

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

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*Vol. 1*  
*June 22, 2015*

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*Burke Court Reporting, LLC*  
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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.

-----x  
June 22, 2015  
2:42 p.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:

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RICHARD A. LEVY, ESQ.  
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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. The hearing will be in order.  
4 This is a formal hearing In The Matter of  
5 Barnard College, Case No. 02-RC-154022,  
6 before the National Labor Relations Board.

7 The hearing officer appearing  
8 for the board is Moriah Berger.

9 All parties have been informed  
10 of the procedures at formal hearings  
11 before the board by service of a  
12 Description of Procedures and  
13 Certification and Decertification of Cases  
14 with the Notice of Hearing. I do have  
15 additional copies of this document for  
16 distribution if any party would like more.

17 Will counsel please state their  
18 appearance for the record, beginning with  
19 the petitioner.

20 MR. LEVINE: For the petitioner,  
21 Carl Levine, Levy Ratner.

22 MR. LEVY: Richard Levy, Levy  
23 Ratner.

24 THE HEARING OFFICER: And for  
25 the employer, please?

## PROCEEDINGS

1  
2 MS. MUNOZ: Rachel Munoz.

3 MS. STEPHEN: Jomysha Stephen,  
4 Barnard College.

5 THE HEARING OFFICER: Are there  
6 any other appearances? Let the record  
7 show no further response. Are there any  
8 other persons, parties, or labor  
9 organizations in this hearing room who  
10 claim an interest in this proceeding?

11 (Discussion held off the  
12 record.)

13 THE HEARING OFFICER: So let the  
14 record show no further response. So I  
15 will now propose that you receive the  
16 formal papers. They were marked for  
17 identification as Board's Exhibit No. 1,  
18 and that's D -- A through D, inclusive of  
19 an index listing each document in the  
20 exhibit.

21 The formal papers were shared  
22 with the parties and I believe there was  
23 no objection to those, but I'll give you  
24 an opportunity to state as much.

25 MS. MUNOZ: No objection from

## PROCEEDINGS

1 the employer.

2 MR. LEVINE: No objection from  
3 petitioner.

4 THE HEARING OFFICER: So with no  
5 objection, the formal papers are  
6 received. You can mark it Board  
7 Exhibit 1.

8 (Board Exhibit 1, formal papers,  
9 marked into evidence, this date.)

10 THE HEARING OFFICER: So are  
11 there any motions to intervene in this  
12 proceeding to be submitted to the hearing  
13 officer for ruling by the regional  
14 director at this time?

15 I hear no further response. Are  
16 the parties aware of any other employers  
17 or labor organizations that have an  
18 interest in this proceeding?

19 MR. LEVINE: No.

20 THE HEARING OFFICER: Okay. We  
21 do have a prehearing motion that is before  
22 the regional director, and that is a  
23 motion to quash the subpoena served by the  
24 union on the employer. We had some  
25

## PROCEEDINGS

1  
2 off-the-record discussion about that.  
3 Some items have already been produced.  
4 And others, there will be further  
5 discussion among the parties off the  
6 record regarding what the college is able  
7 to produce, what it has, and in what the  
8 union has continued to seek.

9           So I am reserving ruling on that  
10 petition for a later point in the hearing.

11           So now, we'll move on to  
12 jurisdiction. I did receive with  
13 statement of position a completed commerce  
14 questionnaire, and from that questionnaire  
15 I'm going to read the following into the  
16 record and ask if you -- if both -- if the  
17 parties will stipulate to the  
18 jurisdictional facts. Barnard College is  
19 a private nonprofit corporation and  
20 institution of higher education, its  
21 principal place of business is in New  
22 York, New York; during the last fiscal  
23 year, Barnard College derived gross  
24 revenue in excess of a million dollars,  
25 and received at its New York facility

## PROCEEDINGS

1  
2 goods valued in excess of \$5,000 directly  
3 from points outside the State of New  
4 York. Do the parties agree to stipulate  
5 to those underlying jurisdictional facts?

6 MS. MUNOZ: The employer does.

7 MR. LEVINE: The union does.

8 THE HEARING OFFICER: Okay. So  
9 then do the parties also agree to  
10 stipulate that Barnard College is,  
11 therefore, an employer engaged in commerce  
12 within the meaning of the National Labor  
13 Relations Act.

14 MS. MUNOZ: The employer does.

15 MR. LEVINE: The union does.

16 THE HEARING OFFICER: Okay. So  
17 the name of the petition, as stated on the  
18 petition, is Barnard Contingent Faculty,  
19 UAW Local 2110; is that correct?

20 MR. LEVINE: That's correct.

21 THE HEARING OFFICER: Okay. So  
22 do the parties stipulate that the  
23 petitioner is a labor organization within  
24 the meaning of the National Labor  
25 Relations Act?



## PROCEEDINGS

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MS. MUNOZ: The employer does.

MR. LEVINE: The union does.

THE HEARING OFFICER: And is there any history of collective bargaining between the employer and petitioner?

MR. LEVINE: No. Not as contingent faculty. UAW 2110, of which this group is a part, does have a history of collectively bargaining.

THE HEARING OFFICER: And what is that history?

MR. LEVINE: They currently represent a unit of support staff.

THE HEARING OFFICER: Okay. Understood.

And can it be stipulated that there's no contract, bar, or other bar in existence that would preclude the processing of this petition?

MS. MUNOZ: Yes.

MR. LEVINE: Yes.

MS. MUNOZ: There is not one.

THE HEARING OFFICER: Okay. So there was also some discussion off the

## PROCEEDINGS

1  
2 record of the classifications that the  
3 petitioner is seeking to include in the  
4 unit, and it's my understanding that the  
5 petitioner would like to amend its  
6 petition in that regard. So --

7 MR. LEVY: That is correct.

8 THE HEARING OFFICER: Mr. Levine,  
9 please proceed.

10 MR. LEVINE: So the union would  
11 like to amend the petition to read that it  
12 includes all officers of instruction, full  
13 time and part-time and off-ladder ranks,  
14 including, but not limited to, visiting  
15 professor, visiting associate professor,  
16 visiting assistant professor, adjunct  
17 professor, adjunct associate professor,  
18 adjunct assistant professor, term  
19 professor, term associate professor, term  
20 assistant professor, professor of  
21 professional practice, associate professor  
22 of professional practice, assistant  
23 professor of professional practice,  
24 associate, senior associate, lecturer,  
25 senior lecturer, senior scholar, guest

## PROCEEDINGS

1  
2 artists, laboratory associates, post docs,  
3 senior scholars -- and I may have said  
4 that already -- distinguished fellows, but  
5 excluding teaching assistants and graders  
6 and also excluding research professors,  
7 research scientists, and research scholars  
8 to the extent that it is stipulated that  
9 they are uncompensated in those titles.

10 In addition, the union would  
11 seek to include post doctoral research  
12 associates, senior activist fellows,  
13 senior scholars, Anna Quindlen Writer in  
14 Residence, and the Tinker Visiting  
15 Professors, and also to maintain all the  
16 other exclusions that were previously  
17 noted in the petition.

18 THE HEARING OFFICER: Okay. So  
19 I think it would be helpful for the  
20 reviewer of the record to have the  
21 Employer's Exhibit E that listed those  
22 various titles for review, but with the  
23 elimination of the teaching assistant and  
24 the graders and those three research  
25 titles.

## PROCEEDINGS

1  
2           So if you could prepare that.  
3 Then we can mark it as an exhibit, maybe  
4 just a joint exhibit, and put that in the  
5 record.

6           So is the employer, first of  
7 all, willing to stipulate that the three  
8 research titles -- and if -- sorry, I'm  
9 missing that sheet, if you could just read  
10 those titles again -- that those are  
11 unpaid positions.

12           MS. MUNOZ: Research professor,  
13 research scientist, research scholar, yes,  
14 the college will stipulate that those are  
15 unpaid positions.

16           THE HEARING OFFICER: Okay. Do  
17 you have any objection to the union's  
18 amendment of its petition to reflect these  
19 new titles that have now come to its  
20 attention?

21           MS. MUNOZ: No objection.

22           THE HEARING OFFICER: Okay,  
23 great. So that motion is granted.

24           Are there any petitions pending  
25 in other regional offices involving other

## PROCEEDINGS

1 facilities of the employer?

2 MS. MUNOZ: Not that I know of,  
3 no.  
4

5 THE HEARING OFFICER: Okay. And  
6 in that regard, there is a petition  
7 currently pending before the board  
8 involving Columbia University, and we had  
9 some off-the-record discussion about the  
10 relationship between Barnard College and  
11 Columbia University, and if the employer  
12 could please just state for the record the  
13 nature of that relationship.

14 MS. STEPHEN: Barnard College is  
15 an independent institution. We are  
16 affiliated with Columbia University,  
17 solely by contract.

18 THE HEARING OFFICER: And also,  
19 if you could just clarify: To extent that  
20 there are Columbia units included in the  
21 petition for bargaining unit, is there any  
22 relationship between those individuals and  
23 the case currently pending before the  
24 board involving Columbia University, to  
25 your knowledge?

## PROCEEDINGS

1  
2 MS. STEPHEN: To my knowledge,  
3 no, there is no relationship.

4 THE HEARING OFFICER: And those  
5 individuals, what is their relationship to  
6 Barnard College?

7 MS. STEPHEN: They would be  
8 employed by Barnard College --

9 (Overtalking)

10 THE HEARING OFFICER: Are they  
11 students of Barnard College in any way?

12 MS. STEPHEN: No, they're not  
13 Barnard students.

14 THE HEARING OFFICER: Thank  
15 you. The parties are reminded that, prior  
16 to the close of the hearing, the hearing  
17 officer will solicit parties' positions on  
18 the type, date, time, and location of the  
19 election and the eligibility period,  
20 including most recent payroll end date and  
21 any applicable eligibility formulas. But  
22 litigation of those issues will not be  
23 permitted. The hearing officer will also  
24 inquire as to the need for foreign  
25 language ballots and notices of election.

## 1 PROCEEDINGS

2 So please have the relevant information  
3 with respect to those issues by the close  
4 of the hearing.

5 This hearing will continue from  
6 day-to-day as necessary until completed,  
7 unless the regional director concludes  
8 that extraordinary circumstances warrant  
9 otherwise.

10 Upon request, parties are  
11 entitled to a reasonable period at the  
12 close of the hearing for oral argument.  
13 Post-hearing briefs shall be filed only  
14 upon special permission of the regional  
15 director. You're strongly encouraged to  
16 make your final points in the form of oral  
17 argument.

18 You are welcome to offer into  
19 evidence a brief memo of points and  
20 authorities, case citations or other legal  
21 arguments during the course of the hearing  
22 and before the record closes.

23 Ms. Munoz, do you have a copy of  
24 your statement of position?

25 MS. MUNOZ: Not a complete copy,

## PROCEEDINGS

1  
2 no.

3 THE HEARING OFFICER: So we'll  
4 make one, and that's going to be also  
5 marked as a board exhibit. So I'll take  
6 care of that during a break. The employer  
7 has completed, and I will mark for  
8 identification as Board Exhibit 2 a  
9 statement of position in this matter. And  
10 off the record, before we opened the  
11 record today, we reviewed the statement of  
12 position and the exhibits that accompanied  
13 it. Are there any objections to my  
14 receipt of this exhibit into the record?

15 MR. LEVINE: No. The union has  
16 no objection to it being put into  
17 evidence.

18 THE HEARING OFFICER: So, once  
19 we have copy of that for everyone, I will  
20 receive that into evidence.

21 (Board Exhibit 2, Statement of  
22 Position, marked into evidence, this  
23 date.)

24 THE HEARING OFFICER: Okay. So  
25 we also had extensive discussion before



## PROCEEDINGS

1  
2 opening the record regarding the  
3 appropriateness of the petition for unit.  
4 The petition has presented a unit of  
5 classifications that are all involved in  
6 one way or another with the instruction of  
7 students. It's my understand my  
8 understanding that the college maintains  
9 that at least some of those  
10 classifications do not share community of  
11 interest, that, Ms. Munoz, I'd like to  
12 give you an opportunity to state your  
13 position on the record with respect to the  
14 units sought by petitioner.

15 MS. MUNOZ: Sure thing. As  
16 stated in the employer's Attachment E to  
17 its statement of position, it's the  
18 college's position that the proposed unit,  
19 which includes both full-time and  
20 part-time contingent faculty, is not the  
21 appropriate unit. These two groups do not  
22 share a sufficient community of interest  
23 to be in one unit. Rather, it would be  
24 the college's position that an appropriate  
25 unit would include adjunct faculty and

## PROCEEDINGS

1  
2 exclude the full-time faculty. Further,  
3 it's the college's position that the  
4 faculty do not share sufficient community  
5 of interest with the other categories in  
6 the now amended petition. Guests artist,  
7 laboratory associates, post docs, senior  
8 scholar, distinguished fellow, and -- that  
9 would be it now, the amended petition --  
10 the college believes that these groups  
11 should also be excluded from any unit of  
12 adjunct faculty.

13           The only unit that the college  
14 believes is appropriate would be adjunct  
15 faculty who teach at least one  
16 credit-bearing course at the college's New  
17 York City campus, including adjunct  
18 faculty who teach online courses only, and  
19 excluding all time-contingent tenured and  
20 tenured track faculty, as well as guest  
21 artists, laboratory associates, post docs,  
22 senior scholar, distinguished fellows as  
23 well.

24           Finally, the college contends  
25 that visiting faculty should be excluded

## 1 PROCEEDINGS

2 from any bargaining unit because they're  
3 temporary employees who have primary  
4 employment at another institution and no  
5 expectation of continued employment beyond  
6 the brief appointment period with the  
7 college.

8 THE HEARING OFFICER: Now, could  
9 you also please just--

10 MS. MUNOZ: Also post docs as  
11 well, senior research activity fellows.  
12 I'm lumping that under post doc, but that  
13 should be included as well.

14 THE HEARING OFFICER: And before  
15 we opened the record, we had a discussion  
16 of how many people are in these various  
17 classifications that the college is  
18 seeking to exclude. Could you please just  
19 provide those numbers on the record.

20 MS. MUNOZ: Sure. You want for  
21 the Academic Year 2014 to 2015?

22 THE HEARING OFFICER: Yes.

23 MS. MUNOZ: Guest artist, three;  
24 laboratory associates, seven; associate  
25 professor of professional practice, one;

## PROCEEDINGS

1  
2 associate, two; assistant professor of  
3 professional practice, three; lecturer,  
4 ten; professor of professional practice,  
5 four; senior associate, eight; senior  
6 lecturer, 17; post doc fellow, one; post  
7 doctoral research associate, two; senior  
8 activist fellow, two; senior scholar, two;  
9 distinguished fellow, one; Anna Quindlen  
10 Writer in Residence, one; term assistant  
11 professor, 23; term associate professor,  
12 three; term assistant professor of  
13 professional practice, one; term lecturer,  
14 one; term professor, two; Tinker Visiting  
15 Professors, one; and visiting assistant  
16 professor, one.

17 THE HEARING OFFICER: Okay. So  
18 petitioner, what is your position with  
19 respect to the community of interest  
20 issues raised by the employer?

21 MR. LEVINE: The petitioner's  
22 position is that the petition, as amended,  
23 includes employees all of whom share a  
24 community of interest, who's primary  
25 responsibilities are teaching or teaching

## PROCEEDINGS

1  
2 related, and who have a sufficient  
3 interest in their continued employment  
4 with Barnard to justify their inclusion in  
5 the unit. To go specifically through the  
6 points raised by the employer in its  
7 Attachment E, stating its objection, the  
8 college contends that the proposed unit,  
9 which includes full-time contingent and  
10 part-time contingent faculty, is not  
11 appropriate, because these two groups do  
12 not share a sufficient community of  
13 interest to be in a single unit. The  
14 petitioner disagrees and believes that  
15 they do, for the reasons stated, and other  
16 community of interest factors, and that  
17 the existing and recent precedence have  
18 held that combined units of full-time and  
19 part time contingent faculty are  
20 appropriate.

21           The employer contends that  
22 adjunct faculty do not share sufficient  
23 community of interest with guest artists,  
24 laboratory associates, post docs, senior  
25 scholars, distinguished fellows, teaching

## PROCEEDINGS

1  
2 assistants, including graders, research  
3 professors, research scientists, research  
4 scholars -- or that's how the unamended  
5 Attachment E reads -- and believes,  
6 therefore, these groups should be  
7 excluded, except to the extent that the  
8 petitioner's unit or proposed unit has  
9 been amended to exclude teaching  
10 assistants and graders and the research  
11 titles. To the extent that they're not  
12 compensated, the petitioner believes that  
13 there is a sufficient community of  
14 interest with guest artists, lab  
15 associates, post docs, senior scholars, an  
16 distinguished fellows, all of whom share  
17 duties with the rest of the unit that are  
18 primary teaching or teaching related.

19           The college would contend that  
20 the only appropriate unit should be all  
21 adjunct faculty who teach at least one  
22 credit-bearing course at the college's New  
23 York City campus, excluding adjunct  
24 faculty who teach online courses only, and  
25 excluding all full-time contingent tenure

## PROCEEDINGS

1  
2 and tenured track faculty, guest artists,  
3 laboratory associates, post docs, senior  
4 scholars, distinguished fellows, teaching  
5 assistants, including graders and the  
6 research titles. The petitioner's  
7 position is that, for the reasons  
8 previously stated, all of the titles that  
9 its seeks to do share a sufficient  
10 community of interest; that there is no  
11 precedent or sufficient reason to exclude  
12 people who do not teach at least one  
13 credit-bearing course, or to exclude those  
14 individuals who teach online; however, as  
15 previously stated, the petition has been  
16 amended so that the union no longer seeks  
17 representation of teaching assistants and  
18 graders for other research titles.

19           The next two paragraphs in  
20 attachment address matters that have  
21 already been addressed concerning teaching  
22 assistant, graders, and the research  
23 titles that are no longer relevant.

24           Finally, the college contends  
25 that "visiting faculty should also be

## PROCEEDINGS

1  
2 excluded from either any bargaining unit  
3 because..." -- I assume that's a  
4 typo -- but "... from any bargaining unit,  
5 because they are temporary employees who's  
6 primary employer is an institution other  
7 than the college and who have no  
8 expectation of continued employment beyond  
9 the brief appointment period they are with  
10 the college."

11 The petitioner again disagrees,  
12 believes that there is a sufficient  
13 community of interest and believes the  
14 evidence will show that some or all of the  
15 visiting faculty have a sufficient  
16 continuing relationship with Barnard to  
17 justify their inclusion in the unit.

18 THE HEARING OFFICER: Okay. So  
19 this hearing is going to be limited to the  
20 issue of community of interest, among all  
21 of the classifications in the petition for  
22 unit. It may be that, as we proceed, the  
23 parties are able to come to agreement  
24 about the inclusion or exclusion of  
25 various titles that are currently in the



## PROCEEDINGS

1  
2 petition for unit and we can certainly  
3 make adjustments as we go on.

4 But we will begin with the  
5 full-time -- with the full-time contingent  
6 faculty in their various classifications.

7 So I am ready for the employer  
8 to present its first witness.

9 MS. MUNOZ: Okay. Would it be  
10 possible, the documents that I gave -- I  
11 don't know what you all call each other in  
12 New York, but Massachusetts, "My Brother  
13 Counsel" -- would it be possible to  
14 just -- do you have any objection to them  
15 going in as exhibits? We can label them  
16 and put them in and refer to them as we go  
17 through.

18 MR. LEVINE: Well, why don't  
19 we --

20 THE HEARING OFFICER: Why don't,  
21 you know, as you are prepared to, you  
22 know, have witnesses either identify  
23 various documents, you know, as you  
24 introduce each one, we can go through  
25 whether there are objections, or are you

## PROCEEDINGS

1  
2 seeking to submit them now as --

3 MS. MUNOZ: I was going to put  
4 them in, have them marked or refer to them  
5 as we go, or can we mark them for  
6 identification and if they come up with an  
7 objection, we can address it then?

8 MR. LEVINE: I think there are  
9 some issues or at least questions I'd like  
10 to ask as voir dire on the record before  
11 putting them in. So I would be happy to  
12 go through that now, if you would want.

13 MS. MUNOZ: Sure, let's do that.

14 THE HEARING OFFICER: Should we  
15 go off the record so you can have that  
16 discussion?

17 THE HEARING OFFICER: Okay. Off  
18 the record.

19 (Discussion held off the  
20 record.)

21 THE HEARING OFFICER: On the  
22 record.

23 MS. MUNOZ: Employer was hoping  
24 to introduce, or at least mark, I believe  
25 it's seven exhibits.

## PROCEEDINGS

1  
2 MR. LEVINE: We're happy to mark  
3 them.

4 MS. MUNOZ: And then there was a  
5 question of whether or not to have a  
6 discussion about them now on the record  
7 now or as we go through the testimony with  
8 the witness. I'm fine with either. I  
9 don't know what you and counsel would like  
10 to do.

11 MR. LEVY: Mark them now.

12 THE HEARING OFFICER: Identify  
13 each one and we'll mark them. And do you  
14 have copies for me by any chance?

15 MS. MUNOZ: I do.

16 THE HEARING OFFICER: Okay. So  
17 let's do that, and then, as they come up,  
18 we'll determine whether they will be  
19 admitted or not.

20 MS. MUNOZ: Alright. So it's  
21 call "Faculty Guide - Procedures for  
22 Reappointment and Promotion of Full-Time  
23 Officers with Instruction at Barnard  
24 College". It will be marked as Employer  
25 1.

## 1 PROCEEDINGS

2 (Employer Exhibit 1, "Faculty  
3 Guide - Procedures for Reappointment and  
4 Promotion of Full-Time Officers with  
5 Instruction at Barnard College", marked  
6 for identification, this date.)

7 THE HEARING OFFICER: Okay.

8 MS. MUNOZ: Code of Academic  
9 Freedom and Tenure, that would be Employer  
10 2.

11 (Employer Exhibit 2, Code of  
12 Academic Freedom and Tenure, marked for  
13 identification, this date.)

14 MS. MUNOZ: Faculty Meetings,  
15 that would be Employer 3.

16 (Employer Exhibit 3, Faculty  
17 Meetings, marked for identification, this  
18 date.)

19 MS. MUNOZ: Faculty Committees.

20 (Employer Exhibit 4-A, Faculty  
21 Committees, marked for identification,  
22 this date.).

23 MS. MUNOZ: With that is  
24 Appointive Committees. That would be  
25 Employer 4-A and 4-B.

## PROCEEDINGS

(Employer Exhibit 4-B, Standing Appointive Committees, marked for identification, this date.)

MR. LEVY: What did you say 3 was?

MS. MUNOZ: One second.

THE HEARING OFFICER: What was that 4 B?

MS. MUNOZ: 4-B is appointive committees.

THE HEARING OFFICER: Okay.

MS. MUNOZ: I'm sorry. Standing Appointive Committees.

THE HEARING OFFICER: Okay.

MS. MUNOZ: Employer 5 would be Procedures For Faculty Vote.

(Employer Exhibit 5, Procedures For Faculty Vote, marked for identification, this date.)

THE HEARING OFFICER: Okay.

MS. MUNOZ: Employer...

THE HEARING OFFICER: 6.

MS. MUNOZ: -- 6, thank you, would be Spring 2015 Faculty Elections.

## PROCEEDINGS

1  
2 That includes an e-mail as well as a  
3 letter to members of the Barnard voting  
4 faculty. We could -- if you want to, just  
5 for clarification, we can do Employer 6-A  
6 and 6-B, but they go together.

7 (Employer Exhibit 6-A, Spring  
8 2015 Faculty Elections, marked for  
9 identification, this date.)

10 (Employer Exhibit 6-B, e-mail  
11 and letter to members of the Barnard  
12 voting faculty, marked for identification,  
13 this date.)

14 MS. MUNOZ: And then the last  
15 one, Employer 7, would be the portion of  
16 the chartered bylaws and statutes that, I  
17 believe -- the statutes we're going to  
18 provide a complete copy, so we could --  
19 this goes in, we can always amend that  
20 letter.

21 THE HEARING OFFICER: Sure.

22 (Employer Exhibit 7, portion of  
23 the chartered bylaws and statutes, marked  
24 for identification, this date.)

25 THE HEARING OFFICER: Okay. And

## PROCEEDINGS

1  
2 are you ready for your first witness?

3 MS. MUNOZ: I believe we are.

4 THE HEARING OFFICER: Great.

5 MS. MUNOZ: Ready to call the  
6 first witness.

7 THE HEARING OFFICER: Please  
8 state your name for the record..

9 MS. MUNOZ: Patricia Denison.

10 THE HEARING OFFICER: Raise your  
11 right hand, please. Do you solemnly  
12 affirm that you will testify truthfully at  
13 this hearing?

14 PROFESSOR DENISON: Yes.

15  
16 P A T R I C I A D E N I S O N , having  
17 first been duly affirmed, was examined and  
18 testified as follows:

19 DIRECT EXAMINATION BY MS. MUNOZ:

20 Q. Good afternoon.

21 A. Good afternoon.

22 Q. Would you please state your full  
23 name for the record.

24 A. Patricia Denison, D-e-n-i-s-o-n.

25 Q. And by whom are you employed?

1 DENISON - Direct

2 A. Barnard College.

3 Q. And what is the title of your  
4 position at Barnard?

5 A. I am associate provost and I am  
6 A senior lecturer.

7 Q. And what department are you a  
8 senior lecturer in?

9 A. English department.

10 Q. And there might be a question of  
11 whether or not you -- do you know if you  
12 would be in the proposed unit?

13 A. Yes, I would be.

14 Q. And how long have you been  
15 employed by Barnard College?

16 A. Over 20 years.

17 Q. And how long have you held the  
18 associate provost position?

19 A. I have held it -- I was interim  
20 for six months, and now I have been doing  
21 it for one full year. So a year and a  
22 half. If you include the interim, one and  
23 a half years.

24 Q. Okay. And for the rest of  
25 the -- I believe you said 20 years --



1 DENISON - Direct

2 you've been a -- what other positions have  
3 you held? Have you always been a senior  
4 lecturer?

5 A. I started as a lecturer and then  
6 I went through the review process and  
7 appointments. So then I was appointed as  
8 a senior lecture, and then I went through  
9 a couple of reviews again and was  
10 reappointed a senior lecturer, and  
11 reappointed again senior lecturer.

12 Q. And do you know if senior  
13 lecturer the highest appointment or  
14 highest promotion you could obtain?

15 A. Yes.

16 Q. And would you briefly describe  
17 your functions and duties as the associate  
18 provost.

19 A. Woa!

20 THE HEARING OFFICER: You know  
21 what? Sorry to interrupt. Before you get  
22 to that, could you just let me know what  
23 educational credentials do you hold  
24 with --

25 THE WITNESS: I have a Ph.D.

1 DENISON - Direct

2 THE HEARING OFFICER: Thanks.

3 Go ahead.

4 THE WITNESS: Sure.

5 Q. So, again, if you could, try to  
6 briefly describe your functions and duties  
7 as the associate provost.

8 A. As associate provost, I work  
9 very, very closely with the provost, Linda  
10 Bell. So I would do a number of things:  
11 I chair major committees, such as the  
12 Curriculum On Instruction Committee, the  
13 Grants Committee; I am on the Faculty  
14 Governance Procedures Committee that's  
15 chaired by Provost Bell; I'm on the  
16 Faculty Budget and Procedures Committee  
17 that's chaired by Provost Bell.

18 And as well as those committees,  
19 I also deal day to day with faculty  
20 matters. Usually, matters will come to  
21 me. Usually questions of tenure will go  
22 directly to the provost. So I do not deal  
23 with tenured matters. Those are entirely  
24 in the hands -- but other once about  
25 questions of procedures, policy, the

1 DENISON - Direct  
2 day-to-day workings of the office. So I  
3 work very closely with her. I also work  
4 very closely with Leslie Cawley, who is  
5 the chief budget officer in the provost  
6 office, and then I also work with the  
7 provost office staff.

8 So there are many things. I  
9 think that's -- I hope that's the simple  
10 explanation. It's a full -- it's a full  
11 job.

12 Q. It's a full job.

13 A. Yeah.

14 Q. And could you briefly describe  
15 just for the record what type of  
16 institution Barnard is.

17 A. It's a liberal arts college, as  
18 you said earlier. It's a nonprofit. We  
19 have over 2,000 students. We are  
20 affiliated with Columbia University, as  
21 Jomysha said. We have an intercorporate  
22 agreement. But we are an independent  
23 institution with that affiliation.

24 Q. And what types of degrees does  
25 Barnard award?

1 DENISON - Direct

2 A. They award undergraduate  
3 degrees.

4 Q. Undergraduate degrees?

5 THE HEARING OFFICER: Sorry.  
6 Are these your notes? What do you have  
7 here in front of you?

8 THE WITNESS: These are notes I  
9 was writing as we were listening here.

10 THE HEARING OFFICER: So just so  
11 that it's clear that you're testifying  
12 from your knowledge and experience and not  
13 your notes, I need you to flip them over  
14 or leave them at your seat.

15 THE WITNESS: Sure, I'll flip  
16 them over. You can see (indicating). No  
17 one told me in advance. Alright, it's a  
18 blank page.

19 THE HEARING OFFICER: Alright.  
20 That's fine. Go ahead.

21 Q. And are there -- where is  
22 Barnard located?

23 A. It's on Broadway, between 116th  
24 and 119th Street, 309 Broadway, 10237.

25 Q. And are there any other

1 DENISON - Direct

2 locations?

3 A. No.

4 Q. And are there multiple schools,  
5 multiple departments at Barnard?

6 A. There are multiple departments,  
7 yes. And there are multiple programs.  
8 There are departments and programs. There  
9 are centers as well, but basically the  
10 departments and the programs are the key  
11 academic functions.

12 Q. And what's the distinction  
13 between the departments and the programs?

14 A. The departments are the ones  
15 that are -- would have majors and minors.  
16 The programs are very often smaller ones  
17 that will evolve over time and they may  
18 eventually become departments.

19 Q. Okay. And as the hearing  
20 officer explained, we're going to be  
21 talking about -- well, you understand that  
22 the Position 4 Unit is for contingent  
23 faculty partner?

24 A. Yes.

25 Q. And do you know approximately

1 DENISON - Direct

2 how many different types of contingent  
3 faculty there are at Barnard? Are you  
4 aware?

5 A. I'm aware of senior associates,  
6 associates; senior lecturers, lecturers;  
7 professors of professional practice,  
8 associate professors of professional  
9 practice, and assistant professors of  
10 professional practice.

11 Q. Okay. Let's start with that.  
12 Are you aware of any other kind of  
13 contingent faculty at Barnard?

14 A. By "contingent", do you mean --

15 Q. Nontenure or off-ladder. What  
16 about part-time and full-time?

17 A. I mean -- alright, you're making  
18 that distinction. There are adjuncts.

19 Q. And adjuncts are --

20 A. Are part-time employees.

21 Q. Okay.

22 A. So the other ones I listed  
23 before are full-time and adjuncts are  
24 part-time.

25 Q. Okay.

1 DENISON - Direct

2 A. And there are other -- a few  
3 other ones that you had made sort of  
4 rather idiosyncratic individual cases.

5 THE HEARING OFFICER: I don't  
6 think this is on the record yet. How many  
7 adjuncts are there?

8 MS. MUNOZ: Oh, I don't know.  
9 Do you want me to put it into the record?

10 THE HEARING OFFICER: We gave  
11 the numbers for the other categories that  
12 you're seeking to exclude, but what about  
13 who everyone agrees will be included, if  
14 you could just give --

15 MS. MUNOZ: One hundred for each  
16 type. Let's do it that way. Adjunct  
17 assistant professor, one -- actually --  
18 I'm sorry, 46. Looks like a typo,  
19 Jomysha, or is that the same thing?

20 (Counsel confer.)

21 MS. MUNOZ: Sorry, 46. Adjunct  
22 associate, 17; adjunct associate  
23 professor, 23; adjunct lecturer, 73;  
24 adjunct professor, 17; adjunct associate,  
25 one; adjunct visiting assistant professor,

1 DENISON - Direct

2 two; and adjunct visiting professor, two.

3 MR. LEVY: Could we do that  
4 again a little more slowly for the note  
5 takers.

6 MS. MUNOZ: Adjunct assistant  
7 professor, 46; adjunct associate, 17,  
8 adjunct associate professor, 23 --

9 THE HEARING OFFICER: So there's  
10 adjunct associate and adjunct associate  
11 professor, those are different --

12 MS. MUNOZ: Yes.

13 THE HEARING OFFICER: And the 23  
14 was for the associate professor?

15 MS. MUNOZ: Correct.

16 THE HEARING OFFICER: Okay.  
17 Thank you.

18 MS. MUNOZ: Adjunct lecturer,  
19 73; adjunct professor, 17; adjunct senior  
20 associate, one; adjunct visiting assistant  
21 professor, two; adjunct visiting  
22 professor, two.

23 THE HEARING OFFICER: Thank  
24 you.

25 MS. MUNOZ: You're most welcome.



1 DENISON - Direct

2 THE HEARING OFFICER: You can  
3 continue.

4 MS. MUNOZ: Thank you.

5 Q. Alright. Let's begin with the  
6 initial group that I believe you  
7 testified, associate professor of  
8 professional practice, associate assistant  
9 professor of professional practice,  
10 lecturer, professor of professional  
11 practice, senior associate, and senior  
12 lecturer.

13 So all of these folks, you said  
14 you considered contingent faculty?

15 A. As described, yes.

16 Q. As described. And so they are  
17 members of Barnard faculty?

18 A. Yes.

19 Q. Okay. And let's see where I  
20 want to start. So let's see. Let's begin  
21 with work load expectations. What work do  
22 full-time faculty do that, for example,  
23 that adjuncts do not?

24 THE HEARING OFFICER: Which  
25 full-time faculty?

1 DENISON - Direct

2 MS. MUNOZ: The group that I  
3 just --

4 THE HEARING OFFICER: That you  
5 just listed.

6 MS. MUNOZ: Which...

7 Q. How would you -- if you had to  
8 give me a blanket term to the group of  
9 full-time contingent faculty I just named,  
10 how would you refer to them?

11 A. Traditional term has been  
12 "off-ladder full-time faculty". That  
13 would be in distinction from those who are  
14 tenured faculty, and those who are tenured  
15 track. So "off-ladder" would mean that  
16 you're nontenurable. Is that making --

17 Q. Yes.

18 A. Okay.

19 Q. But is that -- so I would call  
20 them --

21 THE HEARING OFFICER: Are these  
22 the people who, in our discussions before  
23 we opened the record, were casually  
24 referred to as "core"?

25 MS. MUNOZ: "Core" and "reviewed

1 DENISON - Direct

2 and renewable". I think those were the  
3 two terms that have been --

4 THE WITNESS: I think those --

5 THE HEARING OFFICER: For ease  
6 of reference, can we just agree, you know,  
7 for the person who will be reviewing the  
8 record and for me as it continues, that  
9 the associate professor of professional  
10 practice, the associate assistant  
11 professor of professional practice,  
12 lecturer, professor of professional  
13 practice, senior associate and senior  
14 lecturer are the core faculty as  
15 distinguished from other off-ladder  
16 contingent folks who also have full-time  
17 positions?

18 THE WITNESS: Yes. So these  
19 would be the full-time renewed -- reviewed  
20 and renewable.

21 THE HEARING OFFICER: Okay.

22 Q. So full-time reviewed and  
23 renewable.

24 A. Right.

25 Q. Why don't you please describe

1 DENISON - Direct  
2 for the record what their responsibilities  
3 are.

4 A. Alright. The responsibilities  
5 for -- if you're at the lecturer or  
6 associate level, either senior or senior  
7 associate, senior lecturer, lecturer or  
8 associate, your full time teaching  
9 responsibilities are six courses per year.

10 Q. Alright. And --

11 A. And if you are a professor of  
12 professional practice, at any of those  
13 levels -- assistant, associate, full  
14 professor -- your teaching  
15 responsibilities are four courses, because  
16 there's the assumption that you are indeed  
17 practicing, you have a career outside of  
18 Barnard, and that's why are you a  
19 professor of professional practice. So it  
20 would give you time to, as we said  
21 earlier, to, in theater, to direct plays,  
22 to be a designer; in architecture, to have  
23 your architecture practice. And those  
24 would be the kinds of examples.

25 Q. So would you just distinguish

1 DENISON - Direct

2 then what a professor of professional  
3 practice is versus a lecturer, associate,  
4 senior lecturer, senior associate. What  
5 is the distinction between those groups?

6 A. The distinction is, again,  
7 professors of professional practice are  
8 the ones who have ongoing careers outside  
9 of college, and they are hired, in fact,  
10 because they are practitioners in whatever  
11 their field is. I'll just use music,  
12 theater, architecture as examples. If you  
13 are a lecturer, it is assumed that you  
14 would have a Ph.D. and you would be an  
15 academic, and you would have a particular  
16 field that you would teach in, and you  
17 would also then have other  
18 responsibilities outside of teaching that  
19 are required of you. And if you want, I  
20 will go into those, but -- I'll go into  
21 those, but let just finish on associates.  
22 Associates would be those who do not have  
23 their Ph.D., and in their particular field  
24 it is assumed you would have, and for some  
25 reason you would not, you would have a

1 DENISON - Direct

2 title as associate.

3 Q. Okay. And do lecturers have  
4 Ph.D.s?

5 A. Lecturers have Ph.D.s as well.  
6 There would be -- there are always a few  
7 exceptions, such as they will use  
8 sometimes the term "lecturer" if you are  
9 in a field and you have a terminal degree,  
10 such as an MFA. Let's just use theater.  
11 If you have a masters of fine arts, it's  
12 not necessarily assumed that you would  
13 need a Ph.D. to teach directing. You  
14 would have gone to a graduate school in  
15 directing.

16 Q. And what about the professors of  
17 professional practice?

18 A. They would have the degrees that  
19 are appropriate to their practice.

20 Q. Okay. And do any of the core or  
21 reviewed and renewable full-time faculty,  
22 do they do service work for the college?

23 A. Yes. They do considerable  
24 service work for the college. There are  
25 nine elective committees, there are 28

1 DENISON - Direct

2 standing appointive committees, and those  
3 committees have a mixture of tenured  
4 faculty and nontenured faculty. In the  
5 nontenured faculty, the off-ladder, the  
6 renewable and reviewed faculty are on  
7 those committees. They are elected to  
8 those committees by the faculty as a  
9 whole. And if you are on a standing  
10 appointive committee, that usually means  
11 that you have not -- well, not  
12 necessarily; you might have been elected  
13 to a committee and you might be willing to  
14 serve on another standing committee.  
15 Those appointments are done through the  
16 Faculty Governance Procedures Committee in  
17 consultation with the provost.

18 MS. MUNOZ: If I may, I'm just  
19 going to show Ms. Denison Exhibit --  
20 Employer Exhibit 4-A and 4 B.

21 Q. Take a look at that and let me  
22 know if you recognize that.

23 A. Yes. That's what I'm referring  
24 to.

25 Q. Okay.

1 DENISON - Direct

2 A. So, you know, as an example,  
3 before -- before I became associate  
4 provost, when I was a lecturer and a  
5 senior lecturer, I was on the Committee On  
6 Instruction, I chaired the Faculty Finance  
7 and Resources Committee, I was on the  
8 Faculty Governance Procedures Committee.  
9 This is -- it's not unusual for off- --  
10 I'm going to call them off-ladder  
11 renewable and renewed -- to be on  
12 committees, and, in fact, if you went  
13 through these, you can find -- you can  
14 mark very clearly how many of the faculty  
15 are in fact off-ladder faculty.

16 Q. We will eventually walk through  
17 those.

18 A. And we'll walk through --

19 Q. Not quite yet.

20 A. Okay.

21 Q. And do the full-time reviewed  
22 and renewable, do they do student  
23 advising?

24 A. Yes. And departments vary. The  
25 number of students you would be advising



1 DENISON - Direct  
2 would really vary tremendously according  
3 to the department. In the English  
4 department, I sometimes was advising both  
5 English and English theater concentrates  
6 and I had at one point over 30 students  
7 that I was advising. At other points,  
8 they usually tend not to go that high.  
9 They tend to be, let's say, somewhere in  
10 the teens, but it is assumed that you  
11 would be advising students.

12 Q. What do you mean "it's assumed"?

13 A. Well, it's -- it's part of your  
14 obligation as a faculty member.

15 THE HEARING OFFICER: Are you  
16 evaluated on whether you do advising?

17 THE WITNESS: You know, that's a  
18 good question. The Dean of Studies Office  
19 does -- they send out forms to the  
20 students that -- where the students have  
21 an opportunity to comment on the quality  
22 of their advising.

23 THE HEARING OFFICER: Okay.

24 Q. And are there -- do full-time  
25 reviewed and renewable, are there any

1 DENISON - Direct

2 scholarship expectations of them?

3 A. There is -- there are probably  
4 three key aspects. It would be your  
5 emphasis on your pedagogy, on your  
6 teaching; emphasis on your service; and  
7 emphasis on your scholarship as it's  
8 relating to your pedagogy.

9 So, yes, when you are doing your  
10 reviews for appointment and reappointment,  
11 you're asked to put your dossier together  
12 and you're asked to write about your  
13 teaching philosophy, you're asked to write  
14 about your service to the college, you're  
15 asked to write about your scholarship,  
16 you're asked to write about your  
17 professional organizations that you belong  
18 to and how they feed into your teaching  
19 responsibilities and into your  
20 scholarship, and you're reviewed also on  
21 your teaching evaluations.

22 Q. Okay. And --

23 A. And if I can also say, you're  
24 also reviewed at the end of each year.  
25 Only the full-time group that we're

1 DENISON - Direct

2 referring to, your core group. You have  
3 to submit a faculty personnel form that  
4 goes -- where you must report on  
5 everything you have done in all of those  
6 categories and those -- that goes to the  
7 chair and then it goes to the provost.  
8 So -- but only the full-time faculty do  
9 that. So we do that just as the tenured  
10 faculty do. It's the same that goes to  
11 the tenured faculties as goes to our  
12 group.

13 Q. Let me just back you up for one  
14 moment, Exhibit 4-A and 4-B, talking about  
15 the committees.

16 A. Sure.

17 Q. Do you know, is this document  
18 current?

19 A. Yes. I looked through this, and  
20 I would say this is current. I know there  
21 may be a few -- a couple of more elections  
22 because people have -- let's say there's  
23 one committee where someone is on as an  
24 assistant professor and there needs to be  
25 a special election in the fall, because

1 DENISON - Direct

2 she had just been promoted associate, but  
3 pretty much they're current, yes.

4 Q. And this comes from the  
5 provost's office?

6 A. It does.

7 Q. And you're the associate  
8 provost?

9 A. I am.

10 Q. And do you know, is this  
11 document -- or these documents, I guess --  
12 they also talking about standing  
13 appointive committee, Employer's  
14 4-B -- are these published or --

15 A. Yes, this is straight off of the  
16 provost web page.

17 Q. Okay. And so how are you  
18 familiar with these documents?

19 A. Because we have had -- we had  
20 faculty election, you referenced those  
21 faculty elections, Spring 2015. These are  
22 the results of the Spring 2015 elections,  
23 and they are the results of the Faculty  
24 Governance Procedures Committee appointing  
25 other faculty and some of the same

1 DENISON - Direct  
2 faculty, but mostly other faculty, who had  
3 requested, because they know it's part of  
4 their responsibility to be on committees.  
5 The full-time faculty must be on  
6 committees. So they are appointed. So  
7 those ones would come from faculty  
8 governance procedures.

9 MS. MUNOZ: Okay. And the  
10 employer would like to move to have  
11 Employer 4-A and B admitted into the  
12 record. I think counsel for the union may  
13 have some questions.

14 MR. LEVINE: I have no objection  
15 to these documents.

16 THE HEARING OFFICER: Okay. Do  
17 you have copy for the reporter?

18 MS. MUNOZ: I do, at the risk of  
19 losing my copy. I'll just share mine.

20 (Employer Exhibit 4-A marked  
21 into evidence, this date.)

22 (Employer Exhibit 4-B marked  
23 into evidence, this date.)

24 Q. And you were talking about the  
25 2015 faculty and elections, which are a

1 DENISON - Direct

2 bit out of order, but I think it would --  
3 marked as employer Exhibit 6. I can give  
4 it to you again. Take a look at this --  
5 6-A, I believe, and 6-B. These are the  
6 2015 elections. Do you recognize --

7 A. Yes.

8 Q. -- these two documents?

9 A. Yes. Yes.

10 Q. And how do you recognize these  
11 two documents?

12 A. I recognize them because they  
13 had come from the provost's office in  
14 March and I had looked over this document  
15 before it went out with Sarah --

16 Q. The first one -- Exhibit A or --  
17 6-A or 6-B? There's a letter attached to  
18 the e-mail.

19 A. I have actually an E-6 on the  
20 top of mine.

21 Q. It should be A. Sorry.

22 A. All right. A?

23 Q. Yes.

24 A. The first one, and then Sara  
25 Freidel, who's the senior academic

1 DENISON - Direct  
2 coordinator, I've worked with her, and we  
3 worked with Abby Levin, someone also in  
4 the provost's office on election. So  
5 basically we went over it just to make  
6 sure that all eligible full-time faculty  
7 were receiving this. So we carefully went  
8 through who was going to receive this  
9 e-mail. And again, you needed to be a  
10 full-time faculty member to vote and to be  
11 elected.

12 Q. Okay. And when you say a  
13 full-time faculty member, that includes  
14 tenured as well as off-ladder or just  
15 tenured --

16 A. Tenured, as well as off-ladder,  
17 tenured track, and off-ladder. So those  
18 three categories, the tenured category,  
19 those who are assistant professors hoping  
20 to be tenured. And the third category  
21 would be the renewable and reviewed, the  
22 off-ladder. I'm just going to call them  
23 off-ladder from this point on. Okay?

24 Q. It is more than a mouthful.  
25 And did you happen -- have you

1 DENISON - Direct

2 seen what should be marked as 6-B, the  
3 second page of the letter? Do you  
4 recognize that document?

5 A. Yes.

6 Q. And how do you recognize it?

7 A. Because it came out to all  
8 members of the Barnard -- of voting  
9 faculty and because I am on the Faculty  
10 Governance Procedures Committee.

11 Q. Which issued that -- this  
12 letter?

13 A. Yes. Exactly.

14 MS. MUNOZ: The employer would  
15 like to move to enter into the record  
16 Exhibit 6-A and 6-B.

17 THE HEARING OFFICER: Any  
18 objection?

19 MR. LEVINE: No objection.

20 THE HEARING OFFICER: Okay.  
21 Those are received.

22 (Employer Exhibit 6-A marked  
23 into evidence, this date.)

24 (Employer Exhibit 6-B marked  
25 into evidence, this date.)



1 DENISON - Direct

2 THE HEARING OFFICER: Can I just  
3 ask you a few questions about 6-A before  
4 we move on? Who is Jennifer Syva? That's  
5 who you sent this to?

6 THE WITNESS: Exactly. She works  
7 for the general counsel's office. I don't  
8 know her exact title.

9 MS. STEPHEN: She's a paralegal?

10 THE WITNESS: She's a paralegal.

11 THE HEARING OFFICER: Okay.

12 THE WITNESS: So when I was not  
13 off on Friday, she called and said, "Do  
14 you have any records of the faculty  
15 elections?" And I said, "I think I have it  
16 in my e-mail," because it went out to me  
17 and actually the other full-time faculty.  
18 So I just pulled it up and sent it to her  
19 as the particle legal.

20 THE HEARING OFFICER: Gotcha.  
21 And then the underlying message, which is  
22 the forwarded message below there, it  
23 doesn't actually say who it went to, other  
24 than you? Did you testify who you  
25 remember it going to? What do you base

1 DENISON - Direct

2 that testimony on? That...

3 THE WITNESS: I base it on we  
4 were very, very careful in going over the  
5 list of who should receive this. So it  
6 was -- that probably would have been  
7 blind-copied to all of those full-time  
8 faculty --

9 THE HEARING OFFICER: Okay.

10 THE WITNESS: -- the tenured,  
11 the tenured track and the off-ladder, and  
12 that's it. Those are the voting members  
13 of the Barnard faculty.

14 THE HEARING OFFICER: And then  
15 if you look, the second  
16 "Please" -- there's a paragraph and then  
17 two "Pleases" -- the second one, "...  
18 faculty will receive the Appointive  
19 Committee Preference Form." What is that?

20 THE WITNESS: Okay. Which one--  
21 which step are you on now?

22 THE HEARING OFFICER: Sure.  
23 I'll just point it out to you. I'm  
24 looking here it.

25 THE WITNESS: Yes, okay, that's

1 DENISON - Direct  
2 what I thought you were going to. After  
3 the elections close. So that's pretty  
4 much a signal to -- that if you are not  
5 elected, and even if you are elected, the  
6 next step will be that we're going to  
7 reach out again to the same group, and  
8 that's referencing the appointive standing  
9 committees. Those are the eight  
10 committees. So these are elections for  
11 the nine elected committees, and it will  
12 be followed, where faculty that would then  
13 be able to say, you know, my preference  
14 would be to be on, you know, the Honor  
15 Board, the Committee on Programs and  
16 Academic Standings. They would look at  
17 the list of those 28 and then say, these  
18 are my top 3.

19 THE HEARING OFFICER: And so  
20 when this refers to faculty receiving  
21 their preference form, what faculty is it  
22 referring to?

23 THE WITNESS: Same. Same list.  
24 Exact same list.

25 THE HEARING OFFICER: Which is?

1 DENISON - Direct

2 THE WITNESS: Which is tenured,  
3 tenured track, and off-ladder.

4 THE HEARING OFFICER: And then  
5 when you look at the flipside of 65 --

6 THE WITNESS: Right.

7 THE HEARING OFFICER: -- it  
8 lists the committee vacancies. So where  
9 you see tenured and nontenured --

10 THE WITNESS: Good.

11 THE HEARING OFFICER: -- so if  
12 you could just explain --

13 THE WITNESS: Sure. That's  
14 great.

15 THE HEARING OFFICER: -- to  
16 the --

17 THE WITNESS: Yeah. The tenured  
18 is referring to associate professors and  
19 professors. So those are the two groups  
20 of people who have been -- who have  
21 received tenure.

22 THE HEARING OFFICER: Okay. And  
23 then the nontenured?

24 THE WITNESS: The nontenured  
25 would include the tenured track who are

1 DENISON - Direct  
2 assistant professors, and it would include  
3 the off-ladder.

4 THE HEARING OFFICER: Okay.

5 THE WITNESS: So we are in the  
6 same group as the -- in terms of voting,  
7 we are nontenured, and we are in the same  
8 group as the assistant professors who  
9 might some day be tenured.

10 THE HEARING OFFICER: So are  
11 there committee positions reserved  
12 strictly for the off-ladder, or are they  
13 just nontenured?

14 THE WITNESS: Right. There is  
15 one committee. If you look at the elected  
16 committees, you see off-ladder faculty  
17 advisory committee, the last one down --  
18 it's on the first page.

19 THE HEARING OFFICER: On  
20 Exhibit 4-A?

21 THE WITNESS: On this document  
22 here.

23 THE HEARING OFFICER: So --

24 THE WITNESS: So those would  
25 be --

1 DENISON - Direct

2 THE HEARING OFFICER: So that  
3 the record is clear, let me just clarify  
4 what exhibit we're looking at. This is  
5 Employer 4-A --

6 THE WITNESS: Right.

7 THE HEARING OFFICER: -- page 1,  
8 and which committee are you referring to?

9 THE WITNESS: It's the  
10 off-ladder faculty advisory committee.

11 THE HEARING OFFICER: What is  
12 that committee?

13 THE WITNESS: That is composed  
14 entirely of off-ladder, full-time  
15 off-ladder faculty.

16 THE HEARING OFFICER: Okay. And  
17 are there any of these other elected  
18 committees where --

19 THE WITNESS: Yes.

20 THE HEARING OFFICER: -- there  
21 are reserved seats for off-ladder folks?

22 THE WITNESS: Yes, there is only  
23 one, and that is the -- that's one that I  
24 served on. I'm speaking with years of  
25 experience on this one. That's a faculty

1 DENISON - Direct  
2 finance and resource committee, which is  
3 two above that. And if you go into the  
4 same document, if you're on page 11 of  
5 that --

6 THE HEARING OFFICER: Okay. So  
7 still in 4-A, page 11 and 13?

8 THE WITNESS: Right. You see  
9 you have tenured vote, at large vote,  
10 nontenured vote, and that single one is  
11 off-ladder vote.

12 THE HEARING OFFICER: Okay.

13 THE WITNESS: And so we are the  
14 committee that speaks -- we meet  
15 regularly -- we meet annually with the  
16 board of trustees and we advocate faculty  
17 benefits, compensations, and other issues,  
18 and so that that is reserved because they  
19 consider the off-ladder faculty an  
20 integral part of the full-time faculty. So  
21 that's why they insist there be a  
22 representative from that, and I chaired  
23 that committee for over -- over -- maybe a  
24 dozen years. I'm not sure. And then I  
25 stepped away from that when I became

1 DENISON - Direct

2 associate provost.

3 THE HEARING OFFICER: Okay.

4 THE WITNESS: Okay? Does that  
5 make sense?

6 THE HEARING OFFICER: Yes.

7 THE WITNESS: And the other  
8 ones, they are mixed in with the  
9 nontenured ones.

10 THE HEARING OFFICER: I  
11 understand. Okay. So -- sorry for the  
12 interruption.

13 THE WITNESS: No, that's -- good  
14 interruption

15 CONTINUED DIRECT EXAMINATION

16 BY MS. MUNOZ:

17 Q. We were talking about -- I think  
18 we were talking about scholarship  
19 expectations, and I believe you testified  
20 to preparing the dossier and review  
21 process. While we're at that, why don't  
22 we just move -- see if we can enter  
23 another document, what was proposed,  
24 marked as employer Exhibit 1. Take a look  
25 at that. Tell us if you recognize it.



1 DENISON - Direct

2 And, if so, how?

3 A. I recognize this as the Faculty  
4 Guide - Procedures for Reappointment and  
5 Promotion.

6 Q. Have you seen the document  
7 before?

8 A. Yeah. I'm looking to see. This  
9 is the one -- yeah, this is the one --  
10 this is the most recent one. This is the  
11 2015. Yes. This was the one that was  
12 referenced earlier that the ATP, the  
13 tenure and promotions committee, they went  
14 through all of the procedures and it was a  
15 very, very lengthy review. I'm not on the  
16 ATP. So I can't speak to what happened in  
17 that committee, and it's a confidential  
18 committee. It's a committee that is solely  
19 tenured, senior tenured faculty. So  
20 associate professor and professors. And  
21 they reviewed all of these and then they  
22 agreed that these are the procedures in  
23 place.

24 Q. And when was that issued?

25 A. I believe it was May two

1 DENISON - Direct

2 thousand -- yes, May 2015.

3 Q. And do you know, is that going  
4 to be part of -- has it been talk of a  
5 more general faculty guide?

6 A. Whenever the faculty guide is  
7 revised -- and this will -- would indeed  
8 be a part of it, I would -- if -- I guess  
9 I could answer it by saying this is the  
10 beginning of the rewriting of the faculty  
11 guide, but this is really dealing with  
12 appointment -- reappointments and  
13 promotions.

14 Q. Is it a part of the faculty  
15 guide? If you don't...

16 A. You know, I'm not -- again,  
17 I'm -- I am not absolutely positive that  
18 it is. I see "Faculty Guide" on the top  
19 of it. I -- the phrasing that I know from  
20 the provost office is "Personnel  
21 Procedures".

22 Q. Okay.

23 A. That's the category that I'm  
24 comfortable with. So that's why I was a  
25 little bit thrown by the word "Faculty

1 DENISON - Direct

2 Guide" on the top of it. I knew that they  
3 were -- that ATP was doing the personnel  
4 procedures. So that's -- that's how I  
5 would answer it.

6 Q. Okay. So that's the personnel  
7 procedures?

8 A. Yes.

9 Q. And do you know approximately  
10 how long it took the committee to work on  
11 the personnel --

12 A. I think it may have been over  
13 a -- I'm not positive, but I think it  
14 might have been over a two-year process.  
15 The bulk of it certainly happened this  
16 year.

17 Q. Do you know, is the document --  
18 is it published?

19 A. I believe it is published online  
20 now.

21 Q. Okay. And do you know what  
22 title is online?

23 A. I don't.

24 Q. Okay.

25 A. I -- no, I really don't. I'm

1 DENISON - Direct

2 guessing its personnel procedures. That's  
3 my guess. But I'd have to go online to  
4 say for sure.

5 Q. And do you know if that's an  
6 accurate description of the personnel  
7 procedures?

8 A. Yes, I think it is quite  
9 accurate, because I know the personnel  
10 procedures were brought -- members of the  
11 ATP came to the chair's meetings -- all  
12 the chairs and program directors meet once  
13 a month -- and this document was brought  
14 to the chairs and the chairs had an  
15 opportunity, and the program directors, to  
16 look over this to see whether they were in  
17 agreement, if this is what matched what  
18 they in fact did in their individual  
19 departments. So it was agreed that this  
20 was an accurate document. And that's when  
21 it was published. Not after it had gone.  
22 And then it went and the provost finalized  
23 it.

24 Q. And --

25 A. In conjunction, of course, with

1 DENISON - Direct

2 the president.

3 Q. Okay. And do you know to which  
4 faculty members these procedures applied?

5 A. Well, I would know only from  
6 what it says here "tenure line ranks,  
7 professor of professional practice ranks,  
8 lecturers, and associates." So just the  
9 groups that we've been talking about,  
10 they're all in here.

11 MS. MUNOZ: The employer would  
12 like to move to enter Employer 1 into the  
13 record.

14 MR. LEVINE: Voir dire?

15 THE HEARING OFFICER: Sure.

16 VOIR DIRE EXAMINATION

17 BY MR. LEVINE:

18 Q. When was this first published  
19 job line, if you know?

20 A. I don't know for sure. I'm  
21 assuming that it did not go online until  
22 May of 2015.

23 Q. You don't know if it was, you  
24 know, this month or last month? You  
25 don't?

1 DENING - Voir Dire

2 A. I don't know that for sure.

3 Q. Okay.

4 A. All I know is that they were --  
5 that was -- this has been a very long and  
6 a very, very thorough process, to try to  
7 get personnel procedures accurate.

8 Q. And when did you first see this  
9 document?

10 A. Well, because I am not on the  
11 ATP, I did not see this document. First  
12 time I remember seeing this document  
13 was -- I go to all of the chairs meetings,  
14 which are run by the provost -- and the  
15 first time I saw this document was when it  
16 was being discussed in the chair's  
17 meeting.

18 Q. Which was you know when?

19 A. Well, it certainly would have  
20 been in April. Well, let's just say it  
21 was not the May -- it was not the May  
22 meeting.

23 Q. But this is the same document  
24 that you saw?

25 A. (Nodding)

1 DENING - Voir Dire

2 Q. I'm a little confused. You said  
3 you were thrown by the term "Faculty  
4 Guide" at the top.

5 A. Yeah, that's what -- I mean, I  
6 was expecting to see "Personnel  
7 Procedures", because, within the provost  
8 office, that's -- that's the term that we  
9 were using.

10 Q. And when you saw this document  
11 in April, did it say "Personnel  
12 Procedures" on top?

13 A. I don't know.

14 Q. And do you know if there had  
15 been other changes, without looking  
16 through -- you haven't looked through the  
17 document today?

18 A. No. No, but I do know that what  
19 is online now is what came out of the ATP  
20 and what the chairs had agreed, the chairs  
21 and program directors. So it went to a  
22 final review after it came out of the  
23 committee, the tenure and promotions  
24 committee. Then it was shown to the  
25 chairs, and then the question is,

1 DENING - Voir Dire  
2 are -- is this what you do, is this the  
3 procedure you follow, does everyone  
4 agree? And then everyone agreed, so then  
5 it went back to provost, the provost then  
6 took it to the president.

7 MR. LEVINE: Okay. I have no  
8 objection.

9 THE HEARING OFFICER: Okay.  
10 Employer Exhibit 1 is received.

11 (Employer Exhibit 1, marked into  
12 evidence, this date.)

13 MS. MUNOZ: I'll take it back.

14 CONTINUING DIRECT EXAMINATION

15 BY MS. MUNOZ:

16 Q. Do you know if -- I believe you  
17 reference the faculty as this group, the  
18 reviewed and renewable, and then you also  
19 reviewed to adjuncts. Do adjuncts do  
20 service work?

21 A. They are not required to do  
22 some.

23 Q. Are they prohibited from doing  
24 service work?

25 A. They are not prohibited -- well,



1 DENING - Direct

2 they certainly are prohibited for running  
3 for any of these -- the election that you  
4 saw, that we referenced earlier, because  
5 they're not part of the voting faculty,  
6 and if service, for example, like in -- I  
7 can think of one instance that there  
8 certainly are adjunct faculty, some of  
9 whom have volunteered to advise students,  
10 and they get a stipend for doing that. So  
11 if you want to think of that as service,  
12 that would count, and they -- they  
13 receive a stipend for doing that.

14 Q. Okay. And when you say "voting  
15 faculty", again, who's the voting faculty?

16 A. Voting faculty are the tenured,  
17 the tenured track, and the full-time  
18 off-ladder.

19 Q. And you said that some adjuncts  
20 may do student advising. How frequently  
21 does that happen? Under what  
22 circumstances? Strike that. Under what  
23 circumstances does that happen?

24 A. It happens under somewhat  
25 unusual circumstances. I remember when

1 DENING - Direct

2 there was a year when there were, let's  
3 say, perhaps a faculty -- a lot of faculty  
4 on leave, various commitments or whatever,  
5 and the Dean of Studies asked adjunct  
6 faculty, long-term adjunct faculty, if  
7 they were interested in advising. But  
8 that -- that's the -- that's the instance  
9 I can think of, but it's not a  
10 requirement. They did not need to say  
11 yes. They said yes, they received a  
12 stipend.

13 Q. And do you remember  
14 approximately when that was?

15 A. Well, if you stay with  
16 "approximately", maybe a few years ago.

17 Q. And are there any adjuncts  
18 currently doing advising? Do you know?

19 A. I think there probably are, but  
20 I don't know for sure, because that's in  
21 the Dean of Studies Office.

22 Q. Okay.

23 A. The stipends would come through  
24 the budget director. She could answer  
25 that, but -- I don't sign off on those.

1 DENING - Direct

2 Q. Okay. And do adjunct have any  
3 scholarship expectations?

4 A. I don't think there is any --  
5 certainly not any written expectations for  
6 their scholarship. I mean, Barnard is a  
7 place that certainly prides itself on  
8 the -- on academic excellence, so I think  
9 people would, certainly would be delighted  
10 if there is scholarship that is occurring  
11 in addition to the teaching.

12 Q. Okay. Do you know -- do you  
13 have any sense of how often that occurs,  
14 or is that something --

15 A. (Nodding)

16 Q. No? You're shaking your head.

17 A. I don't -- I don't know. I  
18 mean, I think there's certainly nothing to  
19 prohibit -- I mean, adjuncts often --  
20 often teach here, they teach elsewhere.  
21 If they're interested in their field and  
22 they want to stay active and publish  
23 articles or -- certainly they can do  
24 that. The expectation is there's no  
25 written expectation that that -- I mean,

1 DENING - Direct

2 what would be required is you would need  
3 to see when they're hired, what their  
4 resume is, what their degree is, what  
5 their experience is.

6 Q. Okay. So adjuncts are not,  
7 based on what you said about, testified  
8 about the resume, adjuncts are not  
9 expected to do scholarship as part of  
10 their relationship with the college?

11 A. That is true.

12 Q. Alright. Let me just make sure I  
13 have that clear.

14 Focusing on teaching, are there  
15 any distinctions between what this  
16 reviewed and renewable group teach and  
17 what the adjuncts teach?

18 A. I think that would vary from  
19 department to department. You could say  
20 that in some departments, the first-year  
21 courses. I am certainly thinking of the  
22 English department here. There are more  
23 adjunct teachers, say, in the first year  
24 English program. That would be an area  
25 where you would say yes. There are more

1 DENING - Direct

2 adjuncts there. Often, adjuncts would  
3 teach as needed within a department.  
4 So -- I mean, you can hear what I'm  
5 saying. I'm not saying they are precluded  
6 from teaching upper level classes. There  
7 might be a class that is a required class  
8 for majors entering in their second year.  
9 If there's a need, if faculty are on  
10 leave, they might turn to an adjunct who  
11 has the experience, who has the  
12 qualifications, to say, because of their  
13 teaching evaluations, we would like you,  
14 for a semester, to come in and teach this  
15 class. But it really -- it varies from  
16 department to department.

17 Q. Okay. And so you had testified  
18 that there is one location for Barnard.  
19 So all faculty are teaching on the same  
20 campus?

21 A. Yes.

22 Q. And does Barnard have currently  
23 any online courses?

24 A. Not that I know of. I think  
25 they -- there may be a faculty member who

1 DENING - Direct  
2 is -- and this would be a full -- a  
3 professor, who may be doing something  
4 independently, but this is not a  
5 Barnard -- there are -- you know, we  
6 use -- yeah, I think the simple answer is  
7 "no." The simple answer is "no."

8 Q. Okay. And so are all faculty  
9 then using the same classrooms on campus?

10 A. Yes.

11 Q. And do all faculty have  
12 designated office space?

13 A. Yes. There's a serious space  
14 constraint at Barnard and -- as lots of  
15 other institutions -- and so most  
16 full-time faculty are going to have their  
17 own office, and most adjunct faculty will  
18 share an adjunct office.

19 Q. And is that a space designated  
20 specifically for adjuncts or --

21 A. It's a space designated  
22 specifically for adjuncts. I mean, when I  
23 was teaching in the English department, my  
24 office happened to be spacious enough that  
25 there was an adjunct who came in one

1 DENING - Direct  
2 afternoon a week. I would vacate the  
3 office so she could have the office the  
4 day that she was teaching her one course.  
5 And then I would come back in. So there  
6 are arrangements of that kind. But  
7 usually the faculty share an adjunct  
8 office space.

9 Q. And do all the faculty that  
10 we're discussing now, do they all have  
11 e-mail?

12 A. Yes.

13 Q. Okay. Now --

14 THE HEARING OFFICER: A Barnard  
15 e-mail specifically?

16 THE WITNESS: If you don't, you  
17 can't give your grades in.

18 THE HEARING OFFICER: Okay.

19 Q. Speaking of grades, do all of  
20 the faculty groups that we're discussing,  
21 do they each set their own grading  
22 standards? Or do you know? You're  
23 looking at me...

24 A. You're getting sort of into  
25 faculty autonomy. There is a norm for the

1 DENING - Direct

2 grading standards across the college. I  
3 mean, you can go -- you can find what  
4 traditionally would be an A- and what  
5 would be a C+. So faculty, on their  
6 syllabi, it's their responsibility to put  
7 very clearly on the syllabi what their  
8 grading standards are.

9 Q. And all group of faculty, do  
10 they all get to set their own syllabi?

11 A. Well, they do, but they need to  
12 come to the Curriculum On Instruction. So  
13 the Curriculum On Instruction Committee  
14 that I chaired and that I've been a member  
15 on, that's when there are courses that are  
16 coming through, new courses. They must be  
17 approved by the COI. Very often, we'll  
18 send it -- well, not very often; but often  
19 enough we'll send it back to the faculty  
20 member and say, you know, this is not --  
21 the syllabus is not meeting expectations;  
22 these are the expectations. They will  
23 come back and revise the syllabus. And  
24 then a report is made and, as associate  
25 provost, I report at the faculty meetings



1 DENING - Direct

2 on the curriculum and on instructions so  
3 the committee takes it to the faculty and  
4 the faculty votes and accepts the  
5 courses. So they'll go through faculty  
6 approval as well.

7 THE HEARING OFFICER: When you  
8 said you can find a norm across the  
9 college for an A- or C+ work, what do you  
10 mean by that?

11 THE WITNESS: I mean, if you're  
12 going to say sort of mathematically that  
13 you could -- I don't have the grid in my  
14 head. I've certainly seen it. It would  
15 be, if you're doing it mathematically, it  
16 would be, say -- and don't quote me on  
17 this one -- you know, A- would be between  
18 a 90 and 92, and then the B+ would start  
19 at 89 to 87.

20 THE HEARING OFFICER: Okay. So  
21 these are percentages and the  
22 corresponding grade number for each person  
23 to --

24 THE WITNESS: Exactly. That's  
25 right.

1 DENING - Direct

2 THE HEARING OFFICER: Are these  
3 published somewhere?

4 THE WITNESS: Yes, they are  
5 published.

6 THE HEARING OFFICER: Okay.  
7 Where is that?

8 THE WITNESS: I don't remember  
9 when I pulled it up. I've been teaching  
10 so long, I don't remember. But it's --  
11 you know, we'll certainly see them on  
12 syllabi coming into the COI, where some  
13 faculty will in fact have that very  
14 specific -- they'll use it.

15 THE HEARING OFFICER: And then  
16 who determines if work is an 89 or a 75?

17 THE WITNESS: The individual  
18 faculty member.

19 THE HEARING OFFICER: Okay.

20 THE WITNESS: And, you know, it  
21 differs from what field you're teaching  
22 in. If you're teaching in the field where  
23 you're using numbers and you're giving --  
24 I mean, say the difference between writing  
25 an essay and doing something in a

1 DENING - Direct

2 science --

3 THE HEARING OFFICER: Sure.

4 Sure?

5 THE WITNESS: So that's why it's  
6 hard to kind of generalize that way.

7 THE HEARING OFFICER: Okay. And  
8 then the committee that reviews the  
9 syllabi, are they reviewing syllabi for  
10 all faculty, including tenured faculty?

11 THE WITNESS: Oh, yes.

12 THE HEARING OFFICER: Okay.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. MUNOZ:

15 Q. And so all faculty, I  
16 assume -- you're going to correct me if  
17 I'm wrong -- set their own teaching  
18 methods? One of those questions.

19 A. I would say faculty have  
20 autonomy within guidelines, and those  
21 guidelines would be part of the curriculum  
22 on instruction. So they have, -- it's  
23 very -- pretty clearly stated as, you  
24 know, what the difference between a  
25 seminar, how many hours a week it will

1 DENING - Direct

2 meet, what the difference between a  
3 seminar and a lecture, what's the  
4 difference between language courses.  
5 It's -- they are laid out for them, yes.

6 Q. Okay. When you say "laid out  
7 for them" --

8 A. Sorry. That's very informal.  
9 They can read the document -- if you go on  
10 line with the Curriculum On Instruction,  
11 it will be guideline for filling in a  
12 proposal for a new course. And everyone  
13 would abide by those.

14 Q. So let's walk through the review  
15 process for each of these groups. Why  
16 don't we start with the group we're  
17 calling reviewed and renewable, core as  
18 you're referring to it, off-ladder. So --

19 MR. LEVINE: I'm sorry?

20 THE HEARING OFFICER: I'm  
21 sorry?

22 MR. LEVINE: I think it would be  
23 useful for the record if the term  
24 "off-ladder" not be used in this  
25 context.

1 DENING - Direct

2 THE WITNESS: What time would  
3 you refer to?

4 MR. LEVINE: It can be referring  
5 to other groups as well.

6 THE WITNESS: What other  
7 groups?

8 MR. LEVINE: Adjuncts,  
9 off-ladder, teaching assistants are  
10 off-ladder, term professors are  
11 off-ladder.

12 THE WITNESS: Okay, that's a  
13 fair point.

14 THE HEARING OFFICER: So they  
15 are off-ladder, but there are others who  
16 are off-ladder as well.

17 MR. LEVINE: Yes.

18 THE HEARING OFFICER: So --

19 THE WITNESS: What would -- what  
20 should we call them?

21 THE HEARING OFFICER: So, again,  
22 just so that the record is absolutely --

23 THE WITNESS: "Renewed and  
24 renewable".

25 THE HEARING OFFICER: We're

1 DENING - Direct

2 talking --

3 THE WITNESS: I'm going to  
4 use -- we're going to use the term  
5 "renewed and renewable".

6 THE HEARING OFFICER: And I'm  
7 just going to list the categories of  
8 people who we're talking about who are  
9 reviewed and renewable. Okay?

10 THE WITNESS: Yes, please.

11 THE HEARING OFFICER: So these  
12 are associate professors of professional  
13 practice, associate, assistant professor  
14 of professional practice, lecturer,  
15 professor of professional practice, senior  
16 associate, and senior lecturer; is that  
17 correct?

18 THE WITNESS: Alright. Let me  
19 give it back to you in my order --

20 THE HEARING OFFICER: Sure.

21 THE WITNESS: -- just because I  
22 do it within -- I would do associate,  
23 senior associate, lecturer, senior  
24 lecturer, assistant professor of  
25 professional practice, associate professor

1 DENING - Direct  
2 of professional practice, professor of  
3 professional practice. Same thing?

4 THE HEARING OFFICER: That's the  
5 same thing. So these folks are --

6 THE WITNESS: Reviewed and  
7 renewable.

8 THE HEARING OFFICER: Okay.

9 CONTINUING DIRECT EXAMINATION

10 BY MS. MUNOZ:

11 Q. So let's start with -- we're  
12 calling them reviewed and renewable?

13 R & R?

14 A. R & R. I was going to make that  
15 bad joke, but...

16 Q. Let's describe, if you would,  
17 please, for the record -- we're going to  
18 begin with their review process. First,  
19 who conducts the reviews of reviewed an  
20 renewable?

21 A. A committee would be put  
22 together by the chair of the department,  
23 and the provost.

24 Q. Who is on that committee?

25 A. It would be members, selected

1 DENING - Direct

2 members of the department that would --  
3 that could include tenured members of the  
4 department, and it could include assistant  
5 professors as well, tenurable, but I  
6 think, quite honestly, more often than  
7 not, they would -- the chairs would be  
8 inclined to stay at the tenured rank for  
9 those.

10 Q. I'm sorry, what does that mean?

11 A. That would mean associate  
12 professor and professor.

13 Q. Oh. Of that committee?

14 A. Yes.

15 Q. Okay.

16 A. And then they might -- they  
17 might have someone who has been appointed  
18 from another department, depending how big  
19 or how small the department is.

20 THE HEARING OFFICER: Does  
21 anyone, without tenure or who is not  
22 tenured track, serve on those committees?

23 THE WITNESS: I guess I would  
24 only speak from my experience, and they  
25 were -- they were solely the senior



1 DENING - Direct  
2 members, the professors, and the associate  
3 professors in the department.

4 THE HEARING OFFICER: The  
5 tenured?

6 THE WITNESS: The tenured ones,  
7 yeah.

8 THE HEARING OFFICER: Okay.

9 Q. Do you know if that varies by  
10 department?

11 A. I would think that would be the  
12 norm. I certainly do think it would be  
13 the norm. I'm in a large department, so I  
14 would think only the very, very small  
15 department, but that would be the decision  
16 that a provost would make.

17 Q. Who's on the committee?

18 A. It goes to the provost for  
19 review. Pardon?

20 Q. You said that would be the  
21 provost decision. And my question --

22 A. And to who would be on -- the  
23 provost would be in consultation with the  
24 chair as to who's going to be on the  
25 committee. So the chair would say, you

1 DENING - Direct

2 know, so and so is coming up for  
3 reappointment for senior lecturer, these  
4 are the members of the department that  
5 we're wanting to do the review.

6 Q. And for the process, who can  
7 serve as chair? Would it --

8 A. Who can serve as chair?

9 Q. Renewed and renewable would be  
10 able to serve as chair. Or when you're  
11 saying "chair", are you saying chair of  
12 solely this committee or chair of the  
13 department?

14 A. Yeah. I see the question.  
15 Renewed and renewable can serve as chairs  
16 of committees. For example, say -- and  
17 they can serve as chairs of departments.  
18 And it's -- to try to be as clear as  
19 possible, it varies from department to  
20 department, the composition of the  
21 departments, but most -- most departments,  
22 the chair would be a full professor. But  
23 I've -- I have chaired the theater  
24 department for five and a half years.  
25 Karen Fairbanks, in architecture, is also

1 DENING - Direct

2 a professor -- she's a professor of  
3 professional practice, she's renewed and  
4 renewable, she's chairing the architecture  
5 department.

6 THE HEARING OFFICER: How are  
7 department chairs selected?

8 THE WITNESS: They are selected  
9 by a vote within the department.

10 THE HEARING OFFICER: Okay. And  
11 who participates in that vote?

12 THE WITNESS: All full-time  
13 member of the department. So the groups  
14 that we are just now talking about, those  
15 are the ones who vote on it.

16 THE HEARING OFFICER: So that  
17 includes tenured faculty, tenured tract  
18 faculty, and this group of renewed and  
19 reviewable folks?

20 THE WITNESS: Good. We've got  
21 it.

22 CONTINUING DIRECT EXAMINATION

23 BY MS. MUNOZ:

24 Q. So let's continue with the  
25 process of the review. So selected

1 DENING - Direct

2 members of the department, the norm you  
3 testified is tenured members of the  
4 department conduct the reviews, the  
5 renewed and reviewable. How often is  
6 this -- individuals in these categories,  
7 these classifications, how often are they  
8 reviewed?

9 A. If you're moving, let's say,  
10 from tenured, from -- sorry, from  
11 lecturer to senior lecturer, you would  
12 likely go up for that appointment  
13 probably. I'd have to look at those  
14 personnel procedures to see the precise  
15 ones, but I think it's at five years you  
16 would go up and then the review would  
17 occur -- you would go first -- first it  
18 would go to the Faculty Budget and  
19 Planning Committee. They are the ones who  
20 do the staffing for the entire college.  
21 That is the committee that's solely  
22 tenured professors. They will look at the  
23 chair's description of why there's a need  
24 in the department to have this particular  
25 line.

1 DENING - Direct

2 If they are persuaded this is  
3 true, then they go back to department and  
4 say, now, please do your department review  
5 that we were just now talking about. And  
6 if the department reviews positive, then  
7 it would go to the Appointments -- the  
8 Tenures and Promotions. So it's a  
9 three-step process. So your dossier is  
10 shown to the department and it's shown to  
11 the Tenured and Promotions Committee.

12 MS. MUNOZ: I'm going to show  
13 Ms. Denison what's marked as employer  
14 Exhibit 2.

15 MR. LEVINE: Which exhibit?

16 MS. MUNOZ: 2.

17 THE WITNESS: So this document  
18 refers to a six-year service as  
19 lecturers. So I gave you five. You can  
20 change that to six.

21 THE HEARING OFFICER: Could you  
22 just explain what this is, this document  
23 is that we're looking at.

24 THE WITNESS: Code of Academic  
25 Freedom and Tenure.

1 DENING - Direct

2 Q. Have you seen the document  
3 before?

4 A. I have seen the document before.

5 Q. Let me know when you've taken a  
6 look at it?

7 A. I've glanced at it. So go  
8 ahead. I haven't read this a lot  
9 recently. But go ahead and ask me any  
10 questions.

11 Q. So you have seen it before?

12 A. Yes.

13 Q. And you said -- you just  
14 testified you haven't reviewed it  
15 recently?

16 A. Uh-hum.

17 Q. And why would that be?

18 A. Because I don't serve on the  
19 Academic Tenure and Promotions Committee.  
20 So it's not in my responsibility as  
21 associate provost.

22 Q. Do you recall when you last saw  
23 it?

24 A. Yes. Probably when I  
25 was -- when, was doing a reappointment

1 DENING - Direct

2 from senior lecturer to be reappointed to  
3 senior lecturer again. So I read it  
4 then. So that was a couple of years ago.

5 Q. Why don't you walk through for  
6 me, when you talk about reappointment, and  
7 you were reappointed as senior lecturer,  
8 why don't you describe for us -- strike  
9 that. Were you promoted -- I believe you  
10 testified you started out as a lecturer?

11 A. Yes, I did.

12 Q. So did you then go through the  
13 promotions process to senior lecturer?

14 A. Yes.

15 Q. Would you testify for us what  
16 did you do for that process?

17 A. For that process, I wrote a  
18 lengthy statement on my teaching  
19 philosophy, a lengthy statement on my  
20 service to the college, all of my -- there  
21 were student evaluations were submitted, I  
22 listed all of my scholarship, listed my  
23 professional activities, and any --  
24 anything else that might be relevant to  
25 the promotion.

1 DENING - Direct

2 Q. Okay. And what did you do with  
3 all of that information?

4 A. Made multiple copies. What I  
5 did with that information was to submit it  
6 to the chair of the department.

7 Q. And do you know what the chair  
8 did with that?

9 A. I believe what the chair did  
10 with that was then to give all of that  
11 materials to the tenured members of the  
12 department.

13 Q. And you said there's a  
14 three-step process. Following that --

15 A. Yeah.

16 Q. -- do you know what the next  
17 step --

18 A. Well, the first step would have  
19 been the one where the chair would have  
20 written a document to the Faculty Budget  
21 and Planning Committee saying, we would  
22 like to -- we are wanting to make sure  
23 that there's a line -- and that's a  
24 budgetary line -- that this budgetary line  
25 would continue for this appointment, and



1 DENING - Direct

2 the Faculty Budget and Planning does that,  
3 and then, at that point, you hear from the  
4 chair, and it says, yes, it went through  
5 the Faculty Budget and Planning Committee,  
6 now please assemble your dossier --

7 Q. Okay.

8 A. -- so that I can give it to all  
9 members, all senior members of the  
10 department.

11 Q. Okay. So, the dossier is shown  
12 to the -- to all senior member of the  
13 department. What happens after that?

14 A. Then they asked me to come in  
15 and meet with all of them. And they had  
16 questions that were relating to all the  
17 documents I gave them. We had a  
18 conversation, and then they met after --  
19 then I left the room and they made their  
20 own decision. Then I heard from the chair  
21 that it was positive. And then, at that  
22 point, all of the material that I had, as  
23 well as then a chair would have to write a  
24 report to the ATP, to the tenure and  
25 promotion one, to say this is what our

1 DENING - Direct

2 full-time faculty, after looking at the  
3 telling dossier, feel, and we are  
4 recommending her from -- to move from  
5 lecturer to senior lecturer.

6 Q. And when are you apprised of the  
7 decision on that?

8 A. That usually happens very late  
9 in the spring. So it's about -- it's over  
10 a year process.

11 Q. Okay. And this is a promotional  
12 process?

13 A. (Nodding)

14 Q. What about the reappointment  
15 process?

16 A. It's -- that is -- it's  
17 almost -- it's very, very similar, except  
18 that would happen at a longer interval  
19 than it would be a seven-year interval.

20 Q. So reappointment is every seven  
21 years. How often is the promotional  
22 process? Or am I getting it backwards?

23 A. The promotion process, that's  
24 the key one, that would be  
25 probably -- you'd be told at the end of

1 DENING - Direct

2 your fifth year, it would be submitted in  
3 your sixth year, and then would go through  
4 in your seventh. The others -- they used  
5 to have the same timing between them, and  
6 the department chairs, you know, pretty  
7 much, this is happening so often, can we  
8 stretch it out on the appointment --  
9 reappointments. And they -- so they added  
10 a couple of more years onto that one.

11 Q. Is there any more frequent  
12 review process, or is that -- there's --  
13 every seven, reappointment is longer now?

14 A. It's a seven-year cycle for  
15 reappointment.

16 Q. Okay.

17 A. Traditional. I'm sure --

18 THE HEARING OFFICER: In what  
19 title?

20 THE WITNESS: Senior lecturer,  
21 senior associate.

22 THE HEARING OFFICER: Okay. Do  
23 you remember now the service that was part  
24 of the dossier that you submitted? Can  
25 you provide us with any examples of what

1 DENING - Direct

2 your service was when you were applying  
3 for this promotion?

4 THE WITNESS: Sure. I had  
5 served on -- there are various committees  
6 I served on. I had served on the Library  
7 Committee. If you looked at standing  
8 appointive committees, it's called Blaze.  
9 I would have served on the Library  
10 Committee, I served on the Curriculum, I  
11 served on the Instruction Committee, I  
12 served on the Faculty Governance and  
13 Procedures Committee. Those are elected  
14 ones. Those are examples.

15 THE HEARING OFFICER: And do you  
16 recall how long you served on each of  
17 those committees?

18 THE WITNESS: Woa! We're going  
19 through a number of reappointments here.  
20 I think I was on the Faculty Finance and  
21 Resource Committee for certainly over 15  
22 years, maybe 18 years.

23 THE HEARING OFFICER: Okay.  
24 So...

25 THE HEARING OFFICER: And at the

1 DENING - Direct

2 time that you submitted your dossier for  
3 the promotion to senior lecturer, how long  
4 had you been on that committee?

5 THE WITNESS: Well, you probably  
6 sort of have to do the math. I probably  
7 got onto that, got elected onto that  
8 committee, maybe my third or fourth year  
9 here, and then stayed on that committee  
10 until I became associate provost.

11 THE HEARING OFFICER: Okay.

12 THE WITNESS: So I'm doing rough  
13 math on that one.

14 THE HEARING OFFICER: And then  
15 what about your scholarship?

16 THE WITNESS: What about my  
17 scholarship? It's excellent. Put that on  
18 the record.

19 THE HEARING OFFICER: Can you  
20 give examples of what your scholarship was  
21 at the time that you submitted your  
22 dossier for that promotion?

23 THE WITNESS: At that point, I  
24 was probably -- I had a number of articles  
25 that were in journals that were read,

1 DENING - Direct

2 peer-reviewed journals.

3 THE HEARING OFFICER: Uh-hum.

4 THE WITNESS: So they came in  
5 blind and they were in -- there were  
6 articles there.

7 The other kind of thing I do  
8 that it would be -- because I do English  
9 and I do drama, I would often go, say --  
10 since we're in New York, I would go to --  
11 there would be discussions at theaters  
12 after a performance, where you would come  
13 in as a visiting scholar, you would do --  
14 give a lecture, mini lecture to the  
15 audience, and then there would be an  
16 extended question and answer period. That  
17 would be another example of it. Par, at  
18 that point, I think I was also editing a  
19 journal on a dramatist, an English  
20 dramatist, and that was in the publication  
21 process, and that was subsequently  
22 published. And I now have a manuscript.  
23 If I wasn't doing what I'm doing now, I  
24 would be writing it. And it's about a  
25 250-page manuscript that is -- I'm in my

1 DENING - Direct

2 final chapter on that.

3 THE HEARING OFFICER: Okay.

4 THE WITNESS: And then I  
5 continued to do all those other ones.

6 THE HEARING OFFICER: I just  
7 want to make sure --

8 THE WITNESS: Sure.

9 THE HEARING OFFICER: -- that  
10 the hiring and promotion process is  
11 clear. So were you hired into what title  
12 initially at Barnard?

13 THE WITNESS: Initially, as a  
14 lecturer.

15 THE HEARING OFFICER: Okay. And  
16 that was -- your appointment was for how  
17 long in that position?

18 THE WITNESS: I don't remember  
19 then, because, quite honestly, that was a  
20 while ago, and the procedures may not have  
21 been quite the same then as they are now.

22 THE HEARING OFFICER: Okay. And  
23 so for how many academic years were you in  
24 the position of lecturer before you  
25 submitted your dossier for this promotion

1 DENING - Direct

2 to senior lecturer?

3 THE WITNESS: I am guessing it  
4 was probably slightly longer than what is  
5 the norm now, but maybe just by a couple  
6 of years, and that's because they were  
7 beginning to regularize these procedures.

8 THE HEARING OFFICER: And the  
9 norm now is what, again?

10 THE WITNESS: The norm would be  
11 six years of continuous service.

12 THE HEARING OFFICER: Okay.

13 THE WITNESS: And then after  
14 that, it was regularized and was just  
15 going forward in the way that I talked  
16 about.

17 THE HEARING OFFICER: And so  
18 you're technically now still a senior  
19 lecturer?

20 THE WITNESS: I am.

21 THE HEARING OFFICER: As well as  
22 the -- is it the assistant professor or  
23 associate professor provost?

24 THE WITNESS: Associate.

25 THE HEARING OFFICER:



1 DENING - Direct

2 Associate. I'm sorry. Okay.

3 THE WITNESS: So I have my  
4 faculty appointment and I'll go back into  
5 the classroom --

6 THE HEARING OFFICER: Okay.

7 THE WITNESS: -- at some point.

8 CONTINUING DIRECT EXAMINATION

9 BY MS. MUNOZ:

10 Q. So you had testified, I believe,  
11 you last reviewed this when you went  
12 through the reappointment process?

13 A. Yes.

14 THE HEARING OFFICER: What are  
15 you referring to as "this"?

16 MS. MUNOZ: Exhibit 2. I'm just  
17 going to move to enter it.

18 Q. But I just want to make sure  
19 that this -- to best of your knowledge,  
20 does this describe the process?

21 A. Yes. Because I remember asking  
22 the chair of the department to send me the  
23 relevant material. I said, "Please send  
24 me the links so that I do this all  
25 properly." Okay?

1 DENING - Voir Dire

2 Q. Very good.

3 MS. MUNOZ: We would like to  
4 move to enter Exhibit 2.

5 MR. LEVINE: Just a couple of  
6 questions?

7 THE WITNESS: Sure.

8 VOIR DIRE EXAMINATION

9 BY MR. LEVINE:

10 Q. To your knowledge, is this the  
11 most recent version of this documents?

12 A. I would assume so, but I'm not  
13 certain, because, again, I don't do  
14 appointments in the provost office.

15 Q. This is the document you were  
16 given to review in advance of this  
17 hearing?

18 A. No one gave this to me to  
19 review.

20 Q. Okay.

21 A. I'm -- I mean, I had -- I  
22 recognized this from when I went through  
23 my reappointment process, which is 2013.

24 Q. When you were looking at it, you  
25 were talking about the applicable period

1 DENING - Voir Dire  
2 of time before you were eligible for  
3 promotion, I believe it was, and you  
4 looked at this document and then corrected  
5 yourself. I think you changed it from  
6 five to six years.

7 A. I thought it was -- I thought it  
8 was five, and I read this here and it  
9 says -- I mean, I'm just looking at -- at  
10 page 23, where it talks about lecturer and  
11 senior lecturer.

12 Q. Was your reliance on this  
13 document in that regards a reflection of  
14 your belief that this is a currently valid  
15 document?

16 A. I was relying on my chair to  
17 give me the appropriate material.

18 Q. Okay. And your chair gave you  
19 this document?

20 A. This was two years ago. The  
21 chair gave me the link to the code. So I  
22 am assuming, but I cannot say for sure --  
23 because I sense what you're asking is,  
24 have there been any changes made since two  
25 years ago? And because I'm not on -- I

1 DENING - Voir Dire

2 don't deal with promotions, I don't know  
3 that. I'm speaking solely from my  
4 reappointment.

5 Q. Two years ago, this is the same  
6 document you were given?

7 A. It had that title, yes.

8 MS. MUNOZ: It shows on the back  
9 when last changed.

10 MS. STEPHEN: I can't testify,  
11 but can I just give information about how  
12 this document works?

13 THE WITNESS: Oh, interesting.

14 MS. STEPHEN: The code has to --  
15 in order for change to the code to be  
16 valid, they have to be approved by vote of  
17 the entire voting faculty and then  
18 approved by the board of trustees. So we  
19 keep record of any changes to it. So I  
20 think that that's --

21 MR. LEVINE: Okay. I have no --

22 THE WITNESS: That may have  
23 answered your question. And I haven't  
24 turned to those pages. I don't remember  
25 ever looking those.

1 DENING - Voir Dire

2 MR. LEVY: I have no objection  
3 to the admission of this document.

4 THE HEARING OFFICER: Okay,  
5 Employer 2 is received.

6 (Employer Exhibit 2, marked into  
7 evidence this date.)

8 THE HEARING OFFICER: Could you  
9 just clarify: To whom does this Code of  
10 Academic Freedom and Tenure apply?

11 THE WITNESS: I guess to all of  
12 the officers of instruction. I would  
13 assume to the officers of instruction  
14 listed in this document.

15 THE HEARING OFFICER: Does it  
16 include adjuncts?

17 MR. LEVY: On page 3, under  
18 off-ladder, the third paragraph.

19 THE HEARING OFFICER: Okay.  
20 Okay. So -- so the answer is yes, it  
21 includes adjuncts, yes. Thank you.

22 THE WITNESS: It says "except  
23 for..."

24 MR. LEVINE: No.

25 MS. MUNOZ: Yeah, in the --

1 DENING - Voir Dire  
2 except for visiting or adjuncts officers  
3 of instruction.

4 A. So there seems to be making an  
5 exception there.

6 MR. LEVINE: Are you looking at  
7 the -- I'm sorry, may I -- are you looking  
8 at the sentence that says "Except for  
9 visiting or adjunct officers of  
10 instruction, part-time appointments to  
11 off-ladder ranks may be combined with  
12 administrative appointments"? Is that the  
13 sentence you're referring to?

14 THE WITNESS: Yeah.

15 THE HEARING OFFICER: What page  
16 are you on? So can we go off the record  
17 for a second.

18 MS. MUNOZ: Sure.

19 (Discussion held off the  
20 record.)

21 THE HEARING OFFICER: Just to  
22 clarify, Employer Exhibit 2, which I've  
23 now received, is a Code of Academic  
24 Freedom and Tenure. By its term, it  
25 applies to all officers of instruction,

1 DENING - Voir Dire  
2 which includes the members of the petition  
3 4 unit and tenured and tenured track  
4 faculty. Where it applies to only  
5 specific classifications, the document  
6 itself states as much. Okay. You can  
7 continue.

8 MS. MUNOZ: Okay  
9 CONTINUED DIRECT EXAMINATION

10 BY MS. MUNOZ:

11 Q. Okay. Continuing with the  
12 reviewed and renewable and their review  
13 process, what happens if a review is not  
14 favorable?

15 A. If a review is not favorable,  
16 you would be told of the negative review  
17 and then you would be -- you would have  
18 one more year to teach.

19 Q. Okay. And by that, what happens  
20 during that one year? What does that  
21 mean?

22 A. You would be teaching during  
23 that time, and I would assume you'd be  
24 looking for a position elsewhere.

25 Q. And there was some

1 DENING - Direct  
2 off-the-record discussion of this, but if  
3 someone is up for promotion and they're  
4 not promoted, do they then stay in the  
5 current rank, or what happens?

6 A. I think that would be at the  
7 discretion of the provost. And I think  
8 that would be more unusual than not, but  
9 you can see, again, I don't think  
10 that's -- I don't think that's the norm,  
11 but I'm not going to say that there may  
12 not have been someone to whom that  
13 occurred, but I don't -- I don't know  
14 anyone myself.

15 Q. Is that the same for  
16 reappointment or is that -- is there a  
17 distinction between what happens if you're  
18 not reappointed versus if you're not  
19 promoted?

20 A. Again, my sense is that it would  
21 be the same at all -- at all stages,  
22 but... it may be somewhere in that  
23 document. My understanding is it's not  
24 unlike if an assistant professor is going  
25 up and is denied -- is not recommended for



1 DENING - Direct

2 tenure, the assistant professor has one  
3 more year to stay at the college and  
4 teach.

5 MS. MUNOZ: I may have a further  
6 question on that, but not right now.

7 A. Sure.

8 Q. Why don't we walk through the  
9 review process.

10 MS. MUNOZ: Off the record.

11 (Discussion held off the  
12 record.)

13 Q. So let's describe the review  
14 process for adjunct faculty. Who conduct  
15 the review of adjuncts?

16 A. The chairs of the department  
17 read the student evaluations for the  
18 adjuncts.

19 Q. What do they do when they review  
20 the student evaluations?

21 A. I mean, the first thing they are  
22 looking for is the quality of the  
23 teaching, and assuming the adjunct is  
24 doing a good job teaching, then that and  
25 the second category would be assuming that

1 DENING - Direct

2 there is a need in the department for a  
3 course taught by an adjunct. Then the  
4 chair would decide whether or not to put a  
5 line, a budget line for going forwards for  
6 next year for a particular course to be  
7 taught by an adjunct, the same adjunct.

8 And then the adjunct is also --  
9 there's a cover letter that goes out with  
10 the Adjunct Action Forum, and it says that  
11 if, assuming that the chair -- the chair  
12 will be the person responsible for working  
13 with the adjunct and the class must meet a  
14 certain number of students or the class  
15 can be -- could be cancelled.

16 So they need to have an  
17 appropriate number of students in the  
18 class that they're teaching.

19 Q. So does anyone review the  
20 chair's decision?

21 A. There would be a budgetary  
22 review if the department were asking,  
23 let's say, for a larger number of courses  
24 than they had if they had budgetary  
25 implications. The budgetary officer might

1 DENING - Direct

2 go back to the chair of the department,  
3 saying, let me understand what the numbers  
4 are for this coming year and why have they  
5 changed? And then so then there would be  
6 need for a rationale. Usually that  
7 rationale is provided in the budget. And  
8 then it would then go the budget director,  
9 who would meet with the provost and they  
10 would make a decision that all the budgets  
11 were to be accepted, but, basically, the  
12 adjuncts report to the chairs, the chair  
13 then would consult with the provost. So  
14 it really is a direct report to the  
15 chairs. So the adjuncts report directly  
16 to the chairs.

17 Q. So the only -- so no one is  
18 reviewing the chair's decision as far as  
19 the quality of the adjunct or whether to  
20 keep the adjunct -- I mean, who makes the  
21 hire/fire decision of adjuncts?

22 A. It's really at the discretion of  
23 the chair.

24 Q. So what happens if a chair  
25 decides that an adjunct, their teaching

1 DENING - Direct

2 evaluations weren't that great? What  
3 could happen?

4 A. The scenario I would envision is  
5 that let's say the evaluations were within  
6 range, they were not wretched, I suspect  
7 the chair would probably speak to the  
8 instructor, to the adjunct, and to say,  
9 look, there seems to be -- can you talk to  
10 me about this class? The evaluations were  
11 not as good as I would have expected. I  
12 think the chair would then make a decision  
13 as to whether this may have been, let's  
14 say, a combination of students, particular  
15 class, and they will say, well, let's go  
16 on record that we'll need, going forward,  
17 we would need to have better evaluations  
18 than this.

19 I think if it is a disaster --  
20 if there are really not good evaluations,  
21 then the chair would have the  
22 responsibility to the students to say, we  
23 do not want this person back in the  
24 classroom again.

25 Q. And does anyone review that

1 DENING - Direct

2 decision by the chair?

3 A. Not that I know of.

4 Q. You said that -- or you  
5 testified that when the chairs review the  
6 adjuncts, they read their student  
7 evaluations. Do they review anything  
8 else?

9 A. I think they could take into  
10 consideration if -- if an adjunct were,  
11 let's say -- I -- formally, I don't think  
12 there's anything -- formally, I don't  
13 think there's anything else.

14 Q. And how often are adjuncts  
15 reviewed?

16 A. They are on a  
17 semester-by-semester appointment.

18 Q. Okay. So is that -- you  
19 referred to a letter, an appointment  
20 letter.

21 A. There's an appointment letter.  
22 It's called the Adjunct Action Forum, and  
23 there is something that I would not call  
24 an appointment letter, because they  
25 purposely -- that word is not used.

1 DENING - Direct

2 Q. Okay. So what is it called?

3 A. It is a cover letter for the  
4 Adjunct Action Forum that stipulates, you  
5 know, that you are to work with the chair,  
6 your class is to meet a certain  
7 enrollment, your duties are to work with  
8 the chair. I don't -- I don't have the  
9 exact wording. I know there's a copy of  
10 it.

11 Q. So why don't we -- do adjuncts  
12 have to put together a dossier for their  
13 review process?

14 A. I mean, you used the word  
15 "review process". The adjuncts would  
16 have their CV. They would have -- that  
17 would be attached when they are applying  
18 for position. The --

19 Q. Is it -- I guess my question is,  
20 is there -- is the adjunct's review  
21 process comparable to the review and  
22 renewable?

23 A. No, not -- not at all. I mean,  
24 they're radically different processes.

25 Q. Okay.

1 DENING - Direct

2 A. No, they don't have to put  
3 together a dossier. There's no such --  
4 there's no such review for adjuncts.

5 Q. Alright. And why don't we turn  
6 now to the term --

7 MR. LEVINE: Can we go off the  
8 record?

9 THE HEARING OFFICER: Sure. We  
10 can off the record.

11 (Discussion held off the  
12 record.)

13 THE HEARING OFFICER: Back on  
14 the record. So the review process for the  
15 renewed and reviewable -- reviewed and  
16 renewable, but those folks -- you  
17 explained the process, but how often does  
18 an individual go through that process?

19 THE WITNESS: Again, it's --  
20 it's roughly the first one would be after  
21 six years. And after that, it would be on  
22 a seven-year cycle.

23 THE HEARING OFFICER: So those  
24 are --

25 THE WITNESS: That's when you

## PROCEEDINGS

1  
2 would put your full dossier together.

3 THE HEARING OFFICER: So someone  
4 who's hired into one of those positions  
5 would have an initial appointment of six  
6 years?

7 THE WITNESS: I believe that the  
8 first appointment -- the first appointment  
9 may be a one-year appointment, which is  
10 the way the college is just making sure  
11 that they've made the right appointment,  
12 and then, after that, it goes into the  
13 cycles we talked about.

14 THE HEARING OFFICER: And so  
15 what's considered after the first year  
16 when deciding whether to continue with  
17 this individual?

18 THE WITNESS: At what point in  
19 the year?

20 THE HEARING OFFICER: So you  
21 said that --

22 THE WITNESS: It would be a  
23 one-year contract with the understanding  
24 that if you had done a good job during  
25 that first year, it would then extend into



## PROCEEDINGS

1  
2 the five years.

3 THE HEARING OFFICER: And so  
4 what's considered when evaluating whether  
5 someone has done a good job in that first  
6 year?

7 THE WITNESS: That would be  
8 chair and the provost together.

9 THE HEARING OFFICER: And what  
10 are they evaluating?

11 THE WITNESS: They would be --  
12 they would be evaluating the range of  
13 classes taught; they'd be looking at the  
14 evaluations; they would be looking at  
15 seeing whether there's been any service in  
16 that year as well, although it is quite  
17 unusual to be doing service in your first  
18 year.

19 THE HEARING OFFICER: And when  
20 you say "looking at evaluations", are you  
21 referring to the student evaluations?

22 THE WITNESS: Yes. And I think  
23 probably also the chair would comment on  
24 whether the person seem a good citizen, a  
25 good fit for the department. It gets very

## PROCEEDINGS

1  
2 murky there.

3 THE HEARING OFFICER: Okay. And  
4 then --

5 THE WITNESS: Because they're  
6 thinking long-term here, so...

7 THE HEARING OFFICER: And at the  
8 six-year point, you are evaluating -- is  
9 it correct that you're evaluated both for  
10 whether you would will be reappointed for  
11 another six-year term, as well as  
12 promoted, if you are not at the top of  
13 your rank??

14 THE WITNESS: You are promoted  
15 -- after that first six years,  
16 that's when you make the jump from, let's  
17 say, associate to senior associate or  
18 lecturer to senior lecturer. At that  
19 point, that the phrase is used  
20 "reappointment". And that's on the  
21 seven-year cycle that you would get your  
22 dossier together every seven years.

23 THE HEARING OFFICER: Okay. And  
24 is anyone hired into positions of senior  
25 associate or senior lecturer?

## 1 PROCEEDINGS

2 THE WITNESS: Only if they had  
3 had comparable service at another college,  
4 another university.

5 THE HEARING OFFICER: Okay.

6 THE WITNESS: So that's more  
7 unusual, but it's -- it could happen.

8 THE HEARING OFFICER: Okay. And  
9 so now, if we could just cover briefly the  
10 structure of Barnard. So you are the  
11 associate provost?

12 THE WITNESS: Yes.

13 THE HEARING OFFICER: Are there  
14 additional associate provosts?

15 THE WITNESS: No.

16 THE HEARING OFFICER: Are there  
17 any assistant provosts?

18 THE WITNESS: No.

19 THE HEARING OFFICER: And to  
20 whom do you report?

21 THE WITNESS: To the provost  
22 Linda Bell.

23 THE HEARING OFFICER: And to  
24 whom does the provost report?

25 THE WITNESS: To the president,

## PROCEEDINGS

1  
2 Debora Spar.

3 THE HEARING OFFICER: And is  
4 there anyone above the president?

5 THE WITNESS: The president  
6 would report to the board of trustees.

7 THE HEARING OFFICER: Okay. And  
8 who reports to you as the associate  
9 provost?

10 THE WITNESS: Alright. The  
11 senior academic coordinator, there's --  
12 we have a Barnard Mellon Grant, and the  
13 person who works on that grant reports  
14 directly to me. Other people in the  
15 provost office would report to the budget  
16 director, and someone also in the provost  
17 office reports to the Dean For Global  
18 Affairs. So it's a complicated answer.

19 THE HEARING OFFICER: How many  
20 deans are there?

21 THE WITNESS: Within the provost  
22 office, there's the dean, and I'm just  
23 going to say, for global strategy, and  
24 then there is a dean for faculty diversity  
25 and development. That person has a split

## PROCEEDINGS

1  
2 appointment, because he's also the chair  
3 of the sociology department. So that is  
4 not -- that is a part-time in the provost  
5 office.

6 THE HEARING OFFICER: And do  
7 those individuals report to the provost?

8 THE WITNESS: Yes.

9 THE HEARING OFFICER: Okay. And  
10 are there deans outside of the provost  
11 office?

12 THE WITNESS: Who report to the  
13 provost?

14 THE HEARING OFFICER: Well, you  
15 just said "within the provost office", and  
16 then you give me two deans. Are there  
17 deans in other areas of the college?

18 THE WITNESS: There would be a  
19 ton of library, would report to the  
20 provost, but they're not in the provost  
21 office.

22 THE HEARING OFFICER: Okay.

23 THE WITNESS: Because it's an  
24 academic area.

25 THE HEARING OFFICER: So how

## 1 PROCEEDINGS

2 many deans are there who are not within  
3 the provost office?

4 THE WITNESS: Those are the only  
5 ones that I can think of that are on the  
6 faculty, on the academic side. There are  
7 others who might have the title "Dean",  
8 but it would be Dean of Studies, or Dean  
9 of Students, and that's in the student  
10 affairs side of the college and they're  
11 dealing with students, not with faculty.  
12 So the provost is actually provost and  
13 dean of the faculty. So the provost's  
14 office, we deal with faculty.

15 THE HEARING OFFICER: And so to  
16 whom do the students side deans report?

17 THE WITNESS: They would  
18 report -- they would be on the senior  
19 staff. They would report to the president  
20 as well.

21 THE HEARING OFFICER: Okay. And  
22 then who is below deans in the hierarchy?

23 THE WITNESS: Which deans are we  
24 talking about now? Are we talking about  
25 the ones in the students or --

1 PROCEEDINGS

2 THE HEARING OFFICER: So tell  
3 me, where do the department chairs fall --

4 THE WITNESS: Oh, okay, thank  
5 you. Yeah, department chairs, they --  
6 they report to the provost.

7 THE HEARING OFFICER: Okay.  
8 So --

9 THE WITNESS: I mean, they're --  
10 yes.

11 THE HEARING OFFICER: So they  
12 don't have to go through a dean to get to  
13 the provost; department chairs report  
14 directly to the provost?

15 THE WITNESS: It's a direct  
16 report --

17 THE HEARING OFFICER: Okay.

18 THE WITNESS: -- and they would  
19 do their chairs -- they would do their  
20 faculty personnel reports at the end of  
21 the year and then they would do a chair's  
22 report that is reporting to the provost on  
23 all of the full-time faculty in their  
24 department.

25 THE HEARING OFFICER: And how

## PROCEEDINGS

1  
2 many academic departments are there? If  
3 you don't know, off the top of your  
4 head --

5 THE WITNESS: I don't know. I'd  
6 have to go onto the Web page to find out.

7 THE HEARING OFFICER: I think  
8 that's a good, general overview for, you  
9 know, purposes of the decision maker.

10 So unless either of you has  
11 further questions you wanted to put right  
12 now, we can close the record for the day.

13 MS. MUNOZ: I was going to go  
14 discuss the terms, but it's probably a  
15 good breaking point, since we have a lot  
16 to discuss as far as scheduling and all of  
17 that. So we can close for today.

18 THE HEARING OFFICER: So, off  
19 the record.

20 (Time noted: 5:02 p.m.)  
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22  
23  
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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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PATRICIA DENING, Ph.D.

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