

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

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*Vol. 2*  
*June 23, 2015*

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*Burke Court Reporting, LLC*  
*1044 Route 23, Suite 316*  
*Wayne, NJ 0747*  
*(973) 692-0660*

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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

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A P P E A R A N C E S :

For the Employer:

MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, Massachusetts 02109

BY: RACHEL E. MUNOZ, ESQ.  
rmunoz@morganbrown.com  
DAMIEN M. DiGIOVANNI, ESQ.  
ddigiovanni@morganbrown.com.

JOMYSHA STEPHEN, ESQ.,  
General Counsel,  
Barnard College  
3009 Broadway  
New York, New York 10027-6909

For the Petitioner:

LEVY RATNER, P.C.  
80 Eighth Avenue  
New York, New York 10011-5126

BY: CARL J. LEVINE, ESQ.  
clevine@levyratner.com  
RICHARD A. LEVY, ESQ.  
rlevy@levyratner.com

KENNETH LANG,  
International Representative,  
Barnard Contingent Faculty,  
UAW Local 2110  
256 West 38th Street, Suite 704  
New York, New York 10018

## 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.

1 DENISON - Direct

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

1 DENISON - Cross

2 office hours?

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

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

11 A. Yes.

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

15 A. Yes.

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

24 A. Yes.

25 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

DENISON - Cross

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

6 A. Yes.

7 Q. -- accurate?

8 A. Yes, that's fair.

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

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

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

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

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

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

12 A. I think some of them have.

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

19 A. Yeah.

20 Q. -- in the languages --

21 A. Uh-hum.

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

24 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 --



1 DENISON - Cross

2 Q. Right.

3 A. -- in testimony yesterday.

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

6 A. Yeah. Is that --

7 Q. I'm wondering --

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

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

18 A. That's why I'm --

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

23 A. I -- I would have no trouble  
24 disagreeing with you on that, because, as  
25 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

13 Q. Okay.

14 A. And then they are then in the  
15 system. So I would go back -- if there  
16 were any question, I would go back to the  
17 chair of the department.

18 Q. And how are salaries set for the  
19 adjuncts?

20 A. Salaries are set -- if you go  
21 back to the Faculty Budgets and Procedures  
22 Committee, discussions would occur in that  
23 committee because they are dealing with  
24 the budget, the academic budget, and the  
25 chief operating officer comes to those --



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.)

22

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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  
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THE HEARING OFFICER: Okay.  
We're finish for the day.

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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%>

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ABNER D. BERZON, RPR, CRR

My Commission Expires 05/12/2018

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14  
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16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS INDEX

WITNESS: PATRICIA DENING, Ph.D.

DIRECT	CROSS	VOIR DIRE
137, 181	215	177, 197

E X H I B I T S

Employer

NO.	DESCRIPTION	I.D.	EVD.
EMPLOYER EXHIBIT 3			180
	Faculty Meetings		
EMPLOYER EXHIBIT 5			174
	Procedures For Faculty Vote		

Union

NO.	DESCRIPTION	I.D.	EVD.
UNION EXHIBIT 1		282	288
	Faculty Guide To Barnard College 2012-2013, As of July 30, 2012		



	<b>2012-2013 (1)</b> 282:5	253:5;255:25;269:18	258:15;274:17; 276:15;295:2	<b>advice (9)</b> 268:18;272:19,19, 22,25;273:3,7,12,20
<b>\$</b>	<b>2015 (1)</b> 195:3	<b>above (2)</b> 148:11;333:5	<b>add (2)</b> 226:5;244:3	<b>advisees (2)</b> 271:8,9
<b>\$1,000 (1)</b> 143:2	<b>20th (1)</b> 275:4	<b>abroad (2)</b> 244:13,13	<b>addition (4)</b> 172:19;224:4; 228:13;280:5	<b>advising (14)</b> 140:7,8;227:14; 229:10,14,17,21; 268:24,25;269:4,7; 274:4,6,12
<b>\$4,000 (3)</b> 143:4,6;317:23	<b>28 (3)</b> 167:2;168:17; 169:24	<b>absentee (2)</b> 263:4,18	<b>additional (10)</b> 134:4,7;135:5; 136:3;157:4;169:13; 280:3;281:18,23; 295:10	<b>advisor (5)</b> 268:21;272:18; 274:5,10;309:21
<b>1</b>		<b>abstentia (2)</b> 174:7,9	<b>addressing (1)</b> 166:22	<b>advisors (12)</b> 268:13,14,15,16; 269:9,9;270:6,19,23; 273:16,19,25
<b>1 (16)</b> 168:15;274:14; 278:13;279:9,18,24; 280:2;282:4,13; 284:21;288:19,25; 291:24,25;298:7,13	<b>3</b>	<b>Academic (14)</b> 134:24;135:12; 136:5;171:8;172:23, 25;173:17;179:11; 194:19;196:5; 215:12;271:16; 322:22;330:24	<b>adjunct (75)</b> 143:15,22;149:21, 22;150:17;151:8,10, 14,15,20;152:4,13, 16;153:6,7,8;155:4,7, 10,11,12;156:2; 169:7;186:14,15,18; 188:13;189:2,3,17, 23;190:9;191:3; 192:2;205:13,23; 207:4,19;212:6; 215:24;218:19; 220:15,16;230:7,9, 10;233:10,17;249:3; 252:14,16;253:7,10; 254:3,3,4,5,15,19; 255:9;256:3,6,12,14; 257:10,14,18,19; 258:3;270:22;272:4; 305:7,19;330:9; 331:12	<b>Advisory (2)</b> 162:19;166:5
<b>1,000 (2)</b> 145:11,14	<b>3 (8)</b> 163:21;168:15; 174:25;177:12; 180:11,13,19;258:21	<b>access (2)</b> 183:22;321:4	<b>adjuncts (53)</b> 143:7,9;144:11; 149:20;150:2;153:2, 13,16;154:19,20; 155:2;187:17;188:3; 193:25;194:4; 200:13;204:20,21; 205:19;206:14; 208:15;211:15,17; 214:4,6;230:5;234:7; 235:5,9,11;248:8,11, 17,19;250:9,14; 251:8;255:19; 265:20,22;270:5,9, 13;272:11;273:25; 304:11;305:3,17; 306:20;330:2,19; 333:10;334:17	<b>advocate (2)</b> 165:20;189:11
<b>1:47 (1)</b> 215:3	<b>3.02 (1)</b> 198:7	<b>accommodate (1)</b> 333:3		<b>affected (1)</b> 263:24
<b>10:10 (1)</b> 135:21	<b>30 (1)</b> 282:6	<b>according (1)</b> 315:23		<b>affiliation (1)</b> 233:8
<b>10:46 (1)</b> 135:25		<b>account (1)</b> 305:10		<b>affirmed (1)</b> 137:14
<b>12:35 (1)</b> 214:11	<b>4</b>	<b>accounts (2)</b> 304:8;305:8		<b>again (30)</b> 139:19,21;142:7; 143:16;144:2,15; 146:9;155:15; 164:11,16;175:8; 196:22;202:4,18; 203:18;209:7; 248:12,23;249:15; 255:22;275:25; 285:21;295:16; 297:24;303:9; 327:11;329:11,18,19; 333:15
<b>13 (2)</b> 277:4;285:23	<b>4 (3)</b> 163:22;282:20,21	<b>accreditation (1)</b> 243:25		<b>agendas (1)</b> 177:5
<b>13- (1)</b> 271:12	<b>4:00 (2)</b> 320:13;336:4	<b>accumulate (1)</b> 228:4		<b>ago (4)</b> 262:12;299:14; 302:12,14
<b>13-14 (1)</b> 271:11	<b>4:20 (1)</b> 336:10	<b>accurate (8)</b> 177:8;245:8;254:7; 286:2;290:2;318:25; 326:3,9		<b>agree (2)</b> 284:3;290:3
<b>14 (2)</b> 271:12;302:18	<b>40 (1)</b> 263:18	<b>accurately (1)</b> 175:23		<b>agreement (1)</b> 195:23
<b>15 (1)</b> 299:14	<b>4-A (8)</b> 156:16;161:25; 162:2;163:5;164:12; 172:9,15;309:3	<b>achieved (1)</b> 259:7		<b>Ah (4)</b> 297:2;298:9,20; 325:17
<b>1975 (1)</b> 197:16	<b>4-B (6)</b> 156:16;162:6; 164:13,14;172:9; 309:4	<b>acknowledged (1)</b> 261:14		<b>ahead (7)</b> 158:20;249:14; 251:6;277:15; 288:11;298:3;310:13
<b>1st (1)</b> 197:16	<b>4th (1)</b> 195:2	<b>acknowledging (1)</b> 186:4		<b>aim (1)</b> 229:3
<b>2</b>	<b>5</b>	<b>acronyms (1)</b> 161:12		<b>Alright (25)</b> 146:3;154:19; 158:24;159:6;168:9, 24;170:3,12;176:18; 186:3;205:22;243:2;
<b>2 (5)</b> 134:24;135:12; 136:8;163:20;168:15	<b>5 (3)</b> 173:10;174:19,20	<b>across (6)</b> 146:21;247:18; 248:25;259:23; 327:3;333:2		
<b>2,000 (1)</b> 190:4	<b>50 (3)</b> 259:3,24;264:18	<b>acting (2)</b> 234:3;271:14		
<b>20 (3)</b> 199:2;242:13,21	<b>7</b>	<b>action (3)</b> 151:20;330:8,9		
<b>200 (1)</b> 316:24	<b>7 (1)</b> 194:9	<b>actors (1)</b> 233:25		
<b>2010 (1)</b> 288:2	<b>8</b>	<b>actual (2)</b> 264:13,15		
<b>2011 (1)</b> 288:2	<b>80 (2)</b> 173:7;262:23	<b>actually (14)</b> 136:4;137:4; 153:11;161:17; 178:3;179:23;183:3; 209:7;229:2;244:20;		
<b>2011-12 (1)</b> 286:18	<b>A</b>			
<b>2012 (4)</b> 277:4;282:6; 285:23;286:10	<b>able (5)</b> 157:19;187:13;			
<b>2012-13 (2)</b> 271:7;282:24				

249:13,16;252:2; 253:12,16;288:17; 289:6;295:7;297:2; 299:9;313:4,5; 317:10	<b>appoint (1)</b> 198:20	<b>articles (3)</b> 236:20,23;243:18	<b>assumed (1)</b> 199:12	151:5;152:24; 155:15;165:13,17; 171:6;172:25;173:3; 180:9;181:14;184:3; 186:25;196:14,15,17; 200:14;207:23; 210:17;212:8;219:8; 227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>also- (1)</b> 322:17	<b>appointed (7)</b> 164:18;167:18; 187:18;199:19,21,22; 295:13	<b>arts (15)</b> 232:24;233:6; 248:21,22;249:8; 251:8;253:13,13,15; 254:16,17,20,25; 255:3;256:2	<b>assuming (4)</b> 145:18;205:20; 276:11;286:16	210:17;212:8;219:8; 227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>always (5)</b> 151:16;250:6; 301:22;304:21;331:5	<b>appointive (14)</b> 156:19;159:12; 160:25;162:7,11; 164:10,15;166:16,22; 171:10;172:2,16; 309:14;323:25	<b>assign (1)</b> 270:22	<b>assumption (5)</b> 168:3;176:5;231:8; 241:7;269:25	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>among (1)</b> 149:25	<b>appointment (16)</b> 144:4;145:10; 151:8,10;186:5; 198:22;204:18; 279:2;293:10,11,13, 18;301:17;318:22; 319:5;321:15	<b>assigned (4)</b> 224:15;254:2; 268:20;270:6	<b>athletics (3)</b> 167:10,11;325:19	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>amongst (1)</b> 313:25	<b>appointments (7)</b> 162:20;193:18; 198:24;276:2; 303:13,15;309:22	<b>assigning (1)</b> 332:20	<b>ATP (6)</b> 161:13;284:25; 291:6;307:4;308:3; 309:20	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>amount (6)</b> 223:19;224:12; 227:23;316:9; 319:16,25	<b>appointments- (1)</b> 188:14	<b>assignments (2)</b> 333:11;334:19	<b>attainment (1)</b> 253:11	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>amounts (1)</b> 318:14	<b>appreciate (5)</b> 178:6;183:7;210:8, 10;318:24	<b>assistant (22)</b> 137:23,25,25; 149:3,4,15,15,21; 155:3,11,20,21; 156:2;173:22,23; 252:16;254:4; 256:14,23;258:2; 328:19,22	<b>attempt (2)</b> 290:7,8	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>and/or (4)</b> 134:12;232:5,6,7	<b>appropriate (9)</b> 207:18;212:23; 234:11;241:12; 273:2,20;283:25; 284:14;331:6	<b>associate (47)</b> 137:24;149:5,22; 150:12;152:5,23; 153:6;155:3;173:22, 23,25;178:15;179:2; 184:21;190:9; 191:15;215:10,19; 219:5;230:20; 239:25;240:10; 241:14;254:4; 257:14,15,17,18; 266:3,13;268:2,4; 271:15;286:14; 290:16,19;299:24; 301:7;303:21; 307:22;310:21; 311:3;315:9,11; 322:9;325:9;329:20	<b>attend (18)</b> 175:9,19;176:21; 182:10;211:12,13,16, 18,22;259:9,13,15, 16;260:9;261:21; 262:14;265:20,22	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>annual (2)</b> 228:8;303:15	<b>approve (2)</b> 287:2;329:5	<b>associated (1)</b> 255:6	<b>attendance (8)</b> 259:19,20;263:12, 21;264:10,13,16; 265:13	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>annually (2)</b> 165:19;308:16	<b>approved (9)</b> 201:18;204:3,4,14; 205:20;286:22,24,25; 317:9	<b>associates (22)</b> 173:25;193:2,4; 230:17,17,21;240:11; 242:11,11,17,18; 244:9;245:20;246:9; 247:3,21,25,25; 298:12;300:3;302:3; 307:23	<b>attending (2)</b> 260:14,25	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>answered (8)</b> 231:10;237:24; 251:12,16;264:11; 273:23;277:14;298:2	<b>April (1)</b> 285:3	<b>assume (20)</b> 148:9;149:10; 182:21;196:18; 197:22;198:16; 199:5;216:23;221:4; 230:10;232:24; 234:19;240:21; 242:5;250:5;257:22; 258:4,6;265:15; 329:13	<b>attention (2)</b> 178:14;198:7	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>anxious (2)</b> 296:15,17	<b>architect (1)</b> 231:21	<b>associated (1)</b> 255:6	<b>August (1)</b> 208:11	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>apart (1)</b> 299:18	<b>architecture (5)</b> 185:8;231:25; 232:24;327:11; 328:16	<b>associated (1)</b> 255:6	<b>automatic (1)</b> 148:23	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>apologized (1)</b> 249:13	<b>are- (1)</b> 167:12	<b>associated (1)</b> 255:6	<b>autonomy (1)</b> 147:2	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>apparently (2)</b> 136:6;323:23	<b>area (2)</b> 169:19;201:22	<b>associated (1)</b> 255:6	<b>available (10)</b> 197:13;282:3; 284:8,9;285:10; 287:12;306:3,7; 311:10,11	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>appeal (1)</b> 305:24	<b>argue (1)</b> 284:2	<b>associated (1)</b> 255:6	<b>average (3)</b> 189:19;190:16; 191:12	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>appeals (1)</b> 322:23	<b>argument (1)</b> 206:23	<b>associated (1)</b> 255:6	<b>averages (1)</b> 191:21	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>appear (2)</b> 136:5;288:24	<b>around (1)</b> 264:17	<b>associated (1)</b> 255:6	<b>avoid (1)</b> 320:21	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>applicable (1)</b> 306:18	<b>art (2)</b> 232:25;250:6	<b>associated (1)</b> 255:6	<b>aware (15)</b> 246:10;260:24; 267:15;273:24; 274:3,18;276:18,21; 277:16,21,23;282:11; 284:17;308:11;309:6	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>application (4)</b> 148:16;186:11,19, 20		<b>associated (1)</b> 255:6	<b>away (1)</b> 244:14	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>applications (9)</b> 142:12;165:25; 186:21;316:13; 317:9,19,20,25;318:9		<b>associated (1)</b> 255:6	<b>B</b>	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>applied (1)</b> 320:8		<b>associated (1)</b> 255:6	<b>back (47)</b> 137:2,5;144:16;	227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>applies (2)</b> 145:12,17		<b>associated (1)</b> 255:6		227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21
<b>apply (16)</b> 138:18;140:19,20; 145:8,22;146:23; 147:5,6;219:18,21; 305:13,16;318:19; 319:12,17,25		<b>associated (1)</b> 255:6		227:22;228:24; 230:19;246:16; 248:12;250:4;275:8; 282:24;285:10,11; 288:2;291:11; 294:21,23;299:11; 300:21;311:17; 318:24;320:7; 322:22;330:15,16,21

<b>beginning (2)</b> 179:10;213:8	204:15;205:15,16,17, 19,20;206:24;219:9;	240:4;242:20; 243:18;246:2;247:9, 12;253:19;258:4;	193:13;249:11,12	249:3
<b>begins (2)</b> 273:17;298:12	220:2;297:8;309:24; 317:22;327:20,24;	264:16,19;266:9; 267:11;271:23;	<b>caveat (1)</b> 318:10	<b>change (13)</b> 151:5,14;152:20, 21;169:2;193:7;
<b>behalf (2)</b> 165:20;308:17	330:24,24;331:5,10	273:20;275:15,16; 277:21;278:10,20;	<b>caveats (2)</b> 286:23;287:15	262:19;283:13; 289:10;290:22;
<b>believes (1)</b> 256:2	<b>budgetary (4)</b> 331:2,22;332:3; 335:4	281:4,7,13;282:12; 286:16;287:12;	<b>ceremony (2)</b> 213:8,18	315:22,22;331:8
<b>benefits (7)</b> 165:21;192:3,6,8, 11,12;308:18	<b>Budgets (2)</b> 148:17;330:21	294:5,8;296:22; 297:11;302:20,24;	<b>certain (5)</b> 158:13,15;210:5; 259:21;331:19	<b>changed (3)</b> 198:6;235:24; 320:9
<b>besides (1)</b> 164:17	<b>building (2)</b> 304:16,18	306:25;311:6,7; 313:5;316:16;	<b>certainly (20)</b> 138:13;140:20; 183:8;184:15;	<b>changes (7)</b> 174:5;197:19,21, 22;263:23;289:18;
<b>best (7)</b> 168:22;175:23; 186:3,6,9;278:6; 333:3	<b>buildings (1)</b> 304:12	318:19;319:17,25; 320:3;323:5;325:23; 329:9	196:24;202:5;207:7; 230:7;239:6;242:22;	291:10
<b>beyond (1)</b> 172:6	<b>built (1)</b> 212:11	<b>cancelled (1)</b> 188:17	255:16;267:5; 278:24;283:23;	<b>changing (2)</b> 242:3,6
<b>binding (3)</b> 196:6,10;283:3	<b>bullet (1)</b> 259:2	<b>capacity (1)</b> 310:19	289:22;290:13; 303:19;307:6;	<b>charts (1)</b> 254:21
<b>bit (1)</b> 149:18	<b>button (1)</b> 284:14	<b>capital (4)</b> 176:5;180:22; 181:12;198:17	317:24;328:14	<b>chief (2)</b> 330:25;331:2
<b>blanking (1)</b> 322:11	<b>C</b>	<b>cardiowork (1)</b> 243:11	<b>cetera (2)</b> 149:22;306:16	<b>choreographer (1)</b> 232:16
<b>Board (12)</b> 165:15,19;167:10; 195:13,13,17,18; 283:18;308:16; 311:22;312:7;333:2	<b>calendar (1)</b> 179:5	<b>care (1)</b> 209:17	<b>chair (65)</b> 144:6;147:23; 152:24;153:4,13,21; 154:3,14,16;155:22;	<b>Chronicle (1)</b> 201:24
<b>book (2)</b> 236:19,20	<b>call (14)</b> 141:7;153:4;164:3; 176:14,17;205:2; 208:12;209:16; 221:9;228:20; 227:12;264:16,19; 270:10	<b>career (2)</b> 145:4;234:12	184:22,25;185:10; 201:3;203:22;	<b>circumstances (1)</b> 230:11
<b>books (2)</b> 206:22;236:24	<b>called (3)</b> 202:11;272:6; 323:11	<b>careers (3)</b> 231:14,15;234:10	204:23,24;205:8,21; 206:3;208:16,17; 212:5,23;213:5;	<b>city (1)</b> 233:23
<b>both (9)</b> 145:12;164:2; 192:9;216:23; 223:17;246:17; 281:25;282:2;313:6	<b>calling (4)</b> 198:7;237:9; 244:25;265:16	<b>carry (2)</b> 310:24;311:16	219:8;228:16; 260:12,20;261:9;	<b>clarify (6)</b> 152:12;160:18; 169:7;211:3;266:9;
<b>bottom (6)</b> 259:2;275:10; 278:11;281:10; 286:3;298:13	<b>calls (1)</b> 264:25	<b>carrying (1)</b> 228:13	297:10;308:12,13; 309:10;310:10,17,18, 20;311:14;312:2;	278:11
<b>brand (3)</b> 222:9;225:20,22	<b>came (2)</b> 195:6;286:9	<b>carved (1)</b> 210:5	313:9,10,11,13,13, 20;314:11;315:5,11;	<b>clarifying (1)</b> 180:16
<b>break (4)</b> 296:9,10,11;336:3	<b>campus (1)</b> 144:10	<b>case (15)</b> 144:13;155:18; 181:3,4;223:25; 241:13;247:10,11;	316:12;317:12; 326:21,24;328:5,21;	<b>clarity (1)</b> 276:8
<b>Brief (2)</b> 135:24;336:5	<b>Can (97)</b> 135:17,20;142:20, 25;143:2,4,5,7;145:8, 14,19,21;154:24;	250:7;263:14; 290:13;304:23; 306:24;307:11; 315:14	329:7,24;330:17; 332:16,18,23,24; 335:13,16,17	<b>class (8)</b> 216:18;217:8; 225:18,20,22;230:8; 270:15;306:8
<b>briefly (5)</b> 159:3,5,6;164:16; 186:25	156:18;157:13; 159:4,7;160:14; 162:16;166:5;169:9; 170:19,21;173:9; 174:4;176:13; 180:15;183:4,15; 184:6,14;197:5; 202:11;204:9;205:5, 22;208:2;209:16;	<b>cases (3)</b> 224:24;229:8; 241:19	335:13,16,17	<b>classes (7)</b> 175:12;176:24; 191:9,10;217:12; 227:21;305:22
<b>Brilliant (1)</b> 313:4	212:11;221:10; 222:15;223:25; 224:11,13,14;226:8; 227:8,22;228:5; 229:7,21;233:22; 238:13;239:19;	<b>cast (2)</b> 174:12;264:2	<b>chaired (4)</b> 167:3,5;207:8; 323:22	<b>classifications (6)</b> 134:16,19;149:2,3; 233:14;268:12
<b>bring (1)</b> 184:3	<b>category (9)</b> 141:11;142:9; 151:15;154:22; 167:2,23;168:5; 211:9;258:3	<b>categories (14)</b> 138:24;144:20,23; 145:12;146:5; 153:18;169:17; 175:8;181:6;184:5; 185:2;192:9;210:12; 230:15	<b>chairing (5)</b> 310:12;314:21,24, 25;329:23	<b>classified (2)</b> 217:12;232:23
<b>broad (2)</b> 167:2;213:14	<b>category (9)</b> 141:11;142:9; 151:15;154:22; 167:2,23;168:5; 211:9;258:3	<b>category (9)</b> 141:11;142:9; 151:15;154:22; 167:2,23;168:5; 211:9;258:3	<b>chairs (27)</b> 148:8;154:23; 155:16;184:14,15,17, 18;185:4,7,13,22; 187:2;206:25;221:5; 227:10;259:22; 308:7;310:8;311:12; 326:9;327:8;329:25; 330:4,10;333:8; 334:8,13	<b>classroom (4)</b> 191:5;222:24; 223:6,12
<b>broader (1)</b> 255:23	<b>budget (25)</b> 139:4,8;162:22; 201:4,7;203:20,24;	<b>chair's (3)</b> 152:25;261:24; 284:25	<b>chance (1)</b>	<b>classrooms (1)</b> 144:13
				<b>clear (14)</b> 139:14;142:17; 144:21;161:6; 167:22;172:14,16; 210:2;253:4;273:14, 18;301:25;318:23; 325:5

202:13,22;247:12; 287:22	262:2;265:24;267:6; 8;276:2,5,9;277:24; 279:3,3,5;284:25; 297:8;306:15;307:5; 7,10,19,24;308:12, 14;309:8,14,21,24, 25;310:15,17,18,20; 313:8,12,21;314:7, 10;315:3,4,18;316:3, 12;317:12;322:5; 323:5,18;324:10,18, 20,22,24;325:4,19; 327:21,25;330:22,23; 331:9	160:9;163:14; 323:17	<b>contingent (3)</b> 221:9;229:9; 304:14	144:10;146:24; 147:9;188:16;189:4, 13;205:18,23;206:9, 19,21,25;207:11; 212:11;215:13; 216:25;217:4,5,10; 218:6,14;221:13,23; 222:3,3;223:17; 224:16,19;225:15,16; 226:3,12,13;228:18; 237:8;272:16;306:5; 332:20,23;333:6
<b>close (1)</b> 190:17	<b>committees (85)</b> 156:16,17,19,20, 25;157:14,17,18; 158:2,12,17;159:2,4, 7,10,12,14,15;160:8, 11,15,18;161:2,3,10; 162:3,4,7,11,16,17, 19,25;163:4,12,14; 164:10,16,19,21,23, 24;165:22;166:17, 22;167:16,18,24; 168:3,7,16,23;169:8, 10;170:18;171:25; 172:16;179:14; 184:2,4,4,7,9;224:3, 7,11;266:4,24; 267:24;308:5,7; 309:2,7,15,17,19; 310:2;313:20; 316:15;321:25; 322:8,14;323:12,16; 324:2	<b>conceivably (1)</b> 189:13	<b>continue (16)</b> 135:15;136:21; 138:20;140:18; 145:3;148:15; 183:15;241:5;248:4; 251:2,4;258:11; 294:5,13;297:11; 301:17	<b>cover (3)</b> 280:10;286:4; 312:3
<b>closely (2)</b> 255:6;289:13	<b>communicated (2)</b> 181:20;269:17	<b>concept (1)</b> 223:8	<b>contract (3)</b> 139:11;214:2; 283:2	<b>covered (7)</b> 157:2,24;158:8,11; 187:21;271:8;333:7
<b>co-chairs (3)</b> 187:3,6,13	<b>community (1)</b> 157:21	<b>concern (2)</b> 250:12;332:15	<b>contracts (1)</b> 138:25	<b>covering (1)</b> 143:21
<b>code (12)</b> 134:17,18,19,23, 24;135:12;136:5; 196:5,14,15,17,18	<b>comp- (1)</b> 236:8	<b>concerned (2)</b> 198:3;250:7	<b>control (1)</b> 198:10	<b>covers (1)</b> 280:4
<b>COI (4)</b> 322:20;323:9; 324:20,22	<b>compared (1)</b> 321:10	<b>concerning (2)</b> 182:24;262:18	<b>conversations (2)</b> 157:16;216:10	<b>credentials (1)</b> 241:5
<b>college (37)</b> 134:12;139:6,13; 140:15;141:16,17; 146:10,21;164:24; 165:4;173:3;174:3,6; 176:9;186:5;194:14; 204:2;221:16;222:2, 6;225:9;226:6; 240:16;263:10,24; 270:12;282:5;283:3, 24;294:12;321:16, 16;324:10,19,20; 331:3,10	<b>completed (1)</b> 286:4	<b>concerns (1)</b> 298:4	<b>contracts (1)</b> 138:25	<b>credit (7)</b> 190:20,23,25; 191:2,10;222:21,22
<b>colleges (1)</b> 134:17	<b>complete (8)</b> 241:20,22;248:3; 281:7,16;285:22,25; 290:10	<b>conduct (2)</b> 217:22;218:22	<b>control (1)</b> 198:10	<b>criteria (2)</b> 219:18,21
<b>Columbia (12)</b> 165:12;167:11; 234:25;238:4;307:3, 10,19,24;324:10,18, 20;325:19	<b>completed (6)</b> 285:15,18;287:5; 291:5;294:11;296:16	<b>confer (2)</b> 187:22;206:12	<b>contracts (1)</b> 138:25	<b>critical (2)</b> 210:14;237:2
<b>coming (12)</b> 149:13;150:7; 201:9;205:14;208:9; 213:25;214:4,6; 224:6;227:15;318:9; 322:24	<b>completely (2)</b> 204:22;322:11	<b>conference (4)</b> 144:24;260:15; 319:12,18	<b>contracts (1)</b> 138:25	<b>CROSS (122)</b> 215:7;216:1;217:1; 218:1;219:1;220:1; 221:1;222:1;223:1; 224:1;225:1;226:1; 227:1;228:1;229:1; 230:1;231:1;232:1; 233:1;234:1;235:1; 236:1;237:1;238:1; 239:1;240:1;241:1; 242:1;243:1;244:1; 245:1;246:1;247:1; 248:1;249:1;250:1; 251:1;252:1;253:1; 254:1;255:1;256:1; 257:1;258:1,12; 259:1;260:1;261:1; 262:1;263:1;264:1; 265:1;266:1;267:1; 268:1;269:1;270:1; 271:1;272:1;273:1; 274:1;275:1;276:1; 277:1;278:1;279:1; 280:1;281:1;282:1; 283:1;284:1;285:1; 286:1;287:1;288:1; 289:1;290:1;291:1; 292:1;293:1;294:1; 295:1;296:1;297:1; 298:1;299:1;300:1; 301:1;302:1;303:1; 304:1;305:1;306:1;
<b>commencement (1)</b> 167:14	<b>composition (3)</b>	<b>conflict (1)</b> 175:12	<b>control (1)</b> 198:10	
<b>comment (4)</b> 196:21;238:13,15, 17		<b>confused (2)</b> 210:18;298:25	<b>control (1)</b> 198:10	
<b>commitment (4)</b> 193:19;225:11; 321:18,19		<b>conjunction (1)</b> 144:5	<b>control (1)</b> 198:10	
<b>commitments (2)</b> 223:22;226:10		<b>connection (1)</b> 221:3	<b>control (1)</b> 198:10	
<b>Committee (99)</b> 138:19;139:5,8,20; 142:11,13;148:18,19, 21;158:16;159:11; 162:19,22;165:7; 166:6;167:9,11,14; 168:11,19;169:5,12, 14,20,22;171:10,24; 177:7;184:6;194:23; 201:5,8,12,15,16,17; 203:21,24;204:15; 219:9;220:2,4;224:6;		<b>consequences (1)</b> 261:17	<b>control (1)</b> 198:10	
		<b>conjunction (1)</b> 144:5	<b>control (1)</b> 198:10	
		<b>consensus (2)</b> 313:25;326:20	<b>control (1)</b> 198:10	
		<b>consequence (1)</b> 264:9	<b>control (1)</b> 198:10	
		<b>consequences (1)</b> 261:17	<b>control (1)</b> 198:10	
		<b>consider (1)</b> 238:19	<b>control (1)</b> 198:10	
		<b>considerable (2)</b> 233:10;246:11	<b>control (1)</b> 198:10	
		<b>considered (2)</b> 150:16;324:25	<b>control (1)</b> 198:10	
		<b>considering (2)</b> 148:19;279:25	<b>control (1)</b> 198:10	
		<b>consistent (1)</b> 333:20	<b>control (1)</b> 198:10	
		<b>consists (1)</b> 259:3	<b>control (1)</b> 198:10	
		<b>constraints (1)</b> 146:9	<b>control (1)</b> 198:10	
		<b>consultation (3)</b> 147:23;236:5; 329:15	<b>control (1)</b> 198:10	
		<b>contains (1)</b> 136:8	<b>control (1)</b> 198:10	
		<b>contents (1)</b> 282:23	<b>control (1)</b> 198:10	
		<b>contested (1)</b> 229:3	<b>control (1)</b> 198:10	
		<b>context (2)</b> 201:9;331:9	<b>control (1)</b> 198:10	

307:1;308:1;309:1; 310:1;311:1;312:1; 313:1;314:1;315:1; 316:1;317:1;318:1; 319:1;320:1;321:1; 322:1;323:1;324:1; 325:1;326:1;327:1; 328:1;329:1;330:1; 331:1;332:1;333:1; 334:1;335:1	167:6,7,8;190:8; 226:21 <b>dealing (2)</b> 242:9;330:23 <b>deals (4)</b> 165:2,3,5,6 <b>dealt (1)</b> 221:6 <b>dean (7)</b> 174:3;175:4;208:6; 211:8,10;270:8; 286:5 <b>decide (4)</b> 148:13,19;203:25; 329:9 <b>decided (2)</b> 155:19;322:3 <b>decides (1)</b> 294:12 <b>decision (13)</b> 144:7;148:24; 150:6;202:24;206:3; 212:22;213:4;236:5; 303:20;308:2; 329:15;332:3,3 <b>decisions (2)</b> 318:4;334:19 <b>declared (1)</b> 229:25 <b>defer (2)</b> 219:24;220:13 <b>define (2)</b> 139:10;222:20 <b>definitely (1)</b> 146:25 <b>degree (9)</b> 150:9,10,16; 252:17;256:8,11,16, 19;257:21 <b>degrees (1)</b> 258:5 <b>Denison (200)</b> 136:22;138:1; 139:1;140:1;141:1; 142:1;143:1;144:1; 145:1;146:1;147:1; 148:1;149:1;150:1; 151:1;152:1;153:1; 154:1;155:1;156:1; 157:1;158:1;159:1; 160:1;161:1;162:1; 163:1;164:1;165:1; 166:1;167:1;168:1; 169:1;170:1;171:1; 172:1;173:1;174:1; 175:1;176:1;177:1; 178:1;179:1;180:1; 181:1;182:1;183:1; 184:1;185:1;186:1; 187:1;188:1;189:1; 190:1;191:1;192:1; 193:1;194:1;195:1; 196:1;197:1;198:1;	199:1;200:1;201:1; 202:1;203:1;204:1; 205:1;206:1;207:1; 208:1;209:1;210:1; 211:1;212:1;213:1; 214:1;215:8;216:1; 217:1;218:1;219:1; 220:1;221:1;222:1; 223:1;224:1;225:1; 226:1;227:1;228:1; 229:1;230:1;231:1; 232:1;233:1;234:1; 235:1;236:1;237:1; 238:1;239:1;240:1; 241:1;242:1;243:1; 244:1;245:1;246:1; 247:1;248:1;249:1; 250:1;251:1;252:1; 253:1;254:1;255:1; 256:1;257:1;258:1; 259:1;260:1;261:1; 262:1;263:1;264:1; 265:1;266:1;267:1; 268:1;269:1;270:1; 271:1;272:1;273:1; 274:1;275:1;276:1; 277:1;278:1;279:1; 280:1;281:1;282:1; 283:1;284:1;285:1; 286:1;287:1;288:1; 289:1;290:1;291:1; 292:1;293:1,4;294:1; 295:1;296:1;297:1; 298:1;299:1;300:1; 301:1;302:1;303:1; 304:1;305:1;306:1; 307:1;308:1;309:1; 310:1;311:1;312:1; 313:1;314:1;315:1; 316:1;317:1;318:1; 319:1;320:1;321:1; 322:1;323:1;324:1; 325:1;326:1;327:1; 328:1;329:1;330:1; 331:1;332:1;333:1; 334:1;335:1 <b>department (92)</b> 144:6;146:13; 147:23;148:12,14; 150:15;152:25; 176:9;184:13,14,15, 16,22,25;185:3,7,11, 13,13,18;187:2; 189:8,10;201:3,6; 203:22;204:2,24,24; 206:2,4,18,19;207:8, 10;208:16,17;212:5, 9,21;227:13;231:19; 233:7;234:24;235:7, 19;243:4;244:18; 245:19;246:9;247:8, 9,11,16;248:13,16; 251:21;255:5,7,8;	262:13;263:24; 268:4;269:5;297:15; 304:14;326:8,12,16, 17,19,23,25;327:2, 14,17,23;328:2,3,13, 17;329:6,9,11,14,23, 24;330:17;333:2,6; 334:25;335:2 <b>departmental (2)</b> 138:14;267:25 <b>departments (24)</b> 187:3,6,8;201:10; 232:22,23;246:16; 247:16;248:24; 251:24;253:21,22; 254:23;269:20; 304:17;326:5,10,15, 17;327:3,5,8;328:20; 329:13 <b>depend (16)</b> 146:12;189:22; 217:8;218:4;222:7; 224:2,5;225:2,10; 226:16;231:18; 235:18;236:21; 245:18;247:15; 272:15 <b>Depending (3)</b> 218:3;269:5; 272:13 <b>depends (12)</b> 169:3;217:3; 225:17;236:25; 243:4;247:7;248:13, 15;251:21,23; 254:25;272:22 <b>depth (1)</b> 159:5 <b>describe (4)</b> 147:4,25;150:4; 163:13 <b>described (7)</b> 135:11;182:18; 198:12;294:8; 306:12;333:11; 334:16 <b>describes (1)</b> 174:11 <b>describing (1)</b> 294:10 <b>description (5)</b> 134:16,18;136:9; 163:12;232:8 <b>descriptions (5)</b> 134:8,9;135:9,10; 136:4 <b>deserves (1)</b> 183:10 <b>design (1)</b> 232:4 <b>designing (4)</b> 232:5,6,6,7 <b>determine (3)</b>	265:12;283:19; 305:21 <b>determined (2)</b> 163:10;253:10 <b>develop (1)</b> 231:4 <b>developing (2)</b> 245:3,16 <b>development (17)</b> 167:8;192:23,24; 193:9,14,17;194:2,5; 205:6;206:8;208:7; 211:11;244:6,8,10, 21;319:6 <b>D'GIOVANNI (2)</b> 251:10,20 <b>differ (2)</b> 191:6,8 <b>difference (4)</b> 154:25;155:11; 156:5;244:17 <b>differences (6)</b> 150:20;153:14,17; 155:5,5;240:5 <b>different (34)</b> 141:11;142:20; 144:19;148:6;149:3, 20;154:22;167:5,23; 184:5;197:23; 204:22;209:9;211:9; 223:10,10;234:13; 236:22;239:21; 240:7;247:17;286:8, 14,19;290:20;319:8; 321:7,7,9,22,23; 329:12;335:16,18 <b>differing (1)</b> 149:25 <b>difficult (6)</b> 209:8,21;248:25; 259:23;304:21,22 <b>DIRE (10)</b> 177:16;178:1; 179:1;180:1;181:1; 197:8,10;198:1; 199:1;200:1 <b>DIRECT (78)</b> 137:16;138:1; 139:1;140:1,4;141:1; 142:1;143:1;144:1; 145:1;146:1;147:1; 148:1;149:1;150:1; 151:1;152:1;153:1,9; 154:1;155:1;156:1, 12;157:1;158:1,22; 159:1;160:1;161:1; 162:1;163:1;164:1; 165:1;166:1;167:1; 168:1;169:1;170:1; 171:1;172:1;173:1; 174:1;175:1;176:1; 177:1;181:17;182:1; 183:1;184:1;185:1;
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186:1;187:1;188:1; 189:1;190:1;191:1; 192:1;193:1;194:1; 195:1;196:1;197:1; 200:8;201:1;202:1; 203:1;204:1;205:1; 206:1;207:1;208:1; 209:1;210:1,20; 211:1;212:1;213:1; 214:1 <b>directly (6)</b> 154:6,22;162:21; 223:20;300:4;331:24 <b>director (1)</b> 228:16 <b>directors (1)</b> 227:9 <b>disagree (2)</b> 250:2;299:10 <b>disagreeing (1)</b> 275:24 <b>discipline (3)</b> 260:19;261:3,16 <b>disciplined (1)</b> 260:25 <b>disclaimer (6)</b> 281:18;282:20; 283:5;284:5,7; 287:24 <b>disclaimers (5)</b> 281:8,11;282:17; 284:4;288:8 <b>discretion (2)</b> 204:9,23 <b>discuss (2)</b> 200:13,15 <b>discussed (8)</b> 137:23;158:25; 177:7;184:2;224:21; 265:9;288:9;317:8 <b>discussing (2)</b> 284:4;320:14 <b>discussion (12)</b> 134:4;135:22; 136:3,6;137:8,21; 157:16;200:4,15; 214:9;306:22;336:6 <b>discussions (1)</b> 330:22 <b>dispute (1)</b> 272:3 <b>distinct (1)</b> 142:21 <b>distinction (21)</b> 141:24;142:18; 158:16;162:9; 164:17,18;176:10; 180:19;190:24; 239:10,11;253:6,14, 25;254:12,13;255:2; 274:7;321:21;335:7, 8 <b>distinctions (3)</b>	143:12,19;231:12 <b>distinguishing (1)</b> 268:17 <b>distribution (1)</b> 163:5 <b>diverse (1)</b> 167:16 <b>diversity (3)</b> 167:7;208:7; 211:11 <b>division (4)</b> 163:18,20,21,22 <b>divisions (1)</b> 174:12 <b>document (80)</b> 157:5;173:13; 175:2,3,22;177:19, 21,23;178:5,10; 179:10;194:10,11,13, 21;195:4,9,12,19; 196:7,10,25;197:12, 15,24;258:25; 269:14;274:19,23,25; 275:19;276:4,13,19; 277:2,17;278:2,19; 279:6,11,19,25; 280:13,18,19,24; 281:13,16;282:21; 283:10,15,20,21,24; 284:7,9;285:23; 287:3,7,8,11,15,22; 288:6;289:7,8,12,15, 19;290:10,23;291:7, 12;298:7,18;299:10, 15,19;309:13;330:5 <b>documents (11)</b> 134:6;196:3; 224:10;269:12; 274:19;276:18,22; 277:20;286:12; 291:8;292:3 <b>dollars (2)</b> 319:3,9 <b>done (11)</b> 144:5;147:22; 153:24;208:22; 219:22;227:5; 240:25;242:9;243:9; 276:9;308:9 <b>dossier (5)</b> 148:7;193:6; 297:12,13;301:16 <b>doubt (1)</b> 325:13 <b>down (4)</b> 176:2;181:13; 184:12;274:5 <b>draft (1)</b> 278:19 <b>drink (1)</b> 296:13 <b>due (1)</b> 283:16	<b>duly (1)</b> 137:14 <b>during (4)</b> 153:24;189:7; 268:7;320:8 <b>duties (7)</b> 150:20;156:5; 198:8;203:13; 218:17;223:21;245:2 <b>duty (1)</b> 216:19  <b>E</b>  <b>earlier (20)</b> 165:23;168:6; 195:25;205:2;213:7; 225:18,23;228:6; 248:17;266:12; 275:21;276:13,19; 277:2;278:2;279:6, 10,19;290:21;291:10 <b>easier (3)</b> 209:17;218:18; 304:6 <b>ed (2)</b> 243:19;311:3 <b>Education (7)</b> 201:25;242:17,24; 246:18;249:23; 322:21,25 <b>educational (1)</b> 253:11 <b>effect (3)</b> 134:10;275:12; 296:25 <b>effective (1)</b> 156:25 <b>efficient (2)</b> 156:23;202:19 <b>either (8)</b> 145:19,19;159:10; 191:13;193:14; 246:8;282:9;300:2 <b>elected (33)</b> 159:15,16;161:3,7, 9,11;162:3,10,12,15; 163:4;164:17,20,22; 168:3,11,12,12; 171:25;184:7;309:7, 13,16,18;313:11,12, 19,20;321:24;322:7; 323:7,10,11 <b>election (7)</b> 173:8;174:2; 194:18,22;313:24; 314:4;326:8 <b>elections (2)</b> 172:20;315:23 <b>eleven (1)</b> 190:12 <b>elicit (1)</b> 158:15	<b>eligibility (3)</b> 167:21;184:11; 324:14 <b>eligible (30)</b> 138:17;140:12,25; 141:3,10,12,14; 158:2,12;159:2; 167:22;168:18; 173:21;192:2,6,22; 193:4,8,13,16;194:2, 4;195:6;244:10; 262:23;315:17,19; 316:5,8,11 <b>elite (1)</b> 249:21 <b>else (6)</b> 141:3;145:21; 243:14;250:22; 260:17;326:22 <b>elsewhere (8)</b> 155:19,22;186:21; 190:8;234:16; 260:15;273:22; 312:16 <b>e-mail (9)</b> 146:15,15;182:8, 14,17;213:16;304:8; 305:8,10 <b>e-mails (2)</b> 181:24;183:19 <b>emergency (1)</b> 167:6 <b>employed (1)</b> 235:6 <b>Employer (16)</b> 136:8,12,22; 156:15;161:25; 162:2;164:11; 174:19,23,25;180:11, 19;194:8;279:18; 280:2;288:5 <b>Employer's (14)</b> 134:24;135:11,15; 173:10;174:20; 180:13;258:20; 274:14;278:12; 279:9,24;291:24; 298:6;309:3 <b>employment (1)</b> 187:20 <b>encountered (1)</b> 152:17 <b>end (7)</b> 139:14;153:22; 204:17;208:10; 209:4,5;332:6 <b>English (8)</b> 255:7,8;257:9,10; 262:13;326:12,15,17 <b>enhance (3)</b> 145:3,3;319:6 <b>enough (5)</b> 191:24;192:20;	243:9;326:23;331:24 <b>enroll (1)</b> 206:22 <b>enrolled (1)</b> 188:16 <b>entail (1)</b> 226:11 <b>enter (5)</b> 177:4,11;197:3; 223:23;280:23 <b>entering (1)</b> 270:15 <b>entire (4)</b> 173:8;285:14; 289:18;297:24 <b>entirely (2)</b> 148:6;245:18 <b>equal (4)</b> 160:12;310:24; 311:16,19 <b>equivalent (1)</b> 245:2 <b>especially (1)</b> 270:15 <b>essentially (1)</b> 285:6 <b>establish (2)</b> 248:9;253:3 <b>established (1)</b> 247:22 <b>et (2)</b> 149:22;306:16 <b>etcetera (2)</b> 218:23;252:17 <b>evaluate (2)</b> 218:21;219:3 <b>evaluated (7)</b> 217:19;218:8,9,25; 219:6,8;220:12 <b>evaluating (1)</b> 226:14 <b>evaluation (6)</b> 219:15;220:20,23; 221:3;224:20;262:2 <b>evaluations (7)</b> 148:9;217:23; 218:22;220:17; 226:13;267:15; 297:20 <b>even (9)</b> 161:21;176:15; 182:22;202:19; 220:8;231:14; 263:25;272:17;284:2 <b>event (4)</b> 217:16;247:20; 311:9;321:2 <b>everybody (1)</b> 209:8 <b>everyone (1)</b> 264:8 <b>evidence (14)</b> 135:4,16;174:16,
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21;177:11;180:14; 183:11;198:5;267:8; 280:24;281:23; 288:20;311:10,23 <b>exactly (4)</b> 194:25;230:3; 244:7;280:7 <b>EXAMINATION (12)</b> 137:16;140:4; 153:9;156:12; 158:22;177:16; 181:17;197:10; 200:8;210:20;215:7; 258:12 <b>examinations (6)</b> 217:2,4,6,10,13,15 <b>examined (1)</b> 137:14 <b>example (14)</b> 143:19;150:18; 168:10;172:20; 176:2;182:5;189:23; 198:7;205:4;224:3; 227:11;231:19; 239:22;293:8 <b>examples (5)</b> 224:15;226:8,22; 227:8;231:20 <b>exceed (2)</b> 224:25;225:7 <b>exception (3)</b> 151:17;189:15; 204:7 <b>exceptions (3)</b> 162:18;233:4,5 <b>excluding (1)</b> 334:7 <b>Exhibit (35)</b> 134:24;135:12; 136:8;156:15,16,22; 161:17,25;162:2,6; 163:5;164:12; 173:10;174:20,24,25; 180:13,19;194:9; 258:19,20,21;274:14; 278:13;279:24; 282:4,13;284:21; 288:19,25;291:24,25; 298:7;309:3,3 <b>exhibits (5)</b> 158:6;172:9; 258:17,18;267:13 <b>exist (3)</b> 134:17;223:14; 289:5 <b>existed (1)</b> 299:15 <b>existing (1)</b> 279:6 <b>exists (3)</b> 194:11,16,17 <b>expectation (16)</b> 138:19,22;139:2;	140:13,14,17,21; 141:19,22;168:6; 175:13,18;176:25; 180:5;189:2;232:4 <b>expectations (2)</b> 138:7,8 <b>expected (5)</b> 138:11;175:9,15; 176:21;259:16 <b>experience (12)</b> 150:7;152:4; 155:21,24,25;190:8; 203:5,9;212:5; 300:21,24;302:4 <b>explain (2)</b> 152:22;154:25 <b>explanation (2)</b> 328:7,7 <b>explicit (2)</b> 203:12;323:20 <b>extensively (1)</b> 219:15 <b>extent (11)</b> 157:9;183:16; 197:4;202:20;218:8; 219:17;220:6; 245:10;280:22; 282:12;294:4 <b>external (1)</b> 314:10 <b>extra (2)</b> 229:10;243:23 <b>eyeing (1)</b> 265:6  <b>F</b>  <b>FA (1)</b> 161:14 <b>fact (21)</b> 175:10;186:17; 196:7;228:13; 231:21;232:9; 233:24;243:9;248:7; 255:12;273:24; 284:2;301:19,21; 303:6,9;311:21; 312:10;316:5; 320:12;332:6 <b>factually (1)</b> 286:15 <b>faculty (283)</b> 137:21;138:7,16; 140:6;141:9,9,14,23; 142:3,13;143:11,13, 21;144:24;145:23; 146:7,15;147:7,21; 148:17;153:19,23; 154:8,9,12,21; 156:18,18;157:9; 159:3,11,16,17; 161:2;162:22;165:9, 9,14,17,17,20;166:5,	13;167:7,11,17,19, 25;168:4,14;170:17, 21;171:22,24;172:19, 20;173:15;174:10, 22;175:5,6,8,10,13, 16,19,24;176:3,5,7,8, 10,12,16,21;177:6; 178:24;179:5,15,21, 23;180:2,4,22,24; 181:4,14,21,23,25; 182:3,8,11,15;184:6, 16,19,24;185:17,20, 22;186:8,8,10,11; 188:20,23;189:11,20; 192:2,13,22;193:21; 196:6,8,11;198:9,11, 12,20,24;199:18,20, 22;200:16;201:4,7, 20;203:17,18,20,23; 204:15,25;205:3,7,9; 206:5,17;207:22,24; 208:5,6,9;209:14; 210:5,13,24;211:7, 11;212:9,19;213:15, 19,21;219:5,7,9,17, 19,25;220:15,16,24; 221:10;223:4;225:3, 11;227:7;228:8; 229:9;235:23; 237:21;238:25; 239:4,17;258:16,23; 259:3,10,15,16,24; 260:9,9,11,13,22; 261:2,10,21,23; 262:15,16,23;263:6, 13;264:4,5,7,14; 265:20,23;266:2; 268:11;269:4; 270:17;271:21; 273:11;274:20; 275:21;276:24; 277:3;278:12; 280:11;282:4;283:2; 285:13,14;286:5,22; 291:3,24;297:8; 304:14;305:5,8,14, 20;306:19,25;307:8, 12;308:6,13,18,22, 22;309:9,24;310:2, 21;313:7;316:4,14, 20;317:7;318:19; 319:3,12,17;321:3; 323:11,11,16;324:14; 325:2,7,19,21;326:7; 327:6,13,20,20,24; 328:10,13;329:7,8, 10,14;330:21;332:10, 14,21,22;333:4,12; 334:22,23;335:10,17 <b>faculty's (1)</b> 177:2 <b>failure (4)</b> 261:20;262:14;	267:23;316:3 <b>Fair (17)</b> 191:24;192:20; 223:15;232:20; 233:16;238:23; 242:10;245:9;248:2, 10;250:10;251:7; 265:25;271:6;306:9; 327:12;332:5 <b>Fairbanks (2)</b> 185:9;327:11 <b>fairly (3)</b> 219:14;276:15; 277:13 <b>fall (4)</b> 151:22,23;153:6; 189:12 <b>familiar (8)</b> 219:18,20;222:18; 223:9;255:18,20; 280:17;300:11 <b>familiarity (3)</b> 223:7;299:22; 300:7 <b>FAPC (1)</b> 161:14 <b>far (3)</b> 147:3;209:15; 289:2 <b>feature (1)</b> 189:4 <b>feed (1)</b> 241:9 <b>feel (2)</b> 206:20;230:12 <b>fellow (1)</b> 325:22 <b>few (2)</b> 212:2;327:13 <b>fewer (1)</b> 264:18 <b>field (12)</b> 138:21;140:13; 150:13;207:12; 212:12,15;227:12; 236:25;241:12; 243:10;245:19; 328:24 <b>fields (1)</b> 203:3 <b>fifth (1)</b> 297:6 <b>figure (8)</b> 216:12;218:21; 222:2;223:5;319:20, 22;321:10,23 <b>figures (6)</b> 142:24;253:2; 263:17;267:4; 320:11,25 <b>file (3)</b> 143:10,11;154:20 <b>files (1)</b>	144:3 <b>fill (2)</b> 154:10;202:2 <b>filled (3)</b> 169:15;172:17; 314:6 <b>final (3)</b> 139:21;150:16; 308:2 <b>finalized (1)</b> 284:22 <b>finalizes (1)</b> 330:5 <b>finally (4)</b> 154:5;212:22; 213:4;257:25 <b>finance (3)</b> 165:18;308:14; 313:7 <b>financially (2)</b> 245:5;321:17 <b>find (14)</b> 155:15;166:3; 170:5;172:3;243:17, 18;248:18;286:18; 287:25;291:7; 292:21;297:3,5; 319:10 <b>finding (1)</b> 234:12 <b>fine (10)</b> 170:3;199:12; 247:20;281:2,22; 292:17;296:13; 300:9;333:23;334:8 <b>fingertips (1)</b> 246:6 <b>finish (1)</b> 336:9 <b>finished (2)</b> 172:22;208:24 <b>first (25)</b> 137:14;139:15; 141:20;150:25; 171:4;177:18,20,22; 178:4,9;180:23; 194:12;196:8; 229:24;236:19; 268:2;282:21;286:3; 293:17;295:10; 300:14;305:20; 309:19;312:25; 317:16 <b>first- (4)</b> 229:13;268:15,24; 269:3 <b>first-year (1)</b> 226:19 <b>fiscal (1)</b> 320:19 <b>fit (1)</b> 238:18 <b>five (9)</b>
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134:11;138:9; 139:25;147:16; 176:15;204:16; 294:17,20;300:15 <b>five-year (1)</b> 293:11 <b>flag (1)</b> 153:3 <b>flip (1)</b> 255:4 <b>floor (1)</b> 305:4 <b>focus (4)</b> 187:23;251:2,4; 253:21 <b>focused (1)</b> 174:5 <b>focusing (1)</b> 200:10 <b>following (2)</b> 332:24;335:21 <b>follows (1)</b> 137:15 <b>form (8)</b> 154:21;157:8; 168:13;202:2;330:9, 10;332:6,10 <b>formal (4)</b> 268:13,14;272:18; 313:24 <b>former (1)</b> 152:22 <b>forms (5)</b> 151:20;154:12; 220:23;320:6;330:12 <b>forth (4)</b> 156:22;200:14; 269:11;274:20 <b>forum (3)</b> 201:20;203:15; 273:3 <b>forward (6)</b> 148:12,14;168:11; 236:10;244:19; 280:15 <b>forwards (1)</b> 276:8 <b>found (2)</b> 171:2;291:8 <b>foundation (1)</b> 197:5 <b>four (9)</b> 174:12;189:7,14, 16,25;190:5;237:8; 308:15;317:19 <b>four-point (1)</b> 191:9 <b>fourth (1)</b> 318:2 <b>Freedom (3)</b> 134:25;135:12; 136:5 <b> fresher (1)</b>	294:22 <b>front (8)</b> 155:8;258:17; 292:3;311:6;312:8, 11,12;316:17 <b>full (11)</b> 148:7;173:22,23; 176:8;193:10; 199:21;226:9; 231:14;239:22; 283:4;309:21 <b>full-term (1)</b> 210:2 <b>full-time (76)</b> 139:13;141:8; 145:23;146:6; 152:13;154:11; 159:16;168:4,14; 169:17;175:7,14,18; 176:6,16,21;177:2; 180:4,24;181:4,12, 14;185:21,24;186:8, 10;187:12;188:7; 191:13,14;192:9; 193:21;199:21; 200:23;203:21; 204:12,25;205:9; 206:5,17;207:6,24; 208:2,5,9;209:13; 210:4,4,13,24;212:9; 221:10,20;222:20; 223:4;229:9;231:15; 234:10,12;235:2; 239:3,16;259:15; 260:8,11;261:10; 268:11;303:25; 304:3,13,13;305:4, 14;325:8,11;328:11 <b>fully (1)</b> 157:25 <b>function (1)</b> 141:18 <b>funds (5)</b> 192:23;193:14; 318:12,14;331:7 <b>further (4)</b> 137:15;182:23; 195:9;243:9 <b>future (1)</b> 288:16	<b>generally (4)</b> 152:19;164:10; 166:21;223:24 <b>generous (1)</b> 142:2 <b>gets (1)</b> 293:9 <b>given (16)</b> 135:5;149:11; 168:5;186:16,24; 216:14;220:16; 252:13;256:6,11,15, 18,21;257:11,14; 264:3 <b>gives (4)</b> 173:19;228:11; 319:9,24 <b>giving (3)</b> 268:18;297:18; 318:10 <b>glance (1)</b> 292:6 <b>God! (1)</b> 192:15 <b>goes (10)</b> 157:21;159:12; 168:13;182:9;204:4; 213:16;219:8; 298:17;332:8;335:4 <b>Good (11)</b> 137:18,19;156:7; 161:23;240:25,25; 249:3;294:9;311:4; 317:14;327:15 <b>Google (1)</b> 179:4 <b>governance (5)</b> 165:5;167:25; 168:19;177:6;310:3 <b>governing (3)</b> 194:20;195:4,15 <b>grades (3)</b> 305:11,21,24 <b>grading (2)</b> 146:20;305:12 <b>graduating (1)</b> 227:20 <b>grant (6)</b> 142:19;166:2,4; 318:8;319:13;322:5 <b>granted (1)</b> 306:25 <b>Grants (29)</b> 138:18,18;140:12, 20;141:4,10,13,15; 142:11,16;143:8,10; 144:16,18,25;145:20; 165:22;166:2; 244:22;314:21; 315:4;316:6,15; 317:9,23;318:2,3,19; 322:4 <b>great (7)</b>	166:24;190:7; 226:20;263:10; 264:8;312:25;313:3 <b>greater (11)</b> 223:21;226:11; 239:2,13,15,16,20; 240:7;263:13;317:6, 8 <b>grounded (1)</b> 234:25 <b>group (17)</b> 138:3;159:18; 167:16;173:8; 198:12;208:4; 210:25;230:15; 237:9;267:16; 268:11;269:17; 274:22;313:25; 315:16;316:7;317:21 <b>groups (6)</b> 153:15;159:3; 175:18,20;192:6; 207:22 <b>guess (2)</b> 160:9;294:6 <b>guide (14)</b> 196:6,8,12;275:22; 277:3;278:12;281:8; 282:2,5;285:14; 286:22;287:4;291:3, 25 <b>guidelines (2)</b> 273:14;285:6	135:6 <b>heard (2)</b> 237:14;250:20 <b>HEARING (133)</b> 134:2,22;135:3,14, 19;136:2,15,20,25; 137:6,10;139:9,16, 22;140:2;152:3,8,15; 154:24;155:9;156:4, 9;157:3,23;158:19, 24;160:17,24;161:5, 16,20,24;163:3; 169:21;170:2,7,11; 171:9,14,17,19; 172:11;174:18; 177:15;180:11,15,18, 21;181:2,9,16;183:2, 6,13;185:19;190:18, 22;197:9;199:25; 200:6;209:25; 210:11;211:25; 212:4,25;213:6,11, 17;214:3,7;215:5; 252:2,5,8,12,21,25; 253:23;254:9;256:4, 13,20,25;257:4,8,16, 24;258:8,10;271:23; 274:16;278:9,16,22; 279:4,8,13,16,22; 280:7,9,14;281:3; 282:14;283:18; 288:4,10,15,21; 289:4,16,21,24; 290:5,9,14,25; 291:13,18,20;292:8, 12,16,20,23;313:18; 314:5,9,14,17; 331:11;336:2,8 <b>heavily (1)</b> 160:11 <b>heavy (4)</b> 227:14;228:12; 269:6;270:18 <b>held (10)</b> 135:22;137:8; 175:7;176:14;200:4; 208:10;213:8;214:9; 273:16;336:6 <b>help (2)</b> 237:18;311:6 <b>Here's (1)</b> 173:11 <b>herself (1)</b> 168:11 <b>hesitating (2)</b> 239:20;320:10 <b>hesitation (1)</b> 317:15 <b>high (2)</b> 229:22;249:22 <b>higher (5)</b> 190:10;201:25; 263:15,21,22
	<b>G</b>		<b>H</b>	
	<b>gave (2)</b> 159:18;231:20 <b>general (4)</b> 262:20;322:21,25; 324:21 <b>generalize (5)</b> 227:5;243:3; 247:18;248:25;327:3 <b>generalizing (1)</b> 329:12	<b>half (3)</b> 190:5;268:6; 290:17 <b>hand (3)</b> 279:9,18,23 <b>handed (1)</b> 178:3 <b>handles (1)</b> 139:6 <b>hands (3)</b> 154:4;303:9,21 <b>happen (7)</b> 168:8;188:19,22; 216:24;249:15; 320:6;329:4 <b>happening (1)</b> 225:8 <b>happens (1)</b> 289:25 <b>happy (1)</b> 252:19 <b>hard (3)</b> 227:5;243:3;289:9 <b>head (4)</b> 149:9;150:23,24; 192:18 <b>hear (1)</b>		



<b>highlight (1)</b> 157:11	176:22	226:24;227:7; 248:23;256:7; 269:20;305:4,19; 315:13;333:4	173:21	136:4
<b>himself (1)</b> 168:10	<b>identical (1)</b> 258:24	<b>individuals (3)</b> 159:13;230:25; 258:4	<b>interim (2)</b> 268:7;271:15	<b>joint (1)</b> 324:22
<b>hire (9)</b> 153:2;203:11; 205:23;207:20; 211:20,22;212:24; 235:8;333:10	<b>identification (1)</b> 282:6	<b>informal (6)</b> 268:18;274:5,11; 282:24;283:11;287:8	<b>interview (1)</b> 207:16	<b>Jomysha (1)</b> 195:24
<b>hired (7)</b> 200:16,21;206:14; 207:19;235:6; 240:21;257:10	<b>identify (3)</b> 161:21;271:24; 281:5	<b>information (16)</b> 134:7,13,14;135:6; 156:22;157:4; 160:21;171:8;178:8; 179:22;181:20,22; 219:13;287:17,18; 312:16	<b>into (32)</b> 148:20;149:13,19; 150:7;153:11; 158:10;174:10,16,21; 177:11;180:14; 198:5;204:11; 205:15;220:3; 222:11;223:23; 224:24;225:5,22; 229:2;241:10;243:7; 261:12;272:21; 275:11;280:24; 288:19;291:7,11; 316:15;325:24	<b>judged (1)</b> 238:7
<b>hires (2)</b> 234:20;330:5	<b>III (1)</b> 298:13	<b>initial (2)</b> 294:5;299:2	<b>introduced (1)</b> 182:12	<b>judging (1)</b> 238:22
<b>hiring (8)</b> 144:2;153:13; 200:18;204:19,21; 219:22;330:2;334:17	<b>imagine (5)</b> 152:19;182:22; 189:15;196:19; 235:10	<b>initially (5)</b> 147:18;157:15; 172:7;293:9;296:4	<b>introduction (3)</b> 213:19,20;287:23	<b>judgment (1)</b> 212:17
<b>history (1)</b> 169:18	<b>impart (1)</b> 216:20	<b>inordinate (1)</b> 317:25	<b>invitation (1)</b> 213:14	<b>July (1)</b> 282:6
<b>hit (2)</b> 187:15;284:13	<b>implementation (1)</b> 299:25	<b>input (1)</b> 157:20	<b>invite (1)</b> 182:10	<b>K</b>
<b>Hmm (1)</b> 263:15	<b>important (6)</b> 164:23;165:11,22; 239:11;240:23;316:6	<b>insisted (2)</b> 266:17,20	<b>invited (2)</b> 211:10;213:12	<b>Karen (2)</b> 185:9;327:11
<b>hold (4)</b> 217:25;218:22; 252:5;312:19	<b>impress (1)</b> 325:20	<b>instance (5)</b> 169:10;226:16; 242:5,8;305:21	<b>inviting (1)</b> 212:19	<b>Kate (6)</b> 270:25;271:3,4,5, 20,22
<b>holding (5)</b> 208:8;227:16; 279:9,18;283:17	<b>improve (2)</b> 243:15,22	<b>Instead (1)</b> 252:22	<b>involve (1)</b> 218:16	<b>Kate's (1)</b> 271:24
<b>honor (1)</b> 167:10	<b>Incidentally (1)</b> 231:11	<b>institute (1)</b> 249:22	<b>involved (5)</b> 233:18;244:5,25; 245:3;247:22	<b>keep (3)</b> 264:12;296:14; 317:3
<b>honors (1)</b> 167:9	<b>in-class (1)</b> 223:18	<b>institutions (3)</b> 233:23;236:9; 238:12	<b>involvement (1)</b> 314:10	<b>keeping (1)</b> 316:16
<b>hope (2)</b> 324:5;332:23	<b>include (14)</b> 159:23;160:12; 185:23;214:4,6; 227:19;268:6; 286:23;297:13,14,15, 16,19;316:3	<b>Instruction (13)</b> 147:8;165:7; 215:16;245:21; 246:17;247:4;248:5; 250:9,13;306:16; 310:15;324:11,21	<b>involves (1)</b> 216:3	<b>keeps (1)</b> 264:15
<b>hour (3)</b> 190:25;222:22,22	<b>included (3)</b> 147:11;210:3; 213:20	<b>instructor (2)</b> 230:9;243:6	<b>involved (1)</b> 232:23	<b>key (4)</b> 195:11,25;196:25; 321:21
<b>hours (21)</b> 175:12;190:20,23; 218:2,4,23;222:7,14, 21,22,23;223:7,11; 224:20;226:15; 227:17;228:24; 229:2;272:12,14,15	<b>includes (2)</b> 185:25;287:15	<b>instructors (3)</b> 215:24;243:19; 256:3	<b>issues (8)</b> 166:8;170:18,20; 171:21;172:10,10,18; 289:12	<b>kind (24)</b> 144:25;168:4; 174:2;201:6;202:14, 23;203:4;211:5; 217:8;219:24;224:3; 225:18;232:9; 239:21;240:8; 242:24;243:11; 260:22;266:11; 272:22;273:3,19; 276:7;322:25
<b>housed (1)</b> 304:18	<b>including (7)</b> 164:2;171:25; 222:4;233:21; 306:20;308:22; 309:11	<b>instrument (1)</b> 235:17	<b>issue (6)</b> 165:4;195:24; 258:15;262:15; 263:9;265:9	<b>kinds (6)</b> 141:13;229:6; 273:7,22;289:12; 318:4
<b>huge (1)</b> 274:6	<b>increase (1)</b> 226:6	<b>instruments (1)</b> 235:17	<b>issues (8)</b> 166:8;170:18,20; 171:21;172:10,10,18; 289:12	<b>knew (4)</b> 264:8;270:12; 276:5,6
<b>human (2)</b> 202:7,10	<b>indeed (4)</b> 229:4;230:9; 260:21;261:11	<b>insufficient (1)</b> 188:16	<b>J</b>	<b>knowing (1)</b> 234:19
<b>humanities (2)</b> 233:6;236:24	<b>indefinite (1)</b> 318:13	<b>intending (1)</b> 244:15	<b>January (1)</b> 197:16	<b>knowledge (20)</b> 175:23;183:16; 186:4,7,9;189:18; 191:11;195:9; 199:15,17;216:20; 220:7;259:6,8; 269:24;278:7; 280:13;289:17; 304:10;323:14
<b>hundred (4)</b> 224:9,9;266:7; 329:2	<b>independent (1)</b> 140:15	<b>intercorporate (1)</b> 195:22	<b>job (15)</b> 134:7,9,16;135:8, 10;136:8;140:25; 150:20;201:23; 221:20;228:3;232:7; 236:12;242:12; 325:12	<b>known (2)</b>
<b>hypothetical (1)</b> 155:18	<b>indicated (1)</b> 158:25	<b>interest (1)</b> 157:22	<b>jobs (1)</b>	
<b>I</b>	<b>indicating (2)</b> 196:24;258:24	<b>interested (5)</b> 168:16;295:2,15, 17,23		
<b>ideally (1)</b>	<b>indication (1)</b> 141:16	<b>interesting (1)</b>		
	<b>individual (15)</b> 186:13,14;206:2; 218:20;225:2,10;			

190:20;271:5 <b>knows (1)</b> 326:22	<b>lectures (1)</b> 217:13 <b>legal (7)</b> 194:20;195:11; 196:10;283:9,10,19, 21	<b>limited (6)</b> 145:11;162:23; 166:10,11;172:8; 321:10 <b>limits (1)</b> 320:5	<b>looked (10)</b> 178:17;220:19; 221:2;240:14,18; 241:3;277:10; 286:17;309:18; 323:17	228:9;233:24;234:8; 235:11,14;246:15,16; 247:23;248:10,18; 255:12,13,15;259:9, 12;271:5;284:8; 287:17;293:21; 294:16;295:9; 316:19;323:22; 325:24;329:12
<b>L</b>	<b>length (5)</b> 151:7,9;187:20; 293:4;295:16 <b>less (3)</b> 237:22;316:5,6 <b>lesson (3)</b> 216:8,11,14 <b>lessons (4)</b> 218:21;231:5; 235:15,16 <b>letter (6)</b> 134:11;145:10; 230:12;318:22; 319:5;330:8 <b>letters (10)</b> 144:4;186:6; 191:17;227:18,19; 228:6,10;230:5; 238:10;244:4 <b>level (13)</b> 143:20;184:14; 196:23;233:19,20; 240:25;249:23; 250:8;253:10;268:2; 269:21;272:17; 332:13 <b>Levin (4)</b> 270:25;271:11; 272:5,8 <b>LEVINE (35)</b> 135:8;136:17; 156:21;170:22; 174:17;177:13,17; 180:8;182:19;197:2, 7,11;208:21;209:6, 12;215:7;251:15; 252:11,19;253:4; 255:22;258:9,13; 272:2,7;281:15,22; 287:10;292:25; 304:2;312:15,21; 314:18;315:10; 331:13 <b>LEVY (4)</b> 135:17;283:23; 296:8;315:9 <b>Library (1)</b> 171:7 <b>life (1)</b> 234:13 <b>likely (9)</b> 184:19;225:7,21; 226:6;231:22,23; 236:24;239:23; 328:20 <b>limit (1)</b> 320:4	<b>line (8)</b> 165:4;205:19; 296:23;297:9,11; 298:5,24;327:22 <b>linked (2)</b> 150:8 <b>Lisa (1)</b> 311:2 <b>list (8)</b> 162:3,6;203:7,8,9, 10;210:9;323:3 <b>listed (9)</b> 135:11;182:16; 187:10;311:12; 315:3,7,10;324:16,17 <b>lists (1)</b> 267:9 <b>literature (2)</b> 246:19;247:5 <b>little (5)</b> 198:19;199:2; 218:18;234:23; 298:25 <b>load (16)</b> 138:6,8;189:2; 221:22;222:20; 224:5;225:12;226:9; 227:14;228:12; 230:21;231:3; 235:22;237:8,21; 269:6 <b>loads (2)</b> 235:21;236:8 <b>long (2)</b> 250:18;262:12 <b>longer (2)</b> 253:13;326:21 <b>long-serving (1)</b> 326:22 <b>long-term (1)</b> 270:11 <b>long-time (1)</b> 141:23 <b>look (32)</b> 145:9;148:10,11; 155:23;163:11; 167:4;172:4;173:12; 179:9,22,24;180:22; 192:19;205:8;207:9, 10;227:6;240:24; 254:21,23;259:23; 266:25;267:7; 274:13;281:11; 289:13;293:14; 296:10;298:6; 308:25;319:21; 332:25	<b>looking (17)</b> 144:3;148:8;158:6; 161:25;179:3;186:5; 201:23;202:15; 203:4,5;235:19; 249:7;297:23; 309:12;312:24; 333:5;335:6 <b>looks (3)</b> 168:19;177:8; 264:17 <b>lot (8)</b> 182:21;200:14; 245:20,24;246:4; 253:2;290:22,22 <b>love (1)</b> 318:21 <b>lovely (1)</b> 318:13 <b>lower (2)</b> 181:2,4 <b>lowest (1)</b> 189:22 <b>lunch (2)</b> 251:5,6	<b>March (1)</b> 285:4 <b>mark (2)</b> 168:15;173:10 <b>marked (10)</b> 174:20,24;180:13; 194:7,8;282:6; 288:19,24;298:13,19 <b>market (1)</b> 140:25 <b>match (1)</b> 168:22 <b>material (1)</b> 164:18 <b>math (1)</b> 317:3 <b>matter (7)</b> 212:15;242:3,6; 243:12;265:6;303:6, 8 <b>max (2)</b> 147:16;190:11 <b>maximum (4)</b> 139:23,24;189:6, 16 <b>may (53)</b> 153:5;156:21; 171:21;174:15; 177:3;182:19; 188:17;195:2;204:3, 3;205:11;206:5; 223:9,16;231:21; 235:13,13,15,16; 244:2;249:15;250:6; 253:5;263:3,18; 269:6,14;273:9,10; 275:4,8;277:6; 281:16;285:2,3,8; 286:23;289:8;296:4, 6,10;297:21,22; 304:21;317:2;318:3, 10;319:7,8;322:15; 324:2;326:17,19 <b>maybe (5)</b> 157:24;180:8; 243:18;253:21;304:5 <b>mean (33)</b> 139:10;142:23; 152:13;163:6,8,11; 167:12,19;181:11,22; 183:7,18;187:25; 196:2,3,19;199:10, 20;206:16;246:4; 252:4;261:15;
			<b>M</b>	
			<b>main (1)</b> 231:11 <b>maintain (1)</b> 325:6 <b>maintaining (1)</b> 241:4 <b>major (8)</b> 222:11;229:17,21; 230:2;268:15,23; 269:6,9 <b>majority (8)</b> 149:14;184:18,19; 191:8;224:24;233:3; 259:14;319:11 <b>makes (1)</b> 219:10 <b>makeup (3)</b> 160:15;163:6,9 <b>making (9)</b> 178:18;179:6; 198:24;206:3; 212:17;222:11; 321:17;333:10; 334:18 <b>management (1)</b> 167:6 <b>many (31)</b> 166:18;205:9; 223:11;227:15,16,18;	

277:19;281:10; 314:16;316:12; 317:2;322:13,18,18; 328:7;329:22;333:15 <b>means (4)</b> 158:3,4;244:3; 245:24 <b>medical (1)</b> 206:7 <b>meet (5)</b> 212:20,21;216:15; 224:7;323:3 <b>meeting (20)</b> 174:10;175:24; 176:17;181:23; 224:8;226:14; 258:16;260:10,14,16, 23;261:17;263:7,13; 264:7,22;285:3,4; 320:13,20 <b>meetings (35)</b> 138:14,16;165:13, 16;174:23;175:6,10, 13,16,19;176:11,12, 13,20;178:24;179:5, 15;182:15;208:14; 211:7,10;258:23; 259:10,17;261:2,21; 262:15;264:5,14,24; 265:21,23;273:15; 322:15;323:3 <b>meets (3)</b> 201:8;308:16,19 <b>member (30)</b> 138:7;143:13,21; 169:14;179:21; 184:24;189:11; 225:3,11;227:7; 260:9,12,22;261:10; 262:17;273:11; 283:2;306:25;307:8; 309:9;324:14,15; 325:4,21;327:16; 329:7;332:14;333:4; 335:11,17 <b>members (57)</b> 138:15;140:6; 156:18;157:9; 159:22,25;160:4,10, 10,12;162:15,23; 163:2;167:17,19; 170:17,21;173:2,4; 176:3,16;179:23; 181:14,21;182:7,11; 189:20;192:22; 212:21;220:16,24; 221:10;241:11; 259:4,25;264:4; 265:14;266:2; 268:12;271:21; 274:21;276:24; 280:11;284:24; 286:20;291:16;	305:5,20;306:19; 308:15;313:12,21; 314:6;315:14; 324:13,15;332:20 <b>membership (3)</b> 167:21;184:11; 315:22 <b>memory (2)</b> 294:22;311:5 <b>mentioned (5)</b> 138:24;174:22; 204:8;205:4;322:8 <b>mentoring (1)</b> 239:24 <b>merely (1)</b> 283:20 <b>method (2)</b> 187:23,25 <b>methods (1)</b> 147:3 <b>MFA (2)</b> 150:15;249:4 <b>MFAs (1)</b> 248:20 <b>middle (1)</b> 182:5 <b>might (18)</b> 156:23;182:18; 205:9;225:14;227:3; 233:21;237:12,18; 239:19,23;271:4; 277:9,20;281:14; 294:17;305:2,6; 317:13 <b>mind (2)</b> 191:21;318:23 <b>minimum (1)</b> 189:19 <b>minimum/maximum (1)</b> 191:12 <b>minority (1)</b> 267:5 <b>minute (3)</b> 135:18;253:22; 309:2 <b>Minutes (1)</b> 177:7 <b>mish-mash (1)</b> 266:12 <b>miss (3)</b> 179:7;311:7,8 <b>missing (2)</b> 315:7;322:15 <b>mistaken (1)</b> 300:19 <b>model (1)</b> 302:17 <b>moment (13)</b> 137:5;169:24; 234:11;249:8; 258:14;265:25; 270:8,20;313:14; 316:17;318:6,11;	328:9 <b>moments (1)</b> 213:3 <b>money (3)</b> 316:6;317:22; 321:5 <b>month (2)</b> 276:21;308:20 <b>more (43)</b> 140:24;148:22; 156:23;157:8; 166:18;167:6; 197:24;202:19; 204:14;206:19; 208:25;219:11; 224:17;225:7,21,22; 226:6,25;227:15,16, 18;236:24;239:7; 241:4;242:14,22,23; 252:23;259:24; 289:13;294:23,25; 295:2,15;302:11,14, 20;303:3,16;318:8; 319:22;321:10;334:6 <b>morning (2)</b> 137:18,19 <b>most (26)</b> 164:23;184:19; 190:11;212:18; 216:25;217:5,10; 230:11;232:10; 233:17;235:20; 238:2;247:3;248:10, 20;251:8;252:22; 255:6,18;256:2; 281:9;286:21;290:2, 20,23;314:16 <b>move (11)</b> 155:19;170:6; 174:16;177:4,10; 197:3;203:16;221:8; 238:2;287:10;293:2 <b>moving (4)</b> 289:11;295:25; 304:5;326:4 <b>much (12)</b> 143:25;146:13; 221:19,25;222:8; 224:2;243:4;274:17; 313:4;320:7;321:10; 328:23 <b>multiple (1)</b> 303:12 <b>multiplier (1)</b> 223:8 <b>multipliers (1)</b> 222:21 <b>multiply (1)</b> 223:6 <b>MUNOZ (50)</b> 136:13,24;137:4, 17;140:5;152:12; 153:10;156:11,13;	157:6;158:13,21,23; 160:20;161:9;172:3; 173:9;174:15;177:3, 10;181:18;183:3,23; 194:6;197:3,25; 199:7,9,14,18;200:9; 208:24;210:21; 211:24;249:18; 266:9,21;278:5; 280:21;281:6,20; 282:8,15;284:3; 288:7,14,17;296:12; 303:24;304:4 <b>music (7)</b> 234:22,23,24; 235:7,11,13,15 <b>myself (8)</b> 162:13;189:9; 207:9;221:6;243:15; 275:9;294:22;308:10 <b>N</b> <b>name (3)</b> 274:4;323:25; 324:4 <b>narrow (1)</b> 172:7 <b>narrowing (1)</b> 234:3 <b>narrowly (1)</b> 174:5 <b>national (16)</b> 139:3;186:12,16, 23;199:23;200:21, 25;202:13;204:5; 207:7;238:5,19,22; 239:9;241:25;243:25 <b>nature (1)</b> 143:8 <b>nearly (1)</b> 172:22 <b>necessarily (6)</b> 217:7;240:6; 248:21;249:4; 251:17;255:3 <b>necessary (1)</b> 222:4 <b>need (42)</b> 147:7;148:16; 158:10;189:8,9; 197:4;201:5;203:19; 204:11;205:11,17,25; 206:2,4;209:25; 212:10;216:12,14,17; 217:18;231:4; 235:19;236:17; 238:5,7;248:2;252:9; 270:2,18,19;274:18; 296:9,10,11;300:9; 307:2,18,23;309:20; 325:24;329:5;333:6 <b>needs (9)</b>	148:12,13;203:25; 207:10;286:25; 327:23;332:25; 333:5;335:2 <b>negative (1)</b> 260:7 <b>negatively (1)</b> 267:23 <b>neither (1)</b> 169:7 <b>New (11)</b> 155:19;173:15; 182:7,11;211:7; 213:19;222:9; 225:20,22;306:11; 320:19 <b>next (7)</b> 198:19;237:19; 285:21;307:9; 310:16;325:16; 331:14 <b>Nodding (3)</b> 149:8;150:22; 254:8 <b>none (2)</b> 315:14,18 <b>nonresponsive (1)</b> 278:4 <b>nontenurable (5)</b> 160:14;163:19,20, 21,22 <b>nontenured (5)</b> 157:10;158:4; 163:25;239:3;329:6 <b>nor (1)</b> 169:7 <b>norm (6)</b> 146:20;147:9; 189:3;190:5,7; 236:10 <b>normal (1)</b> 189:24 <b>normally (5)</b> 179:9;263:14; 307:11;332:15,17 <b>Northrop (1)</b> 311:2 <b>note (1)</b> 183:9 <b>noted (6)</b> 135:21,25;183:14; 214:11;336:4,10 <b>notes (1)</b> 289:10 <b>notice (2)</b> 152:20;283:14 <b>noticed (2)</b> 153:5;325:15 <b>notification (1)</b> 201:12 <b>number (19)</b> 149:20;188:16; 190:13;206:17;
---	--	--	---	---

218:4;222:7,13; 223:6;228:25; 233:10;246:7;255:9; 259:21;264:13; 272:14;287:23; 293:19;316:23; 317:25 <b>numbers (6)</b> 205:13;229:21; 246:4,5;252:13,22	218:2,4,23;224:20; 226:15;227:17; 272:11,14,15,22; 286:4,7;290:23; 291:9;304:7,11,13; 305:2;318:8;330:11; 335:5 <b>OFFICER (136)</b> 134:2,22;135:3,14, 19;136:2,15,20,25; 137:6,10;139:9,16, 22;140:2;152:3,8,15; 154:24;155:9;156:4, 9;157:3,23;158:19, 25;160:17,24;161:5, 16,20,24;163:3; 169:21;170:2,7,11; 171:9,14,17,19; 172:11;174:18; 177:15;180:11,15,18, 21;181:2,9,16;183:6, 13;185:19;190:18, 22;197:9;199:25; 200:6;209:25; 210:11;211:25; 212:4,25;213:6,11, 17;214:3,7;215:5,16; 248:5;252:2,5,8,12, 21,25;253:24;254:9; 256:4,13,20,25; 257:4,8,16,24;258:8, 10;271:23;274:16; 278:9,16,22;279:4,8, 13,16,22;280:7,9,14; 281:3;282:14;288:4, 10,15,21;289:4,16, 21,24;290:5,9,14,25; 291:13,18,20;292:8, 12,16,20,23;313:18; 314:5,9,14,17; 330:25;331:3,11,23; 336:2,8 <b>offices (3)</b> 146:7,12;305:4 <b>official (7)</b> 283:15,23;287:2,7, 16,18,21 <b>off-ladder (11)</b> 166:5,8,12;309:8; 314:22;316:4;328:5, 10,12;333:13,15 <b>off-ladder' (1)</b> 333:25 <b>often (7)</b> 168:8;186:7; 212:20;222:19; 223:5;224:7;262:10 <b>old (1)</b> 222:11 <b>once (6)</b> 201:18;212:13; 218:5;308:19,20,21 <b>one (68)</b>	135:17;139:5; 143:2,4,5,16;144:9; 162:21;163:18; 165:2;168:2,13; 169:10,10;171:12; 189:4,12;193:9; 194:25;205:24; 209:5,19,19;228:7,8; 231:11;233:19,20; 242:20;245:10; 247:8;261:4;264:15; 266:22;272:16; 281:10;282:18; 285:20;286:16; 290:24;291:18,21; 293:25;301:18; 302:22;303:5,17; 304:25;308:15,16; 310:24;311:13,16,17, 18;312:6;314:16,21; 318:21;320:4; 321:12;322:14; 323:7;324:14,16,17; 325:18;327:10 <b>one-point (2)</b> 189:24;190:2 <b>ones (21)</b> 141:25;142:8; 145:5,7;148:5; 157:12;161:11; 162:12,16;163:25; 165:18,23;166:6; 167:24;175:14; 212:18;294:23; 295:3;309:20;311:6; 325:25 <b>one-year (5)</b> 204:10;293:9,12, 17;294:7 <b>ongoing (1)</b> 193:21 <b>online (5)</b> 144:10;187:10,11; 202:12;275:22 <b>only (20)</b> 142:24;145:13,23; 162:24,24;166:12; 169:9;176:3;191:2; 204:7;243:23;250:3; 284:6;305:14; 309:23;323:5; 324:16,17;325:25; 328:9 <b>onto (1)</b> 284:12 <b>open (1)</b> 292:5 <b>opened (1)</b> 134:3 <b>opening (1)</b> 168:25 <b>operating (1)</b> 330:25	<b>opinion (3)</b> 220:10;268:19; 270:22 <b>order (1)</b> 216:15 <b>organist (1)</b> 235:4 <b>originally (1)</b> 149:12 <b>others (2)</b> 157:20;271:21 <b>otherwise (1)</b> 190:20 <b>ought (1)</b> 298:22 <b>out (28)</b> 151:17;168:13; 172:4;179:14,17; 181:25;182:4,9; 183:21;202:6;210:5; 213:16;216:12; 218:21;224:6; 231:22;238:11,21; 243:20;260:15; 264:4;270:13; 281:15;287:16,21; 322:11;326:13; 328:12 <b>out-of-class (1)</b> 223:18 <b>out-of-classroom (1)</b> 222:4 <b>outside (13)</b> 222:23;223:11; 231:16;249:7;250:5; 251:8;253:15; 254:16,20,24;255:25; 314:10;331:21 <b>over (13)</b> 134:10;215:12; 224:13;228:4; 246:11,12;283:12; 294:24;296:8; 299:13;317:18; 319:22,25 <b>overnight (1)</b> 312:16 <b>overruled (1)</b> 281:4 <b>Overtalking (7)</b> 161:8,15;251:14, 19,22,25;252:10 <b>overview (1)</b> 334:24 <b>own (6)</b> 146:7,11;302:4; 306:10;326:18;329:9	198:19;199:2,3,3; 281:17,19,21;282:3, 10,20,21,21;284:6, 10,13;286:3;289:14; 298:9,14;312:25; 325:16;335:21 <b>pages (4)</b> 165:25,25,25; 224:9 <b>pagination (1)</b> 298:17 <b>paid (6)</b> 178:13;188:3,6,7, 10,12 <b>paragraph (1)</b> 180:23 <b>part (21)</b> 145:2;147:11; 176:25;193:20; 209:19,20;210:7; 213:18;216:20; 220:19;229:17; 236:12;238:11; 248:3;259:17; 261:12,14,25;268:9; 318:7;323:7 <b>participate (2)</b> 267:24;326:8 <b>participated (2)</b> 262:11;299:23 <b>participates (1)</b> 186:15 <b>particular (13)</b> 169:18;171:24; 178:14;185:18; 205:18;207:12; 212:11;227:12; 262:16;270:20; 298:4;315:16;320:8 <b>parties (2)</b> 136:7;311:10 <b>part-time (7)</b> 143:10;186:7,10; 215:15,16;272:7,9 <b>passed (1)</b> 301:22 <b>past (1)</b> 282:22 <b>pattern (1)</b> 260:21 <b>pay (2)</b> 192:19;193:10 <b>payment (2)</b> 187:24,25 <b>pedagogical (1)</b> 216:15 <b>pedagogy (4)</b> 193:24;238:8; 240:15,17 <b>people (27)</b> 167:5;168:21; 169:16;190:13; 202:11;207:11,15;
<b>O</b>		<b>P</b>		
<b>oath (2)</b> 137:3;215:6 <b>object (4)</b> 199:9;251:10; 278:6;280:21 <b>objection (9)</b> 174:17;180:10; 182:20;183:7,14; 199:11;252:6;281:7, 14 <b>objections (1)</b> 288:5 <b>obligation (2)</b> 179:19;245:14 <b>obligations (11)</b> 224:18;237:4,6; 238:24;239:5,13,14; 240:12;260:17; 261:18;280:10 <b>obtained (1)</b> 152:5 <b>obviously (7)</b> 150:8;166:11; 238:15;249:8,21; 283:6;314:22 <b>occasions (1)</b> 259:7 <b>occur (4)</b> 240:2;301:14,15; 330:22 <b>occurred (2)</b> 195:2;276:4 <b>occurs (2)</b> 267:25;331:8 <b>October (2)</b> 182:16;286:9 <b>off (23)</b> 134:11;135:20,22; 137:5,6,8;151:19; 169:4;191:16;200:2, 4;208:23;209:3; 214:8,9;230:19; 251:6;255:5;268:3; 306:22;317:2;322:3; 336:6 <b>offer (1)</b> 206:20 <b>office (26)</b> 146:8;175:12; 178:13;202:6,9;	<b>P</b>		<b>page (29)</b> 177:25;178:2,11, 18,25;187:11;196:8;	

209:18;210:2; 212:12,14;227:9,21; 229:25;241:14; 242:12;257:20; 259:12;263:3,19,25; 264:18;265:12; 267:13,16;270:11; 329:2 <b>per (11)</b> 138:9;188:3,6; 189:4,5,16;205:23, 24;222:21,22;317:23 <b>percent (5)</b> 173:7;190:15; 262:23;266:7;329:2 <b>percentage (2)</b> 255:14;317:8 <b>perform (3)</b> 235:11,13;242:25 <b>performing (2)</b> 235:14;325:10 <b>perhaps (6)</b> 168:12;216:22; 234:9,15;253:3,24 <b>period (6)</b> 209:5;290:19; 294:7;319:22;320:2; 321:13 <b>periods (1)</b> 246:11 <b>permanent (1)</b> 185:14 <b>person (15)</b> 151:22,23;155:25; 156:2;238:15,19; 242:20;281:12; 283:17;314:24,25; 327:18,25;328:15,19 <b>personal (1)</b> 299:21 <b>personnel (15)</b> 153:23;154:12,21; 261:23;274:24; 275:11;276:11; 284:21;285:7;291:5, 23;293:15;297:4; 332:10,10 <b>petition (1)</b> 134:8 <b>petitioned (1)</b> 139:19 <b>petitioner (4)</b> 135:7,9;136:9,16 <b>PhD (10)</b> 150:12,13,14; 152:5,23;153:7; 241:23;248:4;254:2; 257:9 <b>PhDs (9)</b> 241:15,20;248:11, 19;251:9;254:16,20; 255:19,21 <b>philosophy (1)</b>	297:14 <b>phrase (3)</b> 216:7,9;243:24 <b>phrased (1)</b> 256:10 <b>phys (2)</b> 243:19;311:3 <b>physical (2)</b> 242:17,24 <b>picked (3)</b> 271:7,20,21 <b>piece (2)</b> 158:10;281:23 <b>place (1)</b> 281:11 <b>placed (3)</b> 159:13;239:8,8 <b>plan (4)</b> 216:14;217:18; 218:20;231:5 <b>Planning (8)</b> 162:22;201:4,8; 203:20;204:15; 219:9;220:2;309:25 <b>plans (3)</b> 216:6,8,11 <b>playing (1)</b> 250:17 <b>Please (9)</b> 134:13;136:25; 143:17;148:2;200:2; 238:14,17;317:4; 334:11 <b>plot (2)</b> 179:14,17 <b>plus (1)</b> 299:14 <b>pm (4)</b> 214:11;215:3; 336:4,10 <b>point (17)</b> 154:3;163:16; 172:13;178:23; 190:19;193:8; 204:16;205:10; 210:18;219:12; 225:23;259:2; 265:11;270:14; 275:9;285:4;318:3 <b>points (3)</b> 187:16;189:25; 287:17 <b>policies (1)</b> 283:12 <b>policy (4)</b> 142:2;319:21; 320:9;321:23 <b>POP (1)</b> 237:12 <b>POPs (4)</b> 249:18,19;266:4, 14 <b>position (16)</b>	139:14;140:23,24; 150:7;185:14,16; 200:23;201:7; 202:14,23;203:6,22; 236:17;242:2,13; 314:6 <b>positions (3)</b> 169:16;205:13; 312:15 <b>possibility (1)</b> 204:13 <b>possible (9)</b> 146:11;151:3,13; 176:12;234:21; 273:18;303:2;319:2; 331:4 <b>possibly (2)</b> 224:23;263:15 <b>posted (4)</b> 178:24;180:6; 201:24;202:3 <b>posting (2)</b> 202:3,21 <b>postings (2)</b> 202:5,8 <b>potentially (2)</b> 139:18;141:21 <b>power (2)</b> 198:9,20 <b>Powers (1)</b> 198:8 <b>practical (2)</b> 232:4,25 <b>practice (18)</b> 138:2;173:24; 185:10;231:2,13,18; 232:11,13,22;235:3, 4;237:11;269:14; 295:5,8,20;297:17; 301:20 <b>practices (1)</b> 167:15 <b>practicing (1)</b> 231:24 <b>precise (5)</b> 222:13;263:17; 320:11,23,24 <b>precisely (1)</b> 293:15 <b>predecessor (2)</b> 285:19;288:22 <b>prefatory (2)</b> 282:20;287:24 <b>preference (3)</b> 168:13;186:16,24 <b>preparation (5)</b> 223:12;224:10,25; 225:6;226:12 <b>prepare (4)</b> 216:4,17;218:19; 225:15 <b>prepared (1)</b> 136:7	<b>preparing (3)</b> 224:19;225:20; 226:13 <b>present (2)</b> 259:4;264:24 <b>presentation (1)</b> 135:16 <b>presentations (1)</b> 297:18 <b>presented (2)</b> 183:11;282:13 <b>president (6)</b> 174:3;176:15; 195:16,17;236:4; 276:10 <b>pretending (1)</b> 250:18 <b>pretty (4)</b> 172:14;177:8; 190:17;247:12 <b>previous (3)</b> 151:24;286:11,13 <b>previously (3)</b> 198:12;272:10; 288:9 <b>primarily (3)</b> 218:9,25;246:15 <b>primary (11)</b> 215:25;217:21; 218:13;220:8,11; 221:12,14;226:2; 333:9;334:16,18 <b>printed (2)</b> 275:13;281:15 <b>printout (1)</b> 278:14 <b>prior (6)</b> 136:10;274:19; 275:20;279:25; 283:14;290:16 <b>privileged (1)</b> 317:17 <b>privileging (1)</b> 318:5 <b>probably (12)</b> 167:13;170:5; 184:17;190:17; 234:22;237:15; 293:14;294:22; 297:3,5;319:11; 327:21 <b>probationary (1)</b> 294:7 <b>problem (5)</b> 258:11;281:24; 292:24;298:6;332:15 <b>procedural (1)</b> 265:3 <b>procedure (3)</b> 201:19;203:19; 204:5 <b>procedures (28)</b> 139:4;148:18;	165:5;168:2;173:14, 19,20;174:8;177:6; 195:5;203:24; 274:24;275:11; 276:12;283:13; 284:21;285:7;291:5, 23;293:15;297:4,8; 300:2;310:3;326:18; 327:21,24;330:21 <b>PROCEEDINGS (6)</b> 134:1;135:1;136:1; 137:1;215:1;336:1 <b>process (39)</b> 145:7;147:15; 148:2,3,6;149:6; 151:2;175:24;193:5; 199:22;200:24; 201:2,13,14;202:12, 18;204:19,21;207:3; 219:15;238:4,11; 241:25;284:20,20; 295:24;296:20; 297:24;298:11; 301:23;302:2; 305:25;306:3,12,18; 314:11;320:17,18; 326:16 <b>processes (2)</b> 268:10;299:22 <b>production (1)</b> 134:5 <b>profession (1)</b> 297:17 <b>professional (33)</b> 138:2;145:4; 173:24;185:10; 192:23,24;193:8,14, 17;194:2,5;205:5; 206:8;230:19;231:2, 13,17;232:3,10,13, 21;234:18;235:2,3; 237:10,11;244:6,8, 10,21;260:16;319:6; 335:9 <b>professionally (3)</b> 233:18;235:12; 245:16 <b>professionals (1)</b> 245:4 <b>professor (42)</b> 137:24,24,25; 138:3;149:4,5,21,22; 155:2,3,12,20,22; 156:3;169:11; 171:11,13;184:21; 185:9;190:9;215:8; 232:3,13;235:2; 239:22,25;252:16; 254:4,5,5;256:14,24; 257:18,18,19,25; 258:3;271:11;272:5, 8;293:3;328:19 <b>professors (20)</b>
---	--	--	---	---

149:16;173:22,23; 184:20;192:8; 213:24;218:12; 230:18,25;231:12; 232:21;233:10,17; 237:11;240:10; 247:4;255:9;306:5, 10;328:23 <b>program (2)</b> 226:19,20 <b>programs (1)</b> 229:7 <b>prohibition (2)</b> 184:21,23 <b>promising (1)</b> 212:18 <b>promoted (5)</b> 193:3;247:24; 301:8;302:21;327:18 <b>promotion (11)</b> 149:24;150:25; 162:20;165:3;262:4, 5;276:3;279:2;307:5, 7;309:22 <b>promotional (1)</b> 149:6 <b>promotions (2)</b> 150:4;307:21 <b>promulgated (3)</b> 134:9;276:20; 283:24 <b>proposal (2)</b> 166:4;244:12 <b>proposed (1)</b> 267:14 <b>provide (6)</b> 166:23;246:17; 247:3;272:11;273:6, 12 <b>provided (2)</b> 134:21;250:14 <b>provides (3)</b> 272:19;277:17; 281:17 <b>providing (4)</b> 249:22;250:9; 272:19;288:12 <b>provisions (2)</b> 198:21;275:21 <b>provost (87)</b> 144:6;147:24; 153:22;154:2,4,6,13, 16,18;166:7;174:3; 175:4,5;177:24; 178:2,11,13,15,18, 25;179:2,24;187:11; 191:16;195:15; 196:23;201:16; 202:6,8;204:9; 205:21;206:24; 215:10,19,20;219:5, 23,23,25;220:13; 228:12,21;236:5; 261:10,22;268:2,5; 269:19,21;270:3; 271:15;276:10; 278:20,24,25;284:6, 10,12;285:11;286:5, 9,13,14;290:16,18, 19,20;291:16; 299:24;300:5; 303:10,19,21;310:21; 315:9,11;322:9; 325:3,9;329:5,15,20, 24;331:22;332:2,8; 335:5 <b>provost's (4)</b> 144:7;286:7;318:7; 330:11 <b>publications (1)</b> 280:3 <b>published (1)</b> 289:18 <b>pull (3)</b> 183:19;192:17; 302:8 <b>put (15)</b> 156:2;158:18; 165:9;168:10;170:9; 174:16;198:5; 205:14,16;236:18; 244:11;281:2,7; 287:12;297:12 <b>puts (1)</b> 219:10 <b>putting (3)</b> 201:15;222:8; 225:21	222:15,16,17;223:16; 225:14;326:14; 331:19,20,21 <b>rank (6)</b> 254:3;265:12; 266:13;306:6,20; 328:5 <b>ranks (16)</b> 134:12;248:5,6; 253:7,7,10;255:10; 256:3;266:3,14; 293:5;306:10;325:7; 331:15,18;333:13 <b>rare (1)</b> 270:5 <b>rates (1)</b> 189:19 <b>rather (2)</b> 247:4;325:10 <b>rational (1)</b> 205:16 <b>re (1)</b> 237:23 <b>reached (2)</b> 270:13;318:6 <b>reaching (1)</b> 238:21 <b>reacting (1)</b> 261:7 <b>read (11)</b> 142:12;149:19; 161:22;165:24; 186:20;199:6; 201:17;221:5; 224:10;244:16; 261:23 <b>reader (2)</b> 183:8;210:14 <b>reading (3)</b> 181:11;209:8; 212:16 <b>real (1)</b> 270:18 <b>realized (1)</b> 285:5 <b>really (17)</b> 144:7;145:13; 154:3,5;182:24; 206:3,25;212:15; 224:5;241:3;245:3, 15;247:15;292:6; 326:24;332:2;335:6 <b>reappointed (5)</b> 149:7;152:9;301:2; 303:4,12 <b>reappointment (6)</b> 262:3,5;295:24; 296:24;301:14,22 <b>reappointments (1)</b> 302:16 <b>reason (5)</b> 206:7;294:19; 301:15;311:13; 321:14 <b>reasons (3)</b> 206:13;321:12; 325:23 <b>recall (4)</b> 152:19;196:2; 264:22;308:8 <b>recalling (1)</b> 270:7 <b>receive (12)</b> 138:17;142:10,25; 143:2,4,5,7;145:15; 191:8;201:11;211:5; 288:11 <b>received (5)</b> 150:14;152:23; 153:7;174:19;180:12 <b>receives (1)</b> 142:11 <b>receiving (3)</b> 274:2,10,12 <b>recent (9)</b> 197:24;235:24; 255:18;262:19; 286:21;290:2,24; 294:23;295:2 <b>reception (2)</b> 182:7,10 <b>recess (3)</b> 135:24;214:12; 336:5 <b>recognize (3)</b> 173:12;175:2; 194:10 <b>recollect (1)</b> 149:14 <b>recollection (1)</b> 277:9 <b>recommend (2)</b> 207:13;212:12 <b>recommendation (5)</b> 227:18,20;228:10; 230:6,12 <b>recommendations (2)</b> 212:14;335:3 <b>recommended (1)</b> 203:9 <b>recommends (2)</b> 307:8;325:4 <b>record (34)</b> 134:3,3;135:20,23; 137:5,7,9,11;149:19; 161:6;183:8;200:2,5, 7;209:8,18,19; 210:14;214:8,10; 215:6;261:12,15,20; 265:4,7;268:21; 274:10;282:11; 283:17;306:23,24; 334:4;336:7 <b>records (1)</b> 267:2 <b>recount (1)</b>	297:24 <b>refer (6)</b> 198:11;230:16; 267:18;283:9;287:6; 299:2 <b>reference (6)</b> 195:22;196:15; 248:17;282:25; 283:11;287:9 <b>referenced (6)</b> 195:24;205:2; 208:6;261:20;277:3; 291:10 <b>references (1)</b> 196:14 <b>referencing (1)</b> 181:13 <b>referred (8)</b> 161:3;165:6,23; 209:15;267:16; 287:7;305:13;332:5 <b>referring (19)</b> 134:23;153:13; 161:18;173:16; 181:3;198:14; 209:14;211:2; 244:20;245:12; 266:15;274:24; 279:5;291:22; 293:23;296:20; 298:8;299:11;324:9 <b>refers (4)</b> 176:11;180:23; 196:17;198:23 <b>reflect (3)</b> 149:23;150:19; 170:18 <b>reflected (1)</b> 217:17 <b>reflection (1)</b> 316:4 <b>refresh (1)</b> 277:9 <b>regard (2)</b> 136:11;180:22 <b>regarding (1)</b> 134:7 <b>regardless (3)</b> 306:4,19;334:21 <b>registrar (1)</b> 323:4 <b>regular (4)</b> 182:15;229:12; 264:4,5 <b>regularize (1)</b> 202:4 <b>regularly (3)</b> 176:19;178:25; 261:21 <b>regulations (1)</b> 223:11 <b>related (3)</b> 187:16;232:18;		
	<b>Q</b>			
	<b>qualifications (6)</b> 183:25;184:8; 201:21;203:7,8; 241:5 <b>qualifier (1)</b> 225:9 <b>qualify (2)</b> 271:4;272:24 <b>quality (3)</b> 241:2;250:8,12 <b>quickly (1)</b> 292:7 <b>quite (2)</b> 213:14;243:16 <b>quorum (12)</b> 259:3,7;264:17,20, 23,25;265:5,8,14,16, 17,18			
	<b>R</b>			
	<b>raise (1)</b> 312:3 <b>range (12)</b> 167:10;189:21,22;			

264:12 <b>relates (1)</b> 240:17 <b>relationship (1)</b> 291:22 <b>relatively (1)</b> 262:19 <b>release (2)</b> 228:22,24 <b>released (1)</b> 290:11 <b>relevance (1)</b> 283:19 <b>relevant (4)</b> 157:10;158:17; 182:25;311:9 <b>relief (1)</b> 228:17 <b>rely (2)</b> 281:12;282:12 <b>remember (7)</b> 139:5;144:17; 173:6;207:9;284:23; 312:5;327:10 <b>remembered (1)</b> 262:12 <b>remembering (1)</b> 317:3 <b>reminder (1)</b> 182:5 <b>reminders (2)</b> 181:25;182:2 <b>reminds (1)</b> 149:17 <b>renew (2)</b> 148:22;334:3 <b>renewable (83)</b> 139:18;141:6,9; 142:8,15;143:3,14, 22;144:12;145:8,21, 25;146:2;148:5; 153:16,20;157:12,19; 159:9;160:13;164:4; 173:6;181:8;184:24; 185:6;187:13; 188:10,23;191:14,25; 192:7;198:15; 200:11,18,19;205:5; 209:16;210:6;211:6, 21;219:16,22;232:3; 237:10;240:3; 241:11;242:19; 266:11,16;267:17; 268:23;269:8; 270:17;274:21; 276:23;280:11; 305:16;307:12; 308:6,24;309:9; 310:11,25;312:8; 314:23;315:15; 317:18;319:17,23; 321:3,11,20;326:7; 327:6;328:11,13,15;	332:7,14;333:22; 334:5,10;335:10 <b>renewables (4)</b> 230:16;237:23; 245:13;249:17 <b>renewal (3)</b> 148:23;204:13; 219:11 <b>renewed (49)</b> 139:21;141:6,20, 21;142:14;145:8,25; 159:8;160:5;162:13; 181:7;184:23; 188:11;193:20; 200:11,20;205:4; 209:23;211:6; 213:23;219:21; 232:2;237:9,23; 240:3;241:11; 242:19;249:17; 262:6;267:18; 268:23;270:16; 308:23;309:8; 310:11,24;312:7; 314:22;316:14; 317:18;319:23; 321:11,19;328:11,12, 15;333:15,21;334:9 <b>renewed/renewable (1)</b> 170:15 <b>repeat (2)</b> 162:12;302:24 <b>repercussions (1)</b> 260:8 <b>Rephrase (3)</b> 171:19;210:19; 334:10 <b>replaced (1)</b> 279:19 <b>replacement (2)</b> 287:4,14 <b>report (15)</b> 153:19,21,24; 154:22;165:13,16; 195:16;215:20; 219:23;228:7;261:9; 311:17,17,18,18 <b>reporting (4)</b> 153:17;154:5,16, 17 <b>reports (5)</b> 195:17;228:8; 261:23,24;311:19 <b>represent (5)</b> 175:24;272:2; 302:19,25;303:11 <b>representation (1)</b> 135:13 <b>representations (1)</b> 136:18 <b>representative (7)</b> 165:10,14;310:22; 311:22;324:23,24;	325:2 <b>representatives (3)</b> 310:23;311:15; 312:6 <b>republished (1)</b> 290:11 <b>reputation (4)</b> 238:6;249:25; 250:3,4 <b>request (11)</b> 134:13;135:10; 136:3;148:17;201:4, 8;203:23;205:15; 219:10;297:7;327:22 <b>requested (4)</b> 134:20;211:13,15, 17 <b>requesting (1)</b> 297:9 <b>requests (4)</b> 148:20;201:9; 220:3;230:13 <b>required (13)</b> 140:19;207:21; 208:13;211:12,21; 216:4;217:2,25; 223:13;228:18; 268:13;269:9;272:11 <b>requirement (2)</b> 269:17;323:2 <b>requirements (7)</b> 203:11;262:20; 274:20;276:23; 277:18;317:6;322:21 <b>research (3)</b> 138:21;140:12; 236:7 <b>reserve (1)</b> 198:9 <b>reserved (1)</b> 257:20 <b>resource (3)</b> 165:18;308:14; 313:8 <b>resources (2)</b> 202:7,10 <b>respect (1)</b> 283:16 <b>response (2)</b> 136:19;226:3 <b>responsibilities (14)</b> 150:21;156:5; 191:4;203:14; 208:18;216:16; 218:17;228:14; 229:6;236:12,14; 334:16,17;335:15 <b>responsibility (19)</b> 153:2;169:13; 177:2;191:23; 215:25;217:22; 218:13;220:9;221:5, 12,14;226:2;228:3;	229:18;239:24; 259:18;260:23; 333:9;334:18 <b>responsible (7)</b> 164:20,21;200:18; 208:8;236:15;330:2; 332:19 <b>responsive (1)</b> 278:6 <b>rest (1)</b> 263:6 <b>restate (1)</b> 276:25 <b>restructuring (1)</b> 318:7 <b>resume (1)</b> 240:24 <b>resumes (7)</b> 207:14,16;212:6, 16,17,18;248:9 <b>retired (1)</b> 234:11 <b>return (1)</b> 139:12 <b>review (25)</b> 147:11,12,14; 148:2,3,4;165:24; 166:2,2;172:23; 173:17;194:19; 262:15;293:22,23; 294:2;296:23; 298:11;299:4,22,25; 300:15;301:13; 302:2;322:23 <b>reviewable (10)</b> 160:6;162:14; 188:11;200:12,20; 209:24;213:24; 262:7;267:19;316:14 <b>reviewed (72)</b> 141:6,8,20;142:8; 143:3,14,22;144:11; 145:21,25;147:10; 148:5;153:15,20; 157:12,19;159:8; 160:13;164:4;165:8; 173:5;181:8;185:5; 187:12;188:10,22; 191:14,25;192:7; 193:6,19;198:14; 200:11,17,19;209:15; 210:6;211:21; 219:16;230:16; 237:23;245:12,13; 261:19;262:3; 266:11,15;267:17,22; 269:8;274:21; 276:23;280:11; 289:19;293:20; 294:15;295:9,12; 301:6;305:15; 307:12;308:6;309:9; 315:15;319:17;	321:3;326:7;327:5; 332:7,14;334:5; 335:10 <b>reviewed/renewable (1)</b> 163:7 <b>reviewing (2)</b> 178:6;282:11 <b>reviews (4)</b> 147:21;262:11; 299:7;302:15 <b>revise (3)</b> 290:7,8;291:12 <b>revised (3)</b> 279:10,19;280:2 <b>revising (4)</b> 276:4,12;277:2,25 <b>revision (4)</b> 285:14,18;289:11; 291:11 <b>revisions (7)</b> 222:12;277:25; 279:5;285:20,21; 290:10;291:3 <b>rewritten (1)</b> 285:8 <b>right (39)</b> 142:24,25;169:9; 170:4;176:4;183:20; 196:13;197:17; 215:10,11;217:5,9; 221:20;243:16; 244:7,8;245:13; 248:14;253:18; 260:2;266:8;267:12, 20;275:2;279:13; 294:18;298:10; 306:17;307:14; 310:9;311:2;312:24; 313:11;315:6; 319:14;324:3,8; 326:2;332:11 <b>right-hand (1)</b> 161:13 <b>rights (3)</b> 157:14;158:7; 196:25 <b>risk (1)</b> 250:25 <b>role (2)</b> 273:7;299:24 <b>Roman (1)</b> 298:12 <b>room (7)</b> 259:22,23;263:20; 264:17,19;265:6,8 <b>rotate (1)</b> 185:15 <b>rotating (3)</b> 169:3,4;185:16 <b>roughly (1)</b> 173:7 <b>round (2)</b> 316:23;318:3
--	---	--	---	--

<b>roundly (1)</b> 316:24	247:21;248:3;250:8; 274:20;276:22; 277:18;280:10; 297:16;317:6;328:24	192:25;193:2,7; 215:9;225:24;226:7, 9,17;230:17,20; 240:10,11;242:11,18; 244:9;247:24;268:3; 295:13,25;300:25; 301:3,6,7;302:6,15, 22;303:5;307:22,22; 311:3	274:19;306:10; 330:18,20	<b>simple (1)</b> 191:19
<b>rule (1)</b> 243:20	<b>sciences (1)</b> 236:21	<b>seniors (1)</b> 227:20	<b>sets (1)</b> 232:5	<b>simply (1)</b> 178:4
<b>run (1)</b> 247:16	<b>search (20)</b> 139:3;183:25; 186:12,16,23;200:21, 25;201:13,14,15,17, 20;202:13;203:15; 204:6,12;207:3,6,8; 241:25	<b>sense (2)</b> 166:13;178:18	<b>setting (1)</b> 239:9	<b>simultaneously (2)</b> 154:2,14
<b>running (2)</b> 226:18;251:6	<b>searches (1)</b> 199:24	<b>sent (7)</b> 153:25;179:23; 180:2;182:2,3; 201:11;202:6	<b>seven (5)</b> 193:11;302:17,17, 21;303:3	<b>single (1)</b> 324:23
<b>S</b>	<b>second (6)</b> 200:2;229:24; 230:20;236:19; 259:2;312:23	<b>separate (3)</b> 145:6;195:24; 299:18	<b>seventh (1)</b> 299:8	<b>sit (2)</b> 219:25;279:3
<b>salaried (1)</b> 188:2	<b>second-year (4)</b> 229:13;268:16,25; 269:3	<b>series (1)</b> 242:12	<b>seven-year (2)</b> 299:7;319:22	<b>site (1)</b> 287:13
<b>salaries (7)</b> 189:19;191:13; 330:18,20;331:7,8,12	<b>sectors (1)</b> 213:21	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>several (1)</b> 137:22	<b>sits (1)</b> 278:25
<b>salary (5)</b> 188:8,9,12,13; 190:10	<b>seeing (1)</b> 292:19	<b>September (1)</b> 182:6	<b>shaking (3)</b> 149:9;150:23,24	<b>sitting (2)</b> 250:25;277:16
<b>same (38)</b> 139:19;141:12; 142:2,9;144:12,25; 147:4;151:19,21,24; 159:17;165:14; 192:12;198:11; 199:22;203:19; 204:4;218:16; 220:23;226:3,4; 234:22;243:11; 266:22;272:18; 286:17,18;287:25; 288:3;304:12,14,15, 18;305:3;311:25; 313:19;316:8;319:16	<b>seek (1)</b> 272:25	<b>series (1)</b> 242:12	<b>share (2)</b> 134:14;146:8	<b>situation (1)</b> 152:17
<b>sat (1)</b> 152:9	<b>seeking (4)</b> 136:9;157:4; 272:23;273:3	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>shared (3)</b> 304:7,11;305:2	<b>six (7)</b> 190:6,17;222:3; 293:11;294:17,20; 300:15
<b>saw (2)</b> 178:9;324:3	<b>seemed (2)</b> 207:17;271:13	<b>series (1)</b> 242:12	<b>shook (1)</b> 192:18	<b>six-year (1)</b> 293:12
<b>saying (21)</b> 153:8;170:25; 178:7;179:3;181:11; 182:9;199:11;201:5; 206:25;222:24; 227:2;238:13; 243:13;244:6,24; 250:20;251:16; 252:22;271:20; 281:11;328:8	<b>seems (6)</b> 155:24;205:11; 283:4;284:5;294:9; 314:2	<b>series (1)</b> 242:12	<b>short (3)</b> 157:7;268:8; 290:19	<b>size (2)</b> 227:13;269:5
<b>scene (2)</b> 238:19,22	<b>selecting (1)</b> 333:9	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>shorter (1)</b> 321:13	<b>sizes (1)</b> 326:15
<b>schedule (2)</b> 175:11;176:24	<b>selection (1)</b> 314:11	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>show (5)</b> 174:23;194:7; 232:9;243:8,14	<b>skills (1)</b> 325:24
<b>scheduled (1)</b> 176:20	<b>semester (18)</b> 151:14,15;179:18, 18;187:18,18;189:5, 5;193:9;205:24,24; 221:23;222:3; 223:17;224:14,16; 244:13,14	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>showing (1)</b> 243:21	<b>slightly (4)</b> 145:6;263:21,22; 304:5
<b>scholars (2)</b> 198:21,23	<b>semester-by-semester (1)</b> 151:12	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>shown (1)</b> 258:18	<b>small (4)</b> 190:14,15;269:3; 326:19
<b>scholarship (33)</b> 140:14,18;148:10; 193:24;236:11,14,18; 237:2;238:6,14,17, 20,22,24;239:5; 240:12,16;241:2,2,9; 242:25;245:2,15;	<b>semesters (1)</b> 152:6	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>sic (4)</b> 145:25;162:14; 170:15;184:23	<b>smaller (4)</b> 142:22,23;319:20, 20
	<b>seminar (1)</b> 226:20	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>side (3)</b> 161:13;255:4; 289:10	<b>smiled (1)</b> 237:16
	<b>seminars (1)</b> 217:14	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>sign (3)</b> 191:16;330:4,11	<b>solely (3)</b> 162:25;233:6; 271:22
	<b>senate (2)</b> 165:10;310:22	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>signal (1)</b> 228:11	<b>soliciting (2)</b> 212:6,16
	<b>send (2)</b> 182:3;273:21	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>significance (4)</b> 149:25;157:18; 240:4;263:10	<b>somebody (4)</b> 240:24;242:23; 311:7;328:4
	<b>senior (35)</b> 167:14;173:24,25; 178:16;179:6;	<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>significant (6)</b> 224:11;227:23,23; 229:7;236:13;239:7	<b>someone (18)</b> 150:15;155:17,18, 23;168:10;228:5; 242:9;243:13; 252:15;256:14; 262:2;268:20; 272:18;311:8; 326:20,21;328:3,17
		<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>significantly (3)</b> 223:21;237:22; 239:2	<b>sometimes (2)</b> 272:24;329:3
		<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>signify (1)</b> 278:17	<b>somewhat (2)</b> 210:8;229:3
		<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>signing (1)</b> 151:19	<b>somewhere (1)</b> 269:15
		<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>similar (5)</b> 148:4;224:23; 236:8;257:6;273:10	
		<b>serve (24)</b> 156:18;157:13,20; 158:12;159:2,4,6; 162:17;169:8;184:6; 187:13;228:15; 266:4,24;267:6; 273:25;303:2;308:6; 315:17;322:9; 323:15;325:8; 328:20;334:7	<b>similarly (1)</b> 232:12	



<b>son (1)</b> 216:6	160:25;162:7,10; 164:10,15;166:16;	276:15;277:13	253:23	210:13,15,22;234:2;
<b>Sorry (11)</b> 152:16;170:22; 208:21;225:4;249:9; 296:2;299:8;304:2; 308:20;309:12; 313:18	167:24;171:10,25; 309:14	<b>strengthening (1)</b> 140:24	<b>summary (3)</b> 166:24;283:12; 287:22	243:5;245:15;248:8; 253:13,16,20;262:6; 266:22;268:15; 282:16;294:21; 300:20;303:24; 304:3;308:4;309:12, 13;320:17;322:5; 331:12;334:9
<b>sort (6)</b> 145:18;148:11; 195:11;231:24; 289:9;314:3	<b>start (7)</b> 200:17;209:9; 215:23;221:11; 255:5;258:15;309:16	<b>strong (1)</b> 166:4	<b>summer (2)</b> 285:20,21	<b>talks (3)</b> 216:11;298:24; 299:6
<b>sought (1)</b> 273:12	<b>stated (2)</b> 184:10;276:24	<b>stronger (1)</b> 186:21	<b>summertime (1)</b> 179:12	<b>taught (6)</b> 151:23;205:18; 206:10;207:2;222:9; 306:5
<b>sounds (1)</b> 142:21	<b>statement (6)</b> 196:9;208:23; 250:11;282:2,10; 335:4	<b>strongest (1)</b> 186:22	<b>supervision (1)</b> 332:4	<b>teach (14)</b> 138:9;189:11; 215:13;216:13,21; 218:10;221:22; 222:2;223:17; 225:15;231:4; 246:23;257:10; 332:24
<b>source (3)</b> 180:6;287:16,18	<b>states (5)</b> 202:22;223:10; 283:6,7;286:2	<b>structures (1)</b> 153:18	<b>supported (1)</b> 245:5	<b>teacher (3)</b> 216:19;243:16; 249:11
<b>space (7)</b> 146:8,13;304:7,13, 20,22;305:3	<b>stating (1)</b> 283:20	<b>struggling (3)</b> 170:25;299:12,16	<b>suppose (1)</b> 217:17	<b>teachers (1)</b> 218:9
<b>spaces (1)</b> 304:11	<b>statistics (1)</b> 250:4	<b>stub (1)</b> 192:19	<b>supposed (2)</b> 291:6;320:12	<b>teaching (48)</b> 143:13;144:12; 147:3;148:9;151:22; 155:19;176:23; 189:2,24;190:2; 208:11;210:23; 215:25;218:5,13; 219:2;220:9,11,16; 221:13,15;223:20; 224:18,19,25;225:5, 19;226:2,11,18,25; 228:14;230:8; 233:22;234:14,16; 236:8;237:7;238:16; 241:6,8,9,10;244:14; 272:16;297:13,19; 325:10
<b>speak (9)</b> 166:7;207:11,14; 208:17;247:12; 252:9;254:10; 308:17;331:22	<b>status (1)</b> 134:5	<b>student (5)</b> 140:7,8;230:8; 268:18;322:23	<b>Sure (31)</b> 135:19;143:18; 144:21;145:13; 151:6;158:19;161:6; 177:15;178:20; 179:6,16;180:17; 183:20;191:22; 212:3;226:24;242:7, 21;257:7;265:13; 266:22;267:3; 274:17;278:21; 291:19;294:19; 295:18;296:7; 316:18;323:24; 329:16	<b>teaching-related (1)</b> 223:20
<b>speaking (2)</b> 142:24;326:11	<b>statute (2)</b> 195:7;196:4	<b>student's (1)</b> 230:13	<b>surprise (1)</b> 324:6	<b>team (1)</b> 325:22
<b>special (3)</b> 176:13,17;264:6	<b>statutes (3)</b> 173:4;194:14; 196:16	<b>students (22)</b> 206:22;216:20; 217:19,23;218:22; 220:15;223:13; 226:14;227:15; 244:18;249:23; 250:10,13,15;272:20, 21,24;273:9,21; 305:22;306:4,7	<b>sustainable (1)</b> 167:14	<b>telling (1)</b> 178:20
<b>specific (5)</b> 157:8;224:14; 306:6;332:20;334:6	<b>stay (4)</b> 141:2,22;326:20; 331:20	<b>study (1)</b> 246:18	<b>syllabi (6)</b> 147:12;216:4; 217:18;218:20; 298:22;306:11	<b>ten (7)</b> 190:12;242:13,22, 24;246:12;302:11,14
<b>specifically (4)</b> 178:20;216:13; 244:21;310:7	<b>staying (1)</b> 243:13	<b>stumbled (1)</b> 249:16	<b>syllabus (1)</b> 231:5	<b>tend (3)</b> 217:13,14;243:21
<b>spend (2)</b> 223:22;226:25	<b>step (3)</b> 151:5;307:9; 326:24	<b>stumbling (1)</b> 237:18	<b>system (1)</b> 330:15	<b>tennis (1)</b> 325:22
<b>spending (1)</b> 224:17	<b>STEPHEN (10)</b> 134:15;135:2; 136:14;278:14,18; 281:19;312:13,18,20; 313:2	<b>subcommittee (2)</b> 322:20;323:8	<b>T</b>	<b>tenurable (25)</b> 141:14;142:10,15; 143:5;145:24;147:6; 157:13;159:8;160:5;
<b>spent (1)</b> 223:19	<b>still (13)</b> 137:3;144:16; 158:10;178:22; 200:10;215:6; 234:17;251:5; 254:22;277:8,13; 291:2;301:19	<b>subject (4)</b> 198:9;260:19; 283:13;306:11	<b>table (1)</b> 282:22	
<b>spoke (2)</b> 213:7;270:9	<b>stipend (3)</b> 269:3;274:11,12	<b>submit (7)</b> 147:7;148:7,16; 193:5;203:23; 305:11;332:22	<b>talk (4)</b> 153:12;156:15; 299:3;316:24	
<b>spoken (1)</b> 269:20	<b>stipends (1)</b> 274:2	<b>submitted (7)</b> 139:7;174:9; 186:11;207:15; 263:19;298:23;332:6	<b>talked (8)</b> 146:19;149:17; 175:9;176:7;196:3; 199:23;206:14; 266:10	
<b>spreadsheets (1)</b> 168:20	<b>stipulate (1)</b> 136:7	<b>subpoenaed (1)</b> 134:6	<b>talking (37)</b> 160:19;161:7; 171:23;175:6,15,21; 181:6;188:2;194:18, 24;196:11;208:15;	
<b>spring (5)</b> 151:21;172:21; 189:13;271:15;297:6	<b>stipulated (1)</b> 202:14	<b>subsequent (4)</b> 197:19,21;299:7; 300:15		
<b>staff (2)</b> 286:19;291:17	<b>stipulation (1)</b> 136:10	<b>subsequently (1)</b> 182:14		
<b>staffing (2)</b> 139:6;165:4	<b>stop (1)</b> 301:16	<b>suggest (2)</b> 198:6;314:2		
<b>stand (1)</b> 137:2	<b>straight (1)</b> 298:17	<b>suggestion (1)</b>		
<b>standards (2)</b> 222:18;305:12	<b>straightforward (2)</b>			
<b>standing (12)</b> 156:19;159:11;				

162:13;170:16; 173:5;181:7;192:13; 198:13;205:7; 209:23;210:7; 213:23,23;266:10; 268:22;270:16; 308:23;319:24 <b>Tenure (27)</b> 134:25;135:13; 162:20;163:7,21; 164:3;165:2;235:22, 22;238:4,11,25,25; 239:6;276:3;279:2; 305:15;307:2,4,7; 309:22;316:19,22; 327:16;328:18,25; 329:3 <b>tenured (65)</b> 141:13;142:9,15; 143:4;145:24;147:5; 157:10;158:3;159:7; 160:5,11;162:13,23, 25;163:7,18,19,20, 24,25;170:16;173:5; 181:7;184:16,18; 192:13;198:13; 205:6;209:23;210:7; 213:23;236:17; 237:20,21;238:2,3; 239:3,7,17,17; 266:10;268:22; 270:16;305:15; 307:9,13;308:23; 309:23,25;313:6; 316:19,22;317:7,7, 17,17;319:23;321:20, 21;327:13,22; 333:12;334:22,22; 335:17 <b>term (57)</b> 137:21,25;138:2,3; 139:15,23;141:25; 142:20;143:13,20; 146:6;147:21;149:4, 4,6,15,21;153:16; 154:7,9;169:11; 171:12;185:23; 186:2;188:19; 190:15;191:13,25; 192:8;198:23; 203:17,18;204:10,12; 209:11,13;210:4; 213:9,24;218:12; 219:5,7,17,19; 220:24;246:2;263:4; 266:18,20;294:5; 318:18;319:2;321:2; 333:14,16,25;334:7 <b>termed (2)</b> 171:11;210:4 <b>terminal (16)</b> 138:24,25;139:10; 140:23;148:24,25;	193:18;252:17; 256:8,11,16,18; 257:21;258:5;301:9; 321:15 <b>terminated (1)</b> 301:9 <b>terms (41)</b> 137:23;139:3; 142:25;143:25; 144:8,14;145:14; 146:17,19,23;147:2, 15;149:12,12;159:21, 24;169:3,7;184:10; 188:6,7;193:13,16; 199:23;200:12; 203:13;209:9;211:8, 20;219:3;221:7; 225:8;231:9;235:20; 238:6,20;240:15; 242:16;319:11; 321:6;332:4 <b>testified (27)</b> 137:15;140:11; 144:9;146:14,20; 147:15;149:18; 170:12;184:5; 187:17;188:3; 199:10;202:23; 210:25;219:14; 220:20;262:18; 264:21;272:10; 287:3;293:3;294:16; 295:20;301:5;326:5; 327:4;329:25 <b>testify (4)</b> 137:2;172:4; 183:15;318:18 <b>testifying (1)</b> 301:25 <b>testimony (17)</b> 136:23;158:14; 178:7;182:21,24; 183:9;188:15;198:5; 230:14;240:9;270:4; 275:3;282:9;284:23; 293:7;296:5;304:6 <b>Thanks (1)</b> 156:10 <b>theater (5)</b> 231:25;233:9,9,19; 249:2 <b>theoretically (1)</b> 321:4 <b>therefore (1)</b> 263:13 <b>think- (1)</b> 181:10 <b>thinking (6)</b> 144:16;151:17; 250:21;255:17; 310:5;321:24 <b>though (5)</b> 141:11;231:14;	278:4;299:12;329:16 <b>thought (3)</b> 208:22;297:25; 317:12 <b>thousand (6)</b> 190:4,6,6;271:10; 319:3,9 <b>three (24)</b> 139:15;147:18; 148:25;153:15; 175:20;181:6;184:5; 185:2;187:24; 189:13,25;221:23; 222:3,22;223:6,17; 224:15,19;225:15,16; 226:12;230:22,22; 236:3 <b>three-point (1)</b> 191:9 <b>three-year (3)</b> 204:12;213:25; 299:3 <b>throughout (1)</b> 238:12 <b>thus (1)</b> 209:15 <b>tight (1)</b> 318:16 <b>times (1)</b> 317:20 <b>timing (1)</b> 285:12 <b>title (20)</b> 149:11;151:21,25; 156:6,8;193:7;242:3, 6;244:2;256:7,12,15, 18,22;257:11,14,17; 271:24;309:21; 324:19 <b>titles (21)</b> 134:12;135:11; 137:22;149:21,23,23, 25;150:19;151:4,14; 152:16;155:2,6,10; 161:22;252:14; 257:19;258:2; 277:19;312:22;327:7 <b>today (5)</b> 134:4;199:19,21; 320:13,20 <b>together (7)</b> 201:15;219:10; 222:8;236:18; 244:11;281:13; 297:12 <b>told (5)</b> 160:21;205:22; 297:10;333:17,21 <b>took (1)</b> 250:18 <b>top (1)</b> 315:11 <b>topic (2)</b>	304:6;316:6 <b>topics (1)</b> 293:2 <b>total (4)</b> 189:6,14;293:11; 319:24 <b>touch (1)</b> 227:22 <b>toward (2)</b> 143:3;289:11 <b>town (1)</b> 179:17 <b>track (20)</b> 163:7;235:23; 236:17;237:20; 238:2,25;239:3,6,18; 264:12;289:9; 291:10;305:15; 316:20,22;317:7,17; 321:20;327:13,16 <b>tract (1)</b> 164:3 <b>training (6)</b> 207:21;210:23; 211:5,19;243:9,25 <b>travel (6)</b> 144:18,25;145:20; 318:19;319:12;321:5 <b>tremendously (1)</b> 317:21 <b>trickier (1)</b> 234:23 <b>trip (1)</b> 320:4 <b>trouble (2)</b> 275:23;298:3 <b>true (30)</b> 156:24;215:24; 218:7;221:11; 228:15;230:4; 233:11,25;234:16; 241:19;245:11,18,21, 22;246:14;248:11; 251:17,17;255:3,10, 13;262:25;265:19; 302:23;303:7,14; 305:7;325:11; 331:14,17 <b>Trustees (10)</b> 165:15,16,19; 195:13,14,18,18; 308:17;311:22;312:7 <b>try (5)</b> 168:22;179:14; 256:5;280:22;291:12 <b>trying (15)</b> 144:17,20;172:3,6; 190:15;202:4,7,17, 19;223:3;295:23; 296:19;320:21; 328:21;333:20 <b>turn (9)</b> 137:21;147:14;	184:13;198:18; 199:3;258:14; 265:24;282:19; 325:15 <b>twisted (1)</b> 257:6 <b>two (35)</b> 139:21;144:19,22; 145:4;147:19; 148:15,22;149:7; 162:18,18,24;189:4; 204:13;205:23; 218:6;219:11; 222:21,23;224:8,9; 231:3,3;235:25,25; 236:4,9,9;271:10; 272:16;292:2; 302:15;309:19; 310:23;311:15; 325:25 <b>two-year (1)</b> 172:23 <b>type (6)</b> 142:16,19;143:19; 176:11,12;202:21 <b>types (6)</b> 144:22;166:23; 171:21;172:9; 187:24;200:16 <b>typical (3)</b> 230:21;231:3; 259:12 <b>typically (3)</b> 221:22;228:17; 304:12
<b>U</b>				
<b>uh (1)</b> 304:24 <b>Uh-hum (4)</b> 233:15;241:18; 246:22;315:20 <b>Uh-um (1)</b> 307:20 <b>ultimate (1)</b> 334:19 <b>ultimately (3)</b> 154:15,17;283:18 <b>Umm (1)</b> 260:4 <b>un- (1)</b> 318:12 <b>uncommon (2)</b> 230:5;265:20 <b>under (6)</b> 137:3;181:13; 215:6;290:20; 298:25;323:25 <b>underneath (2)</b> 162:21;167:20 <b>understood (2)</b> 300:23;316:9				

	V	W		
<b>unfinished (2)</b> 289:14,15			<b>wide (4)</b> 167:9,9;326:14,14	185:15;224:6; 243:22;276:3,5; 325:9
<b>union (5)</b> 199:10;282:4,13; 288:19,25	<b>vacancy (1)</b> 169:4	<b>Wait (1)</b> 312:23	<b>willing (1)</b> 220:10	<b>working (7)</b> 178:12;233:25; 234:8,9,18;288:22; 291:2
<b>Union's (1)</b> 291:25	<b>vague (2)</b> 246:2;320:15	<b>walk (2)</b> 160:22;272:21	<b>willingness (1)</b> 273:11	<b>workshops (1)</b> 243:23
<b>unit (1)</b> 267:14	<b>varies (3)</b> 275:20;317:19; 326:25	<b>wants (2)</b> 280:25;294:12	<b>withdrawn (3)</b> 136:11,17,19	<b>write (6)</b> 179:4;217:2;230:5, 10;236:18,19
<b>universe (1)</b> 170:20	<b>various (9)</b> 187:16;210:12; 216:24;233:13; 252:14;253:9;255:9; 256:3;293:5	<b>warned (1)</b> 325:12	<b>withdraws (1)</b> 135:9	<b>within (11)</b> 146:9;151:15; 155:10;185:17; 206:4;253:7;268:4; 276:9;301:17; 317:22;331:20
<b>university (3)</b> 165:10;307:3; 310:22	<b>vary (4)</b> 160:14;163:8; 273:9;317:21	<b>water (1)</b> 296:14	<b>without (5)</b> 166:17;241:14; 274:2;283:13;302:21	<b>writing (3)</b> 227:17;230:11; 236:20
<b>unless (2)</b> 315:7;322:10	<b>vehicle (1)</b> 282:25	<b>way (20)</b> 141:18;145:19; 181:21;199:5; 209:20,20,21;227:6; 231:10;247:19; 253:3;257:6;294:9,9; 298:18;301:18; 302:22;303:5; 321:18;333:11	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>written (2)</b> 228:11;243:19
<b>unusual (1)</b> 270:21	<b>venture (1)</b> 220:10	<b>ways (4)</b> 209:10;216:24; 235:14;247:17	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>wrong (5)</b> 157:25;271:13; 293:9;296:6;326:6
<b>up (17)</b> 137:2;183:19; 186:25;190:12; 192:17;204:17; 205:12;246:16; 250:4;271:7,20,21; 286:17;292:5; 296:12;302:8;328:18	<b>version (4)</b> 279:10;281:9; 286:22;290:2	<b>web (15)</b> 177:24;178:2,11, 18,25;187:11;281:17, 19,20;282:3,10; 284:6,10,13;287:13	<b>without (5)</b> 166:17;241:14; 274:2;283:13;302:21	<b>Y</b>
<b>updated (1)</b> 153:25	<b>versus (6)</b> 143:21;149:4; 157:12;162:10; 164:17,20	<b>website (4)</b> 175:5;179:22,25; 197:13	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year (49)</b> 138:10;143:2,4,5; 151:24;153:23,25; 169:2,2,5;179:11; 189:7,14,16;205:8, 14;215:12;229:24; 237:8;268:5,6;271:7, 16;273:17;275:5; 290:17;293:17,18,25; 294:11;295:10; 297:6;299:3,8; 300:14;301:9; 308:20,21;310:6,6; 315:23,23;317:20,23; 320:8,19;331:6; 332:7,24
<b>updates (3)</b> 288:24;289:5,7	<b>visiting (3)</b> 257:25;258:2,2	<b>weeks (1)</b> 224:8	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
<b>updating (1)</b> 288:23	<b>vocabulary (1)</b> 261:6	<b>weight (4)</b> 183:10;310:24; 311:16,20	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>years (31)</b> 134:11;139:15,21; 147:16;148:15,22,25; 149:7;193:11; 204:14,16;219:11; 235:25;242:13,21; 246:12;247:23; 255:13,18;271:5; 284:8;293:19,21; 294:16;295:10; 299:14;300:16; 302:12,14,21;303:3
<b>upon (6)</b> 170:18;207:20; 211:20,22;243:22; 282:12	<b>voice (3)</b> 235:15,17;308:21	<b>welcome (3)</b> 182:6,9;265:22	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
<b>use (14)</b> 161:12;209:13; 216:7,9;237:17; 243:24;248:23; 266:17;304:11; 319:7;320:3;333:17, 21,25	<b>VOIR (10)</b> 177:16;178:1; 179:1;180:1;181:1; 197:7,10;198:1; 199:1;200:1	<b>welcoming (1)</b> 213:7	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>years (31)</b> 134:11;139:15,21; 147:16;148:15,22,25; 149:7;193:11; 204:14,16;219:11; 235:25;242:13,21; 246:12;247:23; 255:13,18;271:5; 284:8;293:19,21; 294:16;295:10; 299:14;300:16; 302:12,14,21;303:3
<b>used (11)</b> 134:17;209:19; 220:24;222:19; 223:5;237:14;263:3; 266:20;304:13; 305:3;334:2	<b>vote (19)</b> 170:19,21;171:22; 172:24;173:2,15,20, 21;174:4,9,11,13; 176:4;185:22; 194:21;195:2,6; 262:19;263:6	<b>wellness (1)</b> 243:7	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
<b>useful (1)</b> 169:19	<b>voted (4)</b> 173:8;185:17; 262:24;263:3	<b>when's (1)</b> 331:4	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>years (31)</b> 134:11;139:15,21; 147:16;148:15,22,25; 149:7;193:11; 204:14,16;219:11; 235:25;242:13,21; 246:12;247:23; 255:13,18;271:5; 284:8;293:19,21; 294:16;295:10; 299:14;300:16; 302:12,14,21;303:3
<b>using (3)</b> 147:18;209:9; 333:14	<b>votes (3)</b> 138:16;172:14,15	<b>whereas (1)</b> 237:8	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
<b>usually (20)</b> 138:17;151:18,20, 24;155:16;179:12; 182:6,8;203:12; 208:10;212:7; 225:19;259:21; 260:11;304:15,17,19, 25;330:11;331:20	<b>voting (25)</b> 138:15;157:14; 158:7;159:13,22,25; 160:3,10,15;162:14; 163:6,9;166:11; 169:6;170:16;173:2, 4,20;174:7,8;176:2; 181:13;195:6; 196:25;265:14	<b>where's (1)</b> 331:5	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
		<b>whole (1)</b> 331:10	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
		<b>who's (5)</b> 158:11,25;215:9; 242:23;332:19	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9
		<b>whose (1)</b> 226:10	<b>WITNESS (104)</b> 139:12,17,24; 152:7,11,18;155:7; 156:7;161:4,11,19, 23;162:5;169:23; 170:4,9,24;171:12, 16;180:17,20,25; 181:5,10;183:5,12, 15,18;185:21;190:21, 23;197:5;198:2; 199:8,13,16,20; 200:3;209:2,11,13, 22;210:10,17;212:3, 7;213:2,10,13,22; 214:5;249:19; 251:23;252:3,7,24; 253:5;255:24;256:9, 17,23;257:2,7,13,22; 258:6;278:23;279:7, 12,14,20;280:5,8,12, 15;281:4;287:20; 289:2,6,20,22;290:3, 6,12,15;291:4,15,19; 292:2,10,14,18,21; 312:14,19,23;313:3, 23;314:8,12,15,20, 25;331:16	<b>year-end (1)</b> 261:9

**Yoga (2)**  
243:6,7  
**York (1)**  
155:20