

In The Matter Of:
BARNARD COLLEGE and
BARNARD COLLEGE FACULTY, UAW,
LOCAL 2110

Vol. 2
June 23, 2015

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UNITED STATES OF AMERICA BEFORE THE
NATIONAL LABOR RELATIONS BOARD

REGION 2
Case No. 2-RC-154022

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In the Matter of:

BARNARD COLLEGE,

Employer,

- and -

BARNARD COLLEGE FACULTY, UAW, LOCAL 2110

Petitioner.

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June 23, 2015
10:06 a.m.

NLRB, Region 2
26 Federal Plaza,
Suite 3611
New York, New York 10278

B E F O R E:

MORIAH BERGER,

Hearing Officer

1
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1 PROCEEDINGS

2 THE HEARING OFFICER: On the
3 record. So when we opened the record
4 today there was some additional discussion
5 on the status of the production of the
6 subpoenaed documents and there's some
7 additional information regarding job
8 descriptions. The petition has asked for
9 any and all job descriptions promulgated
10 or in effect at any time over the last
11 five years, or any and all off letter
12 titles and/or ranks. And the college has
13 some information on that request. Please
14 share that information here.

15 MS. STEPHEN: So there are no
16 job description for those classifications
17 that exist in the code. The colleges used
18 the language in the code, the description
19 of the code for those classifications, and
20 when we requested, that was what was
21 provided to me.

22 THE HEARING OFFICER: And the
23 code, are you referring to what is
24 Employer's Exhibit 2, Code of Academic
25 Freedom and Tenure?

1 PROCEEDINGS

2 MS. STEPHEN: Yes.

3 THE HEARING OFFICER: And that
4 is already in evidence.5 So, given that additional
6 information, I'd like to hear from the
7 petitioner.8 MR. LEVINE: As to job
9 descriptions, the petitioner withdraws its
10 request for any job descriptions for those
11 titles listed and described in Employer's
12 Exhibit 2, the Code of Academic Freedom
13 and Tenure, based on that representation.14 THE HEARING OFFICER: Okay. And
15 so now we'll continue with the employer's
16 presentation of its evidence.17 MR. LEVY: Can we take one
18 minute?19 THE HEARING OFFICER: Sure. We
20 can go off record.

21 (Time noted: 10:10 a.m.)

22 (Discussion held off the
23 record.)

24 (Brief recess.)

25 (Time noted: 10:46 a.m.)

1 PROCEEDINGS

2 THE HEARING OFFICER: So we had
3 additional discussion of the request for
4 jobs descriptions and what does actually
5 appear in the Code of Academic Freedom.
6 And after that discussion, apparently the
7 parties are not prepared to stipulate that
8 Employer Exhibit 2 contains the job
9 description that petitioner is seeking,
10 and so, the prior stipulation in that
11 regard is withdrawn, is that correct,
12 Employer?

13 MS. MUNOZ: That is correct.

14 MS. STEPHEN: Yes.

15 THE HEARING OFFICER: And
16 Petitioner?

17 MR. LEVINE: If it's withdrawn,
18 then any representations we made in
19 response to it are also withdrawn.

20 THE HEARING OFFICER: Okay. So,
21 we will now continue. I believe Ms.
22 Denison, so the employer will be
23 continuing with her testimony.

24 MS. MUNOZ: Yes.

25 THE HEARING OFFICER: So please

1 PROCEEDINGS

2 come back up to the stand to testify.

3 You're still under oath.

4 MS. MUNOZ: Should we actually
5 go back off the record for a moment?6 THE HEARING OFFICER: Off the
7 record.8 (Discussion held off the
9 record.)10 THE HEARING OFFICER: On the
11 record.12
13 P A T R I C I A D E N I S O N , having
14 first been duly affirmed, was examined and
15 testified further as follows:

16 CONTINUING DIRECT EXAMINATION

17 BY MS. MUNOZ:

18 Q. Good morning.

19 A. Good morning.

20 Q. If we could, we were going to
21 turn to the discussion of term faculty.
22 There was several titles that were
23 discussed, I believe, the terms assistant
24 professor, associate professor,
25 assistant -- term assistant professor of

1 DENISON - Direct
2 professional practice, term lecturer, and
3 term professor. So that is a group that
4 I'm going to be asking you about.

5 A. Okay.

6 Q. What are the work load
7 expectations for these faculty member?

8 A. The work load expectations is
9 that they would teach five courses per
10 year.

11 Q. And are they expected to do any
12 service work?

13 A. They would certainly go to
14 departmental meetings. They are not
15 voting members. So they would not come to
16 faculty meetings when there are votes.
17 They usually receive -- are eligible to
18 apply for grants from the Grants
19 Committee, because the expectation is that
20 they would continue to be doing the
21 research in their field.

22 Q. And why is that the expectation?

23 A. Because they are on a
24 terminal -- the categories you mentioned,
25 they are all on terminal contracts. So

1 DENISON - Direct
2 the expectation is that there would be a
3 national search for those terms, and that
4 would go to the budget and procedures
5 committee. That's, remember, the one that
6 handles all staffing in the college?

7 So that would be submitted to
8 the budget -- the committee there.

9 THE HEARING OFFICER: Could you
10 just define what you mean by "terminal
11 contract".

12 THE WITNESS: They cannot return
13 to the college. It is a full-time
14 position that has a clear end. Their
15 first term would be for three years --

16 THE HEARING OFFICER: Okay.

17 THE WITNESS: -- and then it is
18 potentially renewable, but they have to --
19 it has to be petitioned again to the same
20 committee to see whether it would be
21 renewed again for those final two years.

22 THE HEARING OFFICER: So what is
23 the maximum term?

24 THE WITNESS: So the maximum
25 would be five.

1 DENISON - Direct

2 THE HEARING OFFICER: Okay.

3 Thank you.

4 CONTINUING DIRECT EXAMINATION

5 BY MS. MUNOZ:

6 Q. And do -- these faculty members,
7 do they did any student advising?

8 A. They would do student advising,
9 yes.

10 Q. And are there any -- you said
11 that there would be, you just testified,
12 eligible for grants to do research in
13 their field. Is that an expectation -- is
14 that a scholarship expectation of the
15 college of them or is it independent of
16 that?

17 A. The expectation is that they
18 would continue on with their scholarship.
19 They are not required to apply, but they
20 certainly -- to apply for these grants,
21 because the expectation is they will be
22 leaving Barnard, they know they're in a
23 terminal position, and so they are
24 strengthening their position to be more
25 eligible on the job market, because they

1 DENISON - Direct

2 know they cannot stay at Barnard.

3 Q. Who else is eligible for these
4 grants?

5 A. Yeah. All of the
6 renewed -- reviewed and renewable are
7 not -- I'm not going to call them
8 R & R -- the full-time reviewed and
9 renewable faculty, all of those faculty
10 are eligible for grants. There's a
11 different category for them, though,
12 because they are eligible for the same
13 kinds of grants that the tenured and
14 tenurable faculty are eligible for. Those
15 are larger grants, and that is an
16 indication that the college -- why is it
17 that the college -- would why do they
18 function that way? Because the
19 expectation is that they are going to be
20 renewed for -- first reviewed, then
21 potentially renewed. So there is an
22 expectation that they would stay on as
23 long-time faculty.

24 The distinction is made, why
25 don't they have -- the term ones have the

1 DENISON - Direct

2 same, let's say, generous policy? Because
3 they know these faculty are going to be
4 leaving.

5 Does that -- does that answer
6 that?

7 So, again, you know,
8 there -- the reviewed and renewable ones
9 are in the same category as the tenured
10 and tenurable. So we receive the -- the
11 Grants Committee receives -- all of those
12 applications come in and they are read by
13 the faculty committee.

14 Q. Okay. And so the renewed and
15 renewable, tenurable and tenured, there's
16 a type of grants or --

17 A. It's a very, very clear
18 distinction, yes.

19 Q. And there's a type of grant that
20 the term can get that's different and
21 distinct from that? It sounds like it's
22 smaller --

23 A. It is smaller. I mean, the
24 figures right now -- and I'm only speaking
25 for right now -- the terms can receive for

1 DENISON - Direct

2 one year, they can receive \$1,000 to go
3 toward it. The reviewed and renewable for
4 one year can receive \$4,000. The tenured
5 and tenurable for one year can receive
6 \$4,000.

7 Q. And can adjuncts receive any
8 grants of this nature?

9 A. No. Adjuncts are not -- cannot
10 file for grants. They're part-time
11 faculty, cannot file.

12 Q. Are there any distinctions in
13 the teaching that a term faculty member
14 would do that a reviewed and renewable
15 would do or that an adjunct would do?

16 A. Could you ask that one again,
17 please.

18 Q. Sure. Are there any
19 distinctions, for example, in the type of
20 courses, the level courses, that a term
21 faculty member would be covering versus a
22 reviewed and renewable or an adjunct?

23 A. Not that I know of, because I
24 think that would be in -- that would be
25 very much in the terms -- that would be --

1 DENISON - Direct

2 again, I don't do the hiring for these, so
3 I would see, if I'm looking in the files,
4 I would see those letters of appointment,
5 but that is done in conjunction with the
6 department chair and the provost. It's
7 really the provost's decision there.

8 Q. So are the terms -- we've -- you
9 testified yesterday that there's one
10 campus, there aren't any online courses,
11 that the adjuncts and the reviewed and
12 renewable are teaching in the same
13 classrooms. Is that the case also for the
14 terms?

15 A. Okay. Say that again, because
16 I'm still thinking back on those grants
17 and I'm trying to remember whether those
18 grants were to travel to conferences.
19 There's -- there are two different
20 categories. So I'm just trying to make
21 sure that I was clear on that. So --

22 Q. What are the two types of
23 categories?

24 A. There are faculty conference
25 travel grants, and that's the same kind of

1 DENISON - Direct
2 thing. It's all part of how do you
3 enhance -- continue to enhance your
4 professional career. And so those two
5 ones, there are -- they are -- I would
6 want to say they're a slightly separate
7 process, but those are ones that the
8 renewed and renewable can apply for those
9 as well. So I'd have to look at an
10 appointment letter to see whether that
11 1,000 is limited to -- whether that
12 applies to both categories. That's the
13 only thing I'm really not sure about.

14 Q. The 1,000 that the terms can
15 receive?

16 A. Yeah.

17 Q. Which it applies to?

18 A. Yeah. I'm sort of assuming it
19 can go either -- either way.

20 Q. And these travel grants, it's
21 the reviewed and renewable. Who else can
22 apply for those?

23 A. Only the full-time faculty, the
24 tenured and the tenurable, the
25 renewed (sic) and renewable. Reviewed and

1 DENISON - Direct

2 renewable.

3 Q. Alright.

4 A. And that's, in those, the
5 categories.

6 Q. Okay. Do full-time term
7 faculty, do they have their own offices,
8 or do they share office space?

9 A. Again, within the constraints of
10 the college, I think if it is at all
11 possible, they would have their own
12 offices. It would depend on each
13 department and how much space they have.

14 Q. And you testified yesterday that
15 all faculty have e-mail, Barnard e-mail?

16 A. Yes.

17 Q. So the terms do as well?

18 A. Yes.

19 Q. And the terms, you talked -- you
20 testified yesterday about a grading norm
21 across the college --

22 A. Yes.

23 Q. -- the terms apply to their
24 courses?

25 A. Yes. Yes, definitely.

1 DENISON - Direct

2 Q. And did the terms have autonomy
3 as far as their teaching methods go?

4 A. I would describe it as the same
5 thing that would apply for the tenured,
6 tenurable, and anyone -- it will apply to
7 all faculty. They need to submit their
8 course to the Curriculum on Instruction.
9 So that is the norm. All courses would be
10 reviewed.

11 Q. And part of that review included
12 a review of syllabi?

13 A. Yes.

14 Q. So let's turn to the review
15 process for the terms. You've testified
16 that the max is five years --

17 A. Yes.

18 Q. -- the initially using three
19 and two?

20 A. Yes.

21 Q. Who reviews the term faculty?

22 A. That would be done by the
23 department chair and in consultation with
24 the provost.

25 Q. And could you describe their

1 DENISON - Direct

2 review process, please.

3 A. The review process is not --
4 it's not similar to the review -- to the
5 renewable and reviewed ones. It's an
6 entirely different process. They don't
7 have to submit a full dossier. They
8 would -- the chairs would be looking at
9 their teaching evaluations. I assume they
10 would look at their scholarship. They
11 would look at, above all, sort of the
12 needs of the department going forward.
13 And if they decide that the needs of the
14 department going forward are continuing
15 and would continue for two years, then
16 they would need to submit an application,
17 a request to the Faculty Budgets and
18 Procedures Committee to have that
19 committee decide whether, considering all
20 of the other requests that come into that
21 committee, whether they were -- they are
22 wanting to renew for two more years. So
23 it's not an automatic renewal. There
24 could be a terminal, a decision to not
25 to -- it could be terminal three years.

1 DENISON - Direct

2 Q. And the classifications, the
3 different classifications, assistant --
4 term assistant professor, versus term
5 associate professor, is there a
6 promotional process, if the term is
7 reappointed the last two years or --

8 A. (Nodding)

9 Q. You're shaking your head.

10 A. Not that I know of. I assume
11 that they are -- that title is given in
12 terms of the -- originally, in terms of
13 what their background is coming into it.
14 And the majority of them, as I recollect,
15 are assistant -- term assistant
16 professors.

17 Q. That reminds me. We had talked
18 about a bit yesterday -- you testified, I
19 believe we read into the record, the
20 number of the adjuncts in the different
21 titles, term professor, adjunct assistant
22 professor, adjunct associate, et cetera,
23 and their titles. Do those titles reflect
24 a promotion? What do the -- what is the
25 significance of the differing titles among

1 DENISON - Direct

2 the adjuncts?

3 A. I wouldn't -- I would not
4 describe them as promotions. I would say,
5 when they come in, they are -- that
6 decision is made as to what their
7 experience is coming into the position.
8 And it's obviously also linked in, as I
9 said before, to their degree.

10 Q. So the degree --

11 A. Well, you know, a lecturer would
12 be a Ph.D., an associate would be in a
13 field where you could get a Ph.D. but had
14 not received a Ph.D.. A lecturer could be
15 someone in a department where an MFA is
16 considered the final degree, so -- such as
17 dance. So you would have adjunct
18 lecturers in dance, for example.

19 Q. And so do the titles reflect any
20 differences in their job duties or their
21 responsibilities?

22 A. (Nodding) No.

23 Q. You're shaking your head.

24 A. I know. I'm shaking my head
25 first. No. So it's not a promotion

1 DENISON - Direct

2 process.

3 Q. Okay. And is it possible for --
4 or do you know if these titles, do they
5 change? I believe you said -- step back.

6 A. Sure.

7 Q. What is the length of
8 appointment for an adjunct?

9 A. What is the length of
10 appointment for an adjunct?

11 Q. Yes.

12 A. It is a semester-by-semester.

13 Q. And is it possible for -- do
14 adjunct change titles from semester to
15 semester within the adjunct category?

16 A. Not that I know of. I'm always
17 thinking there could be an exception out
18 there that I don't know of, but usually
19 it's the same if I'm signing off on the
20 adjunct action forms, it is usually the
21 same title in the spring as it was in the
22 fall if the person were teaching in the
23 fall. Or if the person had taught the
24 previous year, it's usually the same
25 title.

1 DENISON - Direct

2 Q. Okay.

3 THE HEARING OFFICER: Have you
4 had the experience where an adjunct
5 associate obtained his or are her Ph.D.
6 between semesters --

7 THE WITNESS: Yeah.

8 THE HEARING OFFICER: -- and
9 then was reappointed and sat as a
10 lecturer.

11 THE WITNESS: Yeah.

12 MS. MUNOZ: Just to clarify, do
13 you mean adjunct lecturer or a full-time
14 lecturer?

15 THE HEARING OFFICER: Yes.
16 Sorry. In the adjunct titles, have you
17 encountered that situation?

18 THE WITNESS: If I have, I don't
19 recall it, but I would imagine, generally,
20 if I would notice the change, I would say
21 why would -- why would there be a change?
22 And they would explain that the former
23 associate had now received a Ph.D. And
24 that would be getting back to the chair of
25 the department, because it is the chair's

1 DENISON - Direct
2 responsibility to hire the adjuncts. So
3 that would be something that I would flag
4 and I would call the chair and say,
5 that's -- you may have noticed it was an
6 adjunct associate in the fall, and now the
7 adjunct has received a Ph.D., so we're now
8 saying adjunct lecturer.

9 CONTINUING DIRECT EXAMINATION

10 BY MS. MUNOZ:

11 Q. Actually, we'll get into that.
12 Why don't we talk about -- you were
13 referring to the chair hiring adjuncts.
14 Are there differences -- let's go this
15 time all three groups. Reviewed and
16 renewable, the term, the adjuncts, are
17 there differences in their reporting
18 structures to who these categories of
19 faculty report?

20 A. The reviewed and renewable, they
21 would report to their chair and the
22 provost. So they would give, at the end
23 of every year, the faculty personnel
24 report on what they had done during the
25 year, their updated CV. And that is sent

1 DENISON - Direct
2 simultaneously to the provost and to the
3 chair. And it really is -- at that point,
4 it is in the hands of the provost. So it
5 is -- they're really finally reporting
6 directly to the provost.

7 Q. Okay. And what about the term
8 faculty?

9 A. And the term faculty, they would
10 also fill -- my understanding is that they
11 would also, because they are full-time,
12 they would do the faculty personnel forms,
13 and that would go to the provost and the
14 chair simultaneously.

15 Q. And are they ultimately
16 reporting to the chair or the provost?

17 A. They are ultimately reporting to
18 the provost.

19 Q. Alright. And the adjuncts?

20 A. The adjuncts do not file that
21 faculty personnel form. They are in a
22 different category. They report directly
23 to the chairs.

24 THE HEARING OFFICER: Can you
25 explain what's the difference between

1 DENISON - Direct
2 adjuncts and the professor titles,
3 assistant associate professor, and an
4 adjunct lecturer. What are the
5 differences -- are the differences between
6 those titles?

7 THE WITNESS: Why is adjunct in
8 front of it?

9 THE HEARING OFFICER: No. No.
10 Within the adjunct titles, what's the
11 difference between an adjunct assistant
12 professor, let's say, and an adjunct
13 lecturer?

14 A. I think you would -- you would
15 find that -- again, I'm going back to the
16 chairs on this, and it usually would be --
17 let's say someone had come in -- this is a
18 hypothetical case -- someone had been
19 teaching elsewhere, decided to move to New
20 York, and had been an assistant professor
21 or had had the experience of an assistant
22 professor elsewhere. Then the chair would
23 look at that and say this is someone who
24 has had experience and it seems to me that
25 the experience this person has had, I

1 DENISON - Direct
2 would put this person as adjunct assistant
3 professor.

4 THE HEARING OFFICER: Is there a
5 difference in duties and responsibilities
6 or just in title?

7 THE WITNESS: That's a good
8 question. It's just in title.

9 THE HEARING OFFICER: Okay.
10 Thanks.

11 MS. MUNOZ: Thank you.

12 CONTINUING DIRECT EXAMINATION

13 BY MS. MUNOZ:

14 Q. If we could, let's -- I'd like
15 to talk about Exhibit -- Employer
16 Exhibit 4-A and 4-B, the committees, and
17 the service on the committees. Of the
18 faculty members, who can serve on faculty
19 committees or standing appointive
20 committees?

21 MR. LEVINE: If I may, that
22 information is set forth in this exhibit.
23 It might be more efficient to ask if
24 there's things there that aren't true or
25 effective or committees that aren't

1 DENISON - Direct

2 covered.

3 THE HEARING OFFICER: Is there
4 additional information that you're seeking
5 that's not in the document itself?

6 MS. MUNOZ: A couple of things.
7 Yes. To answer your question in the short
8 form, yes. To be more specific, to the
9 extent that there are faculty members,
10 tenured, nontenured, I think it's relevant
11 to highlight which of these are the
12 reviewed and renewable versus the ones who
13 are tenurable who can serve on the
14 committees, voting rights, as well as I
15 believe there had initially been some
16 conversation or discussion about what the
17 committees do, and there is, I think,
18 significance to which of the committees
19 that reviewed and renewable are able to
20 serve on that others are not and the input
21 that they have. It goes to community of
22 interest. Yes.

23 THE HEARING OFFICER: So I think
24 that yesterday we covered, maybe not
25 fully -- correct me if I'm wrong -- who

1 DENISON - Direct
2 is eligible for the committees, what it
3 means when it says "tenured" and what it
4 means when it says "nontenured".

5 I -- I was asking those
6 questions, and looking at those exhibits,
7 the voting rights, I don't think we
8 covered.

9 So there's some that I think we
10 still need to go into, but the piece that
11 I think we've already covered is who's
12 eligible to serve on the committees.

13 MS. MUNOZ: There is certain --
14 it's my understanding -- and the testimony
15 will elicit this -- there are certain
16 committee -- there's a distinction in the
17 committees that I think is relevant that
18 I'd like to put on. Okay?

19 THE HEARING OFFICER: Sure. Go
20 ahead.

21 MS. MUNOZ: Thank you.

22 CONTINUING DIRECT EXAMINATION

23 BY MS. MUNOZ:

24 Q. Alright. So as the hearing
25 officer indicated, we've discussed who's

1 DENISON - Direct

2 eligible to serve on committees. If you
3 would just briefly, the groups of faculty
4 that can serve on committees, very
5 briefly. You don't have to go in depth.

6 A. Alright. Very briefly, to serve
7 on committees, you can be tenured,
8 tenurable, or renewed -- reviewed and
9 renewable.

10 Q. And of the committees, either
11 the faculty committee or the standing
12 appointive committees -- and this goes to
13 voting -- how do individuals get placed on
14 these committees?

15 A. The elected committees are
16 elected by the full-time faculty.

17 Q. And that's all the same faculty?

18 A. Of the group I just gave you,
19 yes.

20 Q. And are there --

21 A. Well, not the -- the terms are
22 not -- are not voting members. So I
23 didn't include those.

24 Q. Okay. So not the terms; they're
25 not voting members?

1 DENISON - Direct

2 A. No.

3 Q. And so who are you voting
4 members?

5 A. Tenured, tenurable, and renewed
6 and reviewable.

7 Q. And do you know, of these
8 committees, are there any in which -- I
9 guess my question is, the composition of
10 the voting members, the members on these
11 committees, are they heavily tenured, are
12 they -- do they include equal members of
13 the reviewed and renewable and the
14 nontenurable? Can that vary? Like how
15 does the voting makeup on the committees
16 work?

17 THE HEARING OFFICER: Could we
18 just clarify which committees we're
19 talking about here?

20 MS. MUNOZ: That's what I wanted
21 to do and I was told that information is
22 already in. So I wanted to walk through
23 that.

24 THE HEARING OFFICER: Well,
25 there are the standing appointive and then

1 DENISON - Direct

2 there are faculty committees and you
3 referred to them as elected committees?

4 THE WITNESS: Yes.

5 THE HEARING OFFICER: And I'm
6 not sure the record is clear which are
7 elected and what we're talking about.

8 (Overtalking)

9 MS. MUNOZ: Which are elected
10 committees?

11 THE WITNESS: The elected ones
12 are the -- I'm going to use the acronyms,
13 and it's on the right-hand side the ATP,
14 FAPC, FA --

15 (Overtalking)

16 THE HEARING OFFICER: So
17 actually, if we could just say the exhibit
18 that we're referring to.

19 THE WITNESS: Okay.

20 THE HEARING OFFICER: And
21 identify and then you won't even have to
22 read the titles.

23 THE WITNESS: Good.

24 THE HEARING OFFICER: So we're
25 looking at Employer Exhibit 4-A and so the

1 DENISON - Direct
2 question is, does Employer Exhibit 4-A
3 list the committees that are the elected
4 committees?

5 THE WITNESS: It does.

6 Q. And does Exhibit 4-B list the
7 standing appointive committees?

8 A. Yes.

9 Q. And what is the distinction
10 between elected versus the standing
11 appointive committees?

12 A. The elected ones are, to repeat
13 myself, tenured, tenurable, renewed and
14 reviewable (sic). Those are the voting
15 members of those -- for the elected
16 committees. Those are the ones who can
17 serve on those committees. There are just
18 two exceptions, and two of those
19 committees are the Advisory Committee on
20 Appointments, Tenure, and Promotion and
21 the one directly underneath. That's the
22 Faculty, Budget, and Planning Committee.
23 Those are limited to tenured members.
24 That's the only -- those are the only two
25 committees that are solely tenured

1 DENISON - Direct

2 members.

3 THE HEARING OFFICER: Okay.

4 Okay. And of the elected committees in
5 Exhibit 4-A, does the distribution of
6 voting makeup, the -- by that, I mean
7 tenured, tenure track, reviewed/renewable,
8 does that vary? Is that -- I mean, how
9 does that -- how is the voting makeup
10 determined?

11 A. I mean, if you look at the
12 description of each of those committees,
13 it will -- it will describe the
14 composition on the committees, if that
15 is -- if that's answering -- if I
16 understand the point of your question.
17 So, some will say, we're going to have in
18 one division, we're going to have tenured
19 and then nontenurable, tenured and
20 nontenurable in division 2, tenured and
21 nontenurable in division 3, tenure and
22 nontenurable in division 4.

23 Q. Okay.

24 A. So the tenured -- you know what
25 the tenured ones are. The nontenured are

1 DENISON - Direct
2 including both the -- those who are on the
3 what we call the tenure tract and those
4 who are reviewed and renewable.

5 Q. So those are the --

6 A. Yes.

7 Q. Okay.

8 A. Yes. Those are clearly the --

9 Q. Okay. And what about -- the
10 standing appointive committees, generally,
11 what -- this is, again, Employer
12 Exhibit 4-A --

13 A. Or 4-B.

14 Q. Thank you, 4-B.

15 The standing appointive
16 committees, just briefly, what is, again,
17 besides the distinction of elected versus
18 appointed, is there a material distinction
19 between what these committees are
20 responsible for versus what the elected
21 committees are responsible for?

22 A. I would say the elected
23 committees are the most important
24 committees in the college.

25 Q. And why is that?

1 DENISON - Direct

2 A. Well, one deals with tenure and
3 promotion. The other deals with all
4 college staffing, line issue. The other
5 deals with governance and procedures. The
6 other deals with -- we referred before on
7 the Committee On Instruction, all
8 curriculum that is going to be reviewed
9 and then put to the faculty. The faculty
10 representative to the university senate,
11 that's very important because they go from
12 Barnard and they are at the Columbia
13 meetings, they report back to the Barnard
14 faculty. Same thing, representative of
15 the Board of Trustees, they would go to
16 the trustees meetings and would report
17 back to the faculty on that. Faculty
18 finance and resource, those are the ones
19 who go to the Board of Trustees annually
20 to advocate on behalf of the faculty for
21 benefits and compensation. And that's
22 very important. The grants committees I
23 referred to earlier, they are the ones
24 that where we review, we read, you know,
25 pages and pages and pages of applications

1 DENISON - Direct
2 for grants, grant and review, we review
3 those to see whether we find this is a
4 strong proposal for a grant. And then the
5 off-ladder faculty can -- advisory
6 committee is the ones that is -- that
7 would speak with the provost about
8 off-ladder issues.

9 Q. Okay.

10 A. So that would be limited. That
11 would be limited, obviously -- the voting
12 for that would only be off-ladder
13 faculty. Does that make sense?

14 Q. It does. It does.

15 A. Okay.

16 Q. And the standing appointive
17 committees, without -- you don't have to
18 go through -- there are many more of
19 them --

20 A. Yes.

21 Q. -- but generally, what are the
22 appointive committees addressing? What
23 types of -- if you could provide a
24 summary, that would be great.

25 A. It's a -- it's a very, very

1 DENISON - Direct
2 broad category. There are about 28 of
3 those. And they are -- they are chaired
4 by -- by -- if you look at those, they're
5 chaired by different people as well. Some
6 would deal with emergency management more,
7 some would deal with faculty diversity and
8 development, some would deal with
9 committee on honors. There's a wide, wide
10 range of an honor board, an athletics --
11 Columbia faculty athletics committee. I
12 mean, they're all -- they are-- there,
13 it's of -- I think probably -- or the
14 senior commencement committee, sustainable
15 practices. It's -- it's just a -- it's a
16 very, very diverse group of committees.

17 Q. And how do faculty members get
18 appointed to these committees?

19 A. Faculty members -- I mean,
20 underneath each of these, there would say
21 what's the membership eligibility. So
22 it's very clear who is eligible. And it's
23 a different category for each of these
24 standing committees. These are the ones
25 that go to the faculty governance and

1 DENISON - Direct
2 procedures. That's the -- one of those
3 elected committees. And the assumption is
4 that all full-time faculty of the kind we
5 had -- the category that I had given you
6 earlier, the expectation is that they
7 would have service on committees.

8 So what will happen very often
9 is that they will say, alright, this is
10 someone, for example, who put himself or
11 herself forward for an elected committee,
12 was not elected, or perhaps was elected to
13 one, and then a preference form goes out
14 to all of those full-time faculty, and
15 they will mark 1, 2, 3, these are the
16 committees that I would be interested in
17 serving on, of those 28, if you're
18 eligible for serving on them. And then
19 the governance committee looks at -- it's
20 very -- you know, they get spreadsheets
21 on, you know, who these people are, and
22 then they try their best to match them to
23 committees that they would like to be on.
24 Alright?

25 And those opening -- it will

1 DENISON - Direct
2 change every year to year, because they're
3 rotating terms, and so it depends who was
4 rotating off and is there a vacancy on the
5 committee for that year.

6 Q. And before I go to voting, just
7 to clarify, neither adjunct nor terms
8 serve on any of these committees?

9 A. That is right. I can think only
10 of one instance on one of these committees
11 where there is a term professor who is on
12 the committee because of his
13 responsibility, but he is an additional
14 member of the committee. So, in other
15 words, they filled all of the -- all of
16 the positions with people, of those
17 full-time categories, and they said,
18 because of his history in that particular
19 area, it would be useful to have him on
20 the committee.

21 THE HEARING OFFICER: Do you
22 know which committee that is?

23 THE WITNESS: Okay. It will
24 take me a moment to go through all 28 of
25 them.

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2 THE HEARING OFFICER: It's
3 alright if you don't know. That's fine.

4 THE WITNESS: That's right. I
5 could probably find it if I had time, but
6 if you'd like to move on...

7 THE HEARING OFFICER: That's
8 okay.

9 THE WITNESS: I could put that
10 in --

11 THE HEARING OFFICER: Go on.

12 Q. Alright. So you had testified
13 that --

14 A. Yeah.

15 Q. -- renewed/renewable (sic),
16 tenurable and tenured who were voting
17 members of the faculty? And do the
18 committees reflect all of the issues upon
19 which they can vote or what -- what --
20 what is the universe of issues that these
21 faculty members can vote on?

22 MR. LEVINE: I'm sorry, I don't
23 understand that question.

24 THE WITNESS: Thank you for
25 saying that. I was struggling as well,

1 DENISON - Direct

2 because I think I found the answer to your
3 question.

4 Q. You want to answer that first?

5 A. Yes.

6 Q. And then we'll go back.

7 A. I see it would be the Library
8 and Academic Information Services.

9 THE HEARING OFFICER: So that is
10 a standing appointive committee on which a
11 termed professor --

12 THE WITNESS: I see one term
13 professor on that.

14 THE HEARING OFFICER: Okay.
15 Thank you.

16 THE WITNESS: And -- yeah.

17 THE HEARING OFFICER: So you --

18 Q. My question is --

19 THE HEARING OFFICER: Rephrase
20 your question.

21 Q. -- on what types of issues may
22 faculty vote?

23 A. Well, are you talking about a
24 faculty on a particular committee, all
25 committees, including elected and standing

1 DENISON - Direct

2 appointive?

3 MS. MUNOZ: I'm trying to find
4 that out. Look, I want her to testify:

5 Q. Is there anything
6 beyond -- that's why I was trying to
7 narrow the question initially. Was it
8 limited to what we already see in
9 Exhibits 4-A and 4-B, these types of
10 issues, are there other issues?

11 THE HEARING OFFICER: Why don't
12 we take --

13 A. I think I understand the point.
14 I think it's pretty clear who votes, who
15 votes for the -- for 4-A, and I think it's
16 clear how the appointive committees
17 are -- how they are filled, but you're
18 asking for, are there other issues that
19 would go to the faculty in addition to
20 these faculty elections? And an example I
21 would think of would be from this spring,
22 when there -- we had just finished nearly
23 a two-year review of the academic
24 curriculum, and there was a vote on the
25 academic curriculum, and we went back to

1 DENISON - Direct
2 who were the voting members who would vote
3 for that, and it went back to the college
4 statutes, and the voting members were the
5 tenured, the tenurable, and the reviewed
6 and renewable. And, as I remember, there
7 was roughly about 80 percent of those --
8 that entire group voted in that election.

9 MS. MUNOZ: If I can, I want to
10 mark as Employer's Exhibit 5...

11 Q. Here's a copy, if you want to
12 take a look at it. Do you recognize that
13 document? And if so, how?

14 A. Yeah. That's procedures for the
15 faculty vote on the new curriculum, and
16 that's when I was referring to the
17 academic curriculum review.

18 Q. Okay. So...

19 A. So that gives the procedures for
20 the vote, the procedures for voting --
21 interesting. Those eligible to vote,
22 full, associate, and assistant professors,
23 full, associate, and assistant professors
24 of professional practice, senior lecturer,
25 lecturers, senior associates, associate,

1 DENISON - Direct
2 and then in this kind of election, the
3 president, provost in the college and dean
4 of studies can vote on that, but that is
5 because it is narrowly focused on changes
6 in the curriculum at the college. And
7 then they had in abstentia voting and
8 procedures for voting when, if you had
9 submitted an in abstentia vote, then you
10 would come into the faculty meeting and
11 then you would vote and then it describes
12 the four divisions, where you would cast
13 your vote.

14 Q. Okay. Okay.

15 MS. MUNOZ: If I may, I'd like
16 to move to put that into evidence.

17 MR. LEVINE: No objection.

18 THE HEARING OFFICER: Okay,
19 employer 5 is received.

20 (Employer's Exhibit 5, marked
21 into evidence, this date.)

22 Q. And then you mentioned faculty
23 meetings. I'd like to show you Employer
24 Exhibit -- or what's been marked as
25 Employer Exhibit 3. Tell us what that

1 DENISON - Direct
2 document -- do you recognize it? And, if
3 so, what is that document?

4 A. That's on the provost and dean
5 of the faculty on the provost website and
6 it's talking about when faculty meetings
7 are held that all full-time
8 faculty -- again, the categories we've
9 talked about -- are expected to attend
10 faculty meetings. In fact, it says, "You
11 are..." -- "... should not schedule your
12 classes or office hours to conflict with
13 the faculty meetings." So the expectation
14 for those full-time ones that we've just
15 been talking about, you are expected to be
16 at the faculty meetings.

17 Q. And so would -- so -- is it an
18 expectation of those full-time groups that
19 they attend faculty meetings?

20 A. Yeah. Three groups that we're
21 talking about.

22 Q. Okay. Does that document, to
23 the best your knowledge, accurately
24 represent the faculty meeting process?

25 A. I would think so. And I think,

1 DENISON - Direct
2 if you get, for example, down to voting,
3 it says "only members of the Faculty have
4 the right to vote." And I see that
5 capital F on faculty, the assumption there
6 is that those are the -- all full-time
7 faculty that we had talked about before.

8 Q. And are these the full faculty
9 of the college, or are these department
10 faculty, or is there a distinction between
11 the type of meetings, or those refers to
12 all type of possible faculty meetings?

13 A. Whether can be special meetings
14 that are held at the call of the
15 president, or it even says that five
16 members of the full-time faculty could
17 call a special meeting.

18 Q. Alright.

19 A. But these are the regularly
20 scheduled meetings that all of the
21 full-time faculty are expected to attend,
22 and not to be -- you know, ideally, not to
23 be teaching. That they asked not to
24 schedule any classes, because the
25 expectation -- that is part of the

1 DENISON - Direct

2 full-time faculty's responsibility.

3 MS. MUNOZ: Okay. If I may, I'd
4 like to move to enter that.

5 A. And the agendas are set in that
6 faculty governance procedures, and we've
7 already discussed that committee. Minutes
8 are taken, yes. It looks pretty accurate
9 to me.

10 MS. MUNOZ: I'd like to move to
11 enter that into evidence. That's, I
12 believe, 3.

13 MR. LEVINE: I'll have a couple
14 of questions.

15 THE HEARING OFFICER: Sure.

16 VOIR DIRE EXAMINATION

17 BY MR. LEVINE:

18 Q. When did you first see this
19 document?

20 A. When did I first see this
21 document?

22 Q. When's the first time you've
23 seen this document?

24 A. Well, it's on the provost web
25 page. So I would have seen it on the

1 DENISON - Voir Dire

2 provost web page. Are you asking whether
3 this was actually handed to me before --

4 Q. I'm asking simply when the first
5 time you've seen this document. You're
6 reviewing it now. I appreciate you're
7 saying that. It's your testimony the
8 information in it's correct? I'm
9 wondering when you first saw this
10 document.

11 A. It is on the provost web page.
12 So I would have seen it working in the
13 office of the provost, I would have paid
14 particular attention to it because -- as
15 associate provost, but I would have also,
16 as a senior lecturer, have seen, if I had
17 any questions, I would have looked on the
18 provost web page. Is that making sense?

19 Q. So, is the answer you're not
20 sure when specifically? You're telling me
21 how or where. But --

22 A. I still -- I don't understand
23 the point of your question. This --
24 faculty meetings have been posted
25 regularly on the provost web page. So,

1 DENISON - Voir Dire

2 before I became associate provost, if I
3 were looking and saying, you know, I've
4 got to -- I want to write in my Google
5 calendar when all the faculty meetings are
6 so that I'm making sure, as a senior
7 lecturer, I don't miss them, I would do
8 that.

9 Q. So you would normally look at
10 this document at the beginning of the
11 academic year?

12 A. Usually, in the summertime,
13 beforehand, because I would just, you
14 know, try to plot out what committees am I
15 on, when are the faculty meetings, because
16 then I would be sure that I'm not going
17 out of town. You know, you will just plot
18 your semester by semester, because that's
19 my obligation.

20 Q. You had said if you had
21 questions as a faculty member, you would
22 look on the website. Is this information
23 actually sent to faculty members, or do
24 they have to look for it on the provost
25 website?

1 DENISON - Voir Dire

2 A. It is sent to faculty, I don't
3 know the answer to that question. I know,
4 if you are a full-time faculty, the
5 expectation is that you would -- you know,
6 this is posted and that's your source of
7 for.

8 MR. LEVINE: I'll maybe come
9 back to this on cross-examination. I
10 have -- I have no objection.

11 THE HEARING OFFICER: Employer 3
12 is received.

13 (Employer's Exhibit 3 marked
14 into evidence this date.)

15 THE HEARING OFFICER: Can I just
16 ask a clarifying question?

17 THE WITNESS: Sure.

18 THE HEARING OFFICER: You made a
19 distinction in this Employer Exhibit 3 --

20 THE WITNESS: Yeah.

21 THE HEARING OFFICER: -- with
22 regard to capital F faculty. If you look
23 in the first paragraph, it refers to "all
24 full-time faculty "--

25 THE WITNESS: Yeah.

1 DENISON - Voir Dire

2 THE HEARING OFFICER: -- lower
3 case F. So who is that referring to,
4 lower case F, "all full-time faculty"?

5 THE WITNESS: Those are the
6 three categories we were talking about:
7 Tenured, tenurable, and renewed
8 and -- reviewed and renewable.

9 THE HEARING OFFICER: Okay.

10 THE WITNESS: And I think-- I
11 mean, I'm reading that as saying that. So
12 when you have the full-time -- the capital
13 F down under "voting", it's referencing
14 back to the all full-time faculty members,
15 yeah.

16 THE HEARING OFFICER: Okay.

17 CONTINUING DIRECT EXAMINATION

18 BY MS. MUNOZ:

19 Q. Do you know whether or not this
20 information is communicated in any other
21 way to faculty members? And by "this
22 information", I mean about the -- about a
23 faculty meeting.

24 A. There could be e-mails that go
25 out, reminders to the faculty that are

1 DENISON - Direct

2 sent, and I think there are reminders to
3 the faculty that are sent. I don't send
4 them out. But I think there could be a
5 reminder -- for example, in the middle of
6 September, there's usually a welcome
7 reception for all new members of the
8 faculty, and usually there's an e-mail
9 that goes out saying, you know, welcome,
10 we invite you to attend to this reception
11 where new members of the faculty will be
12 introduced.

13 And then there could be, in that
14 e-mail, or subsequently -- and these are
15 the regular faculty meetings that will
16 begin in October, and they are listed --
17 I -- you know, I'd have to see that e-mail
18 to see how it might be described.

19 MR. LEVINE: If I may, there's
20 been -- I have an objection. There's been
21 a lot of testimony about "I assume", "I
22 believe", "I imagine", but here we're even
23 going further with "it could be", and I
24 don't really think testimony concerning
25 about what there could be is relevant to

1 DENISON - Direct

2 this hearing.

3 MS. MUNOZ: I was actually going
4 to say that we can do this through another
5 witness.

6 THE HEARING OFFICER: I -- you
7 know, I appreciate the objection. I mean,
8 the reader of the record will certainly
9 make note of that and give the testimony
10 the weight it deserves, as well as any
11 evidence presented --

12 THE WITNESS: Yeah.

13 THE HEARING OFFICER: -- so your
14 objection is noted, but, you know, I --
15 this witness can continue to testify about
16 the extent of her knowledge, be that what
17 it is.

18 THE WITNESS: Yeah. I mean, I
19 think -- if I could pull up my e-mails
20 right now, I could answer it for sure,
21 that this went out, but we don't have
22 access here.

23 MS. MUNOZ: Thank you.

24 Q. Are there any other
25 qualifications to search on any of the

1 DENISON - Direct
2 committees that we discussed or -- I'm
3 just going to bring it back to the
4 committees, service on committees. You
5 testified to three different categories of
6 faculty that can serve on the committee,
7 be elected to the committees. Are there
8 any other qualifications to be on those
9 committees?

10 A. I think it's stated in terms of
11 membership eligibility.

12 Q. Okay. And taking it down, let's
13 take it -- turn it to the department
14 level. Who can become department chairs?

15 A. Department chairs, certainly the
16 tenured faculty could become department
17 chairs. I would say that probably the
18 majority of the chairs are tenured
19 faculty. The majority of them most likely
20 would be professors. There is no
21 prohibition for an associate professor to
22 be department chair, and just as there is
23 no prohibition for a renewed (sic) and
24 renewable faculty member to be a
25 department chair.

1 DENISON - Direct

2 And so all three categories, you
3 would say, have been, and are, department
4 chairs.

5 Q. Do you know of any reviewed and
6 renewable who are currently serving as
7 department chairs?

8 A. I do know that in architecture,
9 Karen Fairbanks, who is a professor of
10 professional practice, is chair of that
11 department.

12 Q. And is that a -- are
13 department -- could -- department chairs,
14 is that a permanent position? Does that
15 rotate? How does that work?

16 A. It is a rotating position and it
17 is voted on by the faculty within that
18 particular department.

19 THE HEARING OFFICER: And which
20 faculty --

21 THE WITNESS: All full-time
22 faculty vote on the chairs.

23 Q. Does that include the term
24 full-time or...

25 A. I don't believe it includes the

1 DENISON - Direct

2 term.

3 Q. Alright. Now, to the best of
4 your knowledge -- and acknowledging that
5 the college is looking through appointment
6 letters on this question -- to the best of
7 your knowledge, how often have part-time
8 faculty become full-time faculty?

9 A. To the best of my knowledge,
10 part-time faculty have become full-time
11 faculty if they submitted application on a
12 national search.

13 Q. So do you know if an individual
14 has -- if an adjunct -- if an individual
15 served as an adjunct and participates in a
16 national search, are they given preference
17 based on the fact that they were an
18 adjunct?

19 A. No. Their application would be
20 read, just like any other application. If
21 there are stronger applications elsewhere,
22 then it would go to the strongest. It's
23 like any national search. No, they are
24 not given preference.

25 Q. And back up just briefly on the

1 DENISON - Direct
2 department chairs. Are there any
3 departments in which there are co-chairs?
4 Do you know?

5 A. Yes. I think there are
6 departments in which there are co-chairs.

7 Q. And do you know which
8 departments?

9 A. I don't, because I'd have to go
10 online. Those are listed very clearly
11 online on the provost web page.

12 Q. And are full-time reviewed and
13 renewable able to serve as co-chairs?

14 A. Yes, they are.

15 Q. And we have hit on this at
16 various points, related to other
17 questions, but you testified that adjuncts
18 are appointed semester to semester.

19 A. Yes.

20 Q. The length of employment -- I
21 think we've covered this. Let me just...

22 (Counsel confer.)

23 Q. Let's focus on the method of
24 payment for these three types. And by
25 "method of payment", I mean, are -- we're

1 DENISON - Direct

2 talking of a salaried -- I believe you
3 testified that adjuncts are paid per
4 course?

5 A. Yes.

6 Q. Are terms paid per course?

7 A. Full-time terms are paid by
8 salary.

9 Q. By salary. Okay. And are
10 reviewed and renewable paid by course?

11 A. No. Renewed and reviewable are
12 paid by salary.

13 Q. By salary. And are adjunct
14 appointments-- I believe it was your
15 testimony that if there are an
16 insufficient number of courses enrolled,
17 the course may be cancelled?

18 A. Yes.

19 Q. And does that happen for term
20 faculty?

21 A. No.

22 Q. Does that happen for reviewed
23 and renewable faculty?

24 A. No.

25 Q. Do you know, what is the

1 DENISON - Direct
2 teaching load expectation for an adjunct?

3 A. The norm is that an adjunct
4 would feature one or two courses per
5 semester, and I'm going by per semester.
6 I -- so that would be a total, a maximum
7 of four during the year. If there were
8 need in a department -- and I have not
9 seen this myself -- if there were a need
10 in a department that they wanted to
11 advocate that a faculty member would teach
12 one course in the fall and then
13 conceivably three courses in the spring,
14 so the total four for the year, I could
15 imagine that exception, but it is the
16 maximum of four per year is my
17 understanding for an adjunct.

18 Q. And do you have any knowledge of
19 course rates or average minimum salaries
20 for these faculty members?

21 A. It's -- the range -- it could
22 depend -- the lowest range would be, for
23 example, for an adjunct, it would be
24 teaching a one-point course. A normal
25 course is three or four points. So if

1 DENISON - Direct

2 you're teaching a one-point course, then
3 you could be, let's say in the couple
4 thousand -- you know, say about 2,000 or
5 so. The norm would be four and a half
6 thousand to six thousand would be the
7 norm. If you have come in with a great
8 deal of experience from elsewhere, let's
9 say you're an adjunct associate professor,
10 then your salary would be higher, but I
11 think the max there would go, at the most,
12 I would think, up to a ten or eleven, but
13 the number of people who are in would
14 be -- it's a very, very small -- very
15 small percent term. So if you're trying
16 to get the average, I would think it would
17 be probably pretty close to six.

18 THE HEARING OFFICER: When you
19 say "point course", is that what is
20 otherwise known as credit hours?

21 THE WITNESS: Yes.

22 THE HEARING OFFICER: Okay.

23 THE WITNESS: Credit hours.

24 A. So that's the distinction I
25 would make. If there's a credit hour

1 DENISON - Direct
2 course that's credit bearing only
3 for -- you're not -- if you're an adjunct,
4 your responsibilities, your time in the
5 classroom and everything, that would --
6 that would differ.

7 So the -- the compensation you
8 would receive would differ. But majority
9 of classes are three-point and four-point
10 credit classes.

11 Q. And do you have any knowledge of
12 the average, or the minimum/maximum
13 salaries, for either the full-time term or
14 the full-time reviewed and renewable?

15 A. Well, I don't -- as an associate
16 provost, I don't sign off on those
17 letters. I would think that the --

18 Q. So you don't know?

19 A. I think the simple answer would
20 be, say, that I don't know. I have some
21 averages in my mind, but I don't know for
22 sure, because that's not my
23 responsibility.

24 Q. Fair enough. Do you know, of
25 the reviewed and renewable, the term and

1 DENISON - Direct
2 the adjunct faculty who are eligible for
3 benefits?

4 A. Yes.

5 Q. And who are -- who of these
6 groups is eligible for benefits?

7 A. The reviewed and renewable and
8 the term professors would have benefits,
9 because both categories are full-time.

10 Q. And what -- and do you know what
11 those benefits are?

12 A. They are the same benefits that
13 the tenured and tenurable faculty have.

14 Q. Which are?

15 A. Which are? God!

16 Q. Okay, if you --

17 A. I have to pull up --

18 Q. You shook your head.

19 A. -- pay stub to look at it.

20 Q. Okay. Fair enough.

21 Do you know if any of these
22 faculty members are eligible for
23 professional development funds for leaves?

24 A. For professional development
25 leaves, the senior lecturers and the

1 DENISON - Direct
2 senior associates. So if you had been
3 promoted at -- the lecturers and the
4 associates are not eligible. But if you
5 go through that process, where you submit
6 your dossier and you were reviewed and
7 your title will change to senior, at that
8 point you are eligible for professional
9 development leave, that is, one semester
10 at full pay, at every -- I believe it's
11 every seven years.

12 Q. And are -- and I didn't -- I
13 don't think I caught -- are terms eligible
14 for either professional development funds
15 or leave?

16 A. The terms are not eligible for
17 professional development leaves, because
18 they are terminal appointments. So the
19 commitment is, if you are reviewed and
20 renewed, then you are a part of the
21 ongoing full-time faculty.

22 Q. Okay.

23 A. So they will support your
24 continued scholarship and pedagogy.

25 Q. And the adjuncts are not

1 DENISON - Direct

2 eligible for professional development
3 leave and --

4 A. Yeah, adjuncts are not eligible
5 for professional development leave.

6 MS. MUNOZ: If I could, I'm
7 going to show her what has been marked --
8 was marked yesterday as Employer
9 Exhibit 7.

10 Q. Do you recognize that document?

11 A. I know this document exists.
12 This is the first time I've seen this
13 document. I know it is -- I know it has
14 the college statutes.

15 Q. Okay. And how do you know it
16 exists?

17 A. I know it exists because when we
18 were talking about the election for the
19 academic curriculum review, I know that
20 they went -- this was the governing legal
21 document as to who would vote in that
22 election.

23 Q. The curriculum committee that we
24 were just talking about?

25 A. Yes, exactly. The one that

1 DENISON - Direct
2 was -- the vote that occurred on May 4th
3 of 2015.

4 Q. The governing document?

5 A. Yeah. So the procedures for
6 voting, those eligible to vote, that came
7 from this statute.

8 Q. Okay. And do you have any
9 further knowledge of that document?

10 A. My understanding is that this is
11 sort of the -- this is the key legal
12 document, because it is -- this comes from
13 the Board of Trustees, and the Board of
14 Trustees, as we said before in the
15 governing structure, let's say the provost
16 would report to the president, the
17 president reports to the Board of
18 Trustees. So the Board of Trustees
19 would -- this would be the document --

20 Q. Okay.

21 A. -- for the -- and there's a
22 reference to the -- that intercorporate
23 agreement, that that's -- that is a
24 separate issue that Jomysha had referenced
25 earlier. But this is the key.

1 DENISON - Direct

2 I mean, you know, as I recall, I
3 mean, the documents we had talked about
4 were -- was this statute. Then there was
5 the academic code, and then there was the
6 faculty guide, which is not a binding
7 document, because it says, in fact, on the
8 first page of the faculty guide, and
9 there's a statement that this is not a
10 binding legal document.

11 Q. You're talking about the faculty
12 guide?

13 A. Yes, that's right. So it
14 references back to the code, and then the
15 code would reference back to the
16 statutes. That's my --

17 Q. The code refers back to the --

18 A. I would assume that the code --
19 I can't imagine -- I -- I mean, this --
20 this is -- you know -- I will just -- I
21 will not comment on that, because, you
22 know, that's at the -- again, at the
23 provost level, but my understanding is
24 that this (indicating) certainly is the
25 key document for voting rights.

1 DENISON - Direct

2 MR. LEVINE: I have --

3 MS. MUNOZ: I will move to enter
4 it now, but to extent I need another
5 witness to give foundation, I can do that
6 as well, so...

7 MR. LEVINE: I do have voir
8 dire.

9 THE HEARING OFFICER: Yes.

10 VOIR DIRE EXAMINATION

11 BY MR. LEVINE:

12 Q. Do you know if this document is
13 available on the website?

14 A. I don't know that.

15 Q. And this document is dated
16 January 1st, 1975 --

17 A. That's right.

18 Q. Do you know whether there have
19 been any subsequent changes?

20 A. I don't know that there have
21 been any subsequent changes, or I would
22 assume that, if there had been changes,
23 there would be a different -- we would
24 have a more recent document.

25 MS. MUNOZ: But you don't know?

1 DENISON - Voir Dire

2 THE WITNESS: But I don't know.

3 Q. I'm just concerned, because
4 there are things in here that the
5 testimony that's been put into evidence
6 suggest have changed. So let me, for
7 example, calling your attention to 3.02,
8 Powers and Duties, and where it says, "The
9 Faculty subject to the reserve power of
10 control...", is it your understanding that
11 "Faculty" there would refer to the same
12 group you previously described as faculty,
13 tenured, tenurable, and what you're
14 referring to as the reviewed and
15 renewable?

16 A. I would assume so, because it
17 has that capital F, yes.

18 Q. Okay. And then if you turn to
19 the next page, little f., it says, "The
20 faculty have the power to appoint all
21 scholars or make provisions for their
22 appointment." Is it your understanding
23 that the term "scholars" there refers to
24 making faculty appointments?

25 A. I don't see where --

1 DENISON - Voir Dire

2 Q. Little f. on page 20, which is
3 if you turn the page from the page we were
4 just on --

5 A. I would assume the way I would
6 read this --

7 MS. MUNOZ: I'm going to --

8 THE WITNESS: Yeah.

9 MS. MUNOZ: -- object. She's
10 testified that she -- I mean, my -- union
11 counsel had an objection about saying
12 "assumed", you said "fine".

13 THE WITNESS: No.

14 MS. MUNOZ: Do you know? Do you
15 have any knowledge?

16 THE WITNESS: Do I have any
17 knowledge? This is --

18 MS. MUNOZ: How are faculty
19 appointed today?

20 THE WITNESS: I mean, faculty
21 are appointed today full -- full-time
22 faculty are appointed by the same process
23 we talked about in terms of national
24 searches.

25 THE HEARING OFFICER: Could we

1 DENISON - Voir Dire
2 go off the record for a second, please?

3 THE WITNESS: Yeah.

4 (Discussion held off the
5 record.)

6 THE HEARING OFFICER: On the
7 record.

8 CONTINUING DIRECT EXAMINATION

9 BY MS. MUNOZ:

10 Q. We are still focusing on the
11 reviewed and renewable -- or the renewed
12 and reviewable -- the terms and the
13 adjuncts, and I'd like to discuss how --
14 there has been a lot of back and forth
15 discussion, but I'd like to discuss how
16 each of these types of faculty are hired.
17 If you would, start with the reviewed and
18 renewable. Who is responsible for hiring
19 the reviewed and renewable?

20 A. The renewed and reviewable are
21 hired in a national search.

22 Q. Okay.

23 A. Or for a full-time position.

24 Q. And what is the process of the
25 national search?

1 DENISON - Direct

2 A. The process would be that the
3 chair of the department would make the
4 request of the Faculty Budget and Planning
5 Committee, saying that there's a need in
6 their department for this kind of a
7 position. If the Faculty Budget and
8 Planning Committee meets that request in
9 the context of all other requests coming
10 in from all other departments and they
11 sent that, then they would receive a
12 notification from that committee that they
13 are now -- could begin the search process.

14 The search process would begin
15 with putting together a committee, search
16 committee, and the provost would see --
17 would read who is on the search committee,
18 and once that is approved -- and this is
19 the procedure that would go through
20 that -- the faculty search forum -- that
21 they would say what are the qualifications
22 for that, what are the -- what is the area
23 they are looking for, where would the job
24 be posted, such as in the Chronicle of
25 Higher Education. So it would -- they

1 DENISON - Direct
2 would fill in that form. That would then
3 be posted, and the posting would now,
4 again, because we're trying to regularize
5 those, those postings would certainly be
6 sent out through the provost office and
7 they -- human resources is now trying to
8 get those postings where -- in the provost
9 office, and there's also something in
10 human resources where there's something
11 called people admin, where they can
12 process it online. But basically, it is a
13 national search and it's very clearly
14 stipulated as to kind of position, you
15 know, they're looking for and where it
16 will be advertised.

17 Q. So you said "trying to"...

18 A. Well, again, this is in process,
19 trying to make it even more efficient.

20 Q. Okay. And to the extent that
21 there is any type of posting, what -- you
22 said that -- it clearly states -- you
23 testified what kind of position, there's a
24 decision about where it would be
25 advertised --

1 DENISON - Direct

2 A. Yeah. And, you know
3 what -- what would be the fields -- you
4 know, what are we looking for, what kind
5 of experience are we looking for in the
6 position?

7 Q. And does it list qualifications?

8 A. To list the qualifications, it
9 would list the recommended experience.

10 Q. And does it list any other
11 requirements for hire?

12 A. It's usually very explicit in
13 terms of what would the duties and
14 responsibilities be, and then that would
15 all be in the search forum.

16 Q. What about for -- before we move
17 on -- about the term faculty?

18 A. Again the term faculty, it would
19 be the same procedure. That would need to
20 go to the Faculty Budget and Planning
21 Committee because it is a full-time
22 position, and the chair of the department
23 would submit the request to the Faculty
24 Budget and Procedures Committee, if they
25 decide this is in the needs of the

1 DENISON - Direct
2 department and the college, and then it
3 may or may not be approved. If it's
4 approved, then it goes through that same
5 procedure where there would be a national
6 search.

7 I think the only exception,
8 which I had mentioned before, is that the
9 provost, at her discretion, can do a
10 one-year term, but, after that, it would
11 need to go -- it would go into the
12 full-time search for a three-year term,
13 with the possibility of renewal for two
14 more years, if it is approved by the
15 faculty Budget and Planning Committee,
16 and, at that point, the five years would
17 be up and that would be the end of that
18 appointment.

19 Q. And the hiring process for
20 adjuncts?

21 A. The hiring process for adjuncts
22 is completely different. That is at the
23 discretion of the chair of the
24 department. The chair of the department,
25 because the full-time faculty that we have

1 DENISON - Direct
2 referenced earlier -- if you want to call
3 them the core faculty -- you had
4 mentioned, for example, that renewed and
5 renewable can have professional
6 development leaves. The tenured and
7 tenurable faculty also have leaves. So
8 every chair, every year, will look to see,
9 of their full-time faculty, how many might
10 be on leave, and at that point would say,
11 it seems to me that we may have a need
12 for -- make up, you know, whatever the
13 numbers, let's say for adjunct positions
14 for this coming year. So they would put
15 that request into the budget and the
16 budget -- they would put the rationale in
17 the budget, because we would need these
18 particular courses taught, we would like
19 to have a line in the budget for adjuncts,
20 and assuming that the budget is approved
21 by the provost, then the chair would be
22 said -- would be told, alright, you can
23 hire an adjunct for two courses per
24 semester, one course per semester, and
25 it's on a -- it's on the need -- the

1 DENISON - Direct
2 individual need of the department, and it
3 really is the chair making the decision as
4 to what is the need within the department,
5 because full-time faculty may be on leave,
6 or there's a -- you know, for whatever
7 reason, you know, medical leave,
8 professional development, that if they are
9 not there and these are courses that they
10 want to have taught.

11 Q. Now...

12 (Counsel confer.)

13 Q. Are there any other reasons why
14 adjuncts would be hired? We talked about
15 leaves.

16 A. I mean, if there are -- if the
17 number of full-time faculty in the
18 department, if they are -- cannot -- if
19 there are more courses that the department
20 would like to offer and they feel that
21 these are courses that they would like to
22 have on the books for students to enroll,
23 then they would make that argument in the
24 budget to the provost. But it's the
25 chairs really saying these are courses

1 DENISON - Direct

2 that we would like to have taught.

3 Q. And is there a search process
4 for an adjunct?

5 A. There is not -- there is not a
6 full-time -- there's not a search, there
7 is not -- certainly, there's no national
8 search, and, having chaired the department
9 myself, I just remember, I'd look at the
10 needs of the department, I'd look at what
11 courses, and then I would speak to people
12 in a particular field, I would ask
13 for -- you know, recommend -- I would ask
14 for resumes to come in, I would speak to
15 the people, you know, who had submitted
16 resumes, I would interview them, and if it
17 seemed to me that they would have the
18 appropriate background, then that's how an
19 adjunct would be hired.

20 Q. Okay. And upon hire, are
21 there -- are there any required training
22 for any of these groups of faculty?

23 A. So if we're going to back to the
24 full-time faculty --

25 Q. Okay.

1 DENISON - Direct

2 A. -- so can I just say "full-time"
3 and we understand that that's the core
4 group?

5 The full-time faculty, the -- I
6 had referenced the Dean for Faculty
7 Diversity and Development. She is
8 responsible for holding sessions for all
9 full-time faculty who are coming in, and
10 those were usually held at the end of
11 August, before they begin teaching, and so
12 if -- if you want to call that -- and they
13 are -- they are required to come to these
14 meetings. I would say that if you are
15 talking about the adjuncts, they would
16 come to the department chair and
17 department chair would speak to them about
18 their responsibilities.

19 Q. Okay.

20 A. But they're --

21 MR. LEVINE: I'm sorry, I
22 thought you were done with that
23 statement. I don't want to cut you off.

24 MS. MUNOZ: Are you finished?
25 Or is there more to say?

1 DENISON - Direct

2 THE WITNESS: I think I will --
3 I don't believe you cut me off. I think
4 that was the end of that. I think there
5 was a period at the end of that one.

6 MR. LEVINE: I would just ask,
7 again, I think actually it's going to be
8 difficult for everybody reading the record
9 if we start using terms in different
10 ways. So --

11 THE WITNESS: Which term?

12 MR. LEVINE: I would ask that
13 witness not use the term "full-time
14 faculty" if she's referring to what she's
15 thus far referred to as the reviewed and
16 renewable. You know, she can call them
17 R & R if it's easier. I don't care. But
18 if people are going through the record and
19 it's used in one part of the record in one
20 way and another part another way, I think
21 it's going to be difficult another way,.

22 THE WITNESS: So do you want me
23 to say tenured, tenurable, and renewed and
24 reviewable? I will do that.

25 THE HEARING OFFICER: We do need

1 DENISON - Direct
2 to make clear where the full-term people
3 are included and not, because there are
4 full-time termed -- the full-time term
5 faculty are carved out of certain things
6 that the reviewed and renewable and the
7 tenured and tenurable are a part of. So I
8 appreciate that. It's somewhat cumbersome
9 to list --

10 THE WITNESS: I appreciate --

11 THE HEARING OFFICER: -- these
12 various categories each time you're
13 talking about full-time faculty, but it is
14 critical that the reader of the record
15 understand what we are talking about, so I
16 will ask you to --

17 THE WITNESS: So take me back to
18 the point where you were confused, and I
19 will rephrase that sentence.

20 CONTINUING DIRECT EXAMINATION

21 BY MS. MUNOZ:

22 Q. You were talking about the
23 training before teaching and you said
24 full-time faculty. I believe you also
25 testified that they were the core group.

1 DENISON - Direct

2 Tell me what you were referring to, to
3 clarify.

4 A. That is the question asked as to
5 what kind of training they would receive?
6 Renewed and renewable would all go to
7 those meetings if they are new faculty by
8 the dean. Then, the terms who are in a
9 different category, those would also be
10 invited to those meetings with the Dean
11 for Faculty Development and Diversity.

12 Q. Are they required to attend?

13 A. They are requested to attend,
14 yes.

15 Q. And are the adjuncts requested
16 to attend?

17 A. No. Adjuncts are not requested
18 to attend.

19 Q. And is there any other training
20 upon hire that the -- that the terms or
21 the reviewed and renewable are required to
22 attend upon hire?

23 A. No.

24 MS. MUNOZ: That's all I have.

25 THE HEARING OFFICER: I have a

1 DENISON - Direct

2 few questions I want to ask.

3 THE WITNESS: Sure.

4 THE HEARING OFFICER: In your
5 experience as a department chair, how did
6 you go about soliciting adjunct resumes?

7 THE WITNESS: Yes. Usually, I
8 would go -- I would go back -- I would go
9 to the full-time faculty in the department
10 and I would say that we have need here for
11 these particular courses to be built, can
12 you recommend me people in that field that
13 you would know? And then once I would
14 have the recommendations from people that
15 the field, then it was really a matter of
16 then soliciting resumes and reading the
17 resumes and making the judgment as to
18 which resumes were the most promising ones
19 and then inviting those faculty to come
20 and to meet with me, and they would often
21 meet with other members of the department
22 as well, but it was finally my decision as
23 a chair as to what was the appropriate
24 hire.

25 THE HEARING OFFICER: Okay.

1 DENISON - Direct

2 THE WITNESS: And, you know,
3 there were -- there were moments I --
4 where that's finally the decision of the
5 chair.

6 THE HEARING OFFICER: And then
7 earlier, you spoke about welcoming a
8 ceremony that's held at the beginning of
9 the term.

10 THE WITNESS: Yeah.

11 THE HEARING OFFICER: Who was
12 invited to that?

13 THE WITNESS: I think that's
14 quite a broad invitation to the -- to the
15 faculty at large. I'd have to see the
16 e-mail as to whom it goes out to.

17 THE HEARING OFFICER: And you
18 said part of that ceremony is an
19 introduction of new faculty. So who is
20 included in that introduction? Which
21 sectors of the faculty?

22 THE WITNESS: That would be
23 tenurable, or tenured, tenurable, renewed
24 and reviewable, and the term professors
25 who are coming in for a three-year

1 DENISON - Direct

2 contract.

3 THE HEARING OFFICER: Does it
4 include the adjuncts coming in?

5 THE WITNESS: It does not
6 include the adjuncts coming in.

7 THE HEARING OFFICER: Okay. So,
8 off the record.

9 (Discussion held off the
10 record.)

11 (Time noted: 12:35 p.m.)

12 (Recess.)

13

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1 PROCEEDINGS

2 A F T E R N O O N S E S S I O N

3 1:47 p.m.

4
5 THE HEARING OFFICER: You're
6 still under oath. On the record.

7 CROSS EXAMINATION BY MR. LEVINE:

8 Q. Professor Denison, you are a
9 senior lecturer who's currently serving as
10 associate provost; is that right?

11 A. That's right.

12 Q. And over the last academic year,
13 did you teach any courses?

14 A. No.

15 Q. Were you ever part-time, a
16 part-time officer of instruction at
17 Barnard?

18 A. No.

19 Q. And as the associate provost,
20 you report to the provost; is that
21 correct?

22 A. Yes.

23 Q. Now, I'd like to start with
24 adjunct instructors. Is it true that
25 their primary responsibility is teaching?

1 DENISON - Cross

2 A. Yes.

3 Q. And that involves you're
4 required to prepare syllabi?

5 A. Yes.

6 Q. And son plans?

7 A. We don't use that phrase,
8 "lesson plans".

9 Q. What phrase do you use?

10 A. I've never had a conversation
11 where anyone talks about "lesson plans".

12 Q. But they need to figure out what
13 they're going to teach specifically in a
14 given day, they need to plan their lesson
15 in order to meet their pedagogical
16 responsibilities?

17 A. They would need to prepare for
18 class, yes.

19 Q. As a teacher, their duty is to
20 impart knowledge to the students, in part
21 at least, and to teach them how to think,
22 perhaps?

23 A. I would assume that both would
24 happen in various ways.

25 Q. And for most courses, are they

1 DENISON - Cross

2 required to write examinations?

3 A. It depends on the course. Some
4 courses do not have examinations.

5 Q. Right. For most courses, would
6 they have examinations?

7 A. Not necessarily. It would
8 depend on the kind of class.

9 Q. Right. I understand that not
10 all courses have examinations. Do most,
11 or you don't know?

12 A. The classes that are classified
13 as lectures tend to have examinations.
14 Those that are seminars tend not to have
15 examinations.

16 Q. And in any event -- and I
17 suppose it would be reflected in the
18 syllabi -- they would need to have a plan
19 for how their students would be evaluated?

20 A. Yes.

21 Q. And it would be their primary
22 responsibility to conduct those
23 evaluations of the students?

24 A. Yes.

25 Q. And they're required to hold

DENISON - Cross

office hours?

A. Yes. Depending -- and the number of office hours would depend on the -- whether they're teaching once or two courses.

Q. And is it true that, to the extent that they are evaluated as teachers, that they're evaluated primarily on how they teach?

A. Yes.

Q. Now, for term professors, is their primary responsibility teaching courses?

A. Yes.

Q. And would that involve the same duties and responsibilities -- I'll make it a little easier -- that I just went through for adjunct; they have to prepare syllabi, plan for their individual lessons, figure out how to evaluate their students, conduct those evaluations, hold office hours, etcetera?

A. Yes.

Q. And are they evaluated primarily

1 DENISON - Cross

2 based on their teaching?

3 A. I don't evaluate terms.

4 Q. And you don't know, as the
5 associate provost, how term faculty are
6 evaluated?

7 A. I do know that term faculty are
8 evaluated when the chair goes back to the
9 Faculty Budget and Planning Committee and
10 makes -- and puts together a request for a
11 renewal for the two more years. So that's
12 the point at which I would see that
13 information.

14 Q. Okay. You testified fairly
15 extensively about the evaluation process
16 for the reviewed and renewable and to some
17 extent for the term faculty. But you're
18 not familiar with the criteria that apply
19 for term faculty?

20 A. I am very familiar with the
21 criteria that apply to the renewed and
22 renewable. I -- hiring is done by the
23 provost. I report to the provost. So I
24 would defer questions of that kind to the
25 provost. I see -- I sit on that Faculty

1 DENISON - Cross

2 Budget and Planning Committee, so I would
3 see the requests that come into that
4 committee.

5 Q. Okay.

6 A. And that's the extent of my
7 knowledge there.

8 Q. Okay. But even if their primary
9 responsibility is teaching, you're not
10 willing to venture an opinion as to
11 whether teaching is the primary thing they
12 would be evaluated based on?

13 A. I would defer to the provost on
14 that.

15 Q. Adjunct faculty, the students of
16 adjunct faculty members are given teaching
17 evaluations?

18 A. Yes.

19 Q. And those are looked at as part
20 of their evaluation? You testified to
21 that, I believe?

22 A. Yes.

23 Q. Are the same evaluation forms
24 used with term faculty members?

25 A. Yes.

1 DENISON - Cross

2 Q. And are those also looked at in
3 connection with their evaluation?

4 A. I would assume that would be the
5 responsibility of the chairs to read
6 those, but I never, myself, dealt with
7 terms.

8 Q. Okay. So let's move on to some
9 of the, what we call, other contingent
10 full-time faculty members. And we can
11 start with the lecturers. Is it true that
12 the primary responsibility for lecturers
13 is teaching courses?

14 A. The primary responsibility would
15 be teaching and also to have service to
16 the college.

17 Q. And --

18 A. So --

19 Q. Approximately how much time --
20 it's a full-time job; right?

21 A. Yes.

22 Q. And they teach typically a load
23 of three courses each semester?

24 A. Yes.

25 Q. And approximately how much time

1 DENISON - Cross

2 does the college figure it takes to teach
3 six courses, or three courses a semester,
4 including the necessary out-of-classroom
5 time?

6 A. I don't think the college has a
7 set number of hours. It will depend very
8 much on whether you're putting together a
9 brand new course, whether you've taught
10 the course before, whether you are going
11 into an old course and you're making major
12 revisions on it. That would -- that's why
13 I cannot give you a precise number of
14 hours.

15 Q. Can you give me a range?

16 A. I've never seen any range. I've
17 not seen a range, but no.

18 Q. Are you familiar with standards
19 that are often used in the academy to
20 define full-time load, based on
21 multipliers of, say, two hours per credit
22 hour, or three hours per credit hour?

23 A. Is that two hours outside of the
24 classroom? Is that what you're saying?

25 I'm --

1 DENISON - Cross

2 Q. For --

3 A. I'm trying --

4 Q. For full-time faculty. I know
5 that's often the figure you used. You
6 multiply by three the number of classroom
7 hours. Do you have any familiarity with
8 that concept of multiplier?

9 A. I am familiar that there may be
10 different states that have different
11 regulations as to how many hours outside
12 of the classroom preparation would be
13 required by the students, so I know they
14 do exist.

15 Q. Is it fair to say that, whatever
16 the range may be for the time it takes to
17 teach three courses in a semester, both
18 the in-class and out-of-class, that the
19 amount of time spent by all lecturers in
20 teaching, directly teaching-related
21 duties, is significantly greater than the
22 time they spend on any service commitments
23 they enter into?

24 A. I think, generally, that would
25 be the case, but it -- the lecturers can

1 DENISON - Cross

2 have -- it would depend very much, for
3 example, on what committees and what kind
4 of service they are doing, in addition to
5 it. So it would depend really on the load
6 that is coming out of the committee work,
7 how often the committees meet, whether
8 they're meeting every two weeks, and you
9 have, say, a hundred, two hundred pages of
10 documents to read in preparation for the
11 committees. That can take a significant
12 amount of time.

13 Q. Can you, over the course of a
14 semester, can you give us any specific
15 examples of lecturers assigned three
16 courses in a semester who would be
17 spending more time on their service
18 obligations than on the teaching of those
19 three courses and preparing for teaching,
20 the evaluation, the office hours, and the
21 other things we've discussed?

22 A. I would think they could
23 possibly be similar. I would think in the
24 majority of cases, the time going into
25 teaching preparation would exceed that,

1 DENISON - Cross

2 but it would depend on the individual
3 faculty member.

4 Q. I'm sorry, I didn't understand
5 your answer. The time going into teaching
6 preparation would...

7 A. Would more likely exceed what is
8 happening in terms of their service to the
9 college, but that -- the qualifier would
10 be -- would depend on the individual
11 faculty member and what their commitment
12 is, what their service load is.

13 Q. And you don't have -- you can't
14 give us any range of time that it might
15 take to teach three courses and prepare
16 for three courses?

17 A. No. It depends, as I said
18 earlier, on the kind of class you are
19 teaching. And, you know, the -- usually,
20 if you are preparing a brand new class,
21 then it is more likely that you're putting
22 more time into a brand new class. But I
23 made that point earlier.

24 Q. And if I asked you about senior
25 lecturers, and I asked you whether their

1 DENISON - Cross

2 primary responsibility was teaching their
3 courses, your response would be the same?

4 A. It would be the same, but what I
5 would also add is that I think the service
6 to the college would more likely increase
7 when you are senior lecturer.

8 Q. Can you give me any examples of
9 a senior lecturer with a full course load
10 whose service commitments would, you know,
11 entail greater time than the teaching of
12 three courses, preparation for those
13 courses, and preparing evaluations,
14 evaluating their students, and meeting
15 their office hours?

16 A. It would depend, for instance,
17 whether -- let's say a senior lecturer
18 were teaching, but was also running a
19 program, you know, such as first-year
20 seminar program. That would take a great
21 deal of time.

22 Q. Okay. So the examples are --
23 you don't -- am I correct, you don't know
24 for sure whether any such individual would
25 spend more time on service than teaching?

1 DENISON - Cross

2 You're saying you don't know, but it
3 might?

4 A. I think it would have to be
5 done -- it's very hard to generalize this
6 way, but I think you would have to look at
7 the individual faculty member.

8 Q. Can you think of examples, other
9 than people serving as directors or
10 chairs?

11 A. You could, for example, because
12 of your particular field, or because of
13 the size of the department, you could have
14 a very heavy advising load. You could --
15 you could have many more students coming
16 in and you would be holding many more
17 office hours, and you would be writing
18 many more letters of recommendation, and
19 that would include letters of
20 recommendation for graduating seniors, for
21 people who had taken your classes before,
22 who get back in touch with you. That can
23 take a significant -- a significant amount
24 of time.

25 Q. Okay.

1 DENISON - Cross

2 A. And that comes with the
3 responsibility of that job. And those
4 accumulate over time, because you'll
5 have -- you can have someone who you've
6 had earlier, and those letters -- that is
7 one of the things you report on, on the
8 faculty -- the annual reports. That's one
9 of the questions that is asked: How many
10 letters of recommendation have you
11 written? Because that gives the signal to
12 the provost as to how heavy a load you in
13 fact are carrying in addition to your
14 teaching responsibilities.

15 Q. Isn't it true that, if you serve
16 as a director or a chair, you would
17 typically get relief from some of your
18 required courses?

19 A. It -- you -- you would like --
20 I -- that would be the call of the
21 provost, and I would say that you could
22 have a course release, but -- and the
23 "but", I would say, does that course
24 release -- if you're going back to hours,
25 would that compensate for the number of

1 DENISON - Cross

2 hours that actually get into it? I think
3 that would be somewhat contested. The aim
4 would be -- would be yes, indeed, it
5 should compensate, but the
6 responsibilities for those kinds of
7 programs can be very, very significant.

8 Q. And at least in some cases,
9 full-time contingent faculty are
10 compensated extra for advising, aren't
11 they?

12 A. There is a regular -- you are
13 compensated for first- and second-year
14 advising.

15 Q. Okay.

16 A. You are not compensated for
17 major advising, and that is a large part
18 of your responsibility.

19 Q. So --

20 A. There is no compensation for
21 major advising, and those numbers can be
22 very high.

23 Q. So you're compensated
24 when -- you say first and second year.
25 That's for people before they've declared

DENISON - Cross

1 a major?

2 A. Exactly.

3 Q. And isn't it true that it's not
4 uncommon for adjuncts to write letters of
5 recommendation?
6

7 A. Certainly, if an adjunct is
8 teaching a class and a student asks the
9 adjunct instructor, yes, indeed, the
10 adjunct would write -- I assume would say
11 yes, in most circumstances, to writing a
12 letter of recommendation, if they feel
13 they could support the student's requests.

14 Q. And is it your testimony that
15 the other categories in your group, what
16 you refer to as reviewed and renewables,
17 the associates, senior associates, and
18 also the professors of
19 professional -- well, I'll back off a
20 second. The associate and senior
21 associates, their typical course load is
22 three and three, as well?

23 A. Yes.

24 Q. And for all of those
25 individuals, and also for the professors

1 DENISON - Cross

2 of professional practice, who you said had
3 a typical course load of two and two, when
4 they teach a course, they need to develop
5 a syllabus, plan for the lessons, do all
6 of the things that I went through before;
7 is that correct?

8 A. They would do -- the assumption
9 would be -- I would answer, yes, in terms
10 of the way I answered it before.

11 Q. Incidentally, one of the main
12 distinctions you made about professors of
13 professional practice was that they had
14 careers; even though that were full
15 full-time at Barnard, they had careers
16 outside of Barnard; is that correct?

17 A. They have professional
18 practice. It will depend on the
19 department. If are you, for example,
20 in -- and I gave these examples before --
21 if you are an architect, you may in fact,
22 and would likely be -- I'll take out the
23 "would likely" -- you would be in some
24 sort of an -- you would be practicing
25 architecture. If you are in theater, you

1 DENISON - Cross

2 would be -- if you are renewed and
3 renewable as professor of professional
4 practical in design, the expectation is
5 that you would be designing sets, and/or
6 designing -- and/or designing costumes,
7 and/or designing whatever your job
8 description is, you would be doing this
9 kind of thing to show that you are in fact
10 continuing on with that professional
11 practice.

12 Q. And similarly, if you are a
13 professor of professional practice in
14 dance, you would be a dancer?

15 A. You have it.

16 Q. A choreographer?

17 A. Yes.

18 Q. Or something related to dance?

19 A. Yes.

20 Q. And is it fair to say that most
21 or all of the professors of professional
22 practice are in departments that could be
23 classified as departments involving the
24 arts? I assume architecture, of course,
25 is a practical art?

1 DENISON - Cross

2 A. You have that.

3 I would think the majority would
4 be. I think there would be exceptions to
5 those. There would be exceptions. It's
6 not solely arts and humanities.

7 Q. In -- let's take the department
8 that you've had an affiliation with,
9 theater. In theater, there are a
10 considerable number of adjunct professors;
11 isn't that true --

12 A. Yes.

13 Q. -- of the various
14 classifications?

15 A. Uh-hum.

16 Q. And would it be fair to say that
17 most of those adjunct professors are
18 themselves professionally involved in the
19 theater, on one level or another?

20 A. At one level or another. They
21 might also be, if you're including in
22 that, they can be teaching at other
23 institutions in the city.

24 Q. But many of them, in fact , are
25 working actors; isn't that true?

1 DENISON - Cross

2 A. If you're talking about -- if
3 you're narrowing it to acting --

4 Q. Yes.

5 A. -- the answer would be yes.

6 Q. How about in dance? Would -- do
7 you believe that the adjuncts in dance,
8 many of them would be working dancers?

9 A. Working dancers or perhaps
10 dancers who had full-time careers and had
11 retired at an appropriate moment from
12 their full-time career and were finding a
13 different balance in their life and they
14 had time for teaching.

15 Q. And perhaps some are just
16 teaching elsewhere, but it would be true
17 that at least some of them are still
18 working as professional dancers?

19 A. I would assume, not knowing all
20 the hires in dance, that that would be
21 possible.

22 Q. And probably the same in music?

23 A. Music is a little trickier to
24 answer, because music is a department that
25 is grounded at Columbia. There is a

1 DENISON - Cross

2 full-time professor of professional
3 practice at Barnard, and her professional
4 practice is as an organist.

5 Q. Okay. Are there adjuncts in
6 the -- hired by, employed by Barnard, in
7 the music department?

8 A. Yes. And she would hire those
9 adjuncts.

10 Q. And would you imagine that most
11 or many of those adjuncts perform music
12 professionally?

13 A. They may perform music, they may
14 give -- there are many ways of performing
15 music. They may give voice lessons, they
16 may give lessons on whatever their
17 instrument is, other than their voice. It
18 would be -- it would depend on whatever
19 need they are -- the department is looking
20 for in terms of a course.

21 Q. Okay. The course loads -- what
22 is the course load for tenure and tenure
23 track faculty?

24 A. That has changed in recent
25 years. It is now currently two and two.

1 DENISON - Cross

2 Q. And --

3 A. It had been -- it had been three
4 and two, and then the president made a
5 decision in consultation with the provost
6 that for them to have time to do their
7 research and to be, let's say,
8 comp-- similar teaching loads to other
9 institutions, that two and two would be
10 the norm going forward.

11 Q. And they have scholarship
12 responsibilities as part of their job?

13 A. They have significant
14 scholarship responsibilities, and they are
15 responsible for having -- they are -- I
16 would say there's -- if you are on a
17 tenured track position, you need the time
18 to put together your scholarship, to write
19 your first book, to write your second
20 book, to be writing articles. It will
21 depend. If you're in the sciences,
22 it's -- it's very different. There, it's
23 largely articles. If you're in the
24 humanities, it is more likely books. It
25 depends on the field. But, yes,

1 DENISON - Cross

2 scholarship is critical.

3 Q. And they also have service
4 obligations?

5 A. They do have service
6 obligations.

7 Q. So why is it that their teaching
8 load is four courses a year, whereas the
9 group you're calling renewed and
10 renewable, other than the professional --
11 the professors of professional practice,
12 or who I might also call POP --

13 A. Okay.

14 Q. -- which I've heard used -- you
15 probably have as well --

16 A. I have. That's why I smiled at
17 your use of that.

18 Q. It might help me from stumbling
19 next time.

20 Why is it that the tenured track
21 and tenured faculty have a course load
22 that is significantly less than the
23 renewed and re -- reviewed and renewables?

24 A. I think I answered that before.
25 Because if they are -- if they wanted to

1 DENISON - Cross

2 move from a tenured track, as most of them
3 do, to be tenured at Barnard and then go
4 through the tenure process at Columbia as
5 well, they need to have a national
6 reputation in terms of their scholarship.
7 And they need also to be judged on their
8 pedagogy and their service.

9 Q. And --

10 A. But there would be letters that
11 would go out as part of the tenure process
12 that would go to institutions throughout
13 the country, saying, can you comment,
14 please, on this scholarship, because this
15 person -- they obviously cannot comment on
16 the teaching in service, but they would
17 say, comment please on this scholarship
18 and where would you fit, and how would you
19 consider this person in the national scene
20 in terms of their scholarship?

21 So it's a reaching out to the
22 national scene, judging their scholarship.

23 Q. So would it be fair to say that
24 the service and scholarship obligations of
25 the tenure and tenure track faculty are

1 DENISON - Cross

2 significantly greater than that for the
3 full-time, nontenured track or tenured
4 faculty?

5 A. The scholarship obligations are
6 certainly, for the tenure track and
7 tenured are, more significant because they
8 are placed -- they are placed in a
9 national setting. Is that -- is that
10 distinction -- it's a very -- it's a very
11 important distinction.

12 Q. Okay. And how about their
13 service obligations? Do they have greater
14 service obligations?

15 A. Greater than...

16 Q. Greater than the full-time
17 faculty who are not tenured or tenured
18 track.

19 A. They might have -- I can think
20 of -- I'm hesitating on the "greater",
21 because it could be a different kind. For
22 example, a full professor who would have,
23 might have and would likely have,
24 responsibility for mentoring, let's say,
25 an associate professor, and that would not

1 DENISON - Cross

2 be something that a -- would occur for a
3 renewed and renewable, and that could be
4 of significance. So there can be
5 differences in those, but I wouldn't
6 say -- you know, not necessarily
7 "greater". I would say "of a different
8 kind".

9 Q. Now, was your testimony that the
10 associate professors, the senior
11 associates, the lecturers, and the senior
12 lecturers have scholarship obligations; is
13 that correct?

14 A. You're -- you are looked at in
15 terms of your pedagogy and your service to
16 the college and your scholarship as it
17 relates to your pedagogy.

18 Q. So when you say "you're looked
19 at" --

20 A. Well, okay --

21 Q. -- I assume you're hired --

22 A. Yes.

23 Q. -- that it's very important you
24 look at the resume and you want somebody
25 who has done good -- a good level of

1 DENISON - Cross

2 scholarship, quality scholarship, so when
3 you say they're looked to, is it really
4 more a question of maintaining their
5 credentials and qualifications to continue
6 teaching?

7 A. I think the assumption is that
8 you're teaching -- when you're -- when you
9 are teaching, your scholarship will feed
10 into your teaching, and I think each of --
11 members of the renewed and renewable would
12 do whatever is appropriate in their field.

13 Q. So, in the case of the
14 associate, those are people without
15 Ph.D.s --

16 A. Yes.

17 Q. -- is that correct?

18 A. Uh-hum.

19 Q. And it's true in some cases that
20 they complete Ph.D.s and become lecturers;
21 is that correct?

22 A. If they were to complete their
23 Ph.D., then they could become a lecturer.

24 Q. Would they have to go through
25 the national search process or, if they're

1 DENISON - Cross

2 already in a position, would it just be a
3 matter of changing their title?

4 A. I can't -- I don't know of an
5 instance of that, but I would assume that
6 would be a matter of changing their title,
7 but I am -- I am not sure about that,
8 because I've not had an instance of
9 dealing with someone who had done that.

10 Q. Would it be fair to say -- are
11 there associates and senior associates,
12 people in that job series who have served
13 in that position for ten or 20 years or
14 more?

15 A. I would -- yes, I -- I would
16 answer that yes, in terms of, say,
17 physical education. Those are associates
18 and senior associates, and that are
19 renewed and renewable, and there are
20 some -- I can think of one person. I'm
21 not sure she has been here 20 years yet,
22 but certainly more than ten.

23 Q. So somebody who's been here more
24 than ten in physical education, what kind
25 of scholarship would they perform?

DENISON - Cross

1
2 A. Alright. That's why I say it's
3 very hard to generalize. That's why I say
4 it depends very much on the department
5 that you're talking about. So, for them,
6 let's say you are a Yoga instructor, but
7 you're -- that you're into wellness, Yoga,
8 then you would show that you have been, in
9 fact done, enough to further training in
10 that field. If you are doing, say,
11 cardiowork, it would be the same kind of
12 thing. Not -- it is not a matter of
13 someone staying there and saying, I'm
14 here, I'm not doing anything else to show
15 that I am continuing to improve myself as
16 a teacher. But you're quite right; I
17 don't think you're going to find, but
18 maybe you can find, articles that are
19 written by phys. ed. instructors, but I
20 wouldn't rule that out, but I think they
21 tend to be showing that they are
22 continuing to improve upon their work by
23 doing extra workshops -- that's the only
24 phrase I will use -- and, you know,
25 national training, accreditation. They

1 DENISON - Cross

2 may get some other title that they would
3 add that means -- I don't know what the
4 letters would be, but I --

5 Q. But they're involved in
6 professional development, you're saying?

7 A. Exactly right. That is
8 professional development. That is right.
9 And they -- those senior associates would
10 be eligible for professional development.
11 And they would have to put together a
12 proposal to say this is how I would like
13 that semester abroad -- or not "abroad";
14 the semester away from teaching, and this
15 is what I'm intending to do, and then that
16 would be read and they would say, yes,
17 this will make a difference to the
18 students and to the department going
19 forward.

20 Q. I actually wasn't referring
21 specifically to professional development
22 grants.

23 A. Oh.

24 Q. I was just saying that they're
25 involved in what you're calling a

1 DENISON - Cross

2 scholarship, the equivalent duties, are
3 really involved with developing themselves
4 as professionals, whether or not they're
5 supported by Barnard financially. Is
6 that --

7 A. Yes.

8 Q. -- accurate?

9 A. Yes, that's fair.

10 Q. And to one extent or another,
11 that would be true for the other
12 reviewed -- what you're referring to.
13 Reviewed and renewables also; right? You
14 say there's an obligation for
15 scholarship. You're really talking about
16 developing themselves professionally?

17 A. Yes. And it would --
18 true -- depend entirely on what the
19 department -- what field they're in.

20 Q. There are a lot of associates in
21 language instruction; isn't that true?

22 A. I think that is true.

23 Q. And --

24 A. I don't know what "a lot" means,
25 but I will say yes, there are.

DENISON - Cross

1
2 Q. It's a vague term. I can see --

3 A. Yes. Thank you. So give me the
4 numbers of what you mean by "a lot" and --

5 Q. I don't have the numbers at my
6 fingertips.

7 A. And I don't have the number
8 either. But, yes I do know there are
9 associates in the language department.

10 Q. And are you aware that some of
11 them have served over considerable periods
12 of time, over ten years?

13 A. I think some of them have.

14 Q. And if you know -- isn't it true
15 that many of them are primarily -- let me
16 back up. Many of the language departments
17 provide both instruction in language as
18 well as education in the study of
19 literature --

20 A. Yeah.

21 Q. -- in the languages --

22 A. Uh-hum.

23 Q. -- that they teach; is that
24 correct?

25 A. Yes.

1 DENISON - Cross

2 Q. And would it be for to say that
3 most of the associates provide language
4 instruction rather than being professors
5 of literature?

6 A. I think I would not want to say
7 that, because I would say it depends on
8 the department. And I think, in one
9 department that I can think of, that would
10 be the case. In another language
11 department, that would not be the case.
12 And that -- I can speak pretty clearly to
13 that --

14 Q. Okay.

15 A. -- that it really does depend on
16 the department, and the departments run in
17 different ways in the languages, so I
18 don't want to generalize across the
19 languages that way.

20 Q. Fine. In any event, the --
21 whatever scholarship the associates are
22 involved in, we've -- we've established
23 that some of them served for many years,
24 that they're promoted to senior
25 associates, and having been associates, it

1 DENISON - Cross

2 would be fair to say that they don't need
3 to, as part of their scholarship, complete
4 a Ph.D. to continue serving Barnard as an
5 officer of instruction in those ranks?

6 A. In those ranks, no.

7 Q. And, in fact, when you were
8 talking about adjuncts before, and their
9 resumes, I just want to establish, it's
10 fair to say that many, if not most,
11 adjuncts have Ph.D.s; isn't that true?

12 A. Again, I'm going to go back to
13 say, it depends on the department.

14 Q. Right. And --

15 A. And I -- you know, it depends on
16 the department. If you go to the
17 adjuncts, your reference earlier to dance,
18 no, you're not going to find those many
19 adjuncts having Ph.D.s.

20 Q. Would most of them have MFAs, or
21 the arts not necessarily?

22 A. I would think in the arts, such
23 as if you use -- again, the individual
24 departments -- which is why it's so
25 difficult to generalize across. I would

1 DENISON - Cross

2 think that if you are in theater, there is
3 a very good chance, if you are an adjunct,
4 that you have an MFA, but not necessarily.

5 Q. I understand.

6 A. Yeah. So --

7 Q. So -- but, looking outside of
8 the arts now for a moment, obviously
9 Barnard -- I'm sorry, Barnard --

10 A. Okay.

11 Q. -- you caught -- the teacher
12 caught me.

13 A. You apologized. Alright. Go
14 ahead.

15 Q. And it may happen again.

16 A. Alright, I've stumbled on
17 "renewed and renewables".

18 MS. MUNOZ: He's got POPS.

19 THE WITNESS: He's got POPS. I
20 know.

21 Q. And obviously it's an elite
22 institution that's providing a very high
23 level of education for its students.

24 A. I think I would --

25 Q. It has that reputation?

1 DENISON - Cross

2 A. I would not disagree. It has
3 not only that reputation, but it has
4 statistics to back up that reputation.

5 Q. So I would assume, outside of
6 the art, while it may not always be the
7 case, that you're concerned about the
8 level of scholarship and the quality of
9 the adjuncts who are providing instruction
10 to the students; is that a fair
11 statement?

12 A. That your concern is the quality
13 of instruction for the students.

14 Q. Being provided by the adjuncts
15 to the students?

16 A. Yes.

17 Q. I think you were playing with me
18 by pretending it took so long to answer
19 that question.

20 A. No, I was saying, have I heard
21 the question, or was I thinking of
22 something else while you were asking the
23 question?

24 Q. But I am going to --

25 A. Which is a risk of sitting here,

1 DENISON - Cross

2 and I will continue to focus.

3 Q. For day after day, yes.

4 A. I will continue to focus on your
5 question. I have had lunch and I am still
6 running off of lunch. So, go ahead.

7 Q. It is fair to say, isn't it,
8 that, outside the arts, most adjuncts have
9 Ph.D.s?

10 MR. D'GIOVANNI: I'll object.
11 You already asked that question and she
12 already answered it. I know she's going
13 to get --

14 (Overtalking)

15 MR. LEVINE: I don't believe she
16 did she answered it by saying it's not
17 necessarily true that it wasn't true in
18 the --

19 (Overtalking)

20 MR. D'GIOVANNI: She said it
21 depends on the department, so --

22 (Overtalking)

23 THE WITNESS: I said, it depends
24 on the departments --

25 (Overtalking)

1 DENISON - Cross

2 THE HEARING OFFICER: Alright.

3 THE WITNESS: -- and you
4 are -- I mean, you --

5 THE HEARING OFFICER: Hold on.
6 When there's an objection --

7 THE WITNESS: Oh.

8 THE HEARING OFFICER: -- you
9 need to not speak.

10 (Overtalking)

11 MR. LEVINE: Thank you.

12 THE HEARING OFFICER: We have
13 been given the numbers in each of the
14 various adjunct titles. So why don't we
15 go about this by asking: If someone is an
16 adjunct assistant professor, will they
17 have a terminal degree, etcetera? Why
18 don't we --

19 MR. LEVINE: I'm happy to answer
20 that question. If you --

21 THE HEARING OFFICER: Those are
22 the numbers. Instead of saying "most" and
23 "more" --

24 THE WITNESS: It's very --

25 THE HEARING OFFICER: -- and "a

1 DENISON - Cross

2 lot" -- and we do have the figures, so
3 perhaps you could establish it that way.

4 MR. LEVINE: It's not clear to
5 me, and this witness may be able to answer
6 whether there's a distinction made by the
7 ranks within the adjunct ranks on that
8 basis.

9 Q. Is there -- are the various
10 adjunct ranks determined by your level of
11 educational attainment?

12 A. Alright. So you -- we're no
13 longer talking about the arts and -- arts
14 distinction?

15 Q. Outside of the arts.

16 A. Alright. So we were talking
17 before about the languages?

18 Q. Right now --

19 A. And we can --

20 Q. -- we're talking about all
21 departments, and maybe we'll focus on a
22 couple of the departments in a minute, but
23 I think the suggestion from the hearing
24 officer was that perhaps there's a
25 distinction on whether or not you have a

1 DENISON - Cross

2 Ph.D., based on whether you're assigned
3 the rank of adjunct lecturer, adjunct
4 assistant professor, adjunct associate
5 professor, or adjunct professor.

6 A. Yes.

7 Q. Is that accurate?

8 A. (Nodding)

9 THE HEARING OFFICER: You have
10 to speak.

11 A. Yes. I will.

12 Q. And what is that distinction?

13 A. What is the distinction between
14 a --

15 Q. So do all adjunct lecturers have
16 Ph.D.s outside of the arts? I don't know
17 if there are any other than the arts,
18 but...

19 A. Do all adjunct lecturers have
20 Ph.D.s outside of the arts? I think you'd
21 have to look at those charts.

22 Q. I still think -- I'm going to
23 look at a couple of departments, but the
24 question, I don't think, was asked outside
25 of the arts before. It depends -- and

1 DENISON - Cross

2 then the distinction was made that in the
3 arts it wasn't necessarily true and I
4 would like to ask the flip side. Let me
5 start off by asking about the department
6 that you are most closely associated with,
7 the English department.

8 The English department has a
9 number of adjunct professors of various
10 ranks; isn't that true?

11 A. Yes.

12 Q. In fact, many of them have
13 served for many years; isn't that true?

14 A. I don't know what the percentage
15 is on "many", but yes, there are some that
16 certainly have.

17 Q. And thinking about those who you
18 are familiar with in recent years, do most
19 of those adjuncts have Ph.D.s?

20 A. Those that I am familiar with
21 would have Ph.D.s.

22 MR. LEVINE: Again, I don't
23 think the broader question was asked, I
24 don't know if this witness could ask it,
25 but I would like to be able to ask outside

1 DENISON - Cross

2 the arts whether she believes that most
3 adjunct instructors of various ranks --

4 THE HEARING OFFICER: How about
5 this? Let me give this a try.

6 Would an adjunct be given the
7 title "Lecturer" if that individual did
8 not have a terminal degree?

9 THE WITNESS: That's well
10 phrased. If that -- if they have the
11 terminal degree, they would be given the
12 title adjunct lecturer.

13 THE HEARING OFFICER: What about
14 adjunct assistant professor; would someone
15 be given that title if they did not have a
16 terminal degree?

17 THE WITNESS: They would be
18 given that title if they have a terminal
19 degree. They would. Yes.

20 THE HEARING OFFICER: But if
21 they didn't, would they be given that
22 title?

23 THE WITNESS: Assistant
24 professor?

25 THE HEARING OFFICER: Yes.

1 DENISON - Cross

2 THE WITNESS: I wouldn't think
3 so.

4 THE HEARING OFFICER: Okay. And
5 then what about lecturer? Because you
6 twisted your answer in a similar way.

7 THE WITNESS: Sure.

8 THE HEARING OFFICER: So if I
9 don't have my Ph.D. in English, and I'm
10 hired to teach English as an adjunct at
11 Barnard, would I be given the title
12 "lecturer"?

13 THE WITNESS: No. You would be
14 given the title associate, adjunct
15 associate.

16 THE HEARING OFFICER: Okay. And
17 then we have also the title associate
18 professor -- adjunct associate professor,
19 and adjunct professor. Those titles, are
20 they reserved for people who have a
21 terminal degree?

22 THE WITNESS: I would assume
23 they are.

24 THE HEARING OFFICER: Okay. And
25 then finally, are the visiting professor

1 DENISON - Cross

2 titles, visiting assistant, and visiting
3 professor, and in the adjunct category,
4 those individuals, can we assume they have
5 terminal degrees?

6 THE WITNESS: I would assume
7 that as well.

8 THE HEARING OFFICER: Okay.

9 MR. LEVINE: Thank you.

10 THE HEARING OFFICER: No
11 problem. Continue.

12 CONTINUING CROSS EXAMINATION

13 BY MR. LEVINE:

14 Q. I'd like to turn for a moment to
15 the issue of service and actually start
16 with the faculty meeting. I don't know if
17 you have the exhibits in front of you, or
18 if you could be shown the exhibits.

19 A. What is the exhibit?

20 Q. Exhibit -- Employer's
21 Exhibit 3.

22 A. Yes.

23 Q. The faculty meetings?

24 A. (Indicating). It's identical.

25 Q. So in that document, in the

1 DENISON - Cross

2 second bullet point from the bottom, it
3 says, "A quorum consists of 50 faculty
4 members present." Do you see that?

5 A. I do.

6 Q. To your knowledge, are there
7 occasions when the quorum is not achieved?

8 A. Not to my knowledge.

9 Q. How many -- do you attend all
10 faculty meetings?

11 A. I do.

12 Q. And how many people typical
13 attend?

14 A. I would say the majority of
15 full-time faculty attend, because it's
16 expected that they attend the faculty
17 meetings. That's part of their
18 responsibility.

19 Q. Is attendance taken?

20 A. Attendance is not taken, but
21 there are usually a certain number of
22 chairs in the room, and it doesn't -- it's
23 not difficult to look across the room and
24 see if there are more than 50 faculty
25 members there.

1 DENISON - Cross

2 Q. Right.

3 A. Yes.

4 Q. Umm...

5 A. So I would think that would
6 answer that.

7 Q. What are the negative
8 repercussions, if any, if a full-time
9 faculty member doesn't attend the faculty
10 meeting?

11 A. Usually the full-time faculty
12 member would let the chair know. They
13 would say: I will not be at the faculty
14 meeting, because I am attending a
15 conference elsewhere; I am out of the
16 country; I am meeting my professional
17 obligations; doing something else.

18 Q. And if they didn't do that,
19 would they be subject to discipline?

20 A. I would think that the chair
21 would indeed -- if there were a pattern of
22 that kind, then that faculty member would
23 not be meeting his or her responsibility.

24 Q. Are you aware of anybody ever
25 being disciplined for not attending

1 DENISON - Cross

2 faculty meetings?

3 A. I don't -- the word "discipline"
4 is not one that I am -- we don't -- that's
5 not a word I -- that is in our
6 vocabulary. So that's -- that's what
7 you're -- I'm reacting to.

8 Would something like that be in
9 the year-end report of the chair to the
10 provost on the full-time faculty member?
11 That would indeed be something that would
12 go into that part of their record. So,
13 yes, that would be -- that would be
14 acknowledged and that would be part of
15 their record. So if that's what you mean
16 by "discipline", there would be
17 consequences for not meeting your
18 obligations.

19 Q. Have you ever reviewed anyone's
20 record that referenced their failure to
21 regularly attend faculty meetings?

22 A. I am not the provost, so I do
23 not read the faculty personnel reports or
24 the chair's reports.

25 Q. Have you ever been part of an

1 DENISON - Cross

2 evaluation committee for someone who is
3 being reviewed for reappointment or
4 promotion?

5 A. For reappointment and promotion,
6 or are we talking now about the renewed
7 and reviewable?

8 Q. Yes.

9 A. Yes.

10 Q. And how often have you
11 participated in such reviews?

12 A. A long time ago I remembered
13 doing that in the English department.

14 Q. And was the failure to attend
15 faculty meetings an issue in that review?

16 A. Not with that particular faculty
17 member.

18 Q. Now, you testified concerning
19 the relatively recent vote to change the
20 general curricular requirements --

21 A. Yes.

22 Q. -- at Barnard, and you said that
23 80 percent, I believe, of eligible faculty
24 voted?

25 A. This is true.

1 DENISON - Cross

2 Q. And I think you said that some
3 people voted by -- you may not have used
4 this term -- but by absentee ballot.

5 A. Yes.

6 Q. Did the rest vote at a faculty
7 meeting?

8 A. Yes.

9 Q. And that was an issue that was
10 of great significance to the college?

11 A. Yes.

12 Q. Was the attendance at that
13 faculty meeting, therefore, greater than
14 would normally be the case?

15 A. Hmm. Possibly higher, but I
16 think there was something like -- I don't
17 have these precise figures, but I think
18 there may have been 40 absentee ballots
19 that were submitted. So those people were
20 not in the room. I think if the
21 attendance would be slightly higher, I
22 would say yes, it was slightly higher,
23 because all of these curriculum changes
24 affected every department in the college.
25 And so people even wanted -- they wanted

1 DENISON - Cross

2 to cast their ballot.

3 So we don't have ballots given
4 out at regular faculty members that were
5 not -- at regular faculty meetings. So
6 this was -- there had been a special
7 faculty meeting before this, so I think
8 everyone knew this was of great
9 consequence.

10 Q. I asked you whether attendance
11 was taken and you answered that question.
12 Related question: Does anyone keep track
13 of the actual number in attendance at
14 faculty meetings?

15 A. There, no one keeps actual
16 attendance, but there can be a call for a
17 quorum if anyone looks around the room and
18 thinks that there are fewer than 50 people
19 in the room. You can make a call for a
20 quorum.

21 Q. And you've already testified
22 that you don't recall being at any meeting
23 where there wasn't a quorum. Were you
24 present at any meetings where there were
25 calls for a quorum?

1 DENISON - Cross

2 A. I think the answer is yes to
3 that, because it was a procedural question
4 that they wanted to have on the record
5 that there was a quorum, and I think it
6 was not a matter of eyeing the room, but
7 they wanted to have on the record that
8 there was a quorum in the room, for
9 whatever issue was being discussed at that
10 time.

11 Q. And did they, at that point,
12 determine what rank the people in
13 attendance were to make sure there was a
14 quorum of voting members?

15 A. I would assume that when they
16 were calling for a quorum, they would
17 have, in asking for that quorum, have said
18 who would be counted in the quorum.

19 Q. Isn't it true that it's not
20 uncommon for adjuncts to attend faculty
21 meetings?

22 A. Adjuncts are welcome to attend
23 faculty meetings.

24 Q. Now, I want to turn to committee
25 service for a moment. Is it fair to say

1 DENISON - Cross

2 that not all faculty members and the in
3 the associate and lecturer ranks, or the
4 POPs, serve on committees?

5 A. Did you say "all"?

6 Q. Yes.

7 A. A hundred percent?

8 Q. Right.

9 MS. MUNOZ: Can I just clarify,
10 where we talked about tenured, tenurable,
11 reviewed or renewable? This was kind of
12 the mish-mash we had earlier.

13 Q. Well, I said associate rank,
14 lecturer ranks, and POPs, which is what
15 you all are referring to as reviewed and
16 renewable.

17 A. You insisted that we use that
18 term.

19 Q. What's that?

20 A. You insisted we used that term.

21 MS. MUNOZ: I just want to make
22 sure we're talking about the same one.

23 Q. So the question is, do they all
24 serve on committees?

25 A. I think I would have to look at

1 DENISON - Cross

2 the records to see and I would -- I am
3 sure there are some, and I wouldn't have
4 the figures, but I think it would be
5 certainly in the minority if they do not
6 serve on a committee.

7 Q. We will look at that. I think
8 we do have the evidence and committee
9 lists.

10 A. I think you did.

11 Q. And we can cross-reference it --

12 A. Right.

13 Q. -- with the exhibits of people
14 in the proposed unit.

15 Are you aware of any evaluations
16 of people in the group that you referred
17 to as reviewed and renewable?

18 A. That we refer to as renewed and
19 reviewable?

20 Q. Right.

21 A. Yes.

22 Q. Who have been reviewed
23 negatively based on their failure to
24 participate in committees.

25 A. That occurs at the departmental

1 DENISON - Cross

2 level. So the associate provost -- first
3 off, as a senior lecturer, I would be
4 within my department. As an associate
5 provost, I've been doing this for a year,
6 a year and a half, if you include the
7 interim. So during that time -- and
8 that's a very short time -- I can't answer
9 that question, because I wasn't part of
10 those processes.

11 Q. Which group of full-time faculty
12 members, which classifications are
13 required to be formal advisors?

14 A. By "formal advisors", are you
15 talking about major advisors or first- and
16 second-year advisors?

17 Q. I'm distinguishing it from
18 giving informal advice because the student
19 comes and asks your opinion about
20 something. Someone who has been assigned
21 an advisor of record.

22 A. The tenured, the tenurable, the
23 renewed and the renewable would do major
24 advising. And they could also do first-
25 and second-year advising, and they would

1 DENISON - Cross

2 do that as it is currently -- there is a
3 small stipend for first- and second-year
4 advising, and that because some faculty,
5 depending on the size of the department,
6 may have a very, very heavy load of major
7 advising.

8 Q. And are reviewed and renewable
9 required to be advisors, major advisors?

10 A. Yes.

11 Q. And where is that set forth in
12 any documents, if it is?

13 A. I don't know. I just know the
14 practice, and it may be in a document
15 somewhere.

16 Q. So if I asked you how this
17 requirement is communicated to that group,
18 would you be able to answer that question?

19 A. I would think the provost would
20 have spoken to the individual departments
21 and it would come from the provost level.

22 Q. Do you know that, or do you --
23 you say you think that? Do you have
24 knowledge of that? Or is it an
25 assumption?

1 DENISON - Cross

2 A. I think you would need to ask
3 the provost that.

4 Q. Okay. Was it your testimony
5 that it was rare for adjuncts to be
6 assigned as advisors?

7 A. I think what you're recalling
8 was the moment when the Dean of Studies
9 spoke to some adjuncts who had been here
10 for what you would say, call,
11 long-term -- in other words, people who
12 knew the college well -- and I think she
13 reached out to some adjuncts because there
14 was, I believe at that point, an
15 especially large entering class, and there
16 were tenurable, tenured, and renewed and
17 renewable faculty, and they were -- it was
18 just a very heavy need -- there was a real
19 need for advisors in those -- at that
20 particular to moment.

21 Q. Other than that, is it unusual,
22 in your opinion, for adjunct to be assign
23 as advisors?

24 A. Yes.

25 Q. You know who Kate Levin is;

DENISON - Cross

1 correct?

2
3 A. I know Kate well. Well, I don't
4 know if -- Kate might qualify the "well",
5 but yes, I've known Kate for many years.

6 Q. Is it fair to say that in -- it
7 was the 2012-13 year that she picked up
8 and covered some of your advisees?

9 A. My advisees? What was I doing in
10 two thousand...

11 PROFESSOR LEVIN: It was '13-14.

12 Q. '13- 14.

13 A. Those dates seemed wrong to me.

14 Q. Is that when you became acting
15 or interim associate provost in the spring
16 of that academic year?

17 A. Yes. That would -- that is --
18 yes, and I would answer a yes to that. I
19 don't -- I think what you're -- what
20 you're saying is that Kate picked up some,
21 other faculty members picked up others.
22 So it was not solely Kate.

23 THE HEARING OFFICER: Can we
24 identify what Kate's title was at that
25 time?

1 DENISON - Cross

2 MR. LEVINE: I will represent --
3 I don't think anybody will dispute that
4 are you an adjunct. I don't know what --

5 PROFESSOR LEVIN: At the time, I
6 was called lecturer.

7 MR. LEVINE: Part-time.

8 PROFESSOR LEVIN: But I was
9 part-time --

10 Q. You testified previously that
11 adjuncts are required to provide office
12 hours?

13 A. Yes. Depending on whether --
14 and the office hours will -- the number of
15 office hours will depend whether they're
16 teaching one or two courses.

17 Q. On some level, even if it isn't
18 the same as the formal advisor, someone
19 who provides advice is providing advice to
20 students, aren't they?

21 A. If students walk into your
22 office, depends what kind of advice
23 they're seeking. That's -- I'd have to
24 qualify that, because sometimes students
25 will seek advice and you will say that

1 DENISON - Cross

2 this is not -- this is not the appropriate
3 forum to be seeking that kind of advice.

4 Q. Okay.

5 A. So --

6 Q. But they provide at least some
7 kinds of advice in that role?

8 A. Yes.

9 Q. And it may vary by the students
10 and their questions, and it may similar by
11 the faculty member and their willingness
12 to provide the advice sought?

13 A. Yeah. They're very -- they are
14 very clear -- well, I'd say guidelines.
15 If you go to the -- there are meetings
16 that are held for the advisors before the
17 year begins, and they are -- that's when
18 it's made as clear as possible to the
19 advisors what would be the kind of
20 appropriate advice that you can give to
21 students, or whether you would send them
22 elsewhere to have those kinds of questions
23 answered.

24 Q. Are you aware of the fact that
25 there are adjuncts who serve as advisors

1 DENISON - Cross

2 without receiving stipends?

3 A. I am not aware of that. And
4 this is in advising, that their name is
5 down as the advisor? Or is this informal
6 advising? I think that's a huge
7 distinction.

8 Q. Okay.

9 A. So I would -- if you are an
10 advisor of record, you know, receiving a
11 stipend. If you are doing informal
12 advising, you are not receiving a stipend.

13 Q. Okay. I'd like you to look at
14 Employer's Exhibit 1, if you have it.

15 A. I don't.

16 THE HEARING OFFICER: Here.

17 Q. Actually, I'm not sure how much
18 you'll need it. Are you aware of any
19 documents prior to this document that set
20 forth scholarship requirements for faculty
21 members in the reviewed and renewable
22 group?

23 A. This is the document that I was
24 referring to as their personnel procedures
25 document --

DENISON - Cross

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Q. Right.

A. -- in testimony yesterday.

Q. And it's dated May 20th of this year.

A. Yeah. Is that --

Q. I'm wondering --

A. May I ask a question back on that point for myself? The date at the bottom of that, that's the date in which this -- the personnel procedures went into effect? It's not the date in which it was printed or -- am I correct in that? I was curious after yesterday. So that's not a question that you can answer?

Q. No, that's not a question I can answer.

A. That's why I'm --

Q. I had not seen this document prior to yesterday. And it varies from the earlier provisions in the faculty guide that was online.

A. I -- I would have no trouble disagreeing with you on that, because, as I know -- again, as I said yesterday, I'm

1 DENISON - Cross

2 not on the committee of the appointments,
3 tenure, and promotion. All of the work
4 for revising this document occurred in
5 that committee. I knew that that work was
6 going on, I knew that they were doing it
7 because they wanted to have kind of
8 clarity going forwards, and that that was
9 done within that committee, it went to the
10 provost, it went to the president, and so
11 I'm assuming this is the personnel
12 procedures, and yes, they were revising an
13 earlier document.

14 Q. Okay. But the question is
15 actually fairly straightforward.

16 A. Okay.

17 Q. And it's just whether you are
18 aware of any documents, other than this
19 document. I said earlier it could be if
20 there are any promulgated in the last
21 month, but are you aware of any other
22 documents in which scholarship
23 requirements for reviewed and renewable
24 faculty members are stated?

25 A. To restate my answer, they were

1 DENISON - Cross

2 revising an earlier document. So I think
3 you had referenced the faculty guide for
4 2012 and '13.

5 Q. Yes.

6 A. Yeah. And that may be what you
7 have --

8 Q. I still think, you know, this
9 might refresh your recollection, if you
10 looked at it.

11 A. Yeah.

12 Q. But the question I think was
13 still fairly straightforward wasn't
14 answered.

15 A. Go ahead.

16 Q. Sitting here now, are you aware
17 of any document that provides for
18 scholarship requirements for those
19 titles? It doesn't mean there aren't such
20 documents. There might be. I'm just
21 asking, are you aware of any? Can you
22 tell us --

23 A. All I'm aware of, because I was
24 not on that committee doing any of these
25 revisions, that they were revising an

1 DENISON - Cross

2 earlier document.

3 Q. Okay. I think that's
4 nonresponsive, though.

5 MS. MUNOZ: I'm going to
6 object. That's responsive to best of her
7 knowledge.

8 A. I don't understand.

9 THE HEARING OFFICER: How
10 about -- well, can counsel for Barnard
11 clarify what the date is on the bottom of
12 this faculty guide? That's the Employer's
13 Exhibit 1.

14 MS. STEPHEN: Not the printout
15 date.

16 THE HEARING OFFICER: So what
17 does the date signify?

18 MS. STEPHEN: You know, I didn't
19 draft the document. So I don't know.
20 That's something we can ask the provost,
21 just to be sure.

22 THE HEARING OFFICER: Okay?.

23 THE WITNESS: Yeah, I would
24 ask -- certainly the provost could answer
25 that, because the provost sits on the

1 DENISON - Cross

2 appointment, tenure, and promotion
3 committee. I don't sit on that committee.

4 THE HEARING OFFICER: And you're
5 referring to revisions that the committee
6 made to an earlier existing document?

7 THE WITNESS: Correct.

8 THE HEARING OFFICER: What
9 you're holding in your hand, Employer's 1,
10 is the revised version of this earlier
11 document?

12 THE WITNESS: Yes.

13 THE HEARING OFFICER: Right.

14 THE WITNESS: Yes, that's
15 their --

16 THE HEARING OFFICER: And so is
17 it your understanding that what you're
18 holding in your hand as Employer 1 has
19 replaced that earlier revised document?

20 THE WITNESS: That is my
21 understanding, yes.

22 THE HEARING OFFICER: Okay. So
23 other than what you have now in your hand
24 as Employer's Exhibit 1, and not
25 considering the prior document, which has

1 DENISON - Cross

2 now been revised and is Employer 1, are
3 there any additional publications that
4 covers --

5 THE WITNESS: In addition to
6 this?

7 THE HEARING OFFICER: Exactly --

8 THE WITNESS: No.

9 THE HEARING OFFICER: -- that
10 cover the scholarship obligations of
11 reviewed and renewable faculty members?

12 THE WITNESS: No, not to my
13 knowledge. This would be the document --

14 THE HEARING OFFICER: Okay.

15 THE WITNESS: -- going forward
16 from -- I think there's nothing...

17 Q. Are you familiar with this
18 document?

19 A. Yes, I have seen this document
20 before.

21 MS. MUNOZ: I'm going to object
22 to the extent that he's going to try to
23 enter -- and I don't know if he is -- the
24 document into evidence through our
25 witnesses. If he has witnesses he wants

1 DENISON - Cross

2 to put on, that's fine.

3 THE HEARING OFFICER: No,
4 overruled. That's -- any witness can
5 identify --

6 MS. MUNOZ: Okay. The other
7 objection is: Can we put the complete
8 guide on with the disclaimers not being
9 the most current version? And I don't
10 mean the one at the bottom. There's like
11 disclaimers saying go look at this place,
12 or ask this person, don't rely on this
13 document. If all that can go together,
14 then I might not have an objection.

15 MR. LEVINE: I printed out what
16 was the complete document. There may be
17 something on the web page that provides
18 and additional disclaimer. I did not --

19 MS. STEPHEN: What web page?

20 MS. MUNOZ: It's on that web
21 page.

22 MR. LEVINE: That's fine. It
23 would be an additional piece of evidence.
24 I have no problem with the -- that being
25 admitted, with the understanding that both

1 DENISON - Cross

2 this guide and that statement are both
3 available on the web page.

4 (Union Exhibit 1, A Faculty
5 Guide To Barnard College 2012-2013, As of
6 July 30, 2012, marked for identification,
7 this date.)

8 MS. MUNOZ: Okay, I would like
9 either testimony about that or that
10 statement from the web page so whoever is
11 reviewing the record is aware of the
12 extent to which they can rely upon what's
13 being presented as Union Exhibit 1.

14 THE HEARING OFFICER: Okay.

15 MS. MUNOZ: Thank you.

16 A. You're talking about
17 disclaimers --

18 Q. There's one in here.

19 A. What I had seen is, if you turn
20 to page 4, the prefatory disclaimer -- and
21 page 4 is the first page of the document
22 after you get past the table of
23 contents -- it -- this says -- and this is
24 going back to 2012-13. It's an informal
25 reference of -- it's not a vehicle, it's

1 DENISON - Cross

2 not a contract between a faculty member
3 and the college, it is not itself binding,
4 and that seems to me a very full
5 disclaimer.

6 Q. It's -- obviously it states what
7 it states.

8 A. Yeah. And that's -- so that --
9 you would not refer to this as a legal --
10 if this -- this is not a legal document.
11 It's an informal reference. It's a
12 summary over time and it's policies and
13 procedures, subject to change without
14 prior notice, and these -- this is not an
15 official document.

16 Q. With all due respect, it's for
17 the record -- the person holding the
18 hearing, and ultimately for the board, to
19 determine if there's legal relevance to
20 this document, and merely stating that
21 it's not a legal document doesn't make
22 that so.

23 MR. LEVY: Certainly an official
24 document promulgated by the college.

25 Q. It's not appropriate for us to

1 DENISON - Cross

2 even argue about that fact now.

3 MS. MUNOZ: I don't agree.

4 A. You were discussing disclaimers
5 and it seems to me there's a disclaimer,
6 not only the provost web page, but there's
7 a disclaimer in this document, and it has
8 been available for many years.

9 Q. And this document is available
10 on the provost web page?

11 A. I know it has been. I don't
12 know -- I'd have to go onto the provost
13 web page, and it -- it -- and hit the
14 appropriate button to see whether it is
15 there.

16 Q. What was the last time you were
17 aware that it was there?

18 A. I don't know the last time it
19 was there. All I know is that in the
20 process, late in the process of these
21 personnel procedures, Exhibit 1, when
22 those I think were finalized and whether
23 that -- remember in my testimony
24 yesterday, the question is, had members of
25 the ATP gone to the chair's committee, and

1 DENISON - Cross

2 you asked me when that was and I said may
3 have been April meeting, it may have been
4 the March meeting. At that point, I think
5 they realized that, to have the current
6 guidelines, that it was essentially that
7 these personnel procedures had been
8 rewritten and it may have been at that
9 time that they said let's have this
10 available. I'd have to go back. I'd have
11 to go back to the provost to say what the
12 timing was on that.

13 Q. Do you know if the faculty -- if
14 the revision of the entire faculty guide
15 has been completed? Do you know, yes or
16 no?

17 A. I do know that the answer is the
18 revision has not been completed. I do
19 know that my predecessor began to do
20 revisions one summer, began to do
21 revisions the next summer, began again.
22 It was not complete. That's why the
23 document -- this is dated 2012 and '13.

24 Q. Okay.

25 A. It was not complete.

1 DENISON - Cross

2 Q. Is it accurate, when it states
3 at the bottom of the first page of the
4 cover that this was compiled by the office
5 of the provost and dean of the faculty?

6 A. I would think that would be -- I
7 wasn't in the provost's office then. And
8 I believe there was a different -- current
9 provost came in, I believe, in October of
10 2012. So I would answer it, if that -- if
11 that wording had been in previous
12 documents, as I think it was, then there
13 would have been a previous provost and
14 different associate provost. That's
15 just -- I'm just answering as factually
16 as I can on that one. I'm assuming that
17 that same wording, if you looked up the
18 2011-12, you would find that same wording
19 there. But there would be different staff
20 members.

21 Q. Is this the most recent,
22 approved version of the faculty guide,
23 with whatever caveats it may include?

24 A. Approved by whom?

25 Q. Approved by whoever needs to

1 DENISON - Cross

2 approve it for it to become an official
3 document. I think you testified to that,
4 that there's no replacement guide that's
5 been completed.

6 A. I would not refer to it as an
7 official document, because it is referred
8 to in the document itself as an informal
9 reference.

10 MR. LEVINE: I would move for
11 its admission. This document is
12 available. We can put on other witnesses
13 if we have to. It's on the web site,
14 there's been no replacement of the
15 document that includes its caveats, that
16 it's out there as the official source of
17 information on many points that there is
18 no other official source of information
19 on.

20 THE WITNESS: I would take
21 "official" out of that. I would say it is
22 a summary document, and I think it clearly
23 says that in introduction number B,
24 Prefatory Disclaimer, and I think you
25 would find that same wording if you went

1 DENISON - Cross

2 back to 2011, if you went back to 2010,
3 that same wording would be there.

4 THE HEARING OFFICER: Does the
5 employer have any objections for admission
6 of this document?

7 MS. MUNOZ: Not if it is
8 admitted with the disclaimers that we
9 discussed previously.

10 THE HEARING OFFICER: So I will
11 go ahead and receive it with the
12 understanding that you will be providing
13 those --

14 MS. MUNOZ: Okay.

15 THE HEARING OFFICER: -- in the
16 future.

17 MS. MUNOZ: Alright. Thank
18 you.

19 (Union Exhibit 1, marked into
20 evidence, this date.)

21 THE HEARING OFFICER: You said
22 that your predecessor was working on
23 updating this. Do you know, do those
24 updates appear in what has been marked as
25 Union Exhibit 1?

1 DENISON - Cross

2 THE WITNESS: As far as I know,
3 no.

4 THE HEARING OFFICER: Okay. Do
5 you know where those updates exist?

6 THE WITNESS: I -- alright.
7 Updates, I have seen a document, and it
8 may have been this document. It's very
9 hard to -- and -- that has sort of track
10 change, with notes on the side. In other
11 words, moving toward a revision of this
12 document, these are the kinds of issues --
13 you know, look at more closely at this
14 page, but it is an unfinished -- an
15 unfinished document.

16 THE HEARING OFFICER: So, to
17 your knowledge, will a -- will those
18 changes not be published until the entire
19 document has been reviewed?

20 THE WITNESS: Yes. That is --

21 THE HEARING OFFICER: Okay.

22 THE WITNESS: -- certainly my
23 understanding of that.

24 THE HEARING OFFICER: Okay. So
25 until that happens, what we have here is

1 DENISON - Cross

2 the most recent version; is that accurate?

3 THE WITNESS: And I would agree
4 with you on that, yes --

5 THE HEARING OFFICER: Okay.

6 THE WITNESS: -- and that there
7 was an attempt to revise it and that there
8 was another attempt to revise.

9 THE HEARING OFFICER: But until
10 those revisions are complete, the document
11 will not be released, or republished?

12 THE WITNESS: Yes, that is
13 certainly the case.

14 THE HEARING OFFICER: Okay.

15 THE WITNESS: Because I believe
16 the prior associate provost, she was in, I
17 believe, for a year and a half, and then
18 there was another provost who was in for
19 associate provost in for a short period of
20 time under a different provost most. So
21 there is -- as I said earlier, there was a
22 lot there, there's been a lot of change in
23 the office, and this document is the most
24 recent one that I know of.

25 THE HEARING OFFICER: Do you

1 DENISON - Cross

2 know if anyone is currently still working
3 on those revisions to this faculty guide?

4 THE WITNESS: I know the
5 personnel procedures had been completed in
6 the ATP. I know that I am supposed to go
7 into this document and find all of the
8 documents and I have found just a couple
9 in the office that would have, as I
10 referenced earlier, some track changes,
11 the revision. So I'm to go back into
12 those and to try to revise this document.

13 THE HEARING OFFICER: Okay.
14 Just --

15 THE WITNESS: And I would do
16 that with other members of the provost
17 staff.

18 THE HEARING OFFICER: One --

19 THE WITNESS: Sure.

20 THE HEARING OFFICER: -- question,
21 I think. It's the last one. Is there a
22 relationship between what you're referring
23 to as the personnel procedures, which is
24 Employer's Exhibit 1, and this faculty
25 guide, which is Union's Exhibit 1?

1 DENISON - Cross

2 THE WITNESS: So, the two
3 documents you have in front of you? I
4 don't know -- I don't know if -- if I were
5 to open this up, whether there would
6 be -- I'd have to glance at this really
7 quickly to see --

8 THE HEARING OFFICER: That's
9 okay.

10 THE WITNESS: -- whether it's
11 there.

12 THE HEARING OFFICER: It's just
13 if you know.

14 THE WITNESS: No. I don't know,
15 but --

16 THE HEARING OFFICER: Okay,
17 that's fine.

18 THE WITNESS: -- but I'm
19 seeing. I don't know.

20 THE HEARING OFFICER: Okay.

21 THE WITNESS: And if I find it,
22 I'll say I do know. Okay?

23 THE HEARING OFFICER: No
24 problem.

25 MR. LEVINE: For the time being,

1 DENISON - Cross

2 I'd like to move on to some other topics.

3 Q. You testified, Professor
4 Denison, about the length of service in
5 various ranks.

6 A. Yes.

7 Q. So it was your testimony, for
8 example, that a lecturer -- and correct me
9 if I'm wrong -- initially gets a one-year
10 appointment, and then I think you said a
11 five-year appointment, for a total of six,
12 or was it a one-year and then a six-year
13 appointment?

14 A. I'll probably have to look at
15 the personnel procedures to say precisely,
16 but my understanding was that there would
17 be -- your first year would be a one-year
18 appointment, and that year would then be
19 counted in the number of years before you
20 are reviewed.

21 Q. And how many years was that
22 before your review?

23 A. Which review are we referring
24 to? Was this yesterday's --

25 Q. So you have one year, you get a

DENISON - Cross

1 review --

2 A. Yes.

3 Q. -- to the extent your -- so that
4 you can continue your initial term,
5 whatever it was. I guess -- is the
6 one-year like a probationary period?

7 A. I think it can be described that
8 way, yes. That seems a good way of
9 describing it.

10 Q. So if you've completed that year
11 and the college decides it wants you to
12 continue --

13 A. Yes.

14 Q. -- then you're reviewed when?
15 How many years? I believe you testified
16 it was five, but it might have been six.

17 A. I think you are right on that,
18 and the reason I was not sure of whether
19 it was five or six, because that was going
20 back in time, I'd been talking about
21 myself, and my memory is probably fresher
22 on the more recent ones than going back
23 over time.

24 Q. Okay. And I think we're more
25

DENISON - Cross

1 interested actually in the more recent
2 ones --

3 A. Oh.

4 Q. -- to know what the practice is
5 now.

6 A. Okay. Okay. Alright. So --

7 Q. So, now, what is the practice?
8 How do -- you're reviewed after how many
9 additional years after the first year?

10 A. Okay. So -- so I went from
11 lecturer, I was reviewed, and I was then
12 appointed to senior lecturer. Is that
13 your question?

14 Q. I'm more interested in the
15 length of time. And, again, I'm
16 interested in --

17 A. Sure.

18 Q. -- in whatever the current
19 practice is. I believe you testified to
20 that.

21 A. Yeah, well, that's why I'm
22 trying to say, you're interested in
23 reappointment process when you are -- when
24 you're moving from senior lecturer --
25

1 DENISON - Cross

2 Q. No, no, I'm sorry.

3 A. No?

4 Q. Not initially. It may be -- I
5 believe your testimony was, you -- and
6 correct me if I'm wrong -- because you may
7 not be sure it was --

8 MR. LEVY: She's all over the --

9 Q. Do you need a break?

10 A. Do I need a break? I may look
11 like I need a break.

12 MS. MUNOZ: It's up to you.

13 A. I'm fine. And I'll drink some
14 water and keep going. Thank you.

15 Q. I understand. You're anxious
16 for this to be completed.

17 A. No, I'm not anxious. I just
18 want to answer these questions and I'm
19 just trying to understand the -- where we
20 are in the process that you are referring
21 to.

22 Q. Okay. So what can you tell us
23 about the time line for review and
24 reappointment for lecturers currently in
25 effect?

1 DENISON - Cross

2 A. Ah. Alright. For lecturers --
3 and I think you would probably find it in
4 the personnel procedures. I think you
5 would find that in the -- probably in the
6 spring of your fifth year and -- there,
7 the -- a request would be made to the
8 Faculty Budget and Procedures Committee to
9 say, we are requesting that this line be
10 continued, and if the chair is then told
11 that the line can continue, then the
12 lecturer would put together a dossier, and
13 that dossier would include their teaching
14 philosophy, it would include their service
15 to the department, it would include their
16 scholarship, it would include their
17 practice in the profession, going to
18 conferences, giving presentations; it
19 would include their teaching
20 evaluations --

21 Q. If I may --

22 A. Yeah, you may.

23 Q. -- I'm not looking for you to
24 recount again the entire process.

25 A. Yeah, okay. I thought I had

1 DENISON - Cross

2 answered this yesterday, so that's why I'm
3 having trouble with this. Go ahead.

4 Q. We all have particular concerns
5 understanding the time line, and I have no
6 problem if you want to look at Employer's
7 Exhibit 1, which is the document you were
8 referring to --

9 A. Ah, okay. So what page are you
10 on and I'll go right there?

11 Q. So the review process for
12 lecturers and associates begins on Roman
13 III - 1, which is marked at the bottom of
14 the page.

15 A. You -- I'll --

16 Q. There's no -- you know, there's
17 no pagination that goes straight through.
18 That's what -- the way this document is
19 marked.

20 A. Ah. Okay.

21 Q. So I'll be --

22 A. Oh, yes, "Syllabi ought to be
23 submitted as well."

24 Q. So it talks about time line
25 in -- under A. And I'm a little confused,

1 DENISON - Cross

2 because it doesn't refer to that initial
3 year. It does talk about a three-year
4 review.

5 A. Yeah, okay.

6 Q. And then it talks about
7 subsequent seven-year reviews. Or "in the
8 seventh year". I'm sorry.

9 A. Alright. I would -- I would not
10 disagree with this -- this document. I --
11 when -- if you're referring back to me,
12 though, that's where I was struggling,
13 because this was not, you know, say, over
14 a 15 plus years ago, this was not a
15 document that existed. So that's where I
16 was struggling with your -- with your
17 question.

18 Q. Separate and apart from this
19 document --

20 A. Okay.

21 Q. -- do you have personal
22 familiarity, through review processes or
23 your -- that you've participated in, or
24 your role as associate provost, with the
25 current implementation of the review

DENISON - Cross

1
2 procedures for either lecturers or
3 associates?

4 A. Those go directly to the
5 provost.

6 Q. Okay. If you don't have
7 familiarity --

8 A. Yeah.

9 Q. -- that's fine; you just need to
10 tell us that.

11 A. Yeah, that's what I am familiar
12 with it, but they do not come to me.

13 Q. So -- so if you said yesterday
14 that after the first year there was a
15 subsequent review after five or six
16 years --

17 A. Yeah.

18 Q. -- you now believe that was
19 mistaken?

20 A. I think I was talking about my
21 experience, and it was going back in time,
22 and that's how I was answering -- that's
23 how I understood that question, was what
24 was your experience? Were you a lecturer,
25 and then you became a senior lecturer, and

1 DENISON - Cross

2 you are -- and then you were reappointed
3 for a senior lecturer, so that -- so
4 that's how I was answering that.

5 Q. So I believe you then testified
6 that if you were being reviewed for senior
7 lecturer, or senior associate, and you
8 were not promoted, that you would then be
9 terminated after a terminal year.

10 A. That's my understanding, yes --

11 Q. And --

12 A. -- when -- when I went in for my
13 last review. My understanding was the
14 reappointment would occur, and if for some
15 reason it did not occur, then whatever
16 there was in my dossier would stop the
17 appointment within, not continue on.

18 Q. Do you know one way or another
19 as a fact whether that's still the
20 practice?

21 A. I don't know as a fact, because
22 I have always passed the reappointment
23 process.

24 Q. Okay. So when you were
25 testifying yesterday, just so we're clear

1 DENISON - Cross

2 about the review process for lecturers and
3 associates, were you basing that on your
4 own experience.

5 A. Yes.

6 Q. And you became a senior lecturer
7 when?

8 A. I'd have to pull up my CV to
9 give you that date, and I don't have it
10 with me.

11 Q. Okay. Was it more than ten
12 years ago?

13 A. Yes. I think it would have been
14 more than ten years ago, because I have
15 gone through two senior lecturer reviews
16 and reappointments. So if we take this
17 model of seven and seven, that takes us to
18 14.

19 Q. And if I were to represent to
20 you that you can be a lecturer for more
21 than seven years without being promoted to
22 senior lecturer, would you know one way or
23 another whether that was true or not?

24 A. Can you repeat that.

25 Q. If I was to represent to you

1 DENISON - Cross

2 that it's possible to serve as a lecturer
3 for more than seven years and be
4 reappointed as a lecturer, but not as a
5 senior lecturer, do you know one way or
6 another, as a matter of fact, whether
7 that's true or not?

8 A. I don't know as a matter of
9 fact, because, again, that's in the hands
10 of the provost, so...

11 Q. And if I were to represent that
12 you could be reappointed on multiple
13 appointments as a lecturer, would you know
14 whether that's true or not?

15 A. Annual appointments?

16 Q. Yes, as a lecturer, more than
17 one.

18 A. I would not know. That would
19 be -- that would certainly be a provost
20 decision, and that wouldn't be in the
21 hands of the associate provost.

22 Q. Okay.

23 A. Yeah.

24 MS. MUNOZ: Were you talking
25 full-time lecturer --

1 DENISON - Cross

2 MR. LEVINE: Yes, I'm sorry,
3 we're talking just about full-time.

4 MS. MUNOZ: Thank you.

5 Q. Moving on to maybe a slightly
6 easier topic, there was some testimony
7 yesterday about shared office space and
8 e-mail accounts.

9 A. Yes.

10 Q. To your knowledge, are the
11 shared office spaces that adjuncts use
12 typically in the same buildings as the
13 full-time office space used by full-time
14 contingent faculty in the same department?

15 A. Are they usually in the same
16 building?

17 Q. Yes. Are departments usually
18 housed in the same building?

19 A. Usually.

20 Q. Well, I understand space is
21 difficult, it may not always --

22 A. Space is difficult.

23 Q. -- be the case.

24 A. Yeah, uh -- so I will say
25 "usually" to that one.

1 DENISON - Cross

2 Q. And might the shared office
3 space used by adjuncts be on the same
4 floor as individual offices by full-time
5 faculty members?

6 A. It might.

7 Q. And isn't it true that adjunct
8 faculty also have Barnard e-mail accounts?

9 A. Yes. As I said yesterday, if
10 you don't have a Barnard e-mail account,
11 you cannot submit grades.

12 Q. Okay. And the grading standards
13 that you referred to yesterday apply not
14 only to full-time faculty; whether or not
15 tenure track or tenured or reviewed and
16 renewable, they also apply to the
17 adjuncts; is that correct?

18 A. Yes.

19 Q. And do individual adjunct
20 faculty members, also in the first
21 instance, determine the grades of the
22 students in their classes?

23 A. Yes.

24 Q. Is there a grades appeal
25 process?

1 DENISON - Cross

2 A. Yes.

3 Q. And is that process available to
4 students regardless of whether their
5 courses were taught by professors of any
6 specific rank?

7 A. They are available for students
8 in any class.

9 Q. And is it fair to say that
10 professors in all ranks set their own
11 syllabi, subject to approval for a new
12 course through the process you described
13 yesterday?

14 A. Through the --

15 Q. Through the Committee on
16 Instruction, et cetera.

17 A. Right.

18 Q. And that process is applicable
19 to all faculty members, regardless of
20 rank, including adjuncts?

21 A. Yes.

22 Q. There was discussion of this off
23 the record. I'd like to ask you on the
24 record: Is it the case that, before
25 Barnard faculty member can be granted

1 DENISON - Cross

2 tenure, that they need the approval of
3 Columbia University?

4 A. I am not on the ATP, the tenure
5 and promotion committee, but it is
6 certainly my understanding that, if the
7 Barnard tenure and promotion committee
8 recommends that a faculty member be
9 tenured, the next step would be that that
10 would go to the committee at Columbia.

11 Q. Would that normally be the case
12 for reviewed and renewable faculty?

13 A. We are not tenured.

14 Q. Right. I understand.

15 A. So --

16 Q. So --

17 A. -- no.

18 Q. -- you wouldn't need to go
19 through the Columbia committee?

20 A. No. Uh-um.

21 Q. And promotions from lecturer to
22 senior lecturer, or associate to senior
23 associates, like we're -- would not need
24 to go through the Columbia committee?

25 A. No. It would go through the

1 DENISON - Cross

2 Barnard -- final decision would go through
3 the Barnard ATP.

4 Q. When we were talking about
5 committees yesterday, you said that
6 reviewed and renewable faculty could serve
7 as the chairs of committees. Do you
8 recall that?

9 A. Yes, I do, as I've done that
10 myself.

11 Q. Are you aware -- and which
12 committee were you the chair?

13 A. I was the chair of the Faculty
14 Finance and Resource Committee. That is
15 one that has four members. That is the
16 one that meets annually with the Board of
17 Trustees. We speak on behalf of the
18 faculty for benefits and compensation.

19 Q. Okay. And that meets once a
20 month -- once a year? I'm sorry.

21 A. Once a year and we are the voice
22 for the faculty, the faculty including
23 tenured, tenurable, and renewed and
24 renewable.

25 Q. Okay, I'd like to -- let's look

1 DENISON - Cross

2 at the committees for a minute. So that's
3 Exhibit -- Employer's Exhibit 4-A and
4 4-B.

5 A. Yeah.

6 Q. Currently, are you aware of any
7 elected committees other than the
8 off-ladder committee that a renewed -- a
9 reviewed and renewable faculty member
10 serves as the chair?

11 A. Are you including -- are you
12 talking -- sorry, I was looking at this
13 document. Were you talking elected
14 committee or standing appointive
15 committees?

16 Q. Let's start with elected
17 committees.

18 A. Well, if you looked at elected
19 committees, those are the -- the first two
20 ones, the ATP -- I do need to give the
21 full title. Advisor Committee on
22 Appointments, Tenure, and Promotion, there
23 are -- that is tenured only on that
24 committee. But the Faculty Budget and
25 Planning Committee, those are tenured

1 DENISON - Cross

2 committees as well. The Faculty
3 Governance and Procedures --

4 Q. Yes.

5 A. -- and the last -- I'm thinking
6 about the last year and this year, there
7 are -- you asked specifically about
8 chairs --

9 Q. Right.

10 A. -- no, there's not a chair --
11 there's no renewed and renewable who is
12 chairing that.

13 Q. Okay. Go ahead.

14 A. And --

15 Q. Committee On Instruction I think
16 is next.

17 A. I chair that committee.

18 Q. And you chair that committee in
19 what capacity?

20 A. I chair that committee as the
21 associate provost. The faculty
22 representative to the university senate,
23 yes, there are two representatives and
24 they carry equal weight and one is renewed
25 and renewable.

1 DENISON - Cross

2 Q. Right. That's Lisa Northrop,
3 senior associate in phys. ed.

4 A. Good, you got that. Yeah,
5 because I'm going by memory, I don't have
6 those ones in front of me, so you can help
7 me. If I miss somebody, you can tell me
8 if I miss someone.

9 Q. If it's relevant. In any event,
10 that evidence is available to the parties?

11 A. It is available, yes.

12 Q. But the chairs are not listed,
13 which is one reason I'm asking you.

14 A. Well, there's not a chair,
15 because those two representatives, they
16 carry equal weight. So one -- you know,
17 they will report back. One will report,
18 the other will report; one will report,
19 and the other reports. So they are equal
20 weight.

21 If you -- the fact that you're a
22 representative to the Board of Trustees --

23 Q. Well, we don't -- the evidence
24 is there, there is no --

25 A. It's the same.

1 DENISON - Cross

2 Q. -- no chair, so I don't think
3 we'll cover it now. We'll raise that
4 later.

5 A. Yeah. And I -- I can't remember
6 whether one of those representatives to
7 the Board of Trustees is renewed and
8 renewable. You would see that in front of
9 you.

10 Q. I do in fact have it.

11 A. I know you have that in front of
12 you and I don't have that in front of me.

13 MS. STEPHEN: Do you have this?

14 THE WITNESS: I have it, but --

15 MR. LEVINE: Those positions, we
16 got that information elsewhere overnight,
17 so --

18 MS. STEPHEN: It's here.

19 THE WITNESS: Hold on.

20 MS. STEPHEN: It's here.

21 MR. LEVINE: But not their
22 titles.

23 THE WITNESS: Wait a second.
24 All right. I was just looking at the
25 first page. Oh, great.

1 DENISON - Cross

2 MS. STEPHEN: It's on it.

3 THE WITNESS: Great. Thank you
4 very much. Alright. Brilliant.
5 Alright. Then I can answer that.

6 A. Both of those are tenured.

7 Q. Okay. And the Faculty Finance
8 Resource Committee, do you know who the
9 chair is of that?

10 A. I don't know who the chair is
11 right now. I know the chair is elected,
12 the members of the committee elected the
13 chair and I don't know who is the chair at
14 the moment.

15 Q. Okay.

16 A. I don't know.

17 Q. And -- with that --

18 THE HEARING OFFICER: Sorry. Is
19 that the same for all of those elected
20 committees that the chair is elected by
21 the members of the committee? Do you
22 know?

23 THE WITNESS: I don't know that
24 there is a formal election, but that there
25 is consensus amongst the group, because

1 DENISON - Cross

2 that's -- because it seems to suggest that
3 there would be sort of ballots in an
4 election.

5 THE HEARING OFFICER: But is the
6 position filled by the members of the
7 committee?

8 THE WITNESS: Yes.

9 THE HEARING OFFICER: Is there
10 external involvement outside the committee
11 in the chair selection process?

12 THE WITNESS: No. I would not
13 say that --

14 THE HEARING OFFICER: Okay.

15 THE WITNESS: -- in these -- I
16 mean, most -- I'll say no on that one.

17 THE HEARING OFFICER: Okay.

18 MR. LEVINE: So, I believe
19 we're --

20 THE WITNESS: And then the
21 grants, I'm chairing that one, and the
22 off-ladder, obviously would be for renewed
23 and renewable --

24 Q. So the person chairing --

25 THE WITNESS: -- person chairing

DENISON - Cross

1 it.

2
3 Q. Committee, they're not listed
4 here? The grants committee --

5 A. I am chair.

6 Q. Right, but I don't believe
7 you're listed here, unless I'm missing
8 it.

9 MR. LEVY: Associate provost.

10 MR. LEVINE: I see it's listed
11 there chair on top, associate provost.
12 Thank you.

13 Q. And all of the individual
14 members in this case, none of them are
15 reviewed and renewable; is that correct?

16 A. This particular group, no.

17 Q. They're eligible to serve on
18 this committee, but none are?

19 A. They are eligible.

20 Q. Uh-hum.

21 A. And these -- you know, these
22 will change -- the membership will change
23 year to year according to the elections.

24 Q. Okay.

25 A. So.

1 DENISON - Cross

2 Q. So you don't think that the --
3 the failure of this committee to include
4 any off-ladder faculty is a reflection of
5 the fact that you're eligible for less
6 money and grants are less important topic
7 to that group?

8 A. Were eligible for the same
9 amount, if I understood your question.

10 Q. Okay.

11 A. Yes, we're -- we're eligible --
12 I mean, I chair that committee, I know
13 that, and we get -- we get applications
14 from the renewed and reviewable faculty
15 that come into the grants committees.

16 Q. And can you tell me -- keeping
17 this in front of you for a moment --

18 A. Sure.

19 Q. -- how many tenure and tenured
20 track faculty approximately are there at
21 Barnard?

22 A. Tenure and tenured track, I'm
23 going to give you a round number. I'm
24 going to talk, roundly, 200.

25 Q. Okay. And --

1 DENISON - Cross

2 A. And that may be off. I mean, I
3 don't do math. Keep from remembering
4 that, please.

5 Q. With the understanding that the
6 scholarship requirements are greater for
7 tenured track and tenured faculty, as
8 we've discussed, are a greater percentage
9 of their applications for grants approved?

10 A. Alright.

11 Q. Now, if you know -- but you're
12 chair of the committee, so I thought you
13 might --

14 A. No. I -- no, it's a very good
15 question. And the hesitation in answering
16 that -- but first I would not say that the
17 tenured and tenured track are privileged
18 over the renewed and renewable. So it
19 varies -- the applications come in four
20 times a year, and it -- applications will
21 vary tremendously from each group, and if
22 we have the money within the budget to
23 give the grants of \$4,000 per year, we'll
24 certainly do it. If there have been an
25 inordinate number of applications for

1 DENISON - Cross

2 grants, by the time we get to the fourth
3 round of grants, we may, at that point,
4 have to make the kinds of decisions like
5 who are we privileging here. We have not
6 yet reached that moment. But in -- and
7 part of the restructuring of the provost's
8 office, I would say there are more grant
9 applications coming in. That's why I'm
10 giving that caveat, because there may be a
11 moment where we will say we've gone
12 through our funds. It's not an un-- it
13 would be lovely if we had indefinite
14 amounts of funds.

15 Q. I understand. Things are
16 tight.

17 A. So...

18 Q. Did you testify that term
19 faculty can apply for travel grants?

20 A. Yeah. That's -- that was the
21 one that where I was -- where I would love
22 to see a letter of appointment, because
23 what was not clear in my mind, and so I
24 appreciate your going back to that,
25 because I would like to be as accurate as

DENISON - Cross

1 possible on that, is I believe the term
2 faculty have a thousand dollars. Now --
3 and I think the wording in their
4 appointment letter is something like "to
5 enhance their professional development."
6 I'll use that. And it may be -- the
7 wording may be very different, but it
8 gives them a thousand dollars. Now, I
9 think you would find then that the
10 majority of those terms would probably
11 apply for a faculty conference travel
12 grant.
13

14 Q. Right.

15 A. Yeah. So --

16 Q. And is that the same amount that
17 reviewed and renewable faculty can apply
18 for if they want to go to a conference?

19 A. No. It is -- it is a
20 smaller -- it's a smaller figure, because
21 if you look at the policy, there is a
22 figure more over a seven-year period for
23 the renewed and renewable for the tenured
24 and tenurable. That gives you the total
25 of the amount that you can apply for over

1 DENISON - Cross

2 that period of time.

3 Q. And you can use all of it for
4 one trip, or there's some limit?

5 A. There are limits, because what
6 will happen is, when those forms come in,
7 you go back in to see how much have you
8 applied during this particular year --
9 this policy is just now being changed,
10 which is why I'm hesitating to give you
11 precise figures on that. It's been on
12 a -- it's -- in fact, I was supposed to
13 be at a meeting at 4:00 today that is
14 discussing that. So that's why I am -- I
15 am being vague about it, because I
16 don't -- I know that it is -- that they
17 are talking about the process and I don't
18 know what the process is going to be in
19 the new fiscal year, and that's why we're
20 having that meeting today. So I'm not
21 trying to avoid the question. I just
22 don't -- you know, I would like to give
23 you a very precise answer to that, and I
24 don't have that very precise answer as to
25 what the figures are.

1 DENISON - Cross

2 Q. But, in any event, the term
3 faculty and the reviewed and renewable all
4 have, at least theoretically, access to
5 money to travel to conferences?

6 A. Yes, but the terms have a
7 different -- have a different --

8 Q. I understand.

9 A. It's a very different and is a
10 much more limited figure compared to the
11 renewed and renewable.

12 Q. But one of the reasons for that
13 is that it's for a shorter period of time?

14 A. The reason for that is that they
15 have a terminal appointment, they are
16 leaving the college, and the college is
17 not financially -- is not making a
18 commitment to them in a way that they
19 would make a commitment to the renewed and
20 renewable, the tenured track, and the
21 tenured. So that's the key distinction
22 there as to why there would be a different
23 figure and a different policy.

24 Q. Thinking about the elected
25 committees, now --

1 DENISON - Cross

2 A. Okay.

3 Q. -- backing off the -- I decided
4 to go through grants, because we were
5 talking about the grant committee --

6 A. Okay.

7 Q. -- are there other elected
8 committees that you haven't mentioned that
9 you serve on as associate provost?

10 A. Not that I know of. Unless I'm
11 completely blanking it out --

12 Q. Are there --

13 A. I mean, these are -- these are
14 the committees. If you know of one, let
15 me know. I may be missing some meetings
16 then.

17 Q. And these are also--

18 A. Yeah, I mean -- I mean,
19 there's -- there's a -- oh, there is a
20 subcommittee of the COI where this has to
21 do with the general education requirements
22 that go back to the academic curriculum
23 review. If there are student appeals
24 coming in, if they say this course should
25 count for this kind of general education

1 DENISON - Cross

2 or requirement, why is it not on the
3 list? There are meetings, I meet with the
4 registrar, and we go through those.
5 That's the only other committee that I can
6 think of, but you won't -- it's not an
7 elected one. Do we -- is it part of the
8 Curriculum? Yes, but it's a subcommittee
9 of the COI.

10 Q. Okay. So with the elected
11 faculty -- what are called elected faculty
12 committees --

13 A. Yes.

14 Q. -- to your knowledge, do any
15 other administrators serve on those
16 faculty committees?

17 A. If you looked at the composition
18 of the committee --

19 Q. Yes, I see, they do.

20 A. -- and it's very explicit
21 there, yes.

22 Q. So many of those are chaired by
23 administrators, apparently? Okay.
24 Let's -- now, I want to make sure -- I did
25 see your name under the appointive

1 DENISON - Cross

2 committees, so it may be --

3 A. Yeah, you're right. I saw my
4 name there too.

5 Q. Now, I hope that wasn't a
6 surprise.

7 A. No, no, I said, oh, yeah, that's
8 right, I do that too.

9 Q. Is that what you're referring
10 to, the Columbia College Committee on
11 Instruction?

12 A. Yes.

13 Q. And -- and it says members --
14 says member eligibility, one faculty
15 member. And it then it says members, and
16 you're the only one listed?

17 A. I am the only one listed. That
18 is a committee that is at Columbia
19 College, and it's not in the title, but it
20 is now a Columbia College COI, Committee
21 On Instruction, and it's a general studies
22 COI. It's a joint committee. I am the
23 Barnard representative. There's a single
24 representative on that committee.

25 Q. And you are considered the

1 DENISON - Cross

2 faculty representative currently?

3 A. Yes. And the -- the provost
4 recommends the member of that committee.

5 Q. Okay. Just so we're clear, I
6 understand that administrators maintain
7 their faculty ranks, but you
8 are -- currently you serve as a full-time
9 associate provost, and that's the work
10 you're performing, rather than teaching?

11 A. That is true. It is a full-time
12 job, as I have been warned.

13 Q. I have no doubt.

14 A. So I'm also -- I'm also -- you
15 have not noticed -- if you turn to the
16 next page --

17 Q. Ah.

18 A. -- I'm on another one. I'm on
19 the Columbia Faculty Athletics Committee.

20 Q. I'm impressed.

21 A. And as a faculty member, I am a
22 fellow for the women's tennis team, and I
23 can give you reasons for that, but I don't
24 think I need to go into my many skills.
25 And I think those are the only two ones

1 DENISON - Cross

2 that I've -- that -- that's right, that is
3 accurate.

4 Q. Okay. Moving on to
5 departments: You testified, I
6 believe -- correct me if I'm wrong -- that
7 all reviewed and renewable faculty
8 participate in the election of department
9 chairs. Is that accurate in all
10 departments?

11 A. Well, okay. I was speaking for
12 the English department there and I
13 think -- I don't -- I will take out the
14 "think". There's a wide, wide range of
15 sizes of departments. The English
16 department, that is the process in the
17 English department. Other departments may
18 have their own procedures. And if it's a
19 very small department, there may be a
20 consensus that someone would stay on as a
21 chair for a longer time, until someone
22 else has been long-serving and knows the
23 department well enough, and then would
24 step in his chair. So I really know that
25 that -- I know that varies from department

1 DENISON - Cross

2 to department. So I would want to
3 generalize across departments.

4 Q. Okay. I believe you testified
5 as to the departments where reviewed and
6 renewable faculty are currently, or those
7 with those titles are currently serving as
8 chairs; is that correct? What departments
9 were those?

10 A. The one that I remember is,
11 again, Karen Fairbanks, in architecture.

12 Q. And would it be fair to say that
13 there are few if any tenured track faculty
14 in that department?

15 A. That's a good question. There
16 was a tenure track member in that
17 department and my understanding is is the
18 person was not promoted, and my
19 understanding is that, through the
20 Faculty -- through the Faculty Budget and
21 Procedures Committee, there will probably
22 be another request to have a tenured line
23 in that department, but it needs to go
24 through the Faculty Budget and Procedures
25 Committee. So there was a person in the

1 DENISON - Cross

2 department. There is not currently
3 someone in the department.

4 Q. Is that why somebody in an
5 off-ladder rank is serving as chair?

6 A. I would not give that
7 explanation. I mean, if the explanation
8 that you're saying to me is that there
9 are, at this moment, there are only
10 off-ladder faculty that -- in that
11 full-time renewed and renewable -- I'm
12 going to take out "off-ladder" -- renewed
13 and renewable faculty in that department,
14 then certainly it would have to be a
15 renewed and renewable person. I think if
16 you had an -- in that architecture
17 department, if you had someone who is
18 going to be going up for tenure as an
19 assistant professor, that person, as in
20 other departments, would not likely serve
21 as chair, because what they're trying to
22 do is to get, for all those assistant
23 professors, to have them do as much
24 scholarship in the field. They would like
25 them to get tenure. Barnard would like to

1 DENISON - Cross

2 have a hundred percent people going
3 through tenure, and that's -- sometimes it
4 doesn't happen.

5 Q. Does the provost need to approve
6 of a department having a nontenured
7 faculty member as chair, or is that
8 something that the faculty of the
9 department can decide on their own?

10 A. I would think the faculty in the
11 department -- again, you know, we're
12 generalizing about so many different
13 departments. I would assume that the
14 faculty in the department would make that
15 decision in consultation with the provost.

16 Q. You don't know for sure, though?

17 A. And they would -- so, you know,
18 I -- that would be a question, again --
19 again, that would not come to me as
20 associate provost.

21 Q. Okay.

22 A. I mean, I know when I was
23 chairing the department, I was asked by
24 the provost to chair a department.

25 Q. You testified that chairs are

DENISON - Cross

1 responsible for hiring adjuncts?

2 A. Yes.

3 Q. Do the chairs sign the --
4 whatever document that finalizes hires?
5 Is that the --

6 A. Yeah --

7 Q. -- action letter?

8 A. Yeah, the adjunct action form.
9 That form would come from the chairs to
10 the provost's office and usually I sign
11 those forms.

12 Q. Okay.

13 A. And then they are then in the
14 system. So I would go back -- if there
15 were any question, I would go back to the
16 chair of the department.

17 Q. And how are salaries set for the
18 adjuncts?

19 A. Salaries are set -- if you go
20 back to the Faculty Budgets and Procedures
21 Committee, discussions would occur in that
22 committee because they are dealing with
23 the budget, the academic budget, and the
24 chief operating officer comes to those --
25

1 DENISON - Cross

2 in other words, the chief budgetary
3 officer for the college -- would come to
4 those whenever possible as well. So it is
5 always -- it is: Where's the budget this
6 year? What do we think are appropriate of
7 salaries? Do we have the funds to make a
8 change in the salaries? So it occurs in
9 that committee. And it's in the context
10 of the budget for the college as a whole.

11 THE HEARING OFFICER: Are we
12 talking just about adjunct salaries?

13 MR. LEVINE: I was going to ask
14 that next, whether that's true for all
15 ranks?

16 THE WITNESS: Yes, we are.

17 A. I -- I would say that is true
18 for all ranks as well. In other words,
19 there's a certain range, and if you -- you
20 would usually stay within the range. If
21 you're going outside of the range, that's
22 the provost would speak to the budgetary
23 officer. It is -- is that answering it
24 directly enough?

25 Q. Yes, I think so.

1 DENISON - Cross

2 A. Okay. That's really a provost
3 decision and a budgetary decision.

4 Q. In terms of supervision, would
5 it be fair to say -- you referred to the
6 fact that a form is submitted at the end
7 of each year by the reviewed and renewable
8 that goes to the provost; is that correct?

9 A. That's correct. That's the
10 personnel -- faculty personnel form.

11 Q. Right.

12 A. Yes.

13 Q. On a day-to-day level, if a
14 reviewed and renewable faculty member has
15 a problem or concern, would they normally
16 go to their chair?

17 A. They would normally go to their
18 chair.

19 Q. And who's responsible for
20 assigning specific courses to members of
21 the faculty?

22 A. The faculty would submit that to
23 the chair the courses they would hope they
24 could teach the following year. The chair
25 would then look at the needs of the

1 DENISON - Cross

2 department across the board, and I think
3 they would do their best to accommodate
4 the individual faculty member, and -- but
5 they're, above all, looking at the needs
6 of the department and what courses need to
7 be covered.

8 Q. And the chairs would have
9 primary responsibility for selecting
10 adjuncts for hire as well as making course
11 assignments in the way you've described,
12 whether or not they were tenured faculty
13 or had off-ladder ranks?

14 A. You're using that term
15 "off-ladder" again. You mean renewed --

16 Q. There's a term --

17 A. You told me yesterday not to use
18 it.

19 Q. Well --

20 A. I'm trying to be consistent.
21 You told me to use "renewed and
22 renewable".

23 Q. I didn't, but that's fine.

24 A. You asked me to. You said,
25 "Let's not use the term 'off-ladder',

1 DENISON - Cross

2 because it is used..." -- you did.

3 Q. Well, are renew --

4 A. It's on the record.

5 Q. Well, "reviewed and renewable"
6 is now more specific, because we're not
7 excluding the term, who would not serve as
8 chairs anyway. So that's fine.

9 A. So we're talking about renewed
10 and renewable. So you want to rephrase
11 that question, please?

12 Q. The question is whether
13 chairs --

14 A. Yes.

15 Q. -- would have the
16 responsibilities you described, primary
17 responsibilities for hiring adjuncts and
18 the primary responsibility for making
19 ultimate course assignments, decisions --

20 A. Yes.

21 Q. -- regardless of whether they
22 were tenured faculty or not tenured
23 faculty?

24 A. They would have the overview of
25 the department, yes. So they would know

1 DENISON - Cross

2 what the needs of the department are and
3 then they would make those recommendations
4 in a budgetary statement that goes to the
5 office of the provost. Is that --

6 Q. Well, I'm really looking at
7 whether there's any distinction --

8 A. Distinction between --

9 Q. If you are a professional -- if
10 you are a reviewed and renewable faculty
11 member --

12 A. Yes.

13 Q. -- serving as a chair --

14 A. Yes.

15 Q. -- are your responsibilities as
16 chair any different than those of a
17 tenured faculty member serving as chair?

18 A. They are no different.

19 Q. Okay.

20 A. Thank you.

21 (Continued on following page.)

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PROCEEDINGS

THE HEARING OFFICER: Let's take
a break.

(Time noted: 4:00 p.m.)

(Brief recess.)

(Discussion held off the
record.)

THE HEARING OFFICER: Okay.
We're finish for the day.

(Time noted: 4:20 p.m.)

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C E R T I F I C A T I O N

I, ABNER D. BERZON, a Registered Professional Reporter and Certified Realtime Reporter, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

<%Signature%>

ABNER D. BERZON, RPR, CRR

My Commission Expires 05/12/2018

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