It's
18 building the department, finding new ways to serve the
19 students, -- you know, coming up and implementing things
20 that are of benefit to Tyler and Temple.

21 Q. Have you done any -- had any involvement in activity
22 or activities as an adjunct faculty member that falls into
23 that category that you've described?

24 A. Sure.

25 Q. Can you give us an example?

1 A. Well, right now we're in the process of -- there have
2 been meetings among the faculty. The Strategic Planning
3 Committee is reviewing curriculum, and so there's been
4 conversations where the full-time and part-time faculty
5 get together to discuss things that we're doing that are
6 good. We discuss how the world has changed and we think
7 about, you know, what do we need to do to respond to that?
8 So adjuncts are invited to those conversations, and as
9 many people as are able to come will come to them.

10 Q. And have you attended those?

11 A. I have, yeah. It's important I think to be part of
12 those conversations. I think adjuncts need a voice when
13 decisions are being made.

14 Q. Anything other than the Strategic Planning Meetings
15 that you've described?

16 A. There was another one recently that dealt with anti-
17 oppression curriculum, a new type of curriculum, that a
18 number of adjuncts also went to. I'm sure there's more.
19 That's what comes to mind.

20 Q. Okay. Are you familiar with a project that had to do
21 with a garden at Tyler?

22 A. Oh, yes. I was asked to serve on a committee. There
23 is a green space at Tyler that was never designed, and
24 they had hired a landscape architect to create some
25 designs for that space, and I was asked to serve on that

1 committee.

2 Q. And did you serve on that committee?

3 A. I did. I did for one semester while I was teaching
4 at the school.

5 [Whereupon, a document was marked as
6 Union Exhibit No. 10 for identification.]

7 [Exhibit provided to witness and parties.]

8 Q. I've handed you a document that's marked Union
9 Exhibit 10, a one page document. I apologize for the
10 small print for those of you like me, but it's the best I
11 could do. Do you recognize that document?

12 A. I do.

13 Q. What is it?

14 A. It's an e-mail that I sent to Margaret Carney who had
15 -- she's the Associate Vice President for Campus Planning
16 and Design. She had extended the invitation to me to
17 participate in this committee, and I'm responding and
18 asking her -- basically explaining that I'm an adjunct,
19 that I'm only teaching one class. There's a reason why
20 they're interested in me specifically, but there are full-
21 time people and staff people who could have fulfilled the
22 same need. So I asked if I could be excused so that
23 somebody else could -- who is paid to be at meetings and
24 do service like that, you know, that they could do it.

25 Q. And were you allowed to be excused?

1 A. I got an e-mail back from her which said that --
2 well, it's right here. It's part of this. It's----

3 Q. Is that the e-mail at the bottom, the e-mail there?

4 A. Basically she's saying that the Dean specifically
5 identified me as somebody who should be on the committee,
6 and I felt like that was kind of a command that I needed
7 to be there.

8 Q. Okay, so you said you participated for a semester?

9 A. Yeah. The following semester I didn't have a class
10 and I refused to serve at a school that wasn't hiring me.

11 Q. You mentioned a little bit ago that there was a
12 specific reason why they were interested, that they
13 thought you might be a person to serve on the committee.
14 What was that reason?

15 A. There's a class that I had come up with, that I
16 designed, where students were to -- to teach students how
17 to make their own materials from natural materials.

18 Q. What was the name of that?

19 A. It was part of the -- it fell under Materials and
20 Techniques. And so while they were planting a garden in
21 the middle of Tyler the idea was that they could be
22 planting things that we might be able to use in the class.

23 Q. Did that garden ever get off the ground?

24 A. My understanding is that it was designed, -- and I
25 don't know what happened after that.

1 Q. I didn't mean to cut you off. Were there any other
2 activities that you can think of that you were involved in
3 that fit within what you had described as your
4 understanding of what service is?

5 A. As an adjunct?

6 Q. Yes.

7 A. I'm afraid it's been a little bit of a long day and
8 I'm just like...

9 Q. It's okay. I didn't want to -- if there was more
10 that you were thinking of I didn't want to cut you off.

11 A. -- No.

12 Q. Okay. -- As an adjunct faculty member who signs
13 your appointment letters? Do you know?

14 A. It's done by the dean of the school.

15 Q. Okay, and we heard Mr. Langel earlier today make
16 reference to a provost. Are you familiar with the
17 position of provost?

18 A. I am.

19 Q. What's that position in Temple's structure as you
20 understand it?

21 A. The provost as I understand it is sort of the key
22 person overseeing the academic aspects of the university.

23 Q. And do you -- have you as an adjunct faculty member
24 had any interaction with the Provost or Provost office
25 personnel?

1 A. Office personnel, yes, but not with the Provost.

2 Q. In what context have you had contact with the
3 Provost's office?

4 A. There was----

5 MR. LANGEL: She said she didn't have
6 contact with the Provost.

7 Q. Oh, I'm sorry. Provost personnel. I used the wrong
8 term. In what context have you had contact with the
9 Provost personnel?

10 MR. LANGEL: It was Provost office
11 personnel.

12 Q(Con't) Did you hear the clarification from Mr. Langel?

13 A. Yes, sure.

14 Q. Okay, in what context have you had contact with those
15 folks?

16 A. Well, they've been extending invitations to adjuncts
17 to sit down and have lunch within a group of other
18 adjuncts -- to have conversations about our working
19 conditions. I attended one of those events, and Diane
20 Mael -- Mael----

21 Q. Maelson?

22 A. Maelson. Thank you.

23 MR. LANGEL: And it's M-A-E-L-S-O-N.

24 A(Con't) From -- I know she's in the Provost's office.
25 She was there.

1 Q. And that was to talk about adjunct issues?

2 A. Yes.

3 MS. ROSENBERGER: Okay, if you'll bear with
4 me a second? I'm marking some exhibits here.

5 [Whereupon, documents were marked as Union
6 Exhibit Nos. 11-A, 11-B, 11-C, 11-D, 11-E,
7 11-F and 11-G for identification.]

8 [Exhibits provided to the witness and
9 parties.]

10 BY MS. ROSENBERGER:

11 Q. By the way, when you ceased being an NTT there was a
12 break in service?

13 A. Yes.

14 Q. You didn't go straight from being an NTT back to
15 being an adjunct?

16 A. No. I accepted a job at another school.

17 Q. Okay, and then you ultimately came back?

18 A. Yeah, it was a one year NTT position there as well.

19 Q. Okay. -- I have handed you a packet marked Union
20 Exhibit 11, and within that packet are 11-A through G.

21 Once you've had a chance to look at those let me know, and
22 then I'm going to ask you some questions.

23 [Witness peruses exhibits.]

24 A. Okay.

25 Q. Can you tell us what is included in that packet

1 that's Union Exhibit 11?

2 A. These look like all of what -- what I would assume
3 might be all of -- well, actually these are adjunct
4 appointment letters and one letter that I received for a
5 summer program or to be assistant director of a summer
6 program.

7 Q. And is the one that you're referring to the one you
8 received to be -- for the summer program is that the one
9 that's marked as 11-C?

10 [Witness pages through exhibit.]

11 A. Yes.

12 Q. Okay. -- Are these all of your adjunct faculty
13 contracts or the ones that you could find?

14 A. I know that I'm missing at least one. I was hired in
15 the spring of 2011 to fill in for a full-time faculty
16 person who had broken her leg. So I was hired for maybe
17 six weeks to fill in for her while she was recuperating.

18 Q. Okay. -- And these are obviously just the adjunct
19 faculty contracts except for that one at least since you
20 came back from the one year job that you had at another
21 university?

22 A. -- Yes, -- yeah, they should all be there.

23 Q. I don't want to belabor it, because we can look at
24 these and see that they are similar to the others, but
25 there's reference in all of these that you're bound by the

1 policies. Is there any difference in the policies that
2 you understand you are bound by to those you've heard
3 other folks testify to today?

4 A. No. I mean, we're all bound by the same policies
5 that every faculty person who's teaching at Temple has to
6 follow.

7 [Whereupon, documents were marked as Union
8 Exhibit Nos. 12-A and 12B for
9 identification.]

10 [Exhibits provided to witness and parties.]

11 BY MS. ROSENBERGER:

12 Q. I've handed you another packet marked Union Exhibit
13 12 which has 12-A and 12-B. Would you take a look at that
14 packet and let me know when you're finished, and then I
15 have some questions for you.

16 [Witness peruses documents briefly.]

17 A. Okay.

18 Q. Do you recognize those two documents?

19 A. Yeah, these are the two letters of appointment that I
20 received -- well, these are contracts for when I was an
21 NTT for two years.

22 Q. Okay, and you said before that you were an NTT for --
23 I think you said five years.

24 A. Oh, wait. This is from -- I'm sorry, hang on. This
25 is 2007, -- 2006 and 2007. -- And this is in -- I

1 believe this is the two years that I was Interim Chair of
2 the Foundation Department.

3 Q. But in any event it was just two of the years that
4 you were an NTT, right?

5 A. Right.

6 Q. Were your NTT contracts for the other -- you said it
7 was a total of five years, right?

8 A. Yeah, the other three years.

9 Q. For the other three years, okay. Are these
10 representative of the contracts that you had for your
11 position as an NTT for those -- for all five years?

12 A. Yes.

13 Q. Now, these are different than what you get as an
14 adjunct faculty member, right?

15 A. Oh, yes.

16 Q. And there is some reference -- if you turn to the
17 third page of 12-A, for example, there's reference to a
18 list of fringe benefits, right, on the bottom of the page?

19 A. Yes.

20 Q. And are you eligible for all of those fringe benefits
21 as an adjunct faculty member?

22 A. Well, there's eligibility for certain of these
23 benefits, but you pay for them, and most adjuncts can't
24 afford to buy into these things.

25 Q. Can you give us some examples of what there is

1 eligibility for, but you have to pay for them?

2 A. You know, I don't know if anything has changed
3 recently, but to the best of my knowledge I believe any
4 health coverage -- I believe you could have a TIAA, but
5 there isn't a matching contribution. We do not get
6 tuition remission. -- No dependent care. So that kind
7 of covers the things that are listed here.

8 Q. Okay. It does at the top of that page talk about
9 employment policies. Were you -- when you were an NTT
10 faculty member were you governed by the same policies that
11 you're governed by, the general employment policies at
12 Temple that you're governed by now?

13 MR. LANGE: You're asking for her
14 understanding?

15 MS. ROSENBERGER: Yes.

16 MR. LANGE: Okay.

17 Q{Con't} Was it your understanding you were governed by
18 the same policies, what we see here in this top paragraph,
19 that says, "Board-approved policies and procedures
20 contained in the Temple University Faculty Handbook, which
21 is available on-line at policies.temple.edu"? Do you know
22 whether the Faculty Handbook applies to you now?

23 A. There is an adjunct faculty handbook that they've
24 come out with.

25 Q. Okay, and how about the -- well, obviously the

1 Collective Bargaining Agreement doesn't apply to you,
2 right?

3 A. Correct.

4 Q. Yet.

5 A. Yes.

6 Q. And how about the Employee Manual, do you have an
7 understanding as to whether that applies to you?

8 A. I'm not familiar with the current Employee Manual.

9 Q. Okay, but you've got -- you've mentioned that there
10 are any number of policies that are applicable to you
11 according to the letter?

12 MR. LANGEL: **Objection.** She just answered
13 a question saying she wasn't familiar with something, and
14 then she's led to give a different answer. This is direct
15 examination.

16 MS. ROSENBERGER: I'll withdraw the
17 question. It's okay. She answered it before.

18 Q. -- Who signs your contract -- your letters of
19 appointment of contract is I think the term you used, when
20 you were an NTT?

21 A. The dean.

22 Q. And I'm sorry. It has been a long day, and I can't
23 remember whether I asked you this question. Who signs
24 your adjunct faculty appointment letters?

25 A. The dean.

1 MS. ROSENBERGER: That's all I have on
2 direct. Thank you.

3 HEARING EXAMINER: Cross.

4 MR. LANGE: Can I have five minutes?

5 HEARING EXAMINER: Off the record.

6 [Whereupon, at 4:06 p.m., March 19, 2015 the hearing
7 recessed.]

8 [Whereupon, at 4:23 p.m., March 19, 2015 the hearing
9 reconvened.]

10 HEARING EXAMINER: All right, back on.

11 CROSS-EXAMINATION

12 BY MR. LANGE:

13 Q. Hi. How are you?

14 A. I'm fine. Thank you.

15 Q. You have some exhibits in front of you?

16 A. The ones that have been given to me?

17 Q. That have been identified. There's a Temple Exhibit
18 4 that says, "UAP at Temple University."

19 [Witness pages through exhibits.]

20 A. Yes.

21 Q. Now, UAP has a web page, right?

22 A. UAP has a web site, yes.

23 Q. And it also has a Facebook page, right?

24 A. Correct.

25 Q. And you sometimes go on the Facebook page and read

1 things and hit "like" when you like something?

2 A. I'm all over Facebook.

3 Q. All right, okay. So take a look at Exhibit 4, and
4 that's the letter I've referred to before, and your
5 signature is on that letter, correct?

6 A. Yes.

7 Q. And take a look at Temple 8.

8 [Witness does as requested.]

9 A. Is that a different packet or the same?

10 MS. ROSENBERGER: It's different.

11 A(Con't) Different, okay.

12 [Witness pages through exhibits.]

13 A(Con't) Okay.

14 Q. And that's actually a posting on Facebook, correct?

15 A. That's correct.

16 Q. And that's one you clicked, "like"?

17 A. That's right.

18 Q. Now, let me show what we'll mark as 12.

19 [Whereupon, a single page Facebook/UAP
20 web page with photograph and comments was
21 marked as Temple Exhibit No. 12 for
22 identification.]

23 [Exhibit provided to witness and parties.]

24 Q(Con't) So that's you?

25 A. That's me.

1 Q. All right, and it's on the Facebook page of UAP,
2 correct?

3 A. It looks like that, yes.

4 Q. All right, and under -- on the right it says, "United
5 Academics of Philadelphia" and has the logo of UAP,
6 correct?

7 A. Correct.

8 Q. There's no logo here of TAUP?

9 A. I don't see one other than on the card that I'm
10 holding up.

11 Q. Okay, we'll get to that. And this says, "Here are
12 some of the first" -- well, you can read it.

13 A. It's really small. I'm not sure I can honestly.

14 Q. All right, I'm having the same problem.

15 A. It's tiny.

16 Q. It says, "Here are some of the first #adjuncts at
17 Temple University who voted yes to have a union. We're
18 just as excited as they are. If you" -- I apologize, but
19 this is what it says, "If you an adjunct in Philadelphia
20 join us. Find out how." And then there's a place to
21 click, right?

22 A. Yes.

23 Q. And you have, "We're voting for a union at Temple.
24 Join us," and there you are holding it up, and I'll ask
25 you to look at Temple 3.

1 [Witness does as requested.]

2 Q(Con't) Do you see that?

3 A. I do.

4 Q. Okay, and that's the card that we've talked about
5 before that has the language of selecting -- of
6 authorizing the entities that are named to be my exclusive
7 representative for purposes of collective bargaining with
8 my employer. Right?

9 A. That's the one we've been discussing.

10 Q. All right. -- Now, would you take a look at Temple
11 Exhibit 9?

12 [Witness does as requested.]

13 Q(Con't) Now, I characterize that as a series of
14 testimonials. And there's one from you on here which is
15 page----

16 A. It starts on page 2.

17 Q. Yes, 2 to 3?

18 A. Um-hunh.

19 Q. Is that what you'd call these, testimonials in
20 support of having a union of adjunct professors?

21 A. This is just people responding to -- yes. Why do we
22 need a union? Why would I like to have a union?

23 Q. Right. And a number of them are saying they want a
24 union of adjunct professors.

25 A. I'm not reading all of them right now, so I don't

1 know if that's----

2 Q. All right. Well, let's take a look at Adam Zolkover,
3 Intellectual Heritage. Look at that.

4 A. Yeah.

5 Q. And he's talking about problems, and then he says,
6 "My students and I would both benefit from having a union
7 of adjunct professors," right?

8 A. It says that, yes.

9 Q. All right, and if you'd take a look at Kelli Jones on
10 the next page, Mathematics, and her language is, "My goal
11 is to continue to do this in a sustainable way. I support
12 forming an adjunct union at Temple," and it then says why.
13 Right, that's what she says?

14 A. That's what it says.

15 Q. Okay, and this is all under "Temple Adjuncts Speak
16 Out, UAP at Temple University," right?

17 A. Yes.

18 Q. There's no mention of forming -- becoming part of
19 TAUP? It mentions forming a union of adjuncts, right?

20 A. It wasn't part of the prompt that people were given.

21 Q. Okay, but that's what it says, that it's forming a
22 union of adjuncts? These are their testimonials?

23 A. Yes.

24 Q. All right, and if we go to you. This goes, "Jennie
25 Shanker," at the bottom of page 2, "Tyler School of Art."

1 It says, "Even with 18 years of teaching experience, I
2 can't count on the employment promised to me from one
3 semester to the next. There have been times when promised
4 classes did not come through after significant work had
5 been done to prepare for them. With an adjunct union at
6 Temple," and then it goes on from there. You don't
7 mention being part of TAUP. You say, "With an adjunct
8 union at Temple," correct?

9 A. That doesn't mean I didn't mean it.

10 Q. I understand that. I'm asking you what you said.

11 A. It's not what's written here. It wasn't part of the
12 prompts, yes.

13 Q. All right, and when you talked about classes being
14 cancelled, can you explain that for me?

15 A. Yeah. Adjuncts are often told that they'll be
16 teaching a class -- often at the end of the spring
17 semester they're told that they might have a class in the
18 fall, and it's not uncommon for classes to be cancelled
19 for any number of reasons.

20 Q. And when that happens adjuncts don't get to teach and
21 don't get paid. Is that right?

22 A. Yes.

23 Q. And that's because adjuncts are paid by the semester
24 credit hour as opposed to being paid a salary, right?

25 A. Yes.

1 Q. And when you are an NTT if a class gets cancelled you
2 still are paid your salary, correct?

3 A. Yeah. Unfortunately I had to take over an adjuncts
4 job if a class got cancelled.

5 Q. So Arthur Jones, he also says -- he's the next
6 person, Arthur Jones, Classics. "I support establishing a
7 union of adjunct professors," that's what he says in his
8 testimony. Again he makes no reference to TAUP. Right?

9 A. Yes.

10 Q. And Don Deeley says, "I support a union of adjunct
11 professors at Temple"-----

12 MS. ROSENBERGER: If I may? We'll
13 stipulate that each of these blurbs with each of these
14 people's names next to them say what the document says
15 they say.

16 MR. LANGEL: Okay. I'd like to finish one
17 more.

18 Q(Con't) And the last one, Matthew Kowalski, says, "A
19 union of adjunct professors at Temple University will
20 ensure that all students," and goes on -- I'm sorry --
21 yeah, that's the last one, and it goes on from there. So
22 these were testimonials supporting the campaign and
23 supporting a union of adjunct professors.

24 A. These are adjunct voices talking about why they would
25 like to have a union.

1 MR. LANGEL: Thank you.

2 [Whereupon, a single page with photograph
3 and printed matter was marked as Temple
4 Exhibit No. 13 for identification.]

5 [Exhibit provided to witness and parties.]

6 BY MR. LANGEL:

7 Q. I'm showing you what we've marked as Employer 13.

8 Are you familiar with that?

9 [Witness peruses exhibit.]

10 A. This looks like a post that United Academics put up
11 on their Facebook page.

12 Q. Do you recall hitting "like" on that?

13 A. I hit "like" so often. I hit "like" on every single
14 thing that United Academics puts up.

15 Q. You're not discriminating?

16 A. I love them.

17 MR. LANGEL: Okay, good.

18 [Whereupon, a single page with
19 photographs and printed matter was marked
20 as Temple Exhibit No. 14 for
21 identification.]

22 [Exhibit provided to witness and parties.]

23 Q. And that would be your "like" on that article -- or
24 that posting, right?

25 A. I guess so. I mean, there's a box with me liking it

1 and an image of the article in the background. -- It's
2 not really below the -- you know, I don't know that
3 necessarily. I'm assuming that I liked it because I
4 really do like everything that United Academics posts.

5 [Whereupon, a multiple page document
6 was marked as Temple Exhibit No. 15 for
7 identification.]

8 [Document provided to witness.]

9 Q. And since you participate on Facebook you'll
10 understand better than I do, that that's the article----

11 MS. ROSENBERGER: Can you wait till I have
12 a copy of whatever it is you're talking about?

13 MR. LANGEL: Sure. Don't yell at me.

14 MS. ROSENBERGER: I am asking you a
15 question.

16 MR. LANGEL: I understand it's the end of
17 the day. Don't yell at me. I didn't know you didn't have
18 it yet.

19 [Copies of exhibit provided to the
20 parties.]

21 Q(Con't) So you understand Facebook better than I do.
22 The previous two exhibits that appeared, meaning 13 and
23 14, are referencing that article, correct?

24 [Witness peruses exhibits.]

25 A. Yes.

1 Q. Pardon me?

2 A. Yes, sir.

3 MR. LANGE: One second, please. --

4 Nothing further. Thank you.

5 REDIRECT EXAMINATION

6 BY MS. ROSENBERGER:

7 Q. Professor Shanker, you said you like everything on
8 the UAP web site?

9 A. Yes.

10 Q. Do you read every document that is linked on the UAP
11 web site?

12 A. I don't because I trust the people who are putting
13 content up there.

14 Q. Are you familiar with something called Search Engine
15 Optimization?

16 A. No.

17 MS. ROSENBERGER: That's all I have on
18 redirect.

19 HEARING EXAMINER: Okay. Anything else?

20 MR. LANGE: Nothing further.

21 HEARING EXAMINER: You can step down,
22 ma'am. Thank you.

23 [The witness departs the witness box and
24 takes a seat in the back of the hearing
25 room.]

1 MS. ROSENBERGER: That's our last witness
2 for today and I see that it is now twenty till five. So
3 we're ready to stop for today, but we're going to need
4 additional -- we will need a partial additional day to
5 finish our case.

6 HEARING EXAMINER: Unfortunately I didn't
7 bring my schedule back with me.

8 MS. ROSENBERGER: Do we want to go off the
9 record while we talk about this?

10 HEARING EXAMINER: Yes.

11 [Whereupon, at 4:38 p.m., March 19, 2015 the hearing
12 recessed.]

13 [whereupon, at 4:42 p.m., March 19, 2015 the hearing
14 reconvened.]

15 HEARING EXAMINER: We're back on the
16 record. We discussed scheduling at least two or three
17 more days of hearing. The Board office is going to reach
18 out to the parties and obtain some available dates and
19 we'll take it from there and schedule some dates.
20 Anything else today?

21 MS. ROSENBERGER: No.

22 HEARING EXAMINER: Okay, we're off the
23 record.

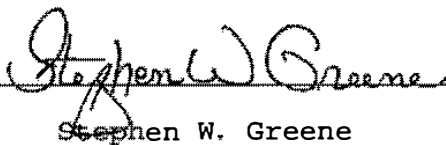
24 [Whereupon, at 4:43 p.m., March 19, 2015 the hearing
25 adjourned.]

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
typewritten form by me, and that this transcript is
a true and accurate record to the best of my ability.

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Stephen W. Greene