

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

Vol. 5
June 26, 2015

Burke Court Reporting, LLC
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BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

BARNARD COLLEGE,

Employer,

Case No. 02-RC-154022

And

BARNARD CONTINGENT FACULTY,
UAW, LOCAL 2110,

Petitioner.

The above-entitled matter came on for hearing pursuant to Notice, before MORIAH BERGER, Hearing Officer, at the Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York, 10278, in Room 3614, on Friday, June 26, 2015, at 9:30 a.m.

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
Kate Levin	644	691	711	714	--
Pamela Cobrin	(prev.)	714	734	736	--
Siobhan Burke	737	762	--	--	--

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E X H I B I T S

EXHIBITS IDENTIFIED RECEIVED

Employer's		
E-15	693	(not offered)
E-16	694	695

P R O C E E D I N G S

(Time Noted: 9:36 a.m.)

HEARING OFFICER BERGER: On the record.

We are going slightly out of order in terms of the presentation of the Employer's and the Petitioner's case. The Petitioner has witnesses who we are afraid will not be available after today, so all have agreed that they may call those witnesses now.

And so, Mr. Levy, would you like to call the Union's first witness?

MR. LEVY: I would. But I would like to clarify something for the record.

HEARING OFFICER BERGER: Sure.

MR. LEVY: And that is one of the witnesses, the first one I will call this morning, has to leave town this afternoon. The other I thought was unavailable next week. It turns out she is. I would love to put her on today because she's here and she's prepared, but I just want to make clear that it was a mistake on my part. And if it works out that I can --

HEARING OFFICER BERGER: Okay. Does the Employer have any objection?

MR. DiGIOVANNI: I think why don't we see how the first one goes and then depending on how long that is, if we need to put Pam on in between the two of them?

HEARING OFFICER BERGER: Okay.

1 MR. DiGIOVANNI: We can maybe address it after the first
2 witness.

3 HEARING OFFICER BERGER: Okay.

4 MR. LEVY: I will say this, that my second witness does
5 have to be uptown this afternoon and would have to leave about
6 four, so I don't know how that plays with the time, but we'll
7 see, as you said.

8 HEARING OFFICER BERGER: Okay, we will see as we go along.
9 And your first witness is?

10 MR. LEVY: Is Kate Levin.

11 HEARING OFFICER BERGER: Okay. Ms. Levin?

12 THE WITNESS: Actually, it's Dr. Levin.

13 HEARING OFFICER BERGER: My apologies. Of course it is,
14 Dr. Levin, if you would raise your right hand, please?

15 (Whereupon,

16 KATE LEVIN,
17 was called as a witness by and on behalf of the Petitioner and,
18 after having been duly sworn, was examined and testified as
19 follows:)

20 HEARING OFFICER BERGER: Okay.

21 DIRECT EXAMINATION

22 BY MR. LEVY:

23 Q Good morning, Dr. Levin.

24 A Hi, Richard.

25 Q Dr. Levin, why don't you start by telling us a little bit

1 about your educational background, where did you go to college?

2 A I went to Yale College. I graduated in 1984 with a BA in
3 comparative literature and with a cum laude with distinction in
4 the major.

5 Q Very good. After college, did you go right away to
6 graduate school?

7 A No. I worked for five years. The first four years were
8 in professor theater and the last year was in educational
9 administration.

10 Q Did you do some work in casting, as well?

11 A Well, that was part of the theater work. I worked for a
12 casting agent.

13 Q And did you work at a collegiate school?

14 A Yes, for one year, 1988 to 1989.

15 Q And your position there was?

16 A What was it? I can't remember my exact title. Basically,
17 in charge of buildings and faculty benefits.

18 Q And then where did you do your graduate work?

19 A I went to University of Pennsylvania. I received a
20 master's and then a PhD in 1996.

21 Q And that was in?

22 A Oh, comparative literature and literary theory.

23 Q You did a dissertation there?

24 A I did, in 18th century British literature. The topic was
25 on the role of women readers and the rise of the novel.

1 Q Now after you got your PhD, did you teach right away?

2 A No. I took a couple of years off. Well, first of all, I
3 taught for two years at Penn. One as I taught -- the first
4 time I taught there was teaching first year freshman students.
5 And the second year, the year I was finishing my dissertation,
6 I worked as a lecturer teaching upper level classes. So, I'm
7 sorry, back to your question --

8 Q No, no. So you were a teaching assistant or what you
9 might call that?

10 A The first time I was what you might call a teaching --
11 they called it teaching fellow. I had my own classrooms
12 supervised by a senior faculty member. But the second year I
13 taught in 1995, I was hired as a leave replacement, a one year
14 leave replacement to teach upper level, 18th century literature
15 classes.

16 Q And that was in '95?

17 A '95-96.

18 Q And when did you start at Barnard?

19 A 1998.

20 Q Now between the time that you left Penn and you started at
21 Barnard, did you do any scholarship? Were you involved in
22 writing?

23 A I was, well, I gave birth to my daughter during that time
24 and I was also involved in the process of revising an article
25 that was subsequently published.

1 Q That was on?

2 A It was on a novel called Memoirs of a Woman of Pleasure,
3 and it was published in a journal called The Journal of
4 Narrative Technique.

5 Q So let's go to your start at Barnard in 1998. Since 1998,
6 I guess that's 16 years ago, have you been teaching at Barnard?

7 A Yes. I think I took one semester off once.

8 Q At your choice or at theirs?

9 A Mine.

10 Q Has there ever been a year in those 16 years when you had
11 any doubt that you could teach if you wanted to?

12 A There has never been a year where I had any doubt I could
13 teach. No, I always knew I could teach, if I wanted to, or
14 that was my assumption.

15 Q Now tell the record, the regional director, I guess, what
16 courses you taught at Barnard.

17 A I've taught first year English, with the subtitle Women in
18 Culture and also the subtitle Legacy of the Mediterranean.
19 I've taught first year seminar, Women in Culture. I've taught
20 18th Century British Novel. And I have taught Critical
21 Writing, which is the introduction to the English major for
22 sophomores.

23 Q So let's go back over this a little bit.

24 A Okay.

25 Q First of all, how many classes do you teach a year or a

1 semester?

2 A Well, I started teaching one to two -- oh, a semester? I
3 started teaching one a semester, at the most, by my request. I
4 currently teach two a semester.

5 Q Have you ever taught more than two a semester?

6 A No.

7 Q Let's talk about the first course you mentioned, which is
8 the first year English class. Do you want to just tell for the
9 record what the gist of that class is?

10 A So there is something called the first year foundations,
11 which is the required two semester sequence for all Barnard
12 freshmen. They come in first year as freshmen. And each
13 Barnard student has to take one semester of first year English
14 and one semester of first year seminar. Some of them take
15 first year English first; some of them take first year English
16 second semester.

17 Q So when you have taught the first year English class --
18 well, let me put it differently. Are there others who teach
19 the first year English class?

20 A Yes. There are usually, I think it's about 20, 19 or 20
21 sections a semester.

22 Q Are there people who have ranks -- well, let me put it
23 differently. Are there full-timers who teach a first year
24 English course?

25 A At least the director of first year English always teaches

1 first year English. In the past, there have been other full-
2 time faculty members. I'm not currently sure of what the
3 composition of the faculty, at this point.

4 Q And the director, has she always been the director when
5 she taught that class, do you know?

6 A I don't understand the question.

7 Q Well, when did she become the director, the director, if
8 you know?

9 A I believe it was a year before I started. I couldn't be
10 sure. And she is actually stepping down and there is a new
11 director starting in July.

12 Q So the director, who also teaches this course, she's a
13 full-time employee?

14 A I believe she's a senior lecturer.

15 Q Senior lecturer, okay.

16 HEARING OFFICER BERGER: Do we know your title, yet?

17 THE WITNESS: My, oh.

18 BY MR. LEVY:

19 Q Let me ask you that. If I were to go to the website and
20 look for your title, what would it be?

21 A Right now it's adjunct lecturer.

22 Q And what has it been up until --

23 A Until I believe this fall, it was lecturer.

24 Q So for the 16 years that you have been there, for 15 of
25 them your title appeared as lecturer?

1 A Yes.

2 Q Do you think they knew that this petition was going to be
3 filed -- I withdraw it. Withdrawn. I'm making a little joke
4 (ph.). Sorry. Let's talk about the first year seminar. Tell
5 us what the gist of the first year seminar is.

6 A First year seminar is again half of the required first
7 year foundations. It's an across the college class, by which I
8 mean it's taught by faculty in multiple departments. I
9 wouldn't say every department, because I don't think every
10 semester, it's taught by every department. I believe, again,
11 that there are usually about 20 sections a semester, with 16
12 students each. And it's meant to teach -- it's meant to
13 introduce freshmen to the rigors of intellectual life at the
14 college.

15 Q How long have you been teaching that course?

16 A 2004.

17 Q So that's 11 years, roughly?

18 A Okay.

19 Q Now besides you and your a part-timer, who else teaches
20 that course? What other classifications teach that course?

21 A So I believe the lowest rank is adjunct lecturer. My
22 understanding has always been you have to have a PhD to teach
23 it, but I don't know if it says you have to teach it.

24 Q Why do you say lowest? It seems to me you folks do the
25 brunt of the work. Shouldn't it be highest?

1 MS. MUNOZ: I'm going to object.

2 MR. LEVY: I'm just asking.

3 MS. MUNOZ: I'd just ask that he rephrase the question
4 instead of testify for her.

5 MR. LEVY: Okay. I'll rephrase it.

6 THE WITNESS: Let me start over.

7 BY MR. LEVY:

8 Q Tell me the other classifications.

9 A The other categories that I know of are lecturer, senior
10 lecturer, assistant professor, associate professor, full
11 professor, and POPPs of all ranks.

12 Q So this course that you teach is also taught by all other
13 categories of classifications at Barnard College?

14 A That I know of, except I'm not sure about associates.

15 Q Associates are the folks who do not have PhDs, generally,
16 is that right?

17 A That's my understanding.

18 Q So why don't you talk a little bit about what's involved
19 in preparing for teaching the first year seminar class.

20 A You mean a first year seminar as opposed to any class or
21 specifically first year seminar?

22 Q Just to use it as an example.

23 A Well, the first year seminar I teach is a shared syllabus,
24 so there is a number of us who teach at the same syllabus every
25 year, which we are very active in helping revise, modify. Then

1 we also each prepare our own individual syllabus. We assign
2 papers. We grade papers. We meet with students. We evaluate
3 students. And then an additional part of first year seminar is
4 that, which I think we've already heard about in this room, is
5 that every year, every instructor of first year seminar
6 regardless of rank is required to come to six pedagogy meetings
7 a year.

8 Q So you go to those pedagogy meetings?

9 A I think I missed 2 in the 10, 11 years that I've taught.

10 Q And when you go to these pedagogy meetings, what's going
11 on in these meetings?

12 A Usually, there is a topic. So, for example, it might be
13 how to help students speak effectively. Sometimes, there will
14 be a panel of presenters, regardless of rank, so sometimes
15 there could be a panel on such a topic that could consist of a
16 senior lecturer, a full professor, and an adjunct lecturer. We
17 talk about problems we're having in our classroom. We talk
18 about issues of pedagogy and how to apply it to our classrooms.
19 We may talk about administrative issues related to the program.
20 It really depends on the month. But I'm usually, again, it
21 focuses on a special topic, but there are also general
22 discussions on our classroom practices.

23 Q So in your perception attending these pedagogical
24 meetings, is there any difference in the nature of the
25 participation depending on whether you are a full professor, or

1 an associate professor, or an adjunct lecturer?

2 A Do you mean are --

3 Q In the participation in the pedagogical meetings.

4 A Everyone participates. No one is required to participate.
5 In my experience, adjunct lecturers are often very active
6 participants at the table, especially those of us who have been
7 there numerous years, because it also is a kind of pedagogical
8 training institute, in an informal way. So those of us who
9 have taught a long time often give tips and suggestions to
10 sometimes senior professors who haven't taught the class
11 before, around that table.

12 Q You had mentioned the panels. And I believe you testified
13 -- what does the panel do?

14 A We haven't had -- the current director doesn't use that
15 format.

16 Q When you did?

17 A In the past, a panel would give a -- so, for example,
18 let's say it's about effective speaking. A panel would -- the
19 director of first year seminar would put out a call for
20 presentations, basically, which is a fairly, informal 10 minute
21 talk. And anyone who wants to can respond and say I'd like to
22 present about this aspect of teaching effective speaking.

23 Q So let me stop you and ask you this, does that call go out
24 to adjuncts as well as full professors and associate
25 professors?

1 A It goes out to, to my knowledge, I believe it, because I
2 receive them, I believe it goes out to everyone who teaches
3 first year seminar that year.

4 Q And I think you testified that the panels have had on them
5 equal level of classifications?

6 A Yes.

7 Q I also, I do want to go back and talk a little bit more
8 about, or ask you to, about how you prepare for a course. I'm
9 really trying to find out and I think the record should reflect
10 the kind of time that's involved in preparing for a course.

11 A Okay.

12 Q Let me use a different example.

13 A Critical Writing?

14 Q No, no, the first year seminar. Let me ask you a
15 different question. Have you taught any upper level classes?

16 A Yes, I have.

17 Q What class have you taught?

18 A In 2009, I taught a class on the 18th Century British
19 Novel. And from 2012 to now, I teach Critical Writing.

20 Q Let's start with the 2009 course, the upper level English
21 novel.

22 A Right.

23 Q After you taught that course, you're not teaching it
24 now --

25 A That's correct. A senior faculty member, by which I mean

1 I believe at the time he started teaching it, he was associate
2 professor. I believe he's now full professor. His name is
3 Ross Hamilton.

4 Q So you were teaching the same course that he taught after
5 you?

6 A Yes.

7 Q Now when you taught that course, first of all, when you
8 taught that course in 2009, what semester was it?

9 A Fall.

10 Q When were you hired to teach that course?

11 A Fall, 2008. I believe they asked me to teach it in
12 November of that fall, 2008.

13 Q So they asked you almost a year in advance?

14 A Because I believe the budgeting and scheduling is done for
15 the whole year, the year before. So, in other words, the
16 2009-2010 year was planned for by January 2009.

17 Q So even though you're an adjunct, you didn't get the
18 notice to do this course a week before or a semester before?

19 A Oh, no. It was over a year -- it was almost a year
20 before. But I've had classes where I had a year and a half
21 notice.

22 Q We'll come back to that. Let me ask you about this class.
23 Could we describe in detail what you did to prepare to teach
24 this class and I will ask you if it's typical in doing a new
25 class. I want to get an idea what the steps are and what the

1 time involved is.

2 A So I was given a title, but it was pretty general, 18th
3 Century British Novel, and I was told I pretty much could
4 tailor it anyway I wanted. I have particular interest in the
5 18th Century British Novel because of my own research and I
6 basically tailored the class around that research. So it was a
7 survey of the 18th Century British Novel with a particular
8 focus on women and sexuality in the novel.

9 And to prepare for that, I had to read a tremendous
10 amount, first of all. I had to read lots of novels, many more
11 than the ones I actually taught, because part of preparing the
12 syllabus is -- professors always want to put more in a syllabus
13 than they can, because we think everything is valuable. But
14 there's only a certain number of weeks and page numbers that,
15 you know, pages that a student can read. So I had to restrain
16 myself by reading a lot and then narrowing down.

17 I also did a tremendous amount of scholarly research on
18 every single one of the novels that I was teaching and also on
19 the background of the general theme, which was already
20 something I have known about, but because my dissertation was
21 13 years before, I wanted to refresh my knowledge and see what
22 new knowledge in the field had been created.

23 I also reviewed the syllabi of anyone who had ever taught
24 the class in the past. I visited other professors who had --
25 no one was teaching this class. In fact, it was a class that

1 had -- it was sort of an orphaned class when I started teaching
2 it, so there was no one to observe teaching it. But I spoke to
3 some of my colleagues. I also, because it was the first
4 lecture class, the first large class I'd ever taught, I wanted
5 to go watch people do that, so I visited four or five of my
6 colleagues in action teaching a class of that size to see how
7 they managed the room.

8 I also prepared assignments. I prepared the syllabus,
9 obviously, figured out how I was going to be grading in it, how
10 to final exam, which is fairly rare for literature classes.
11 So, again, I had to -- that was a new experience for me, so I
12 researched it by looking at other people's final exams, by
13 figuring out what the grading should be for that, and how it
14 should fit into the course as a whole.

15 Q How many students were in that class?

16 A Forty.

17 Q Did they have assignments?

18 A You mean written assignments?

19 Q Yes.

20 A Yes. They were required to write biweekly two-page papers
21 that they then had to revise for their final portfolio.

22 Q And did you review and grade those papers?

23 A Oh, yes.

24 Q Did you prepare for each class?

25 A Oh, yes.

1 Q How much time would you say it took to prepare for each
2 class, each week?

3 A Well, since it was a new class, which Professor Denison
4 mentioned, that's a very labor-intensive experience, so I would
5 say minimum 20 hours a week, probably more for a 3-hour total
6 class.

7 Q For your other classes, do you prepare?

8 A Oh, yes.

9 Q And for Critical Writing and English, do you spend hours
10 per week in preparation for both?

11 A Hours. I mean, again, once you've taught a class before,
12 there is not as much ground work preparation, although I do try
13 to keep current with the scholarly trends. So, for example, I
14 teach Wuthering Heights in Critical Writing and first year
15 English. I constantly do research to make sure there is not
16 something I don't know about, especially Critical Writing. I
17 spend six weeks on Wuthering Heights and different ways to
18 interpret it from a literary perspective, so I'm constantly
19 refreshing my knowledge of that.

20 But, in general, the major work goes into the first time
21 you've taught a class. But there is always grading. There is
22 always meeting the students. There is always refreshing your
23 memory, and also going over what you did last time you taught
24 something, and figuring out how did this work, what could work
25 better this time, etc.

1 Q Do you grade papers in all the classes you teach?

2 A Yes.

3 Q Going back to the 18th century novel course, how often did
4 you say the students did papers?

5 A Well, I think they had to write five, 2-page papers. But
6 they were allowed to create their own schedule, which was an
7 experiment. I had never done that before. Some loved it and
8 some didn't. And then they had to revise their papers and turn
9 them in as their final portfolio.

10 Q How many hours did you spend reviewing and correcting
11 those papers?

12 A Probably, 10 hours a week.

13 Q So that's all out of class?

14 A Oh, yes.

15 Q Now you talked about research and scholarship. Have you
16 published, by the way, since you've been at Barnard?

17 A Yes. I have published two articles. I'm working on a
18 third.

19 Q Those have been --

20 A And actually, well, because I'm working on -- I've
21 published two, I am working on two.

22 Q Do you know if your colleagues who are adjuncts, who are
23 part-timers, also do research and publish?

24 A I know of a number of my colleagues, particularly in the
25 English department, which is the adjunct population I know the

1 best, I know a number of them are actively publishing. But we
2 all do research and scholarship all the time, whether or not we
3 publish, in preparation for our teaching.

4 Q Is that a requirement for the job?

5 A Well, you can't be a good teacher unless you do
6 scholarship, especially at an institution at Barnard's level.

7 Q Let's talk about the Critical Writing class. Could you
8 describe what that's about? And first of all, tell me if
9 others, then adjuncts have taught or teach that class.

10 A I believe there are three to four sections of that class
11 every semester with usually 8 to 10 students each. Usually, in
12 any given semester, two of the four sections are taught by
13 adjunct lecturers, one sometimes by someone in the tenured
14 rank, and usually one by someone in the off-ladder or full-time
15 rank.

16 Q So is that the same course that's being taught by say you
17 and a tenured professor or --

18 A Yes. The chair of the English department, the current and
19 former chair both teach that class regularly.

20 Q What are their ranks?

21 A I believe they're full professors.

22 Q Is there any difference in the responsibility of teaching
23 that class whether you're an adjunct or you're a professor?

24 A Not to my knowledge.

25 Q Was Peter Platt one of those people?

1 A He was the former chair of the English department.

2 Q Was he a full or associate professor?

3 A He is a full professor.

4 Q Do you do your own syllabus for that class?

5 A Yes, I do. Again, that class has a theme and a goal. But
6 beyond that, as long as we fulfill the goals of the course, we
7 are -- which are very broadly defined, we are allowed to teach
8 it any way we want. No one has ever reviewed my syllabus and
9 said you should do this, you shouldn't do that.

10 Q So is there any difference in that sense of how you
11 prepare and how you create the course from the way any other
12 full-time person would create the course, as far as you know?

13 A Not to my knowledge.

14 Q And do other adjuncts in the English department teach or
15 have they taught upper level classes?

16 A I believe so.

17 Q There has been testimony here that an adjunct could have a
18 class cancelled and I suppose not be able to teach that
19 semester. As far as you know, in the English department, has
20 that ever happened?

21 A Not to my knowledge.

22 Q In the 16 years that you've been there, you don't recall
23 an incident?

24 A I don't recall it. In fact, there have been times when
25 someone had to go on leave very quickly and adjuncts were asked

1 to fill in, so it was the opposite.

2 Q By the way, you've been there for 16 years. Are there
3 other adjuncts who have been there for 10, or 15, 20 years?

4 A I believe there is 6 -- I can't say the exact number but
5 somewhere between 6 to 10 of us who have been there from 10 to
6 20, actually, in one case, 40 years. But there's definitely 6
7 or 7 of us who have been there 10 to 20 years.

8 HEARING OFFICER BERGER: Is that across departments?

9 THE WITNESS: No, this is English. He's asking about
10 English. I don't know about other departments.

11 BY MR. LEVY:

12 Q So how would you distinguish your job from a current
13 part-time job?

14 A I guess aside from the fact I'm only given a semester by
15 semester contract, there -- and the fact that there is no such
16 thing at Barnard, I guess it is a relatively permanent job.

17 Q I take it you've been there longer than some of the term
18 professors, and some of the full professors, and some of the
19 associate professors?

20 A I believe so.

21 Q Do you know whether the students know, if you have any
22 experience that will tell you whether or not the students know
23 you're an adjunct?

24 A I don't disclose that information or -- let me rephrase
25 that. I disclose that information very selectively because,

1 but sometimes students find out my title and they might ask me
2 about it, and they are often very surprised. They express
3 actually shock in some cases when they find out that I'm an
4 adjunct lecturer who can only teach -- who can't teach beyond
5 the sophomore year. And this usually comes up when one of my
6 former students who is going to be an English major will come
7 to me and ask me to be her major advisor, and I'll have to say
8 no, because adjunct lecturers are not currently allowed to
9 serve in our department as major advisors. And they are always
10 surprised.

11 Q Are there students who take your classes, class after
12 class?

13 A I regularly have in my -- I teach a year of first year.
14 So I teach first year English in the fall and first year
15 seminar in the spring. I regularly have five to six students
16 follow me from the fall to the spring semester. And I've had
17 two or three 3-semester students.

18 Q So let me talk to you a little bit about an issue that's
19 been referred to as service. Do you have office hours?

20 A I do.

21 Q Where is your office?

22 A On the third floor, at Barnard Hall.

23 Q Are there other offices in the third or fourth floor of
24 Barnard Hall?

25 A It's a classroom building, so it's -- the only thing it

1 has are dance studios, classrooms, and offices.

2 Q So where are the offices of the adjuncts, as juxtapose the
3 offices for the professors or the term lecturers?

4 A They are mixed in. All the ranks are mixed in, in the
5 same floor.

6 Q Can you describe the nature of the relationship between
7 the adjuncts, and the term lecturers and full-time employees of
8 any rank?

9 A In my experience, in my department, it's very collegial.
10 For example, we often -- there is one copy room. We mostly do
11 our own copying. And there's two machines. So it's very
12 common before a class to see a couple of professors of any rank
13 standing at those machines. And they don't ignore each other.
14 They talk to each other. And I've had many conversations with
15 professors of all rank about issues ranging from our current
16 scholarship, to our classroom practices, to personal issues.

17 For example, Pat Denison and I have daughters who are
18 relatively the same age, so we often compare notes about how
19 they're doing as part of our conversations around the copier.

20 Q I think you mentioned that sometimes the syllabi changed
21 for some of these classes that you teach, the shared syllabi.

22 A Yes.

23 Q Have you or other adjuncts had a role in the revisions in
24 the syllabi?

25 A Multiple times.

1 Q Is there any difference that you're aware of between your
2 role in revising the shared syllabi and anyone else's role in
3 terms of their classification?

4 A Well, the director obviously has final say.

5 Q Besides the director.

6 A No. To my knowledge, no.

7 Q So when you're giving your input on proposed changes in
8 the syllabus, there are full-timers who are similarly --

9 MR. DiGIOVANNI: Objection, leading the witness. Can he
10 just ask her a question?

11 HEARING OFFICER BERGER: You may rephrase.

12 BY MR. LEVY:

13 Q Tell us who else and how it's the same, what different
14 categories of the classifications participate in the revisions
15 of syllabi.

16 A To my knowledge, anyone who teaches in the shared syllabi
17 in the English department that I'm referring, the first year
18 program I'm referring to, there is no difference.

19 HEARING OFFICER BERGER: Can you just describe a little
20 bit what the work is in modifying the syllabi?

21 THE WITNESS: Yes. The class I teach most regularly is
22 called Women in Culture and it's an historical overview of,
23 it's also a literary survey, so it goes from the Greeks to the
24 20th century. And we're always trying to think about how to
25 make that syllabus better and more effective. And also there

1 are changes in feminist scholarship and students that -- the
2 student body has changed greatly in the 16 years I've been at
3 Barnard, so we also revise to reflect that.

4 But what will happen is it's usually done -- it starts
5 through informal conversations. The director will say,
6 basically, send out an email to those of us teaching Women in
7 Culture, I'd like to get together and talk about what you think
8 is working and what isn't working, and how we might make the
9 syllabus better. And I think in 2007 there was a major
10 overhaul and where we, I think, substituted out half of the
11 works.

12 And during that time, in fact, I was responsible for
13 discovering a community of 17th century Chinese female poets,
14 which is totally outside of my realm. I can't even remember
15 how I stumbled across this. But I did all of the research to
16 discover which of these poets would be most effective for our
17 syllabus. I gave a packet of information to the director. She
18 read it. She came back to me and she said I think these would
19 be the most effective, would you write a teaching guide for
20 your colleagues. And we ended up putting this unit into the
21 new, the revised syllabus that I had basically come up with.

22 HEARING OFFICER BERGER: Is that still part of the current
23 syllabus?

24 THE WITNESS: Yes, it is; although, because of the
25 curriculum review, it's undergoing further revisions. I can't

1 remember, I think we left that unit in, but I can't remember.
2 In the spring, the incoming director of first year English
3 asked me and another adjunct -- actually, it was an adjunct
4 associate to -- they are changing first year English to first
5 year writing, and she asked me and another one of my colleagues
6 who teach first year English to come up with ways to cut the
7 number of texts we read, because she had never taught that
8 course before so she needed our input.

9 HEARING OFFICER BERGER: And this director you're
10 referring to is the director of what exactly?

11 THE WITNESS: First year English.

12 HEARING OFFICER BERGER: The director of first year
13 English.

14 THE WITNESS: She's actually here, Wendy Schor-Haim.

15 MS. SCHOR-HAIM: How are you?

16 HEARING OFFICER BERGER: Okay, thank you.

17 THE WITNESS: Did I answer your question?

18 HEARING OFFICER BERGER: You did, thank you.

19 BY MR. LEVY:

20 Q So when you prepared the teaching guide with respect to
21 the 17th century Chinese poets --

22 A Yes.

23 Q Who would benefit from the use of that teaching guide?

24 A My colleagues who teach the same shared syllabus with me.
25 I'm the director, of course, because I did the work. I

1 basically saved her a lot of work by doing that. It was my
2 pleasure, by the way, to do that and I loved learning about
3 something I knew nothing about before I started researching it.
4 And that's one of the joys of the first year syllabi, because
5 it's a literary survey from the Greeks to the 21st century,
6 we've had to learn about a lot of fields that we didn't know
7 about before we started teaching these classes. And, also, of
8 course, the students benefit.

9 Q So learning about all these new fields is something that
10 applies to all of the classifications who teach this particular
11 course?

12 A Anyone who teaches a literary -- a first year literary
13 survey has to go through the same process; otherwise, you walk
14 into the classroom and look stupid.

15 Q I asked you before who benefited from the teaching guide
16 and you said everyone who taught the course. Would that
17 include full-timers in all of the various classifications
18 you've mentioned?

19 A See, first year English, I don't know what classifications
20 teach that anymore.

21 Q No, when you did this, when you were involved.

22 A I believe the only full-time person may have been the
23 director of first year English, to my knowledge.

24 Q Talk a little bit about the nature of the papers that
25 you've written since you've been at Barnard, the research and

1 the scholarly work since you've been there.

2 A So I have -- I'm more from being an 18th century scholar
3 to being a pedagogical scholar, by which I mean I mostly do
4 scholarship and publish scholarship that focuses on pedagogical
5 practices. In other words, both -- I focus both on what I do
6 in my own classroom and also in a theoretical, larger
7 theoretical sense how this and why these issues are
8 significant.

9 Q These articles have been published -- have they been
10 published in peer review journals?

11 A Yes, they have.

12 Q Have any of your research you've done required approval
13 from the IRB?

14 A Yes.

15 MR. DiGIOVANNI: What's IRB?

16 HEARING OFFICER BERGER: What is IRB? Sorry.

17 THE WITNESS: Institutional review board.

18 BY MR. LEVY:

19 Q What is the institutional review board?

20 A I believe that it's a committee, an appointative committee
21 made up of faculty and one community member, is the description
22 on the website, at least one community member. And IRB review,
23 it's mostly directly towards scientists, but I believe that any
24 project involves what they call human subjects on the Barnard
25 campus requires IRB review before you can proceed.

1 And since I work on pedagogy and since I focus on my own
2 classroom practices and experiences, as well as the larger
3 theoretical sense, my most recently published article and the
4 project I am currently working on, both benefited from my
5 putting -- having asked my students to do a survey on the
6 issues that I was going to be focusing on. But in order to do
7 that properly, I went through the IRB process to make sure that
8 I wasn't violating any of Barnard's procedures.

9 Q So Barnard was aware at least of this research project and
10 gave its sanction, even though it involved students?

11 A Yes.

12 MR. DiGIOVANNI: Objection, Your Honor -- I'm sorry,
13 hearing officer. He's continuing to -- can you just make sure
14 that he's phrasing these in the form of a question as opposed
15 to reading in testimony.

16 MR. LEVINE: My understanding is that leading witnesses in
17 the last days of this hearing has been de regere (ph.), is that
18 wrong?

19 MR. DiGIOVANNI: We've been giving a little bit of leeway,
20 but he's saying something she hasn't mentioned.

21 HEARING OFFICER BERGER: Everyone has been given lots and
22 lots of leeway in that regard. To the extent these questions
23 can be phrased as questions, I agree that's more appropriate.
24 And since presently there is an objection, I think this is one
25 that's easy to rephrase.

1 BY MR. LEVY:

2 Q Okay. Was your research project approved officially by
3 the IRB?

4 A Yes. And, in fact, in both cases it was given an
5 expedited review and approval.

6 Q Have you given papers anywhere?

7 A Yes.

8 Q Where have you given papers?

9 A At multiple national and regional conferences. Most
10 recently, I delivered a paper at the MLA, the Modern Language
11 Association, in January 2015.

12 Q Do you know if other faculty, full-time faculty or
13 part-time faculty at Barnard have done the same?

14 A At the MLA? I don't know specifically, but I'm sure they
15 have.

16 HEARING OFFICER BERGER: Where was that, the MLA?

17 THE WITNESS: Vancouver.

18 BY MR. LEVY:

19 Q I'm sorry, where?

20 A Vancouver.

21 HEARING OFFICER BERGER: Did you pay for your own travel?

22 THE WITNESS: I did. And, in fact, I was actively
23 discouraged from seeking reimbursement by Pat Denison.

24 BY MR. LEVY:

25 Q Do you have to be approved -- did the Modern Language

1 Association have to approve that paper and your presentation in
2 advance?

3 A There is a call for papers that goes out. You have to be
4 a member to apply and I've been a member since starting
5 graduate school. And then so you apply to a specific panel
6 with an abstract that you've written about your project, and
7 then it is approved or rejected.

8 Q And yours was approved?

9 A Yes.

10 Q Did you actually present the paper out loud? I mean was
11 it something you --

12 A I actually -- one of the downsides of literary conferences
13 is that people mostly read their papers, which is not the most
14 enjoyable experience. So I made it my goal to try to present,
15 rather than read, and I worked with the current director of the
16 speaking program to prepare that presentation.

17 Q How many people did you present to?

18 A I'd say there were about 20 or 30 people in the audience.
19 Again, there are thousands of panels every day, so most panels
20 don't have a very large audience. Having more than five is
21 basically a triumph. Oh --

22 Q Go ahead.

23 A I have since been asked -- the chair of that panel, we've
24 been asked to send her our papers because she's working to get
25 it published in a journal. In other words, the chair of the

1 panel was approached by the editor of a journal. The panel was
2 on lexicography, in other words, dictionaries. And she was
3 approached by the editor of a journal about dictionaries.
4 There are such things. And we were asked to revise our papers
5 and send them to her for a publication in that journal. I have
6 not heard about whether that's happening, but that did occur
7 after the presentation.

8 Q I'm not sure this is clear, but have you presented once or
9 more than once to the Modern Language Association?

10 A Twice.

11 Q Going back to the issue of service, what does it mean to
12 be an advisor of students?

13 A Do you mean a formal advisor?

14 Q Yeah.

15 A Okay. I have been hired the last two years by Barnard to
16 be a formal advisor of non-majors, which means students for
17 their entire freshman year and the first semester of their
18 sophomore year. And being an advisor is primarily an academic
19 function. In other words, you're there to help them plan their
20 program, sign the program, follow their academic progress; if
21 there's any problems, work with them on their academic progress
22 or lack thereof. And then eventually help them transition into
23 the major.

24 But in my experience in the two years I've been a formal
25 advisor, it's far more than academic. It really depends on the

1 student. Some students I see at the beginning and end of every
2 semester, because that's all they need and want from me, and
3 that's what I require, at least two meetings a semester. But
4 some students are on my doorstep four or five times a semester
5 because they have greater needs or other needs.

6 Q When you say other needs, you mean needs beyond the
7 academic?

8 A Emotional, psychological, intellectual. I just shepherded
9 a student through her first disciplinary process. My first
10 year, I was hit particularly hard. I had one student who
11 basically failed out of Barnard and was asked to leave, which
12 was a very distressing experience, obviously, for her. And
13 since I had never been through it before, it was challenging
14 for me as well.

15 Q How many advisees have you had or do you have in any year?

16 A I usually have 10 to 15. Oh, and I forgot, there is one
17 more category which is called visiting international student.
18 That's only in the spring. Barnard has basically a study
19 abroad program for itself where they recruit students from
20 about 80 countries to come for a semester. And those students
21 also need formal advisors. So I usually advise two of those
22 students in the spring.

23 Q Are full-time classifications, to your knowledge, also
24 advising -- involved in advising students?

25 A Yes.

1 Q And as far as you know, is that all classifications?

2 A As far as I know, yes.

3 Q Is there a stipend for advising students?

4 A Yes, there is.

5 Q What is the stipend for being a formal advisor?

6 A I believe it's \$100 a student, but \$75 for visiting
7 international students.

8 Q Do you know if that applies to other full-time positions
9 or full-time --

10 A I believe. I can't testify to a certainty, but I believe
11 that even salaried faculty are given a stipend as a way to
12 motivate them to do this, which they are not normally required
13 to do.

14 Q Now since you talked about formal advising, is there
15 informal advising?

16 A Oh, yes.

17 Q Could you talk about that?

18 A Well, as I said, I have office hours. Every class I teach
19 is writing intensive. That's just my philosophy of teaching,
20 by which I mean that no student turns something in for a grade
21 the first time. I make my students revise every paper,
22 sometimes more than once. And that process cannot be
23 successfully done unless you meet with the student as part of
24 the revision process. In other words, the process is they give
25 me a paper. I comment on it rather extensively. I give it

1 back to them and then they come meet with me, and we go over
2 the comments and their thoughts about revision. In fact, I
3 require them to come in with what I call a formal revision
4 plan. They have to write a one-page response to my comments
5 and thoughts about their direction of the next version of their
6 paper. And that's pretty labor intensive for everybody.

7 So that's the academic advising I do. But, again, because
8 I teach first years, which is a relatively vulnerable
9 population, I've often been used as a non-academic advisor,
10 too.

11 Q So in terms of the academic advising that you do, is that
12 a necessary part of your job?

13 A Well, yes, it's built into the job.

14 Q Do you have any idea how many hours a week you spend on
15 that?

16 A With students in my office?

17 Q Yeah.

18 A Usually, it depends on the week, 10 to 20. And can I say
19 one more thing about that?

20 Q Sure.

21 A Sometimes, some of my own students feel they are not
22 getting well-advised by their formal academic advisors and will
23 use me to fill in the gaps. In other words, they'll say I have
24 such and such professor, sometimes senior, as an advisor. He
25 is a nice person, but he's not really helping me. Can you help

1 me with this issue. That's happened to me multiple times in
2 the 16 years I've been doing this.

3 Q Thank you. Do you attend the college-wide faculty
4 meetings?

5 A I've been doing that for two years.

6 HEARING OFFICER BERGER: Do you receive notice about when
7 they are scheduled?

8 THE WITNESS: Yes, both on the website, where they are
9 listed, but we also receive that email that was referred to
10 multiple times. I receive the monthly notice of the faculty
11 meeting in my Barnard email.

12 HEARING OFFICER BERGER: And do you know who that email
13 comes from or what office it comes from?

14 THE WITNESS: The provost's office.

15 BY MR. LEVY:

16 Q To your knowledge, do other adjuncts receive that same
17 notice?

18 A Yes. I know that they do.

19 Q Do you go to the faculty meetings?

20 A I do. The last two years, I have.

21 Q Can anyone speak at those meetings?

22 A Yes.

23 Q Have you spoken at those meetings?

24 A I have.

25 Q I understand from previous testimony that votes are only

1 by full-time people, is that correct?

2 A Well, the only formal vote I've witnessed in the two years
3 I've been attending these meetings regularly was the May
4 curriculum review vote. Every other vote is done by voice
5 affirmation. In other words, an issue will be raised, usually
6 just presented, not debated even. And then it will be the
7 person running the meeting, who is I think the chair of the
8 FGP, the faculty governance procedures committee, will say all
9 in favor say aye, all opposed say nay.

10 Q Does anybody ever say nay?

11 A Not in my experience.

12 Q You also attend departmental meetings?

13 A For the last 10 years.

14 Q And how is your participation in those meetings different,
15 if it is, than any full-timers' participation in those
16 meetings?

17 A Well, the meetings usually consist of a presentation by
18 the chair of issues of concern that have come up at the chair's
19 meeting and all other issues, college-wide issues. And then it
20 will focus on departmental issues. And those are usually
21 cyclical. So, for example, in April, there will be a
22 discussion about which students, usually juniors and seniors,
23 should receive college-wide and departmental honors. And I've
24 participated actively in all of those discussions.

25 Q Any difference in your participation than that of

1 full-timers' classification?

2 A I don't think so.

3 HEARING OFFICER BERGER: And the how is it ultimately
4 determined who will receive honors?

5 THE WITNESS: It's usually just kind of organic. In other
6 words, there is a list of students and usually there is a kind
7 of, well, what about this person, what about that person. And
8 it's usually just -- it's not really done by vote. It's
9 usually more --

10 HEARING OFFICER BERGER: Is it accurate to say you come to
11 consensus?

12 THE WITNESS: Yes, that's a good way to put it. There is
13 a consensus is reached. And that's true for most issues, by
14 the way, at that table.

15 HEARING OFFICER BERGER: Can you give any examples of
16 other issues that come up and that the department reaches
17 consensus on, in your experience?

18 THE WITNESS: Well, in my experience, there's not a huge
19 number of issues that are voted on. It's more a discussion and
20 course of action. So, for example, this is the first year at
21 Barnard the English department decided to do what's called a
22 senior capstone presentation, where seniors will get up and
23 present about the research they've been doing in their senior
24 seminars. And there was basically a discussion of, okay, do we
25 want to do this; if so, how, who is going to -- it's usually

1 about labor, who is available to do this. Everyone is
2 stretched to the limit and they basically have to find people
3 to volunteer to get things done.

4 HEARING OFFICER BERGER: And so in that example, did
5 people in adjunct ranks volunteer at a level that was
6 commensurate to people in full-time ranks?

7 THE WITNESS: Because we don't teach senior seminars, no.

8 BY MR. LEVY:

9 Q Can you tell us what the college-wide faculty seminar on
10 diversity is?

11 A Well, it's called the Willen's faculty seminar on
12 diversity, I believe that's the title. Two of the chairs are
13 here, so I don't know the exact title. The Willen's faculty
14 seminar is an application only. It's sort of an
15 extracurricular academic seminar that's supposed to be a
16 college-wide interest. So I don't know how many there are a
17 year, but a faculty member can propose a topic and, obviously,
18 an application, and then if it's accepted, then the planners,
19 the chairs of that seminar will open that seminar up to the
20 community, by which I mean faculty at all ranks. And in the
21 case of the Willen's faculty seminar on diversity, staff,
22 including the dean of the college, attend that regularly.

23 Q When you say staff, does it include full-timers and
24 part-timers?

25 A Well, I'm talking about -- faculty is full-time and

1 part-time, yes. By staff, I mean administrative staff, deans.

2 Q Have you been actively involved in that?

3 A Yes, I have.

4 Q Have you had the opportunity to write letters of
5 recommendation for students?

6 A I've been asked and have agreed to write multiple, I'd say
7 in the hundreds at this point, letters of recommendation. In
8 fact, one of my former first year English students for whom I
9 wrote a letter of recommendation for graduate school just
10 received her PhD yesterday, so I'm very excited about that.

11 Q How many letters would you say you write a year?

12 A Twenty to thirty.

13 Q And has that been true over your 16 years?

14 A I'd say the last 10. The first five years, I didn't teach
15 as much. I didn't know as many students. And I wasn't as
16 enmeshed in the life of the college as I am now.

17 MR. LEVY: Can we take about two minutes just to go over
18 some things?

19 HEARING OFFICER BERGER: Sure, let's go off the record.

20 (Recess from 10:34 a.m. to 10:42 a.m.)

21 HEARING OFFICER BERGER: Back on the record.

22 BY MR. LEVY:

23 Q Just one other question, what is the AS of ECS, an
24 organization called the --

25 A Oh, the ASECS, American Society for Eighteenth-Century

1 Studies.

2 Q Have you been a member of that organization?

3 A I have.

4 Q Have you given any papers or panels at that organization?

5 A I was a member for at least 10 to 15 years. I am not
6 currently. My membership is dormant right now. But in the
7 past I have given papers there and I've also chaired panels. I
8 think I've chaired two panels. It's a national conference of
9 18th century scholars that meets in different locations every
10 year. Again, it goes through the same process. So if you want
11 to chair a panel, you write up the panel description and then
12 you submit it for peer review, essentially, by the organizers
13 of the public conference. And then you put out a call for
14 papers for that panel. And if you give a paper, you submit an
15 abstract to the chair of the panel. Again, it's reviewed and
16 accepted or rejected.

17 Q And you've had papers accepted?

18 A Yes.

19 Q You've been on the panels?

20 A I've been on the panels and I have chaired a couple of
21 panels. And there are regional versions of that conference,
22 also, and I've given papers at several of the regional
23 versions.

24 Q So when you testified a moment ago, you were referring to
25 something other than regional panels?

1 A I was talking about the national. ASECS, American Society
2 for Eighteenth-Century Studies, is the national organization.
3 But there is also Midwest ASECS, there is Northeast ASECS.
4 There is about eight of these regional versions of the larger
5 parent organization.

6 Q But you presented at both the regional and national?

7 A At both regional and national.

8 Q When you attended -- I'm just going back to one other
9 thing. When you attended faculty-wide meetings --

10 A Yes.

11 Q Apart from that one meeting where there was that
12 curriculum vote, I think a big deal, do you have a recollection
13 of how many people approximately were at those meetings?

14 A I am bad with numbers, so I don't know. It was a large
15 room and it was full. It was most full on the day that the
16 formal vote was done. But they don't take attendance and they
17 don't, even by number, to my knowledge, so the only -- I've
18 seen the minutes and the only thing I've seen is a list of who
19 speaks. In other words, the times I've spoken, it says Kate
20 Levin said, asked this question, this response was given by so
21 and so.

22 HEARING OFFICER BERGER: Are those minutes approved at the
23 subsequent meetings?

24 THE WITNESS: Yes, by voice affirmation.

25 HEARING OFFICER BERGER: And do you participate in that

1 approval?

2 THE WITNESS: I don't because I'm -- it's unclear to me
3 whether I've been allowed to vote because of the 2012-13 guide
4 we talked about says that I can, but it's never been clear to
5 me. But since it's all affirmation and no nays, I've never
6 felt that it mattered.

7 BY MR. LEVY:

8 Q There has been testimony here that all full-time faculty
9 are required to attend faculty meetings. Do you know if all
10 full-time faculty do go?

11 A I mean to my knowledge they don't. When I look around the
12 room, I don't see everyone I know there. I mean I know a lot
13 of full-time faculty and I don't think there's ever been a time
14 in the two years I've been attending where everyone I know on
15 the full-time faculty is in that room.

16 MR. LEVY: I have no further questions.

17 HEARING OFFICER BERGER: Okay. Your testimony raised some
18 areas that I want to explore a little bit further.

19 THE WITNESS: Should I turn to face you?

20 HEARING OFFICER BERGER: Sure. You gave a list of the
21 courses you've taught at Barnard.

22 THE WITNESS: Yes.

23 HEARING OFFICER BERGER: Are any of those new courses that
24 you designed?

25 THE WITNESS: One of, well, it's hard to say. New is

1 tricky. There is a list of basically rubrics, but they are
2 very broad. So Critical Writing, for example, and 18th Century
3 Novel, those were pre-existing classes, but I basically colored
4 in. It was an outline in which I did all the coloring, if that
5 makes any sense. I created the class according to the
6 specifications, the title that I was given and, in the case of
7 Critical Writing, the goals of the class which introduce
8 sophomores to the demands of the English major. Given that,
9 it's a fairly broad description that allows us to design it in
10 our own ways.

11 HEARING OFFICER BERGER: Are you informed of what you'll
12 be teaching academic year to academic year, or semester to
13 semester?

14 THE WITNESS: Academic year to academic year. And as I
15 said, it's often at least in the case of the English department
16 classes, as opposed to first year English or first year
17 seminar, it's usually the fall before the next fall.

18 HEARING OFFICER BERGER: Who notifies you of what you'll
19 be teaching?

20 THE WITNESS: It's usually an informal conversation,
21 verbal conversation with the chair of the department and then
22 confirmed by email.

23 HEARING OFFICER BERGER: And the email is from the chair
24 of the department?

25 THE WITNESS: Yes. And, actually, more recently, she sent

1 out a survey -- she went out, I think it's a Google doc survey
2 that she designed to all faculty members who teach English
3 department classes and I get that survey. I'm asked -- so in
4 the late fall, let's say for example 2015, I receive an email
5 form the chair of the department that I assume goes out to
6 other people who teach in the English department that says
7 please fill out the attached course request for 2015-2016.

8 HEARING OFFICER BERGER: And you indicate what you'd like
9 to teach? What are you --

10 THE WITNESS: Yeah, no, so this was fall 2014, so for
11 2015-2016, you indicate what classes you'd like to teach and
12 which semesters, and which days even.

13 HEARING OFFICER BERGER: And has it been your experience
14 that your preferences have been met?

15 THE WITNESS: Yes.

16 HEARING OFFICER BERGER: Do you thereafter receive formal
17 notice from anyone else at Barnard about what you'll be
18 teaching?

19 THE WITNESS: That's been in flux. We used to. Adjuncts,
20 and I used to be called a lecturer, but I'll call myself an
21 adjunct even in those days, adjuncts used to receive what was
22 called an appointment letter, which basically was an HR form
23 that stated the day, time, title of the class, how many
24 students, credit bearing hours, and the amount we were going to
25 be paid. And then it would be signed by whoever was our

1 supervisor for that class. But that has changed now. We now
2 get these what are called action forms. In spring of 2015, we
3 didn't receive our action forms until March, so I had no formal
4 notification -- I started teaching that semester in January,
5 but I had no formal notification of what I was teaching, when,
6 or for how much I would be paid until March.

7 HEARING OFFICER BERGER: And that action form comes from
8 where?

9 THE WITNESS: The provost's -- oh, I don't know. I think
10 the provost's office, but I'm not sure. Maybe it's HR.

11 HEARING OFFICER BERGER: What information is in the action
12 form?

13 THE WITNESS: I'm not so good with this, but I'm going to
14 say I think it's the title of the class and the amount we'll be
15 paid.

16 HEARING OFFICER BERGER: Do you know how it is determined
17 what you are paid?

18 THE WITNESS: No. Oh, well, one thing that -- yes, in
19 first year seminar, adjuncts receive a standard, I believe a
20 standard rate. And then everyone in the class gets a stipend.
21 Everyone who teaches first year seminar at all ranks gets a
22 \$1,500 stipend for attending those 6 pedagogy sessions.

23 HEARING OFFICER BERGER: And for the other courses, do you
24 have any idea how it's determined what you are paid?

25 THE WITNESS: No.

1 HEARING OFFICER BERGER: So you said was it the action
2 form that says -- that lists your supervisor for the class or
3 was that the letter --

4 THE WITNESS: I don't -- no, I don't think that's signed
5 by our supervisor. I think that comes from a more general
6 office, either HR or the provost.

7 HEARING OFFICER BERGER: So my question is actually --

8 THE WITNESS: Since I've only had my -- I've only
9 experienced those once, I'm not as familiar with those as I am
10 the appointment letters we used to get.

11 HEARING OFFICER BERGER: So the supervisor for the class,
12 who was that?

13 THE WITNESS: I've had three different -- I usually work
14 for three different supervisors in any given year, so the
15 director first year English, for whom I usually teach two
16 classes; the director of first year seminar, for whom I teach
17 one; and then the English department chair, for whom I teach
18 one.

19 HEARING OFFICER BERGER: Okay, I understand. You talked
20 about developing your syllabi and the scholarships that you've
21 completed. In doing that work, have your colleagues in the
22 English department been a resource to you and then also, vice
23 versa, have you been a resource to your colleagues in their
24 scholarly endeavors?

25 THE WITNESS: Oh, definitely, both informally and --

1 HEARING OFFICER BERGER: Can you just go into that a bit
2 more and sort of explain those interactions?

3 THE WITNESS: Well, in the case of the surveys, I
4 described how I have done surveys for my last two scholarly
5 projects. The most recent publication, I also sent out a
6 survey to various faculty members about a pedagogical issue
7 raised by one of the -- the project I was working on, and a
8 number of them completed that survey.

9 HEARING OFFICER BERGER: Did that include full-time
10 faculty as well --

11 THE WITNESS: I sent it out to the department, so, yes,
12 people filled it out across the ranks, both from adjunct all
13 the way up to full professor. And, again, it was voluntary.

14 HEARING OFFICER BERGER: Also still on the thought of your
15 scholarship, do you know if that's been taken into
16 consideration each year as you've been reappointed?

17 THE WITNESS: I've never been given formal -- what's the
18 right word, instructions for renewal. I assume that because
19 Barnard is an institution of academic excellence that being an
20 active scholar, as well as an excellent teacher is part of the
21 criteria since in continue to be renewed and it's widely known
22 that I do scholarship. In fact, I presented my -- at the end
23 of the year, the English department does a publishing party
24 where everyone who has published a book or article presents it,
25 in other words, not formally, but there is a table around which

1 everyone's publications are arrayed and my most recent
2 publication was on that table in one recent year.

3 HEARING OFFICER BERGER: Who participates in that?

4 THE WITNESS: All levels.

5 HEARING OFFICER BERGER: And, finally, you mentioned that
6 for the majority of your experience at Barnard, your title was
7 lecturer.

8 THE WITNESS: Yes.

9 HEARING OFFICER BERGER: And it was recently changed to
10 adjunct lecturer.

11 THE WITNESS: Yes, with no notification, by the way.

12 HEARING OFFICER BERGER: How did you become aware of that
13 change?

14 THE WITNESS: I looked on the website one day and I was
15 pretty shocked.

16 HEARING OFFICER BERGER: So did you receive a formal
17 notice from any office at Barnard?

18 THE WITNESS: No.

19 HEARING OFFICER BERGER: Do you have any understanding of
20 why that change occurred?

21 THE WITNESS: No one ever told me why.

22 HEARING OFFICER BERGER: And so when does that change
23 happen -- when did you become aware of it, I guess.

24 THE WITNESS: I think fall of 2014.

25 HEARING OFFICER BERGER: And so in all of your experience

1 from 1998 until fall of 2014, the lecture title, there's been a
2 lot of testimony here about the various promotion and review
3 requirements for lecturers.

4 THE WITNESS: Yes.

5 HEARING OFFICER BERGER: Was that your experience? Were
6 those your requirements as a lecturer?

7 THE WITNESS: No.

8 HEARING OFFICER BERGER: Do you know why that is?

9 THE WITNESS: I've never had a formal review process.

10 HEARING OFFICER BERGER: Okay. All right, that's all I
11 have. Thank you. Do you need a few minutes to prepare your
12 cross? Okay, so let's go off the record.

13 (Recess from 10:55 a.m. to 11:39 a.m.)

14 HEARING OFFICER BERGER: On the record.

15 CROSS-EXAMINATION

16 BY MS. MUNOZ:

17 Q I'd like to begin just briefly with your testimony about
18 how you came to Barnard.

19 A Okay.

20 Q How did you get the job?

21 A In the spring of 1998, I decided I would like to go back
22 to work, and so I wrote letters of inquiry to a number of
23 colleges and universities, English departments in the area, in
24 the New York City area, asking if they had any openings.
25 Barnard was one of those. At the time, I received a rejection

1 letter -- actually, it wasn't a rejection letter, it was a
2 letter from the then director of first year English saying we
3 have no openings at this time, we will keep your information on
4 file. And then that summer I received a call from the -- that
5 there had been a change in directors, so the new director of
6 first year English called me and asked me to come in for an
7 interview that summer.

8 Q With whom did you interview?

9 A Margaret Vandenburg.

10 Q She was the chair?

11 A She was the director of first year English.

12 Q And so other than your letter of inquiry, did you submit
13 any other materials?

14 A Well, my CV. And also, I believe, probably an article.

15 Q Did the provost hire you?

16 A No.

17 Q You testified that you used to receive appointment
18 letters?

19 A Yes.

20 Q And it's your testimony that the appointment letter spoke
21 to the day and the time of the class you would be teaching?

22 A Yes, among other things.

23 Q And the number of students?

24 A I don't recall if that's part of the appointment letter or
25 not.

1 Q The title of the class?

2 A Yes.

3 Q And it made no mention of benefits?

4 A Beyond salary, no.

5 Q It made no mention of a service requirement?

6 A No.

7 Q And no mention of a requirement of scholarship?

8 A The letter did not. But my assumption has always been
9 that because I teach at Barnard, scholarship is a required part
10 of my position.

11 Q And that's your assumption?

12 A Yes.

13 Q You testified that you now get an adjunct action form?

14 A Starting in March of 2015.

15 Q I'd like to show you, this will be Employer 14.

16 HEARING OFFICER BERGER: No, you're up to 15.

17 (Employer's E-15 identified.)

18 BY MS. MUNOZ:

19 Q I'll show you what's marked as Employer 15. Take a look
20 at that for a minute.

21 A Yes.

22 Q Have you ever seen this document?

23 A No.

24 Q Have you ever -- did you receive anything else?

25 A It was a letter on Barnard letterhead. I never received a

1 form that looked like this, to my knowledge.

2 MS. MUNOZ: What looks like Employer -- I'm going to mark
3 as Employer 16.

4 (Employer's E-16 identified.)

5 MS. MUNOZ: I'll leave Employer 15 marked.

6 BY MS. MUNOZ:

7 Q Do you recognize that as something that --

8 A Yes.

9 Q Could you tell us what it is?

10 A I believe this is what they now call the action -- the
11 adjunct action letter.

12 Q You recognize this document?

13 A Yes.

14 Q Have you received a letter?

15 A In March of 2015, I did, for the two classes I taught.

16 Q March of 2015?

17 A Um-hum. But I had started teaching in January of 2015, so
18 I was teaching for two months without any official documents
19 confirming what I was doing.

20 Q But you did in March 2015 get a letter?

21 A Yes.

22 MS. MUNOZ: The Employer would like to move to enter
23 Employer's 16.

24 HEARING OFFICER BERGER: Any objection?

25 MR. LEVY: No.

1 HEARING OFFICER BERGER: Okay. Employer's 16 is received.
2 (Employer's E-16 received.)

3 MS. MUNOZ: Thank you.

4 BY MS. MUNOZ:

5 Q All right. So you testified, too, that you consider
6 advising to be built into your job.

7 A Well, informal advising.

8 Q Informal advising.

9 A Formal advising is a separate process for non-majors.

10 Q The difference between informal and formal advising?

11 A Informal advising is part of the advising that every
12 faculty member does as part of their teaching where they
13 interact actively with students and talk to them about academic
14 and non-academic matters. Formal advising is a contractual --
15 all right, let me rephrase that. It's a relationship for which
16 we are reimbursed by the college. And we are appointed as a
17 particular student advisor for three semesters.

18 Q A particular student -- say that again? I'm sorry.

19 A All right. Starting in summer of 2013, we had a new dean
20 of students. At that point, she solicited for faculty at all
21 levels to be non-major advisors, which is advising a student
22 for the first three years of their college experience.

23 Q Is this the first and second year advisor?

24 A Yes.

25 Q Isn't it true that non-faculty staff also do first and

1 second year advising?

2 A That's correct, mostly, I believe, at the dean level.

3 Q And you just have -- the dean made this request when?

4 A I think the request went out in June of 2013. And the
5 previous deans of students had not allowed adjuncts to be
6 advisors.

7 Q You had requested to be an advisor?

8 A I have, in the past, yes.

9 Q But adjuncts at the time were not allowed?

10 A That's correct.

11 Q Okay. You testified, as well, that you could not be a
12 good teacher without good scholarship.

13 A Yes.

14 Q And that is certainly your opinion.

15 A Yes.

16 Q You've never been told that you must do so or you would be
17 released from your position, correct?

18 A I've never been told anything about whether or not I'm
19 released and why or why not.

20 Q Okay. You were discussing the first year English class
21 and you were discussing Chinese literature.

22 A Yes, there is a unit on 17th century women poets.

23 Q And it's your testimony that you created that unit?

24 A Yes.

25 Q The director has the final decision on whether to accept

1 or reject that unit?

2 A Yes. In fact, she and I developed it. I did the initial
3 work and then after that it was collaborative.

4 Q Okay. You testified that you disclose selectively that
5 you're an adjunct.

6 A To my students.

7 Q To your students.

8 A Not to my colleagues.

9 Q And why is that?

10 A Why is that? Because it's possible it would undermine my
11 authority if they knew that I was part-time.

12 Q So you're drawing a distinction between part-time and
13 full-time?

14 A Not in that way, no.

15 Q In the way that you just described, your authority. You
16 testified it might undermine your authority with some of your
17 students.

18 A Right.

19 Q Because you were part-time.

20 A Yes.

21 Q And so I'm asking you're drawing a distinction, at least
22 as you've testified, between part-time and full-time.

23 A I suppose in that narrow instance, yes.

24 Q Sticking with just talking about the first year seminar,
25 students cannot choose which first year seminar they're in,

1 correct?

2 A Actually, that's not correct. They do choose on a lottery
3 basis.

4 Q So they rank their preferences?

5 A That's correct.

6 Q And it's the dean who assigns the students?

7 A I think it's a lottery. I think it's actually a computer
8 system, but I'm not sure.

9 Q So either the dean or the computer system selects which --

10 A Yes.

11 Q -- places them in the classes. And you testified that you
12 average about 20 hours, I believe, a week advising students?

13 A I think I said 10 to 20.

14 Q Ten to twenty. And you do that in your office?

15 A Yes.

16 Q It's your own office?

17 A I share it.

18 Q With whom do you share it?

19 A An adjunct lecturer I believe of 25 years named John
20 Pagano.

21 Q Okay. And so you have the office for 10 to 20 hours per
22 week?

23 A Yes. He is the chair of the humanities department at
24 Manhattan School of Music, so he's rarely on campus.

25 Q Oh, I see.

1 A So I have the rare experience as an adjunct of having
2 almost my own office.

3 Q And that's a rare experience.

4 A It's very rare.

5 Q And as an adjunct, you're not a voting member of the
6 faculty, correct?

7 A Well, as of the 2012-2013 faculty guide, I believe it
8 states that I am. But I've been given conflicting information
9 about that, so I've never exercised my vote because I wasn't
10 sure about my rights in that respect. And also --

11 Q Okay. So you don't --

12 A Can I say one more thing?

13 Q Sure, yeah.

14 A Also, because it didn't seem to matter until May of 2015,
15 because every vote was affirmative, that I've ever -- in any
16 meeting I've ever attended was an affirmative voice vote at
17 which no one said nay, so it didn't seem to matter whether I
18 actually voted or not. But I did participate in discussions
19 that led up to every vote.

20 Q Okay, so you participated in discussions. But, for
21 example, you talked about the vote on the curriculum.

22 A Yes.

23 Q You were not allowed to vote?

24 A That's correct.

25 Q And you have never voted to elect faculty members to

1 committees?

2 A That's correct.

3 Q You testified as well that you cannot be a major advisor?

4 A That's correct.

5 Q That's because you're not a full-time faculty member?

6 A That's correct.

7 Q And you've not taught beyond the sophomore year?

8 A No, that's not true.

9 Q I thought that that was your testimony.

10 A No. I said I don't teach beyond sophomore year now,
11 but --

12 Q Oh, I see.

13 A Do you want me to finish?

14 Q Yes, please.

15 A I have taught beyond sophomore year in the past and no one
16 has ever said you're never going to do that again. The reason
17 I stopped teaching the junior/senior 18th century novel class
18 was I was told by the chair of the department it was not
19 because of my performance. In fact, my evaluation for student
20 evaluations were excellent on that, in that class. It was
21 because the, and this is going to sound strange, it's because
22 the, to my understanding, the tenured and tenure track course
23 load dropped, we heard about this, yesterday, to two classes
24 per semester. Therefore, people who had been able to exempt
25 themselves from certain classes, and by people I mean tenured

1 and tenure track people, had been able to say I don't want to
2 teach the 18th Century British Novel, I want to teach film.
3 They were told as part of the deal where they, where they were
4 getting fewer classes a year to teach, they had to teach
5 certain classes. So that's why I've been replaced in that
6 class by a tenured faculty member.

7 But no one has ever said, oh, you can never teach an upper
8 level class again. My understanding is that senior seminars
9 are usually reserved for full-time faculty, but aside from that
10 I believe that theoretically any class in the English
11 department is open to me, based on my area of specialization
12 and expertise.

13 Q But you testified that your students were surprised that
14 you couldn't teach --

15 A Well, but I don't currently teach beyond. I've had some
16 students say I wish Professor Levin taught more classes, I'd
17 like to take more classes with her, in their course
18 evaluations. But it doesn't mean that it could never happen
19 again. It's just what my current schedule is.

20 Q Your current schedule, okay. And back on the committee
21 voting, you testified you've never voted to elect faculty
22 members to committee. It's also true that you've never been
23 given the option to vote on elected committee members.

24 A That's correct.

25 Q Let's talk about first year seminar, the pedagogy

1 meetings.

2 A Yes.

3 Q And it's your testimony, correct, that you're paid to
4 attend those meetings?

5 A That's my understanding.

6 Q So you don't receive any pay?

7 A We do receive. It's a \$200 stipend. I don't know if it's
8 ever been spelled out in the writing that that's what we get it
9 for, but I think that's what at least the verbal understanding
10 is.

11 Q And adjuncts attend those meetings?

12 A Everyone who teaches a first year seminar is required to
13 attend. Attendance is taken, but I think that some people who
14 teach, their attendance is spotty for various reasons.

15 Q Adjuncts don't run those meetings, correct?

16 A No. The director of the first year seminar program, who I
17 believe is usually a tenured faculty member, runs those
18 meetings.

19 Q The panel is on best practices, correct?

20 A Yes, I guess that's how I'd describe it, best and current
21 practices. In other words, theoretical best practices versus
22 actual experience. In other words, what -- how can we make
23 this better and what actually happens. So it's an interaction
24 between reality and best practices.

25 Q On the Google survey, you send -- I'm sorry, you send that

1 to those who teach in the department, correct?

2 A You mean the chair sends it out. The chair of the
3 department, Lisa Gordis, in the last few years, she's very
4 technologically savvy, so she -- she has been chair I believe
5 this is her second year. She has systemized things. So for
6 course requests, for example, for 2015-2016, she will send out
7 a Google doc, I think it's Google doc, some kind of survey that
8 we're asked to fill out expressing our preferences for course
9 assignments for the following year.

10 Q And that's to all who teach in the department?

11 A I don't know. It's a bcc, so I have no idea who actually
12 receives that. I know I receive it, so I assume other faculty
13 members who teach English department classes also receive it.
14 But there is no list of names.

15 Q Thank you. And it's your testimony that you've never gone
16 through a formal review process?

17 A That's correct.

18 Q So you've never submitted your research for scrutiny with
19 any -- a formal review process?

20 A That's correct.

21 Q Have you ever done so in an informal review process?

22 A I've never had a review process.

23 Q And when you -- I believe you testified around 20 to 30
24 letters of recommendation per year?

25 A Yes, at least in the last 10 years.

1 Q The last 10 years. Is that per year?

2 A Yes.

3 Q And you don't have to report the number you write,
4 correct?

5 A I don't report anything I do.

6 Q You testified that you attend the honors meetings?

7 A You mean the Willen's --

8 Q The faculty meetings where you decide on student honors.

9 A That's one of the yearly department meetings.

10 Q It is yearly, okay.

11 A Yes. Well, the department meetings are monthly. That's
12 the agenda usually for part -- that's part of the agenda for
13 the April meeting.

14 Q Okay. And you're not required to attend those meetings,
15 correct?

16 A To my understanding, I don't believe so. As I said, my
17 duties have never really been spelled out.

18 Q You choose to attend those meetings?

19 A Yes. As do other adjuncts, by the way.

20 Q Okay. But you don't have to, you or any other adjuncts,
21 you don't have to write letters for the students being --

22 A Actually, this year I proposed a student. And had she
23 been chosen as one of the people who is being considered for
24 the honor, I would have. I actually volunteered to write one.
25 My student was too far down the list GPA-wise, so she wasn't

1 chosen for the group of people who needed a letter written.

2 But I think my name is in the minutes as Kate Levin said she
3 would write a letter for X, this particular student.

4 Q But you're not required to write that?

5 A No. But I consider that -- it doesn't matter. I consider
6 that part of my departmental duties to do so.

7 Q But no one has told you that it is -- you just testified
8 that no one has ever communicated to you what your duties are.

9 A That's correct. But I'm an active part of the life of the
10 college and the department, so --

11 Q So it's your assumption that that's one of your duties.

12 A Yes.

13 Q Okay.

14 A Along with writing letters of recommendation, writing my
15 syllabi, grading papers, meeting with students, advising
16 students, you know, and being an active scholar, also.

17 Q Again, it has never been communicated to you that those
18 are your duties. That's your assumption.

19 A Right. But Barnard is an institution of academic
20 excellence, so, of course, my assumption is because I keep
21 getting reappointed and those are the things I do, I'm assuming
22 that those are the things that Barnard values about me and the
23 reason they want me to continue to be part of their community.

24 Q So, yes, it is your assumption?

25 A I'm sorry. I lost track of what -- it is my assumption

1 what?

2 Q Those are the duties that you assume that you have.

3 A Yes. But it's never been spelled out in writing.

4 Q I might come back to it, all right. The IRB.

5 A Yes.

6 Q That's a requirement of doing human research, correct?

7 A That's correct.

8 Q And anyone who is doing human research --

9 A That's correct.

10 Q -- must apply. Okay. And Barnard -- would you describe
11 Barnard -- I believe you described Barnard as collegial?

12 A I described the English department as collegial. I don't
13 know other departments that well. And first year seminar,
14 also. I mean I've taught -- my primary assignments have been
15 in first year English and first year seminar -- I'm sorry in
16 English and first year seminar. So those are the people and
17 the departments I know. And I feel it's on the very collegial.

18 Q Would you agree that it was collegial to include your
19 research in the English department pamphlet?

20 A Yes. In fact, I submitted it and they said thank you.

21 Q It's also your understanding, though, it doesn't impact
22 whether or not you remain an adjunct at Barnard?

23 A I have no idea.

24 Q All right. And talking about first year English, isn't it
25 true that the director sets the number of assignments for

1 students?

2 A She suggests, but I think there's some wiggle room within
3 the guidelines.

4 Q There is wiggle room as to the number or is there a
5 minimum number that --

6 A There is a minimum number, yes. How we go about executing
7 those assignments is at our discretion.

8 Q And the syllabus is shared across all three rubrics,
9 correct?

10 A Well, there are three different syllabi.

11 Q One for each rubric?

12 A Each rubric has its own syllabus.

13 Q All right. So everyone who teaches within that rubric
14 uses that syllabi, that syllabus.

15 A Yes.

16 Q Okay. So as far as the assignment, the minimum number of
17 assignments, there's three essays with a draft and the final
18 research essay, is that --

19 A No, it's two and a draft.

20 Q Two --

21 A With a draft and a final research essay.

22 Q All right. Have you ever applied for a full-time position
23 at Barnard?

24 A Yes.

25 Q And what position was that?

1 A I've applied for the first year dean position twice. I
2 think that's the only one I've applied for.

3 Q And I assume --

4 A I did not receive the job.

5 Q You did not receive the job, okay. All right, just one
6 second. I might be almost done.

7 (Pause.)

8 MS. MUNOZ: Thank you for the brief break.

9 HEARING OFFICER BERGER: Sure.

10 BY MS. MUNOZ:

11 Q So it's true that you are not paid a salary by the
12 college.

13 A I guess. I get money for work. To me that's a salary. I
14 don't know what they call it. But, you know, money for work to
15 me is a salary.

16 Q It's true, though, that you're paid on a per course basis?

17 A That's correct.

18 Q And so correspondingly then if you teach two courses in a
19 semester, you're going to be paid more than if you teach one
20 course.

21 A That's correct.

22 Q And you don't receive any -- do you receive any benefits
23 from the college?

24 A I receive library privileges, which I believe if you're an
25 outside user of the Columbia library system, it's \$1,000. What

1 else? I guess that's it.

2 (Pause.)

3 MS. MUNOZ: Can we take just one, like two minutes, to
4 talk about the document?

5 HEARING OFFICER BERGER: Sure.

6 MS. MUNOZ: Thank you.

7 (Pause.)

8 BY MS. MUNOZ:

9 Q You testified that you traveled to a conference in
10 Vancouver?

11 A That's correct.

12 Q What was the purpose of the conference?

13 A To promote scholarly interchange in the languages and
14 literary fields.

15 Q And you paid you own way there?

16 A I did.

17 Q You testified the associate provost actively discouraged
18 you from seeking reimbursement?

19 A Yes. Because she said that the part-time people, that
20 they only got reimbursed if there was money left over, which
21 never happens.

22 Q And it's your testimony that you've never created a new
23 course?

24 A From scratch?

25 Q Correct.

1 A With no title? That's correct. But in reality that's not
2 true. The two English department classes I teach, I've
3 created. I would say they're proprietary intellectual
4 property, pretty much. Nobody has taught them in my way.

5 Q But it was your testimony that -- well, you did testify
6 that I color in the blanks.

7 A Well, the title exists, that's it, and the pedagogical
8 goals. Within that, we have complete freedom as to how and
9 what we teach.

10 Q Were any of your syllabi submitted to the COI?

11 A No.

12 Q You would agree that filling in a pre-existing outline is
13 different from creating a course from scratch, correct?

14 A No.

15 Q It's the same thing?

16 A I didn't -- I think you misunderstood me. With first year
17 English and first year seminar, I don't create those. I help
18 modify them. With Critical Writing and 18th Century British
19 Novel, all I have is the title. I can do whatever I want from
20 there. So that is creating a course from scratch. I think, I
21 think I was misunderstood.

22 Q So first year English and first year seminar, what you do
23 there, that has to be approved by the director.

24 A That's correct.

25 Q And then the other courses, it doesn't have to be

1 approved?

2 A No one has ever approved my syllabi for those classes.

3 Q Since you've never been required to submit any
4 scholarship, any service -- actually, let me strike that. Let
5 me rephrase the question. Well, it is your testimony you've
6 never been through a formal or I believe informal review
7 process.

8 A That's correct.

9 MS. MUNOZ: And I think, unless you have anything else, I
10 think that's all I've got. That's it.

11 HEARING OFFICER BERGER: Okay. Any redirect?

12 MR. LEVY: Yes.

13 HEARING OFFICER BERGER: Go right ahead.

14 REDIRECT EXAMINATION

15 BY MR. LEVY:

16 Q Let's go back to this question you were just asked about
17 creating courses.

18 A Yes.

19 Q You said you have freedom to create. What does that
20 entail? Do you assign what is read?

21 A Yes.

22 Q You select the readings, the books, the articles?

23 A Yes. Yes.

24 Q Who decides how they are going to be presented?

25 A Me.

1 Q And when?

2 A Me.

3 Q And who decides what is going to be taught about them?

4 A Me.

5 Q Is outside material brought in, in connection with a
6 particular book?

7 A All the time.

8 Q Who selects what materials will be brought in from the
9 outside concerning that particular book?

10 A Me.

11 Q Who decides what the goal is for the students in that
12 class to learn or understand about that particular reading?

13 A Me.

14 Q Who decides what the exams will consist of the student
15 take?

16 A Me.

17 Q Who decides how to grade those exams?

18 A Me.

19 Q Who grades them?

20 A Me.

21 Q Another question you were asked by the hearing officer a
22 moment ago was about the supervision in the English department.

23 A Okay.

24 Q You identified three different supervisors that you have.

25 A Yes.

1 Q You said there is a --

2 A In any given year.

3 Q Yes. There is a director of first year English.

4 A Correct.

5 Q When you are being supervised by the director of first
6 year English, in connection with that course, is that same
7 director also supervising full-time employees of various ranks?

8 A I don't know.

9 Q When you are supervised by the director of first year
10 seminar, is that director also supervising persons of other
11 ranks?

12 A Yes.

13 Q What other ranks that you're aware of?

14 A POPPS, P-O-P-Ps.

15 Q Yes.

16 A Full-time off-ladder faculty, and tenure and tenure track
17 faculty.

18 Q Thank you. Now there is a third category of class where
19 you've been supervised by the chair of the English department.

20 A That's correct.

21 Q And when you are supervised by the chair of the English
22 department, who else is being supervised by the chair of the
23 English department?

24 A All of the faculty teach a class, a course in the English
25 department that year.

1 Q So you have common supervision with these other
2 classifications.

3 A Yes.

4 MR. LEVY: No further questions.

5 MS. MUNOZ: If I may, just one?

6 HEARING OFFICER BERGER: Sure.

7 RE CROSS EXAMINATION

8 BY MS. MUNOZ:

9 Q I understand that you teach these courses and that you are
10 a very effective teacher. I guess my question is though have
11 you ever proposed any course?

12 A No.

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

14 HEARING OFFICER BERGER: Okay. Let's go off the record.

15 (Pause off the record from 12:08 p.m. to 12:09 p.m.)

16 HEARING OFFICER BERGER: You are excused.

17 THE WITNESS: Thank you very much.

18 HEARING OFFICER BERGER: Thank you.

19 (Witness excused.)

20 (Whereupon,

21 PAMELA COBRIN,

22 was recalled as a witness by and on behalf of the Employer and,
23 after having been previously duly sworn, was examined and
24 testified as follows:)

25 CROSS-EXAMINATION

1 BY MR. LEVINE:

2 Q Hello, again, Professor Cobrin.

3 A Hi.

4 Q Have you spoken with any of your -- the attorneys for
5 Barnard about this case since yesterday?

6 A Since yesterday, about my testimony?

7 Q Yes.

8 A No.

9 Q I want to be clear about your reappointment history.

10 A Yes.

11 Q Do you have in front of you or can you be shown
12 Exhibits 12, 13, and 14?

13 A I don't have them in front of me.

14 Q I think you can be shown.

15 A Yes. Thank you. Okay.

16 Q According to Employer's Exhibit 12, in 2003, you were
17 given a one year appointment. What was your rank during that
18 year?

19 A Lecturer.

20 Q The letter says you should consult with your chair
21 concerning scholarship expectations. Did you?

22 A That first year, yeah. I had to.

23 Q And what did your chair say to you, do you recall?

24 A The first year, no, I'm sorry.

25 Q That's a long time ago. The next appointment letter that

1 we have in the record, which is Employer's Exhibit 13, is dated
2 2008 and it's for a 5 year appointment, which I believe you
3 testified was extended to become a 7 year appointment.

4 A The policy changed in the period from which I got that
5 letter to when I got my review. So full-time senior lecturers
6 were -- was this lecturer or senior? This is senior. Senior
7 lecturers used to be on a five year schedule of review and then
8 it was changed to a seven year schedule review.

9 Q Was the extension of the five year appointment to the
10 seven year appointment through that change in policy, was that
11 something you were notified of specifically in writing?

12 A I was on ALFAC (ph.) and FGP at the time, and so I don't
13 remember how I was notified, but I participated in the
14 discussions when it was happening.

15 Q So you were aware of the change of policy, but you weren't
16 given like a new appointment letter or letter to you
17 individually saying --

18 A Right.

19 Q -- your five year appointment has been extended by two
20 years.

21 A No. At the time, what I was told was that they were going
22 to put it on either the website or the formal documents.
23 Through conversations we were having with Liz Boylan, who was
24 the provost at the time, in ALFAC, at least, the off-ladder, I
25 can't remember the acronym, but the off-ladder committee was

1 not just about the policy changes but exactly where they'd be
2 posted so faculty could access them, but I don't remember that
3 particular information.

4 Q So what happened in 2004, in terms of your appointment?
5 There is a gap. We have a 1 year appointment from 2003 to 2004
6 that says it's a 1 year appointment. And then the next letter
7 is in 2008. So I'm trying to fill in the gap.

8 A Yes. There was a search for -- a national search for the
9 writing center director, which I entered into and then got the
10 job.

11 Q Were you given an appointment letter, do you believe?

12 A I believe I was, yeah.

13 Q And for an appointment of how many years at that point?
14 That was a new position. Was it one year?

15 A It was not a new position. It was a new position for me.

16 Q For you, right.

17 A Yes. I don't remember if -- honestly, I don't have much
18 memory of any of these letters until I see them, but if you put
19 it in front of me, it will --

20 Q I understand. Obviously, you didn't produce these
21 letters.

22 MR. LEVINE: It might be useful to have that gap filled
23 in, if the Employer can do that.

24 MS. MUNOZ: I didn't see it in the file, but I'll look
25 again.

1 MR. LEVINE: Okay.

2 BY MR. LEVINE:

3 Q So you don't recall -- I mean there's a four year gap
4 there, whether you were give four 1-year appointments, or
5 4-year appointment, or --

6 A Oh, no, no. Listen, I don't remember exactly what the
7 letter said, but I'm sure it said that there would be -- at
8 some point, it would mention a three year review, only because
9 I know that's part of the position. And then I don't know what
10 else it will say. That's the only thing I can be sure that I
11 assume is on the letter.

12 Q Is that there would have been a three year review after
13 the 2004 appointment.

14 A Yeah. I mean I really -- I don't remember the letter.
15 And I would list, you know, the expectations of service and all
16 of that.

17 Q Just so we're clear, every appointment you've received
18 commencing in 2003 was both as a lecturer or senior lecturer,
19 and simultaneously as a director, isn't that true?

20 A Yes, director of the writing center and the associate
21 director, yes.

22 Q Right. I understand they were different positions.

23 A Yes.

24 Q When did you complete your PhD?

25 A 2003.

1 Q You hadn't completed it when your first letter was given,
2 which was the beginning of 2003, but you completed it
3 subsequently within that year?

4 A Yes. Yes.

5 Q And you were asked about scholarship in connection with
6 your early period of before and after your first appointment.
7 Certainly, you would characterize the work on your dissertation
8 as scholarship, wouldn't you?

9 A Yes.

10 Q And you said while you were at NYU, you did scholarship on
11 pedagogy. What did that work entail?

12 A There was a talk at the Four Seas (ph.) on writing center,
13 pedagogy. There was a talk at the comparative literature
14 conference on some work I was doing in my department. There
15 was -- I had a supervisory role in the expository writing
16 program for two years, in which I supervised maybe six
17 instructors, so some of it was also in-house, in workshops and
18 research that we presented to each other. I could probably
19 find documentation of that, actually.

20 And a talk at a writing center conference on grammar. I
21 don't remember what else. Oh, an article in a journal called
22 Theater Insight (ph.).

23 Q And this was all while you were a graduate student at NYU?

24 A Yeah.

25 Q If you recall, of the things we've mentioned, which of

1 those did you do before you were hired as an adjunct by
2 Barnard?

3 A Which of those did I do before I was hired as an adjunct?

4 Q Because you were -- when you were hired as an adjunct,
5 correct me if I'm wrong, you were still a graduate student at
6 NYU?

7 A Yes. I was finishing my -- I was ABD. I was finishing
8 my --

9 Q Okay. So what, were the things you just mentioned,
10 scholarship on pedagogy, that you did before you were hired as
11 an adjunct?

12 A Yes. I don't remember if any of them overlapped, but
13 certainly some of them.

14 Q As an adjunct at Barnard, were you responsible for setting
15 your own creating standards?

16 A Yes.

17 Q Have you ever been part of the review for an associate
18 position at Barnard?

19 A The review for an associate? I was part of a review, but
20 I don't remember if she was an associate or a lecturer at the
21 time she was in the midst of getting a degree.

22 Q So you've been part of one review?

23 A Part of -- let me think if I've been part of any others.
24 Definitely part of one review. I remember that because it was
25 recent. No, it was for lecturer.

1 Q And for not associate. When you were a candidate in the
2 national search for the writing center director --

3 A Yes.

4 Q Correct me if I'm wrong, you were hired on a one year
5 basis without a national search and then --

6 A Correct.

7 Q -- put in that position after a national search --

8 A Yes, it was a term position.

9 Q -- on an ongoing basis.

10 A Correct.

11 Q And so that first search that you were part of as a
12 candidate, who was on the search committee?

13 A I'm almost positive, I would have to look at it, but I'm
14 almost positive Margaret Vandenburg. And the chair of the
15 department would have had to be on it.

16 Q These were all people you knew and had worked with at
17 Barnard?

18 A These were all people I knew and had worked with at
19 Barnard, to varying levels of knowing.

20 Q And as you testified, when you were promoted to senior
21 lecturer, I believe that was in connection with another
22 national search that you were part of?

23 A Yes.

24 Q That time it was for director of the writing program?

25 A Correct.

1 Q Again, you would have known and had worked with the people
2 who served on that search committee?

3 A I knew some of them better than others; but, yeah, nobody
4 would be an unfamiliar face.

5 Q You were in the room, I believe, for the earlier testimony
6 concerning your offices are located within the English
7 department?

8 A Yes.

9 Q Would you disagree that the adjuncts offices and the
10 full-time offices are essentially interspersed among each
11 other?

12 A Yeah, no, I wouldn't.

13 Q You agree with it.

14 A I would agree with that, yes.

15 Q And that there is regular interaction on both academic and
16 non-academic matters between the adjuncts and full-time
17 faculty?

18 A It depends on the matters. There is not interaction on a
19 lot of matters and there is interaction on some matters.

20 Q I'm talking now about informal interaction --

21 A Oh, yeah, it's --

22 Q -- that goes on within the department.

23 A I agree with what Kate said. It's a very collegial
24 department.

25 Q You testified concerning your role in hiring adjuncts in

1 the capacity as director.

2 A Yes.

3 Q And how do you decide whether to reappoint or not
4 reappoint someone?

5 A I'm trying to think. I've had some adjuncts who have
6 taught for only a semester, so it was never an issue. For the
7 adjunct instructors who I hired, who I reappointed for
8 continual semesters, it's because I thought they were good
9 teachers.

10 Q What makes them a good teacher?

11 A In observations, what I would assess as good teaching, the
12 kind of interaction that happens between students and teachers,
13 the kinds of ways in which students can listen to teachers, and
14 the way in which information is disseminated by the teachers,
15 and the kind of products that instructors are able to procure
16 from their students.

17 Q Do you also hire student tutors?

18 A Yes.

19 Q It was a little unclear, yesterday, someone asked you
20 whether it's fair to say that's what's been called the reviewed
21 and renewable faculty can only vote for committee positions on
22 elected committees if those are positions that they would be
23 eligible to serve on.

24 A I'm not sure if that's -- well, I know that tenured
25 faculty cannot vote for the off-ladder committee.

1 Q But could an associate vote for a committee that is
2 reserved for tenured faculty members to serve on?

3 A You know I'm not sure. I feel like I have voted for
4 people for -- no, I have, because I voted for people for the
5 finance committee, SBPC, which covers the financial health of
6 the institution and approves lines, and governs my life quite a
7 bit. And I voted for people, because that affects my life, so
8 I have input into that. But non-tenure people are not eligible
9 to serve on that committee. There are two committees that
10 non-tenure people are not and that's one.

11 Q Do you have any way to know how many faculty members
12 actually vote for members of the elected committee?

13 A Do I?

14 Q Yes. Not who are eligible, but how many participate and
15 actually cast ballots.

16 A I did know that, because on FGP we went through that when
17 we talked about voting. But I don't remember the numbers. But
18 it was a topic of discussion about how many people were voting
19 and how many people were running. That was a topic of
20 discussion. I don't remember what the result of that
21 conversation was or the numbers that came out of that
22 conversation.

23 Q Do you remember what caused that conversation to be
24 initiated?

25 A Because voting was coming up and for elected committees, I

1 believe one of the issues was that there seemed to be -- there
2 seemed to be a -- let me think how to word this. There was a
3 desire on the part of FGP to make sure we were exploring all
4 avenues, so all those who wanted to be on elected committees
5 had the fairest chance of getting exposure and making sure that
6 they could get onto elected committees.

7 Q Was concern expressed about the failure of insignificant
8 number of people to vote?

9 A I don't remember that being it. It was more about people
10 like me who kept -- like that similar people were getting
11 elected. It wasn't an issue that I'm just a big mouth on
12 campus and lots of people know me or is it something else. And
13 that's what we were looking into, not just me.

14 Q The provost testified that committee service is not
15 required but it is expected.

16 A Yes.

17 Q Yesterday, I believe you said it was required.

18 A In FGP, we were told, and the provost was in on this, that
19 it was required. So when we looked to make committee
20 appointments, our job, and I was told by my chair it's
21 required. I never thought I had an option. That when we look
22 at who has done committee service and who doesn't do committee
23 service as much, when we have that listing, we will look for
24 those folks who have not served on committees as much as we
25 would like and make sure we're asking those folks to serve on

1 committees. What those people do with those requests, I don't
2 know. That's not my purview.

3 Q So if I told you there were people who have been here six,
4 seven, eight years who have served maybe one semester on a
5 committee, would that surprise you?

6 A It would make me very sad. And I imagine that person has
7 been asked more than once.

8 Q But would it surprise you? Could that happen?

9 A Could it happen?

10 Q Yeah.

11 A Yeah, I imagine it could happen. But as I said, once we
12 decide who is on the committees and put that out there, the
13 request goes out.

14 Q I understand. You testified that there were times when
15 only tenured members of the faculty governance committee, FGC,
16 is that the correct --

17 A FGP, I'm sorry.

18 Q FGP could consider certain issues. Can you elaborate on
19 that?

20 A I didn't remember saying that actually. Can you read back
21 what I said?

22 Q I don't have that testimony in front of me. Let me make
23 sure I have the right committee. I have it written down as
24 FGC, I may have misheard you.

25 A We have a committee that's called FGP, but not FGC.

1 Q I see, the faculty governance and procedures committee.

2 A Yeah.

3 Q Are there committees that you have served on, because I
4 believe you did testify to this. Now the record will show one
5 way or the other.

6 A Okay.

7 Q But are there committees that you serve on that you have,
8 you and other non-tenured faculty have been asked not to
9 participate or to absent yourself during certain discussions?

10 A Yes.

11 Q And what committees are those?

12 A That was not a committee. That was a situation that I can
13 remember. That was a grievance committee that a faculty member
14 brought forward when she was denied tenure. I served on the
15 grievance committee and read through documentation. But when
16 interviews took place between the ATP, which is only a tenure
17 committee and deals with confidential documentation, and the
18 grievance committee, only the tenured members of the grievance
19 committee dealt with the ATP. There were three of us on the
20 grievance committee who were not tenured, two tenure track and
21 myself, when they were going to review it. And so we were not
22 -- we did not participate in the interviews or discussion with
23 the ATP during that grievance procedure.

24 Q Okay. That must be. And probably FGC referred to faculty
25 grievance committee.

1 A Oh, yeah, yeah, yeah. So within that process, that's
2 accurate.

3 Q How are the rules concerning voting eligibility for
4 various committees established?

5 A I don't know. When I was on FGP, we received a list of
6 eligible -- well, I probably do know and I've forgotten. But
7 we receive a list of those who are eligible from the provost's
8 office based on -- the list is based on alphabetical, where you
9 don't know exactly where people's departments are necessarily
10 by looking at the list, only their names. And then another
11 list that has the departments, and within the departments is
12 listed tenured and non-tenured, and within the non-tenured, I
13 believe, there is a designation between tenure track and
14 renewable and reviewed.

15 Q Okay. Again, I'm going to ask you a similar question, but
16 I only want to know if you know how the rules are established,
17 not what the rules are or how they are communicated. Do you
18 know how the rules concerning voting eligibility for faculty
19 meetings are decided or were decided?

20 A How are they decided?

21 Q Yes.

22 A The only time this has come up where I could speak to this
23 at all was when we had the vote on ROTC and I was on FGP, at
24 the time. I believe the provost was in the room and perhaps
25 counsel, but I can't remember, as we went through that, about

1 how we were to understand who could vote and who couldn't. But
2 I don't remember the conversation. But it was an important
3 enough vote and it was not done by ballot, it was not done by
4 yeah or nay. It was done similarly to the way the curriculum
5 vote happened. And so FGP had to make sure we were clear on
6 the rules and how they were established. I just don't remember
7 the conversation.

8 Q You attend most or all faculty meetings?

9 A I attend most, yes, most.

10 Q But you don't attend sometimes because of conflicts?

11 A I had a child who was hospitalized quite frequently over
12 the last year and a half, so at times I needed to miss because
13 of a family conflict.

14 Q Is it fair to say I've been led to believe that the
15 attendance is greatest at the first and last meetings of each
16 semester?

17 A Of the first and the last --

18 Q The first is the welcoming ceremony.

19 A Yes.

20 Q The first of the year, right? And more people come to
21 that?

22 A It actually depends on what's happening. So there are
23 definitely a great number of people who come to the first and
24 last. But, for instance, the ROTC vote, the place was packed
25 to the hilt and that was not a first or a last meeting, I don't

1 believe. So it's very issues-driven, also. So when the issue
2 of the phys-ed requirement being cut came up and we knew it was
3 coming up at a faculty meeting, and we knew faculty were voting
4 on that, that day it was packed. So the faculty is very
5 attuned also to, I believe, when an issue is going to be
6 important enough that we get to the faculty meeting to make
7 sure that those who have strong feelings are going to be there
8 and know what's going on.

9 Q I understand. When there is no such issue being
10 discussed, the attendance is small?

11 A There is definitely ebbs and flows that I believe are
12 based on that. But I'm not the person -- I don't have any --
13 I'm not the recorder over anything.

14 Q Were you on the off-ladder committee when the issue of the
15 phys-ed requirement was discussed?

16 A On off-ladder, no. I was on COI. I don't remember if I
17 was on off-ladder. I don't think I was on off-ladder. I was
18 definitely on COI, at the time.

19 Q So if I told you that the off-ladder committee was opposed
20 to those changes, would you know one way or the other? Was
21 that communicated to you or were you part of those discussions?

22 A I was not on -- let me think. I would need to remember
23 what committees I was on. I wasn't on off-ladder.

24 Q Was that communicated to you somehow? Was their view on
25 that change communicated to the faculty in a way that you were

1 made aware of?

2 A There were a lot of feelings from a lot of different
3 groups expressed. It was an incredibly tense and very
4 emotional time for the campus as a whole. So different groups
5 and different individuals were expressing opinions in various
6 forms and I don't remember where I got what from. But that was
7 a really hard time on the campus as far as emotions and
8 feelings about an issue.

9 Q During your time at Barnard, has a non-tenured member of
10 the faculty ever served as chair of the English department?

11 A In my time there?

12 Q Yes.

13 A No.

14 Q Concerning the committee on instruction, you said that the
15 provost receives syllabi and forwards them to the committee?

16 A The associate provost.

17 Q Okay, associate provost, excuse me. And do you know
18 whether the provost's office, associate provost or anyone else
19 does a review of the syllabi, or is it just that they forward
20 them in some kind of ministerial kind of process?

21 A Oh, no. They look at the syllabi and can sometimes send
22 them directly back to the faculty before it ever gets to us.

23 Q And once you receive them from the provost's office,
24 having been vetted by the provost's office apparently, how
25 often does the committee send them back for further revision?

1 A Often, when I was on, often.

2 Q You said that the off-ladder committee discussed the
3 revisions to the review process?

4 A I'm sorry?

5 Q I believe you testified that the off-ladder committee,
6 faculty advisory committee is the full name, discussed the
7 revisions to the review process, the timeline and what not.

8 A Yes.

9 Q But it was not charged with developing those revisions,
10 was it? It was just discussing, I believe you said, its views
11 on them and how they could be communicated to the affected
12 faculty members.

13 A No. At least what we were told by the provost when she
14 got there was not just how it was going to be communicated, but
15 also to get our input, because it was the review process and
16 the leave process were tied together. And so there was
17 questions about both of them and how they connected to each
18 other. So we were asked for input. What happened with that
19 input I don't know, but the provost was there not just to feed
20 us information, but to also converse with us.

21 Q But you don't know, you say, what happened with any input
22 that was given?

23 A In terms of, well, I don't know what happened with the
24 input. I will say that everything we talked about that was
25 important to the committee ended up in the recommendations.

1 The seven year review process was a benefit to the off-ladder
2 faculty. That was something that was good for us. So when the
3 provost came in and said this is what we're thinking, and we
4 said great, and then it was about communication.

5 Q So you endorsed that portion of the proposal?

6 A We endorsed that portion. And then we helped shape the
7 professional development leave.

8 Q How many total members are there at the, I don't know if
9 it's called the Columbia senate? I mean you spoke about the
10 senate --

11 A Yes.

12 Q -- that involves all the various institutions.

13 A Yes.

14 Q How many total members are there of that senate?

15 A Of the senate? There is a very specific number, because
16 they call for a quorum quite often when there is a vote. I
17 believe it's 100 and something, in the low 100s, but I don't
18 remember the exact number.

19 Q And Barnard has two?

20 A Yes.

21 Q I believe one tenured, one non-tenured.

22 A That's correct.

23 Q I assume you write recommendations for students.

24 A Yes.

25 Q Probably quite a few, is that correct?

1 A Yes.

2 Q Do you -- are you required to report the number of
3 recommendations you write to anybody?

4 A We report the number of recommendations that we write on
5 our personnel forms at the end of the year, because that
6 becomes part of the package of like service, of what we do for
7 students, because you don't have to write recommendations. You
8 can always say no. For us, in the full-time position, that's
9 taken into consideration.

10 (Pause.)

11 MR. LEVINE: That's all I have.

12 HEARING OFFICER BERGER: Okay. Any redirect?

13 MS. MUNOZ: If I could have a moment?

14 HEARING OFFICER BERGER: Sure, let's go off the record.

15 (Pause off the record from 12:37 p.m. to 12:47 p.m.)

16 HEARING OFFICER BERGER: On the record.

17 REDIRECT EXAMINATION

18 BY MS. MUNOZ:

19 Q You were asked on cross if it's possible that someone may
20 not be doing committee service. Is it -- are you aware of any
21 other service that full-time faculty members may be engaging
22 in?

23 A Any other service?

24 Q Yes.

25 A Well, like the kind of stuff I mentioned, yesterday, you

1 know, like creating international programs, lab science
2 programs, or things like -- I'm looking around the room,
3 Professor Snitzer created an entire practical program within
4 the visual arts department. Timea Szell created the entire
5 creative writing program. Wendy Schor-Haim created an anew
6 program for working with struggling students that has to do not
7 just with serving on a committee, which could be anything from
8 FGP to parking, but rather also creating curriculum that's
9 going to impact a department in the college as a whole.

10 Q Do you know does that fulfill the service requirement for
11 a full-time faculty member?

12 A That is definitely taken into consideration, if that's
13 something someone is looking on in that forum, which I talked
14 about had that last slot of if you didn't put anything down for
15 a committee what's the reason, and that's where you can put
16 down. So I have no doubt, although I didn't see it, that Wendy
17 Schor-Haim, when she filled out her form this year, said I am
18 creating an entirely new curriculum for first year English; I
19 am not putting myself up for any committees, nor will I serve
20 on any. Right?

21 So that's reasonable, because that's going to take up way
22 more of her life as she creates something that's really new for
23 the college or certainly creating a new visual arts program is
24 going to change not just some courses or it's going to actually
25 shape a department and what's offered, and shape what's

1 available to students.

2 Q You testified that you undergo a review process as a full-
3 time faculty member.

4 A Yes.

5 Q And you've testified that your service is considered when
6 you are reviewed.

7 A Very heavily.

8 Q Is the type of service you've just described considered in
9 your evaluation --

10 A Yes.

11 Q -- and review?

12 A Yes.

13 Q And turning to your role as a director, how do you decide
14 how many adjuncts you're going to hire per semester?

15 A When I was hiring adjuncts?

16 Q Correct.

17 A Based on the courses, the slots that need to be filled.

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

19 HEARING OFFICER BERGER: Okay. Any recross?

20 MR. LEVINE: Just one question.

21 RECCROSS EXAMINATION

22 BY MR. LEVINE:

23 Q Without disputing whether or not individuals perform
24 service, the individuals you mentioned by name a moment ago,
25 who are in the room, they all serve as directors, don't they?

1 A Yeah, they do.

2 MR. LEVINE: Nothing further.

3 (Witness excused.)

4 HEARING OFFICER BERGER: Okay, let's go off the record.

5 (Recess off the record from 12:50 p.m. to 1:45 p.m.)

6 HEARING OFFICER BERGER: On the record.

7 Because of the witnesses we have present, we are going to
8 continue with Petitioner's witnesses. So, Mr. Levy, you can
9 call your next witness.

10 MR. LEVY: Yes, Siobhan Burke. I'm sure you'll have to
11 spell your name for the record.

12 HEARING OFFICER BERGER: Before that, let me swear you in.
13 Raise your right hand, please.

14 (Whereupon,

15 SIOBHAN BURKE,

16 was called as a witness by and on behalf of the Petitioner and,
17 after having been duly sworn, was examined and testified as
18 follows:)

19 HEARING OFFICER BERGER: Have a seat and spell your name
20 for the record.

21 THE WITNESS: Okay. My name is spelled S-I-O-B-H-A-N, my
22 last name is Burke, B-U-R-K-E.

23 MR. LEVY: All set?

24 HEARING OFFICER BERGER: Yes.

25 DIRECT EXAMINATION

1 BY MR. LEVY:

2 Q Good morning, Shiobhan -- good afternoon.

3 A Good afternoon.

4 Q Why don't you start by telling us where you went to
5 college?

6 A I went to Barnard College.

7 Q When were you at Barnard College?

8 A I graduated in 2008.

9 Q What did you study at Barnard College?

10 A I studied American Studies with a -- I got a BA in
11 American Studies with a Dance minor. I graduated summa cum
12 laude and Phi Beta Kappa, with a distinction on my senior
13 thesis.

14 MR. LEVY: Wow. You can put that in the record. She
15 didn't tell me that in prep.

16 BY MR. LEVY:

17 Q While you were a student at Barnard, were you aware at all
18 if the people who were teaching you in your classes were full-
19 time, or adjunct, or tenured or untenured?

20 A I didn't really make a distinction between tenured or
21 non-tenured. They were all to me my professors.

22 Q Did anyone -- did they tell you?

23 A No, no. That wasn't something that they would readily
24 share or announce, so, yeah.

25 Q And so the question is did you often not know?

1 A Often I didn't know, yeah, I didn't know.

2 Q After you graduated with that mediocre performance, what
3 did you do?

4 A Well, the summer after graduation, I started working as an
5 editor at Dance Magazine. I was an editor there from 2008
6 until 2013, full-time. I was also freelance writing. I began
7 freelancing for the New York Times in 2011. And also
8 performing. I have also been a dancer. And so during that
9 time after Barnard, I had taken a semester off from school to
10 tour with Riverdance. I was an Irish dancer. And I continued
11 occasionally touring with that company and also performing with
12 choreographers here in New York.

13 Q Tell me what kind of work did you actually do at Dance
14 Magazine?

15 A I was an editor, so I worked closely with writers on
16 editing stories. I assigned stories. It was a small editorial
17 team, so I was very much involved in kind of all of the
18 decisions about planning what went into the magazine, sort of
19 shaping each issue. I edited feature stories and reviews, and
20 also did different administrative, kind of day to day tasks.

21 Q When did you start writing for the New York Times?

22 A I believe it was December of 2011. I began writing just
23 short listings for the Times. I started reviewing for the
24 Times regularly, dance, in 2013.

25 Q And do you now review regularly for the New York Times?

1 A I do. I review -- my byline appears in the paper about
2 one to three times a week.

3 Q Do you do features ever?

4 A I do, yes. Yes. I just had one earlier this month, yeah,
5 in the Sunday paper.

6 Q Tell me how you, how you became employed at Barnard.

7 A At Barnard? Well, it was the summer of 2013. And a
8 former teacher of mine, Katie Glasner, who I have stayed in
9 touch with, I actually took her course, Dance in New York City,
10 when I was a freshman at Barnard, and actually her class really
11 inspired me to go onto continue writing about dance. So we had
12 stayed in touch over the years, after graduation, and she
13 called me in the summer of 2013, and said that there was an
14 opening to teach a section of Dance in New York City and would
15 I be interested in doing that.

16 Q What did you say?

17 A I said, yes, I would.

18 Q Now do you know what classification Katie Glasner is?

19 A I believe Katie Glasner is a senior associate.

20 Q Is she a POPP?

21 A No, no.

22 Q Do you know -- withdrawn. Is Katie still there and is she
23 still a co-chair or is she a co-chair?

24 A She's a co-chair.

25 Q Is she one of your supervisors there now?

1 A Yes, yes.

2 HEARING OFFICER BERGER: What is she the co-chair of?

3 THE WITNESS: The dance department.

4 BY MR. LEVY:

5 Q So did you have to send in anything in terms of your
6 experience to get hired in this position?

7 A Yes. I sent Katie my CV, yeah.

8 Q I'm going to go back to an earlier question. I asked you
9 if you knew who had different classifications when they were
10 your professors. Do you know who some of your best professors
11 were, can you tell us who some of your best professors were
12 from your perspective, when you were a student?

13 A Sure, I mean, some of them were my like thesis advisor in
14 American Studies.

15 Q Who was that?

16 A Jennie Kassinoff. My major advisor, my --

17 Q Who was that?

18 A I'm so sorry, but Rosalind, and I'm sorry but I'm
19 forgetting her last name. Danielle Goldman was a professor of
20 mine. She taught a course called performing the political, in
21 the dance department. I now know her to be an adjunct, that
22 she was an adjunct.

23 Q Did you know it, at the time?

24 A Not really. Again, I guess as a student you don't really
25 have -- you're just not thinking about that, like whether -- I

1 guess I knew that she taught other places, but I didn't know
2 her title, her formal title.

3 Q Was there any way you could distinguish who was an adjunct
4 professor, or who was a full-time professor, or who was a
5 tenured professor, as a student?

6 A I mean not based on -- if you like looked into it, I
7 suppose, on the website, you could have found out; but, just
8 kind of day to day, going from class to class, no. And
9 actually, can I just say one more thing?

10 Q Yeah.

11 A In retrospect, I mean I was kind of surprised to find out
12 that some of my best teachers, such as Danielle Goldman, who I
13 mentioned, also other teachers who I had in the dance
14 department, weren't tenured faculty, were part-time or adjunct
15 faculty, and that they were actually some of the professors who
16 were most available to me, most accessible and most supportive.

17 Q How about in terms of teaching, did they seem to you the
18 best teaching -- to have the best teachings field?

19 A Yeah. I mean it's hard to say who was better, but they
20 were excellent.

21 Q How about outside the dance department?

22 A Outside the dance department?

23 Q Like English classes or --

24 A Yeah, again, in English, again one of my, my feeling, most
25 formative teachers was now I know an adjunct. At the time, I

1 definitely did not know that.

2 Q Who is that?

3 A Georgette Fleischer, who is here, today.

4 Q So when you got this position, what were you told the
5 position was?

6 A Well --

7 Q What was your title, do you know?

8 A I was told that my title was lecturer. This is the title
9 that appeared on the Barnard dance department website.

10 Q On the website, did it say adjunct lecturer or did it say
11 lecturer?

12 A Lecturer, yeah. I don't know if anyone actually -- how I
13 found that out, if someone told me, if I got a letter. I'm
14 very hazy on the details now of how I learned that title. But
15 when I looked at Barnard website, the word lecturer appeared
16 next to my name.

17 Q Has that changed, to your knowledge, at any point?

18 A No, that hasn't changed.

19 Q If I were to look at the website, today, would it still
20 say lecturer?

21 A Yeah. Yesterday, it said lecturer, yeah.

22 Q So we're not sure about today.

23 A We don't know about today; but, yesterday, it did.

24 Q Do you know if that's true of other part-timers in the
25 dance department, that they are listed as lecturer?

1 A Yes, definitely, almost all of the part-time people in the
2 dance department are listed as lecturer.

3 Q So on the website, no distinction, as far as you're aware,
4 is made between lecturer and adjunct lecturer?

5 A I haven't seen the title adjunct lecturer on the website.
6 There are a couple of other titles, but not that in particular.

7 Q What are some of the other titles?

8 A I think I saw adjunct associate professor is one title.
9 Maybe -- the vast majority of people are listed as lecturers.

10 Q When you started, how did you find out your salary?

11 A That came through an email exchange with the co-chair,
12 email and phone exchange with the co-chair, Katie Glasner. She
13 said that it would be in the ballpark of \$6,000, which then
14 later that turned out to be more than I was offered.

15 Q What were you offered?

16 A \$5,000.

17 Q Now you said you had dance experience and writing
18 experience. Do you have an MFA?

19 A No, I don't.

20 Q So what courses have you taught? What was the first
21 course that you taught?

22 A The first course I taught was Dance in New York City, in
23 the fall of 2013.

24 Q Can you describe what that course is and what it does?

25 A Yeah. It's a lecture course. I structured in lecture and

1 discussion that meets twice a week for 75 minutes each. Also,
2 as part of that course, a big part of it is going to see
3 performances in the city. So in addition to the two class
4 meetings, we also see about one performance per week. This
5 past semester, we saw 12 performances.

6 Q When you teach this course, who does the syllabus for this
7 course?

8 A Well, it's a pre-existing course, so that sort of content
9 of, you know, us going to performances and then having a
10 classroom talk about them and critique them. That is sort of
11 already in place. It's kind of an outline. I create the
12 syllabus for my own class.

13 Q You decide what the students will read?

14 A Yes. Yeah, I decide on readings, on what performances
15 we're going to see, how many papers to assign, yeah, there's
16 the whole content of the semester. And with that course in
17 particular, because it's based on performances that are
18 happening now, in New York, it's not the kind of thing that you
19 can just put in place once and then recycle, not that you would
20 do that anyway with any course. But with this one, especially,
21 it's always, it's always changing a lot depending on what's
22 happening in the city, in dance, at that time.

23 Q So does anyone teach this course, Dance in New York City,
24 who is not a part-timer?

25 A I know of two other people who teach it, Katie Glasner --

1 Q What's her position, again?

2 A She's a senior associate. So like she's full-time. And
3 Marjorie Folkman, who is a visiting associate professor of
4 professional practice, a POPP.

5 Q As far as you know, are they teaching exactly the same
6 kind of class that you are teaching?

7 A Yes.

8 Q Do you talk to them ever about the classes?

9 A Yeah, a lot.

10 Q So do you know from those discussions that they are doing
11 essentially the same thing you are doing?

12 A Yes. I mean they choose, you know, we all structure our
13 particular section around our tastes and interests, but
14 everyone is -- all of us are basically choosing a series of
15 performances to attend, and readings to supplement them, and so
16 it's similar.

17 Q It's the same course responsibilities, would you say?

18 A Yes.

19 Q So talk a little bit about the kinds of things that have
20 to be done to create, to prepare, to present a course like
21 that.

22 A With Dance in New York City, it first is a lot of research
23 about what is happening that particular semester, so because
24 I'm also a journalist, I get a lot of press releases, combing
25 through those, figuring out what, you know, what will be

1 interesting, and stimulating, and diverse, so kind of just
2 creating a calendar of what we're going to see, and then doing
3 a lot of research to figure out what readings will be useful to
4 help illuminate whatever we're seeing. That takes quite a bit
5 of time to kind of come up with the appropriate reading
6 materials, which I do through visiting the Barnard library,
7 just on my own, through consulting with other faculty members.

8 Q You're doing research to prepare for this class?

9 A Yeah, a lot of reading and research, yes.

10 Q Is that inherent in the job or is that something you just
11 choose to do, or do you have to do it in order for --

12 A I mean it's necessary in order to, I think, teach an
13 effective and engaging class, and to provide the students with
14 the education that I think they are coming to Barnard for.

15 Q How many times have you taught Dance in New York City?

16 A I taught it twice.

17 Q Have you taught other courses?

18 A Yes, I also taught Dance Criticism.

19 Q Tell us about Dance Criticism, what is that course?

20 A Dance Criticism is a seminar that meets once a week for an
21 hour and 50 minutes. It's sort of -- it's more of a writing
22 intensive course, where we focus on sort of the craft of
23 writing and criticism, and talk about different critical
24 traditions in dance. As part of that course, we also go to see
25 performances, so outside of our regular class meetings, but

1 fewer, maybe more like 4 or 5, as opposed to the 12 in Dance in
2 New York City.

3 Q What are the assignments that you give to students in
4 these -- in that class?

5 A They have to write -- well, when I taught it last year,
6 they had to write four dance reviews of varying lengths,
7 experimenting with different kind of styles of criticism, and
8 then a final research paper, 15 page research -- or I can't
9 remember how long, but a final research paper.

10 Q Do you create these assignments?

11 A Yes.

12 Q Do you grade these assignments or review them?

13 A Yes, I do.

14 Q Do you know who else, if anyone, teaches Dance Criticism?

15 A Right now I'm the only person who teaches it. In the
16 past, Mindy Aloff has taught the course. I actually took it
17 with her, when I was a student.

18 Q When you took it, did you know if Mindy Aloff was a full-
19 time teacher or an adjunct?

20 A No, I didn't know.

21 Q Do you know today?

22 A I do, yes.

23 Q And what is Mindy Aloff?

24 A I am pretty sure she's an adjunct associate, adjunct
25 associate professor.

1 Q Have you taught any other classes there?

2 A I taught in the Barnard pre-college program, but that's
3 separate. I taught a summer course for high school students
4 called the Rigor and Romance of Dance, last year. But as part
5 of the college, I've just taught Dance in New York City and
6 Dance Criticism.

7 Q You're going to have to remind me from our preparation, I
8 have a note here that mentions two other names, Paul Scolieri
9 and --

10 A Uttara?

11 Q And Uttara. What was the reference? I missed it here in
12 my notes. Do you recall?

13 A Yes. Paul Scolieri is a tenured professor who has taught
14 World Dance History. And Uttara Coorlawala is a part-time
15 faculty member who has taught the same course.

16 Q So I guess it was an example of course that are taught
17 both by tenured faculty and by adjuncts.

18 A That's right. Uttara taught when Paul was on sabbatical.

19 Q Have you done presentations outside of Barnard in
20 connection with your professional work?

21 A Yes, I have.

22 Q Can you give examples of the kinds of things you've done?

23 A Yeah, I have been a guest speaker in classes at Princeton
24 University, through the University of Virginia and University
25 of Florida, twice at New York University, sort of coming in as

1 a guest speaker for a day to speak with the students. I have
2 also served on and have been part of various panel discussions,
3 including one recently that happened that was hosted by Barnard
4 called Teen Dance, the Dance Craze of The New York Times, where
5 the four kind of most -- the four sort of regular contributors
6 to the dance section had a conversation moderated by Lynn
7 Garafola, the co-chair of the dance department.

8 Q And that conversation was about?

9 A It was about our jobs as critics, the history of criticism
10 at the New York Times.

11 Q This is something that Barnard -- this was a Barnard
12 program?

13 A Yes. It was a public -- an event open to the public, a
14 free conversation that anyone could come to.

15 Q And you were invited to be on that panel?

16 A Yes. Yes, I mean I kind of helped to organize it, yeah.

17 HEARING OFFICER BERGER: Who did you work with on
18 organizing that?

19 THE WITNESS: Alastair Macaulay, who is the chief dance
20 critic for the New York Times. He suggested the idea and I
21 helped to coordinate. I helped to put him in touch with the
22 people at Barnard who could help organize it.

23 HEARING OFFICER BERGER: Who did you put him in touch with
24 at Barnard?

25 THE WITNESS: I believe the co-chairs of the dance

1 department.

2 BY MR. LEVY:

3 Q I don't think I asked you this, but how often does Dance
4 New York meet as a class?

5 A Well, twice a week, plus approximately one more time for
6 the performances that we see.

7 Q Do you know how much time you spend a week outside of the
8 class, preparing for the class in terms of the research you do?

9 A I would say about, on average, 10 hours a week, plus time
10 spent grading papers. And, also, with that course, although
11 the department does take care of a lot of the logistics of
12 purchasing tickets, I also -- I'm involved in kind of
13 distributing tickets with us and making sure I have those, and
14 things like that.

15 Q Do you prepare lecture notes for the class?

16 A Yes, I do.

17 Q Do you use any other media in class?

18 A Yeah, I use a lot of video in class, so I spend a lot of
19 prep time figuring out what videos to show.

20 Q Do you have office hours?

21 A I do, yes.

22 Q What are your office hours and where are they held?

23 A My office hours this past semester were I had an hour and
24 a half on Tuesday afternoons, 4:30 to 6:00, in 307 Barnard
25 Hall. That's a room. It's kind of a shared -- an office

1 shared among many adjunct faculty.

2 Q Do the full-time faculty have offices in that same
3 location?

4 A They do. They have offices on that same hallway.

5 Q What is the relationship, the sort of personal
6 relationship and collegial relationship between the adjuncts
7 and the full-time faculty?

8 A It's very familiar and we -- I talk to my fellow faculty
9 members no matter what ranking they're at outside of class a
10 lot. There is a faculty lounge there where people kind of are
11 always passing through, and warming up for their classes, or
12 eating lunch, and so there is a very friendly atmosphere
13 among --

14 Q Do you discuss your courses?

15 A Yes, we do.

16 Q Do you discuss the students?

17 A Yes.

18 Q Do you see students and advise them outside of your office
19 hours?

20 A Yes. On my syllabus, I list my office hours, but also say
21 that I'm available by appointment, so I try to make myself
22 really available to students in case those hours don't work for
23 them. So I do meet with students outside of those scheduled
24 hours.

25 Q Is that a regular occurrence?

1 A Fairly regular. I mean maybe, yeah, it really varies per
2 semester and depending on who is in the class.

3 Q By the way, Dance Criticism, is that just a freshman
4 class?

5 A No, no. It's actually -- it's mostly non -- sophomores,
6 it's junior, seniors.

7 Q Sophomores, juniors, and seniors?

8 A Yeah.

9 Q And the Dance Criticism class, how often does that meet?

10 A That meets once a week.

11 Q For how long?

12 A An hour and 50 minutes.

13 Q And then as you said there are performances in addition
14 that you attend?

15 A Yes, that's right.

16 Q Who did the syllabus for the Dance Criticism course you
17 teach?

18 A I created the syllabus. Again, Dance Criticism is a
19 course that has existed for a long time at Barnard, but I kind
20 of wanted to tailor my own syllabus, my interests, and what I
21 thought I could best offer, and so I really pretty much created
22 that syllabus from scratch last summer.

23 Q What's involved in that?

24 A A lot of reading, just kind of -- sort of organizing,
25 figuring out how, you know, just what I want the trajectory of

1 the course to be, what I want to cover in each class session,
2 and then really just a ton of reading of criticism, going back
3 as far as the late 19th century. I'm sorry, just to --

4 Q Go ahead.

5 A Also, I mean, another thing that's involved with that is
6 like to end with Dance in New York City, as well. I think it's
7 really important to have, to bring in other critics, aside from
8 just myself, who are actively working in the field, so I
9 schedule guest speakers to come into the class. So that's
10 another part of the preparation is figuring out who would be
11 best suited, who is available, setting that up. And, again,
12 along with the reading research, there is also a lot of
13 watching research, a lot of just watching videos and figuring
14 out how I can sort of interweave a little bit of dance history
15 into the curriculum for those students who might be coming in
16 the class without that knowledge.

17 Q This research that you've described doing, is this
18 something you're mandated to do or that you do because you
19 think it's necessary, or what's the reason for it?

20 A No one says you have to do this research, but I can't
21 teach a good course without it. And I can't, again, teach the
22 kind of course that I believe Barnard students deserve and that
23 they are coming to this college for without doing that kind of
24 in-depth research.

25 Q You mentioned that you did a pre-college program in the

1 summer last year. What was that program again?

2 A It's called a pre-college program. It's for high school
3 students who presumably think that they might want to attend
4 Barnard and they come to kind of get a sense of the atmosphere
5 in the college.

6 Q Do you know anyone else who has taught that?

7 A Yes, Mindy Aloff has also taught that course.

8 Q That's the same person you testified before being the
9 senior associate?

10 A Not the senior associate, adjunct associate professor,
11 yeah.

12 Q Are there meetings of the dance faculty?

13 A Yes.

14 Q Departmental meetings or -- departmental meetings?

15 A Yes, there are.

16 Q Have you attended any of those?

17 A I have attended a meeting each semester, at the beginning
18 of the semester, for faculty, which is not like -- it's more of
19 an informational meeting, sort of meet and greet kind of thing.
20 It's more kind of covering logistics.

21 Q Is there full-time faculty there, as well as the adjunct
22 faculty?

23 A Yes.

24 Q Do you happen to know how many part-timers versus how many
25 full-timers there are in dance?

1 A I don't have an exact number, but I would say there are at
2 least three times as many part-timers as full-timers, maybe
3 four times or five times as many.

4 Q So if anyone said that the part-timers were hired only to
5 fill openings when full-timers were unavailable, that would --

6 A No. So much of the work in the dance department is done
7 by part-time faculty, yeah, and this is lecture courses, like
8 the ones that I teach, and also studio technique courses, yeah.

9 Q Have you written letters of recommendation for students?

10 A I have.

11 Q Is that part of your job?

12 A Again, I've never received any formal job description, but
13 I see it as part of my job to help students with the next phase
14 of their academic and professional career.

15 Q By the way, do your students -- do you know if your
16 students know if you're full-time or part-time?

17 A I don't know if they know. They know that I also work as
18 -- that I'm an active journalist. But I don't think that they
19 know my ranking.

20 Q The department has some guests artists, am I right about
21 that?

22 A That's right, yes.

23 Q Is that Pam Tillis (ph.), is she one of them?

24 A In the fall of 2014, she was a guest artist, yeah.

25 Q Was Sam Kim (ph.) one?

1 A Yes.

2 Q Pat Hoffberger?

3 A Patricia Hoffbauer (ph.), yes.

4 Q Patricia. So what do the guest artists do, do you know?

5 A Yeah, these guest artists come in to teach new
6 choreography to students. They create a new dance work over
7 the course of the semester. Students audition for these
8 rehearsal processes. And they create a new work over the
9 course of the semester that is then presented either at Miller
10 Theatre in the spring or at New York Live Arts in Chelsea, in
11 the fall. So it's a course where basically you're working
12 towards a kind of professional level performance at the end of
13 the semester.

14 Q Are the courses given on a regular weekly basis -- I mean
15 the class, does it meet on a regular weekly basis, do you know?

16 A Yes, it does. There have been -- I know of at least one
17 case where they structured the rehearsal time differently
18 because of the artist's availability, so kind of condensing it,
19 doing kind of these week-long intensives. But, for the most
20 part, guest artists hold rehearsals one to two times a week for
21 a large chunk of time.

22 Q Is what they do something you would call teaching?

23 A Absolutely, yeah. I was involved in those courses as a
24 student, myself, and actually they are, I think, some of the
25 most important lessons I learned in college.

1 Q Why would you say what they do is teaching?

2 A I mean it's just indisputable to me. I mean you're, you
3 know, it's a creative process. They are teaching you new
4 things about the choreographic process, about physically like
5 new ways of moving. So --

6 Q Do you know -- I'm sorry.

7 A Go ahead.

8 Q Do you know if the course is given a credit?

9 A Yes. It's, I believe, a three-credit course, which is the
10 same amount of credits you get for say Dance in New York City
11 or Dance Criticism.

12 Q Do you get a grade in that course?

13 A Yes, you do.

14 Q Who gives you the grade?

15 A The guest artist gives you the grade.

16 Q Do you know if they have office hours?

17 A The guest artist?

18 Q Yes.

19 A In my experience, I mean I'm just going from my experience
20 as a student working with guest artists, they did not have
21 office hours because most of the work you do really happens in
22 the studio. If you needed to meet with them, though, I'm sure
23 they would be there.

24 Q Aside from a guest artist doing this kind of class, this
25 choreographer class, are there other people on the faculty who

1 teach that kind of class or that class?

2 A There are, yeah. Each semester, there are usually maybe
3 two or three guest artists who kind of come from outside the
4 college to set a new work. And then maybe one or two who are
5 already teaching other courses in the dance department who do
6 that same thing. They create a new piece on students.

7 Q Is Jodi Melnick one of those people?

8 A Yes. Last semester, Jodi Melnick was one of those people.

9 Q What is her classification, do you know?

10 A She's a lecturer. At least on the department website
11 she's listed as a lecturer.

12 Q You've only been teaching there for a couple of years, but
13 have you ever had a class cancelled?

14 A No, I haven't.

15 Q Do you know if any of your part-time colleagues since
16 you've been there have had any classes that they were scheduled
17 to teach cancelled?

18 A Not to my knowledge.

19 Q You may have answered this, but now that you know that the
20 teachers you had when you were a student at Barnard, that some
21 of them were part-timers, as opposed to full-timers, can you
22 describe any differences that you're aware of in terms of their
23 teaching skill, their knowledge, their knowledge of the field,
24 as compared to full-timers who are tenured professors who you
25 studied with?

1 A No. The people I now know to be adjuncts and full-time
2 faculty or part-time and full-time faculty, you know, they were
3 all equally skilled, knowledgeable, committed, rigorous
4 teachers.

5 MR. LEVY: I would like to take about a two-minute or
6 three-minute break.

7 HEARING OFFICER BERGER: That's fine.

8 MR. LEVY: Before I finish up.

9 HEARING OFFICER BERGER: Okay, off the record.

10 (Recess off the record from 2:27 p.m. to 2:34 p.m.)

11 HEARING OFFICER BERGER: Back on the record.

12 MR. LEVY: I have no further questions with this witness.

13 HEARING OFFICER BERGER: Okay. Can I ask some clarifying
14 questions?

15 THE WITNESS: Sure.

16 HEARING OFFICER BERGER: You said you were contacted in
17 the summer of 2013 to start teaching, so when was the first
18 class that you taught?

19 THE WITNESS: The fall of 2015.

20 HEARING OFFICER BERGER: Have you taught every semester
21 since then?

22 THE WITNESS: Every semester except for the spring of
23 2014. I did not teach that semester.

24 HEARING OFFICER BERGER: How were you notified what you
25 would be teaching from semester to semester?

1 THE WITNESS: That was through -- I was notified by the
2 co-chair of the department, Katie Glasner, by email, I guess,
3 and meeting in person, so a combination of those things.

4 HEARING OFFICER BERGER: How much notice were you given?

5 THE WITNESS: It varied. I know that -- I can tell you
6 that for next semester, or fall of 2015, when I'm teaching
7 Dance Criticism, I was notified in February, so this past
8 February. It's usually a few months, the semester before,
9 yeah.

10 HEARING OFFICER BERGER: And in discussions with her about
11 what you'd be teaching, what kinds of things were said?

12 THE WITNESS: She would ask me if I was interested in
13 teaching the course, what day and time I would prefer. And
14 with Dance in New York City, since we have both taught that
15 course, there would be a little bit more, you know, after I
16 said, yes, I can do it, there has been a lot of conversation
17 between us about like me kind of getting her advice on how
18 she's held it in the past, and her kind of coming to me for
19 advice of what I think would be interesting for students to
20 watch. So we share a lot of information and correspond a lot
21 over that course, especially since she purchases the tickets.
22 So there is a lot of correspondence about that between me and
23 her.

24 HEARING OFFICER BERGER: Barnard counsel, do you have
25 questions for the witness?

1 MS. MUNOZ: Less than we hope this afternoon.

2 HEARING OFFICER BERGER: Do you need some time?

3 MS. MUNOZ: Yeah, we'll be ready in a little bit.

4 HEARING OFFICER BERGER: So let's go off the record.

5 (Pause off the record from 2:37 p.m. to 2:59 p.m.)

6 HEARING OFFICER BERGER: Back on the record.

7 CROSS-EXAMINATION

8 BY MR. DIGIOVANNI:

9 Q Ms. Burke, just a few more questions. After you graduated
10 from Barnard, did you continue to have relationships with some
11 of your former professors?

12 A Yeah, we would stay in touch by email, yeah.

13 Q Ms. Blasner being one of them?

14 A Ms. Glasner.

15 Q I'm sorry, Glasner.

16 A Yes. The dance world is pretty small, so we might see
17 each other at performances and say hello.

18 Q Actually, the opening in the dance department that you
19 were eventually hired for, Ms. Glasner is the one that notified
20 you about that, correct?

21 A That's right.

22 Q So she reached out to you. You did not seek out that
23 position unsolicited?

24 A No.

25 Q Okay. What was the hiring process?

1 A The hiring process? She called me and asked if it was
2 something I would be interested in doing. I said absolutely.
3 And she asked me to send her my CV, which I did. And as far as
4 I remember, the next thing I heard from her was that she would
5 like me to go ahead with teaching the course.

6 Q You didn't meet with any of the other faculty?

7 A No.

8 Q You didn't meet with the provost?

9 A No.

10 Q You said that you got your offer letter -- I know you said
11 they thought ballpark \$6,000 and it ultimately was \$5,000.
12 That was per a course you were teaching, correct?

13 A That is for the course.

14 Q And you don't receive any health benefits from Barnard
15 College?

16 A No. And just about the offer letter, that was just an
17 informal email between, yeah, it wasn't a formal letter from
18 anyone.

19 Q But the correspondence -- but the pay that you receive is
20 based strictly on the course that you teach.

21 A Yes.

22 Q So if you taught another course -- you teach, I'm sorry,
23 one course now?

24 A I teach one course per semester, roughly.

25 Q And you get \$5,000 for that?

1 A Per course.

2 Q So presumably if you taught two courses, you'd get
3 \$10,000?

4 A Yes.

5 Q You said you don't receive health benefits. You don't
6 receive any retirement benefits from Barnard?

7 A No.

8 Q Barnard is not your only employer.

9 A No.

10 Q Who else -- do you work for the New York Times?

11 A I'm a freelancer for the New York Times and I'm also a
12 freelance writer for Dance Magazine.

13 Q Dance Magazine. You also said you were a reviewer for the
14 Times, is that right?

15 A I'm a freelance critic for the Times.

16 Q And just because I have no idea, what does that entail?

17 A It entails a few different things. So basically I am one
18 of four reviewers, dance reviewers in New York contributing
19 where you see the paper on a regular basis, so about one to
20 three times a week. It also entails attending meetings with
21 other dance writers and the dance editor, and other culture
22 editors, at the Times every two weeks. In addition to
23 contributing reviews, I write features, listings, previews,
24 little blurbs on the internet about what to do this weekend,
25 just so they call on me for a lot of different things.

1 Q So when you say you review or critique, you'll go to a
2 performance that's, you know, I'm not familiar with the
3 theaters in New York, but you'd go to watch a performance and
4 then you write up an article for the Times or for Dance
5 Magazine?

6 A Yes. With the New York Times, it's generally a process of
7 seeing a performance and filing a 400 word review by 11 a.m.
8 the next day.

9 Q That's a lofty deadline. You mentioned earlier that you
10 bring some of your students from your class at Barnard to
11 performances. Are some of these performances also ones that
12 you write articles for, for the Times?

13 A That's happened a couple of times, yes, where there will
14 be some overlap between my work as a journalist and as a
15 teacher.

16 Q You also said that you write letters of recommendation for
17 your students. Approximately, how many per semester?

18 A About one a semester, so far. I mean I've taught three
19 semesters and I have written two letters of recommendation.

20 Q Ms. Cobrin, I don't know if you were here, earlier, she's
21 a full-time professor. She testified that she submits the
22 numbers of letters that she writes for students in her
23 personnel form that she submits to the provost every semester.
24 Are you required to submit the number of recommendation letters
25 you write to anyone?

1 A Not that I know of.

2 Q And as part of your job as an adjunct professor, you're
3 not required to perform any service for the college, correct?

4 A Correct.

5 Q And also as part of your job as an adjunct, you're not
6 required to perform any scholarship?

7 A I'm not required to perform any scholarship, no.

8 Q Have you ever been formally reviewed at the end of a
9 semester, end of the year about your performance as an adjunct
10 professor?

11 A Only through student evaluations.

12 Q But you don't sit down and meet with the department head,
13 and they go through either the observation --

14 A No.

15 Q -- or anything else? Thank you, Ms. Burke.

16 MR. DiGIOVANNI: No more questions.

17 HEARING OFFICER BERGER: Any redirect?

18 MR. LEVY: Yeah.

19 REDIRECT EXAMINATION

20 BY MR. LEVY:

21 Q You said you don't have a service requirement, but didn't
22 you testify earlier that you have office hours?

23 A Yeah. I guess I'm not really sure exactly what service
24 means in this case.

25 Q Well, I think it means --

1 MS. MUNOZ: Objection.

2 HEARING OFFICER BERGER: Is there a particular type of
3 service you'd like to ask about?

4 BY MR. LEVY:

5 Q Let me put it this way, the things -- besides teaching,
6 are there other things you do that support the students or the
7 college?

8 A Yes, there are.

9 Q And that would be what?

10 A That includes holding office hours and meeting with
11 students outside of my office hours. Also, what I didn't
12 mention before which is quite a bit of email correspondence
13 with students about their work, about the course, about their
14 future goals, you know, any number of things that they might
15 want to consult with me about, if they are interested in
16 pursuing a career in journalism or in the dance field.

17 Q Do you consider those things that you do and you've just
18 described part of your responsibility?

19 A I absolutely do, yeah. I think that's a big -- I know
20 that's one of the reasons that I chose to go to Barnard was
21 because of the extra time and attention that faculty put into
22 students. And I try -- I see that as part of my responsibility
23 to my students to put in that extra time outside of that very
24 small window of time when we're actually in class.

25 Q Is the office hours part, is that required, or is that

1 voluntary?

2 A Well, it's hard to say. No one has ever said you must
3 have X number of office hours. But I, again, just really see
4 that as an important aspect of my job. I need to be available
5 to students if they have questions, yeah. So I would say that,
6 yes, it's a requirement of my job.

7 MR. LEVY: I think we're good.

8 HEARING OFFICER BERGER: Okay. Anything for you?

9 MR. DiGIOVANNI: Can I just confer real quick?

10 (Pause.)

11 MR. LEVY: I'm going to ask one more question, if I may?

12 BY MR. LEVY:

13 Q is there anything else that you wanted to add about your
14 situation at the college that you were --

15 A Well, I was asked, I guess the question about scholarships
16 and service, I just -- I think that those are very broad terms.
17 I'm not doing academic scholarship in the way that a lot of the
18 faculty members are, but I am constantly keeping up on what is
19 going on in the dance field. And I really try to stay informed
20 and see as much work as I possibly can. Now, yes, that is also
21 for my job as a journalist at the Times, but that really feeds
22 into the work that I do as a teacher at Barnard. And I think
23 makes me -- I bring something to my role as a teacher from how
24 active I am as a viewer and writer and critic of dance outside
25 the college. So I don't know if it's scholarship, no, but it

1 is rigorous writing and research in the field.

2 Q Are you familiar with a category that we call POPPs?

3 A Yes.

4 Q And what are POPPs?

5 A POPPs?

6 Q Yeah.

7 A They are professors of professional practice.

8 Q Is there anything about what the POPPs do that's similar
9 to what you just described?

10 A Absolutely, yeah. I mean the POPPs are people who have
11 careers as artists outside the college.

12 Q Like you have a career at the Times?

13 A Like I have a career as a writer, which I, you know, you
14 might say it's a kind of artist when I'm really on it. But,
15 yeah, so the POPPs are people who come to the college with
16 experience as artists, as choreographers, as dancers, within
17 the dance department, and I kind of -- I feel I do the same
18 thing as a writer, yeah.

19 Q So you are teaching criticism now?

20 A Yes.

21 Q You came to the department being a critic, having written
22 criticism before?

23 A Yes.

24 MR. LEVY: I have nothing further.

25 HEARING OFFICER BERGER: Okay. Anything further?

1 MR. DiGIOVANNI: Just a couple of quick questions.

2 RE-CROSS EXAMINATION

3 BY MR. DiGIOVANNI:

4 Q Do you have any knowledge of how POPPs are evaluated on
5 their either semester or when they are reappointed, any of the
6 things that go into that?

7 A I'm not sure how they're evaluated, no.

8 Q Does the college ask you, personally, how much time -- I
9 know you said you're not sure if you have office hours -- well,
10 let's start with that. Those office hours are related to the
11 course that you teach, correct?

12 A Yes.

13 Q I know you said that there is some conversation you have
14 via email notice with your students. Do you keep track of how
15 long that, you know, of how much time that takes, those
16 correspondence and how much time out of your week you're
17 spending doing that?

18 A I don't keep track. I would say probably a couple of
19 hours a week.

20 Q Does the college ask you?

21 A The college doesn't ask me how long I spend on that.

22 Q Are you aware of the hiring process for POPPs?

23 A I know there is a sort of, I guess it's a national search.
24 It's -- I don't -- I can't say. I really am not -- I don't
25 know all that about that process.

1 Q That's fine. But you, personally, didn't go through a
2 national search, as you testified earlier.

3 A No, no.

4 Q It was just informal.

5 MR. DiGIOVANNI: That's it for the college.

6 HEARING OFFICER BERGER: Okay. So while we were on break,
7 Ms. Burke mentioned to me that when I asked her how she was
8 notified that she'd be teaching again, she forgot to mention
9 about receiving an action form. And so I wanted to take the
10 opportunity to put that information on the record, if there is
11 no objection from either side with that?

12 MR. LEVY: Sure.

13 MS. MUNOZ: Okay.

14 HEARING OFFICER BERGER: So what was it that you wanted to
15 add about the action form?

16 THE WITNESS: I just wanted to add that this past
17 semester, for the spring of 2015, I was notified via action
18 letter, after I had already started teaching my course in March
19 of 2015 that I received a letter with my -- the course I would
20 be teaching, my salary, the time slot.

21 HEARING OFFICER BERGER: And that was for what semester?

22 THE WITNESS: That was for spring of 2015. And it also
23 has my title, which is different from what's listed on the
24 Barnard website, which is adjunct.

25 HEARING OFFICER BERGER: And you received an action letter

1 like that in any other semester you taught?

2 THE WITNESS: I believe I did, but I don't remember
3 exactly. It might have only been one -- I, unfortunately,
4 don't have a record of those and I'm not quite sure.

5 HEARING OFFICER BERGER: Where did that action letter come
6 from?

7 THE WITNESS: This past spring, it came from HR.

8 HEARING OFFICER BERGER: Okay. Any further questions from
9 anyone about that?

10 MR. LEVY: No.

11 MS. MUNOZ: Could we just show her -- was it
12 Employer's 16?

13 HEARING OFFICER BERGER: Oh, sure. So we're showing the
14 witness Employer 15.

15 MS. MUNOZ: Oh, we can show her 15, too.

16 HEARING OFFICER BERGER: If you'd look at this exhibit
17 which was marked as Employer 15, is that the type of form
18 you're referring to?

19 THE WITNESS: No, that's not the form.

20 MS. MUNOZ: Try Employer's 16?

21 HEARING OFFICER BERGER: Okay. This was marked and
22 received as Employer's 16. Is that the type of form you're
23 referring to?

24 THE WITNESS: Yes, this is the form.

25 HEARING OFFICER BERGER: Thank you. All right, I believe

1 that's it. Let's go off the record. And you are excused.

2 Thank you.

3 (Witness excused.)

4 HEARING OFFICER BERGER: Off the record.

5 (Whereupon, at 3:15 p.m., the above-entitled matter adjourned.)

C E R T I F I C A T E

This is to certify that the attached proceedings done before
the NATIONAL LABOR RELATIONS BOARD REGION TWO

In the Matter of:

BARNARD COLLEGE,

Employer,

And

BARNARD CONTINGENT FACULTY, UAW, LOCAL 2110,

Petitioner.

Case No.: 02-RC-154022

Date: June 26, 2015

Place: New York, New York

Were held as therein appears, and that this is the original
transcript thereof for the files of the Board

Official Reporter

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