

February 4, 2016

Gary Shinnars
Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, D.C. 20570-0001

Re: Duquesne University of the Holy Spirit, Case No. 06-RC-080933 – Supplemental Authority

Dear Mr. Shinnars:

We represent Duquesne University of the Holy Spirit (“Duquesne”) in the above captioned case. On June 19, 2015, Duquesne filed a request for review (“RFR”) from a June 5, 2015 Decision and Recommendation to Overrule Objection and Issue Certification by Region 6 (“Decision”). This is a supplemental authority letter filed per *Reliant Energy*, 339 NLRB 66 (2003).

Region 19’s recent decision in *Carroll College*, No.19-RC-165133 (Jan. 19, 2016) provides additional support for Duquesne’s position that Region 6 misapplied *Pacific Lutheran University*, 361 NLRB No. 157 (Dec. 16, 2014) (“*PLU*”). Region 19 found that Carroll College satisfied not only prong one, but also prong two because the College could discharge faculty for serious cause, defined by the Faculty Handbook to include “‘continued serious disrespect or disregard for the Catholic character or mission’ of the College.” 12.

As detailed in Duquesne’s RFR, especially pages 23 to 28 and 39 to 44 (all lines), Duquesne’s *Faculty Handbook* contains essentially the same standard. Duquesne holds out that whatever else adjunct faculty may do, they may not improperly undercut Duquesne’s Catholic, Spiritan mission. *See, e.g.*, Union Ex. 9 at 19 n.2 (defining “Serious Misconduct” for even tenured faculty to include “failure to observe the principles of the Mission Statement of Duquesne University or elaborations thereof approved by the Board of Directors”); *id.* at 12 (defining “academic freedom”); *accord* Union Ex. 6, Executive Resolutions of the Board § V.A (defining academic freedom in teaching and explaining that “academic freedom in the classroom” is “*subject to* the principles and values expressed in the Duquesne University Mission Statement”) (emphasis added); Tr. 293-95.

Significantly, Region 6's Decision conceded that Duquesne holds out that adjunct faculty may *not* be "openly hostile" to Duquesne's religious mission. Decision at 10. Region 19 declined jurisdiction for that very reason in *Carroll College*. The Union has filed a request for review in *Carroll College*, which only underscores the need for the Board to grant review in Duquesne's case to resolve the split and to reverse Region 6's error.

Respectfully submitted,

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