

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

Vol. 6
June 29, 2015

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BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

BARNARD COLLEGE,

Employer,

Case No. 02-RC-154022

And

INTERNATIONAL UNION OF
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL WORKERS OF
AMERICA, 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 3607A, on Monday, June 29, 2015, at 9:00 a.m.

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Jacob Alexander

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Laurie Postlewate

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	E X H I B I T S		
	EXHIBITS	IDENTIFIED	RECEIVED
1			
2			
3	Employer's		
4	E-17	782	796
5	E-18	796	796
6	E-19	803	804
7	E-20	898	901
8	E-21	903	903
9	E-22	920	922
10	Petitioner's		
11	P-5	874	874
12	P-6	874	(rejected - 879)
13	P-7	874	876
14			

P R O C E E D I N G S

(Time Noted: 9:18 a.m.)

HEARING OFFICER BERGER: On the record.

Does the Employer have additional witnesses?

MS. MUNOZ: We do. Jacob Alexander.

HEARING OFFICER BERGER: Raise your right hand, please.

(Whereupon,

JACOB ALEXANDER,

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

HEARING OFFICER BERGER: Have a seat. And if you could just say your name and spell it, please, for the record?

THE WITNESS: Jacob Alexander, J-A-C-O-B, A-L-E-X-A-N-D-E-R.

D I R E C T E X A M I N A T I O N

BY MS. MUNOZ:

Q Good morning, Dr. Alexander.

A Good morning.

Q How are you?

A Very well, thank you.

Q Excellent. So let's begin. You stated your name and spelled it for the record. By whom are you employed?

A Barnard College, Columbia University.

Q What is the title of your current position?

1 A I am senior lecturer in the Department of Chemistry.

2 Q Do you hold any other positions at Barnard?

3 A I do. I am also the director of the general chemistry
4 laboratory in the Department of Chemistry.

5 Q These are two different positions?

6 A These are essentially two different positions. My college
7 rank is senior lecturer. The department, as some departments
8 do, has assigned a separate title for some of the duties that I
9 hold in the department which are beyond what I do as a senior
10 lecturer.

11 Q Okay. So let's continue with your background. Have you
12 held any other positions at Barnard?

13 A I was a lecturer at Barnard.

14 Q Approximately, when were you a lecturer?

15 A I was a lecturer from 2005 until my promotion in 2011.

16 Q That was a promotion to --

17 A To senior lecturer, my current rank.

18 Q While you were a lecturer, were you also the director?

19 A I was concurrently the director of the general chemistry
20 laboratory, yes.

21 Q Okay. How did you come to be a lecturer at Barnard?

22 A There was a national search which took place, which I
23 applied for, advertising the position as I've already described
24 it in terms of rank and departmental title. And I went through
25 the application process and happily Barnard chose to take me.

1 And we have moved on from there.

2 Q If you would, would you please describe I believe what you
3 called the application process?

4 A Certainly. I think it was quite typical for these sorts
5 of positions. I was required to put together a dossier of my
6 academic background, undergraduate and graduate transcripts, my
7 vitae, letters of recommendation from graduate school and my
8 postdoc, a teaching statement, and that might have been all.

9 Q And where was your postdoc?

10 A My postdoc was at The Hebrew University, in Jerusalem.

11 Q And you hold a PhD?

12 A I do.

13 Q So you put together these materials. What did you do with
14 it?

15 A These were put together in a packet and submitted to the
16 department for review. And then the process continued. I was
17 contacted by the department and told that I was one of the
18 finalists, and was invited to Barnard to continue the
19 application process. I met with most of the members of the
20 department. And our department is quite small and very
21 collegial, so typically our hiring committees involve most of
22 the voting members of the department, so it's quite an all-day
23 activity to interview there. Everyone gets a chance to speak
24 to the candidates. This is traditionally continued today. And
25 then I was required to give a presentation, basically a

1 teaching presentation in which students were invited and I gave
2 a mini lecture on the topic of my choice that was appropriate
3 for undergraduate students and the Barnard level.

4 Q Did you meet with anyone else?

5 A I met with the provost.

6 Q Did you interview with the provost?

7 A We had a conversation, so, yes.

8 Q Did you know anyone on the search committee prior to your
9 interview?

10 A Only by reputation.

11 Q Approximately, when did you learn of Barnard's decision?

12 A My memory is a bit hazy, but perhaps a week or two later,
13 I got unofficial confirmation from the department chair, and
14 once things had found their way through the administration, I
15 received formal notification from the Office of the Provost
16 that I had been appointed.

17 Q Okay.

18 MS. MUNOZ: If I may, I believe this would be marked as
19 Employer Exhibit 17.

20 HEARING OFFICER BERGER: Yes.

21 (Employer's E-17 identified.)

22 BY MS. MUNOZ:

23 Q Why don't you take a look at that? Do you recognize this
24 document?

25 A I do recognize this document. And I smile at my signature

1 at the bottom. I had forgotten that I said that.

2 Q Would you please tell us what this document is?

3 A This is my initial appointment at Barnard College letter.

4 Q Does this letter accurately describe your job duties?

5 A It says almost nothing about my job duties. It merely
6 outlines the rank that I was appointed to.

7 Q All right. So when did you start at Barnard?

8 A I began at Barnard on -- formally, I believe that these
9 appointments at the time began at the beginning of the academic
10 semester, but I started in June of that year, I believe, very
11 shortly after receiving this. The department wanted me to get
12 integrated into what we were doing as quickly as possible, and
13 so I started.

14 Q Okay. Well, let's start as well, the appointment is
15 lecturer. What were your duties as a lecturer?

16 A So my duties as a lecturer were the duties of any full-
17 time officer at the college. It was kind of a tripartite
18 appointment where I was expected to teach. I was expected to
19 serve the college. And I was expected to pursue relevant
20 scholarship in my area.

21 Q All right. Well, let's begin with teaching. Do you
22 recall your course load?

23 A My course load was three/three.

24 Q You said relevant scholarship. Do you recall your
25 scholarship, at that time?

1 A My scholarship at the time. So in the sciences,
2 especially at a small liberal arts college, scholarship is
3 approached slightly differently for someone in my position.
4 For example, my area of scholarship and research experience is
5 in an area that is not appropriate for undergraduates. It's
6 quite dangerous.

7 And so, instead, what frequently happens is when once
8 accepts a position of this sort, one picks out, if they don't
9 have it already and I did have it already, a stronger research
10 interest in chemical education and pedagogy. And so that's
11 where you shift your focus on in a position of this type. And
12 so I began my investigations in that area.

13 I have always had interests in chemical pedagogy and now I
14 had -- one of the attractive things about a position like this
15 is I was able to explore that now in a very real and concrete
16 way. And so that began departmentally at the request of my
17 chair where I was being ushered into work very closely with
18 someone who had held this position for many, many years as part
19 of an overall modernization project in our department.

20 So much of my scholarship in those early years of my
21 lectureship was really getting down to the nuts and bolts of
22 why and how do we construct a program of this type, and what
23 are the reasons for the experiments that we do, and why do we
24 teach what we do. And so this was a great deal of the efforts
25 that I did at the time, it's really understanding the whys.

1 Q So what exactly do you mean by chemical pedagogy?

2 A We do all kinds of things in the classroom. We can tell
3 students that A plus B goes to C, but to construct a meaningful
4 curriculum, to show students that, yes, A plus B goes to C, but
5 simply knowing that isn't enough, we have to put a construct
6 together that illustrates why these things are important and
7 where we're going with all these sorts of things.

8 And you can't just pick up the textbook, and lay down the
9 textbook and say we're going to read Chapter 1, Chapter 2,
10 Chapter 3, Chapter 4, and then there will be a test if you
11 don't provide some context to why is Chapter 1, Chapter 1, and
12 what do students need in Chapter 1 to go to Chapter 2, and why
13 don't we start with Chapter 14.

14 And so like I think my understanding of pedagogy and other
15 disciplines as well is this is what we do when we construct
16 these thought processes and these lines that once we've
17 established what a student needs to know, then we can move to
18 the applied and say, okay, a student needs to know these
19 various topics; now, what is the communication that's going to
20 take place as me, the teacher, and the student sitting in the
21 chair that's going to allow them to understand what this big
22 picture is.

23 Q So that was your scholarship while you were a lecturer.
24 You said also -- did you have any publications, at that time?

25 A From my time at Barnard, no.

1 Q As a lecturer or --

2 A As a lecturer.

3 Q And you said also that you were expected to perform
4 service.

5 A Yes.

6 Q What service did you perform?

7 A So my service took place in a variety of contexts. I did
8 service both for Barnard and actually for Columbia University,
9 as some of my -- as I started exploring pedagogy and
10 curriculum. I was on two committees at Columbia University.
11 One was the steering committee for the Nanoscale Science and
12 Engineering Center. There was a committee that oversaw
13 outreach and diversity issues. And culminating in a very large
14 project.

15 The primary goal of the center was to bring science to the
16 world and particularly to disadvantaged students in the city,
17 and ran, in alternate years, a very large event up at city
18 college called Nano Day in New York, where we would bus in
19 5-600 high school students and present them with all kinds of
20 an all-day activity; a panel, discussions of nanoscience, and
21 then there was an exposition where we had all kinds of public
22 and privately funded expositions and demonstrations where
23 students could interact with science. So I was on the steering
24 committee for all of that.

25 I was also on the diversity committee for the Nano Center,

1 which was aligned very well with my mission at Barnard, you
2 know, to encourage women and minority applicants in the
3 sciences, in a broad range of contexts.

4 At Barnard, I was on the dean's accommodations committee,
5 which I believe you've heard of under another name from earlier
6 in these discussions which dealt with petitions, application
7 for accommodation for students with disabilities.

8 There was probably another committee in there somewhere,
9 but I'm not recalling at the moment.

10 Q Were you, at any time -- strike that. Have you ever been
11 responsible for developing a new curriculum?

12 A Very much so.

13 Q Can you give me an example?

14 A Certainly. So, as I said, one of the major impetus for me
15 to be hired was begin the process of modernization in our
16 department. Our curriculum is longstanding. It was created by
17 titans in the education field. We have been running it for
18 many, many years. It was a beautiful thing and it was created
19 in the mid to late '70s. And we don't teach science in 2015
20 the way we taught science in 1975. So it was time for us to
21 begin the process of crafting, well, what does science teaching
22 look like in 2015.

23 And so we began -- this began during my lectureship and
24 continued, you know, in my senior lectureship where we started
25 looking at the process of constructing a modern chemistry

1 curriculum, and what topics do we study in a modern type
2 curriculum, what kinds of things do we do in the laboratory now
3 that we didn't do, what kinds of things did they do in 1975
4 that we most certainly not want our students doing in 2015.
5 And so my role is to craft that.

6 So that process was a long time in development. You can't
7 just spin a chemistry curriculum out of thread. It's going to
8 take quite a bit for us to weave together what it is we want to
9 have. And so in the beginning we started off with comparisons
10 to other institutions and exhaustive literature review, and
11 inter and external departmental discussion on what are these
12 topics, what goes into these sorts of courses. So that
13 extended through my lectureship.

14 I started the curriculum development process by phasing in
15 some things that we knew right off the bat these are changes
16 that must be made now. Some of them were made based on safety;
17 but, curricularly, there were things that students were doing
18 that just didn't need to be done anymore. We started phasing
19 out endless repetition.

20 We started phasing out some of the things that had been
21 done by hand since the 1800s that now we have these things
22 called computers that can do some of this burden for us. And
23 things of that sort, you know, certain experiments which while
24 classic and beautiful and elegant in many simple ways weren't
25 speaking to students anymore.

1 As many educators will tell you, if the student isn't
2 hearing what you're saying, it doesn't matter how beautiful and
3 elegant the experiment is. And so trying to bring some of that
4 beauty into the laboratory is one of the things I started
5 doing. So several experiments were changed at my insistence.
6 I have composed several new experiments.

7 One of my primary jobs as the director is the maintenance
8 and upgrading of the curriculum. And so we don't use external
9 textbooks in our laboratory. It's produced in-house. So when
10 I say produced in-house, I mean by me, you know, I wrote. So
11 our lab manual is constructed with contributions from many of
12 my predecessors and contains what I believe is the most
13 effective way to bring these topics to students.

14 And so that started almost from Day 1 in my lectureship
15 and has become -- my thumbprint on the curriculum has become
16 firmer and firmer as we have moved across the years.

17 Q So in your spare time, do you advise students?

18 A I do.

19 Q What type of advising do you do?

20 A I advise first-year and sophomore students, and I advise
21 major students. I am also the department liaison to all
22 students at Barnard College. So if you look in the faculty
23 guide, you will find that I am listed as the primary contact,
24 along with the department chair, who would very much not want
25 to do this job, so it falls to me to advise any student at

1 Barnard College who has an interest in science or chemistry.
2 This extends not only to our majors but majors in our cohort
3 and Alachua (ph.), which are the natural sciences, who often
4 have a chemistry requirement. This also extends to our
5 pre-health students and pre-professional students, all of whom
6 are very interested in these topics because they are required
7 to take them. And so I am the department liaison in that
8 matter. So I advise approximately 25 to 30 first-year and
9 sophomores, and somewhere between 12 and 15 majors, including
10 chemistry and biochemistry majors, formally.

11 Q Is the advising you do, whether first or second-year or
12 majors, is that required?

13 A It is.

14 Q Which is?

15 A Both. My understanding is first-year advising and major
16 advising is my responsibility.

17 Q Is that as department liaison or --

18 A As a lecturer.

19 Q As a lecturer, okay. And I saw, if you look back, I
20 believe it's 17, Employer 17, your appointment letter, it
21 states that you are eligible to apply for mini grants and
22 travel to professional meetings. Have you ever taken advantage
23 of that?

24 A I have.

25 Q Would you please describe how?

1 A Several times. Mini grants was more recent. I'll start
2 with the other one which is support for professional meetings.
3 I don't remember the exact chapter and verse from the book, but
4 we receive a stipend or an available stipend of X dollars,
5 which covers a two to three-year period in which the college
6 will support travel and registration for professional
7 conferences in your area of expertise.

8 This can cover a wide variety of things. For me, I went
9 to our national meeting, the American Chemical Society, which
10 is the largest meeting of its type in the world. This is very
11 much an academic endeavor where you can really interact with a
12 great number of your peers that work in all kinds of
13 institutions. It's a very important part of what we do. And
14 the college supported me twice, I believe, to attend these
15 meetings. And I'm not going to remember the years, I
16 apologize. Once was in Philadelphia; once was in Dallas.

17 That one I remember because it was the spring of 2014, so
18 we just came back from that where we supervised a lovely group
19 of it seemed like 1,000 students, it was probably more like 20,
20 as we bring them down there to experience their first, for most
21 of them, a professional conference. And since it's a
22 conference of 12,000 people, it's quite amazing to see.

23 Q At these conferences, what did you do?

24 A So at these conferences, primarily, I was there not as a
25 presenter, although many people do present at these meetings, I

1 was there primarily on my fact-finding mission as part of
2 curricular development. So there are hundreds and hundreds of
3 symposia and presentations that are taking place at this
4 meeting, in which all kinds of cutting edge pedagogy was being
5 presented. Of course, I have scientific interest separate from
6 pedagogy and things of that sort, which I always like to keep
7 up on.

8 But the other half of this was making contacts in the
9 field. And this was especially important as we were developing
10 the new curriculum which now exists, to be able to see the day
11 to day, you know, this is what's happening right now in the
12 field and being on top of that. So, in 2014, that's very much
13 a large part of what I was doing.

14 Also, while I was there at this most recent meeting, we
15 were, as part of our modernization efforts, we're moving to
16 re-outfit all of our laboratories and facilities. And these
17 conventions also have a very large industrial component, which
18 is separate from the educational component, and it is an
19 opportunity to speak to vendors and to interact with the
20 vendors on the pros and cons of their equipment.

21 And then you have the luxury at the same time of then
22 turning to these new colleagues which you were discussing
23 curriculum with and finding out what the vendors are lying
24 about, and being able to come in and really get, from an
25 educational point of view, the value of these various sorts of

1 things. And it was extremely nice.

2 Q If we could, let's turn to your duties as a senior
3 lecturer, are they different than those you performed as
4 lecturer?

5 A I'm going to say they build on what I did as a lecturer.
6 Formally, the duties are mostly the same. But I think the
7 level of expectation is higher. The level of expectation is
8 higher from the department. The level of expectation is higher
9 from the college.

10 Q Would you describe for us what you mean by higher?

11 A I think that as a senior member of the faculty, the
12 college and the department expects me to start shouldering
13 quite a bit more of the development load than perhaps I would
14 have been called upon in my early years. As a senior lecturer
15 now, while I had nibbled at, and learned how, and dabbled in,
16 and started the process of developing the curriculum in the
17 department, now there was a very strong expectation to finish
18 the job.

19 And so moving forward, that is a huge part of what I have
20 done since my promotion is to make that happen. And that
21 happened in the courses under my control. We have now
22 completely renovated, for lack of a better word, the curricular
23 content of the general chemistry course that I was charged to
24 renovate. And that extended even further into a departmental
25 curricular overhaul, which we just completed also in 2014, I

1 believe.

2 I was a member of our curriculum task force. I was the
3 primary author of our new department curriculum, in
4 consultation with several of the members of that committee. We
5 now have a curriculum in our department which really serves our
6 students in 2015, in a way that it didn't before I started this
7 process. And it's something I'm quite proud of.

8 Service-wise, the college has called on me to step up my
9 role a little bit. The committee work that I did before I
10 thought was very satisfying, but I wanted to move to other
11 committee work that I found had perhaps higher profile. So I
12 now serve on the committee on programs and academic standing,
13 which is the major appeals court, if you will, for students at
14 Barnard College.

15 This is the committee that oversees all petitions to the
16 college, any student who wishes to overturn some particular
17 decision, any student who has a grievance of an academic sort,
18 not honor violations, but academic discussions. This is the
19 committee that hears all appeals on curriculum -- proposed
20 curriculum revisions or substitutions by students, the
21 construction of special majors, the construction of combined
22 majors, all of this is reviewed by our committee.

23 This is a joint administrative faculty committee which has
24 quite a bit of authority in these areas. And so I have served
25 there as well for several years of my senior lectureship.

1 Q If I could have you clarify something for me, is there any
2 difference between a curriculum and a syllabus?

3 A Oh, my goodness, yes.

4 Q Would you please describe that for me?

5 A A syllabus is a statement of what is happening in the
6 course. It is a legal document which outlines what the
7 expectations are of a student and the general outline of the
8 sorts of things that are going to be approached. It discusses
9 some of the administrative things that happens in a course.
10 This is when the course meets. These are the texts that we
11 will read. Here is a loose set of expectations that you should
12 be aware of as you come into this class.

13 But that's not a curriculum. A curriculum is, again, an
14 overarching and much deeper understanding of what is the
15 syllabus supposed to do. What are the students supposed to be
16 able to apply. What are these students supposed to be able to
17 recognize when they come out of the course.

18 A syllabus is something which is executed. A curriculum
19 is something which is designed. They are two very different
20 things. And my role was to do both, right? We build a
21 curriculum. We decide our big goals, what is the big picture.
22 And then what is in the individual classroom, the model of
23 execution that's going to happen in that particular class.

24 Q Thank you.

25 MS. MUNOZ: I'm going to, before I forget, move to enter

1 Employer Exhibit 17.

2 HEARING OFFICER BERGER: Do you have any objection?

3 MR. LEVY: No.

4 HEARING OFFICER BERGER: Employer's 17 is received.

5 (Employer's E-17 received.)

6 MS. MUNOZ: Thank you.

7 (Employer's E-18 identified.)

8 BY MS. MUNOZ:

9 Q I'm also going to show you what I'll mark as Employer 18.
10 You referred to your promotion to senior lecturer. Do you
11 recognize that document?

12 A I do.

13 Q And what is it?

14 A This is my notification that my promotion to senior
15 lecturer was approved by the committee on appointments, tenure,
16 and promotion.

17 MS. MUNOZ: I'd move to enter Employer 18, before I
18 forget.

19 MR. LEVY: No objection.

20 HEARING OFFICER BERGER: Okay. Employer 18 is received as
21 well.

22 (Employer's E-18 received.)

23 MS. MUNOZ: Thank you.

24 BY MS. MUNOZ:

25 Q As a senior lecturer, are you still -- are you still

1 advising students?

2 A I am.

3 Q What type of advising are you doing as a senior lecturer?

4 A The same as I was doing as a lecturer, just more.

5 Q Just more?

6 A Just more.

7 Q What do you mean by more?

8 A By more, you know, particularly as I have moved through
9 the curriculum, through my teaching duties, with my promotion,
10 the department felt comfortable handing me more advanced
11 courses, courses that have some other considerations that
12 require a more seasoned teacher to be in the classroom and a
13 more seasoned pedagogue to be driving the course.

14 For example, I began in 2012 to teach the terminal course
15 in our pre-health sequence. And handling a class which is
16 exclusively made up of students pursuing a pre-health track has
17 additional challenges beyond what is in the syllabus. And
18 being able to have a course like this under your belt requires
19 a deft hand, and so the department felt comfortable assigning
20 me to that.

21 When you are assigned to classes like that, your profile
22 in the department rises and more students see you. I became
23 much more visible in our department. And so the more students
24 see you, and I'm told that some of them even like me, the more
25 your advising ticks up because more students have confidence in

1 you as an advisor and want you to assist them in their journey
2 at Barnard College.

3 Q As a senior lecturer, have you -- are you still required
4 to perform scholarship?

5 A Yes.

6 Q What type of scholarship are you doing now?

7 A Again, a continuation of the scholarship that I had
8 before, you know, focused primarily on curriculum development
9 and the pedagogy in the chemistry department. And this
10 manifested itself in several ways. I have addressed several of
11 them already. We completely overhauled our introductory
12 general chemistry laboratory under my supervision and design.
13 We completely overhauled our departmental chemistry offerings,
14 you know, and I was a very major part of that process, which
15 happened in my senior lectureship.

16 The college also became more enthusiastic in their support
17 for my scholarship. I was granted professional development
18 leave in the summer of 2013, where I brought in several
19 students, research students to work with me in chemical
20 education and pedagogy over the summer. I had three wonderful
21 students who worked with me in the laboratory. And, together,
22 we designed the experiments that we were going to be doing.
23 And the college supported me completely in my professional
24 development leave.

25 And the fruits of that labor are the new lab manual and

1 the new course, basically. This was a joint effort with my
2 research students, right alongside all of the other research
3 students in the department who were working with the tenure
4 line faculty that summer.

5 Q Let's turn now to your duties as director of the general
6 chemistry lab.

7 A Certainly.

8 Q Would you please describe those duties for us?

9 A So as director of the general chemistry laboratory, this
10 is a department designation which makes me visible in a variety
11 of ways. For one, I believe it's the New York fire code
12 requires that all laboratories have someone of consequence
13 responsible for what happens in that room. And so from a very
14 administrative standpoint, someone meets that.

15 And so since the teaching laboratories are the largest
16 laboratories in our department, it's not practical for someone,
17 you know, for four or five people have their names on the wall.
18 It's more practical to have one person supervising because
19 these are the rooms that handle by far the largest student
20 flow.

21 During the semester, general chemistry is the largest
22 course in our curriculum. It has around 150 students. And so
23 a laboratory large enough to house them needs someone keeping
24 their eye on the laboratory. So my duties as director of the
25 general chemistry laboratory are quite distinct from my duties

1 as senior lecturer. The work that I do there is quite -- as
2 administrator of the lab involves supervision and the day to
3 day operations for that laboratory.

4 Q In your role as director, do you work with laboratory
5 associates?

6 A I do.

7 Q Can you describe that working relationship?

8 A Certainly. We are, of course, very blessed, as is
9 everyone at Barnard with incredibly, wonderful laboratory
10 associates. Some of them have worked with us for quite some
11 time; some of them have not. But we have very, very high
12 standards and we have very high expectations of the people who
13 work in our laboratories. And, you know, those are almost
14 always fulfilled.

15 One of my role as supervisory is to make sure that that is
16 happening. And so I am supervising the work that happens in
17 the laboratory and I am supervising, for example, the grading
18 that is done falls under my supervision. I design the rubric.
19 I design how the reports are graded. And then that is executed
20 by our laboratory associates.

21 I am also the primary administrator of the laboratory. I
22 am responsible for stocking and purchasing, and making sure
23 that all of the equipment is there. That's probably it.

24 Q Okay. Have you -- do you hire laboratory associates?

25 A Indirectly, yes.

1 Q What do you mean by indirectly?

2 A Formally, our lab associates are hired by the department
3 chair. But, informally, I have a central veto power on anyone
4 who is going to be working in my laboratory. And so I am
5 standing right next to the chair at every step of the hiring
6 process to make sure that we have the appropriate personnel in
7 the laboratory who are ready to execute our curriculum.

8 Q And are laboratory associates, from where are they hired
9 -- I'm sorry, strike that. What is the hiring process?

10 A So the hiring process for lab associates is quite
11 informal. Very often, as we may have heard before, it is word
12 of mouth. Sometimes, we will reach out to our colleagues
13 across the street and see if there is anyone available.
14 Sometimes, very rarely, we will post a need for such things.
15 But one of the advantages of working in Manhattan is there's a
16 very large pool of associates around.

17 There's quite a few institutions which use them. And so
18 there is a working knowledge of where these people are and very
19 quickly word spreads when positions are available and when we
20 start looking invariably. We also get quite a bit of cold
21 calls from interested potential associates who will contact the
22 chair and make their availability known. And we maintain, I
23 believe a database of who these people are and we go back to it
24 from time to time. But quite informal.

25 Q How many laboratory associates do you have in your lab?

1 A Historically, we used a mix of faculty in that room. But,
2 generally, somewhere between two and four.

3 Q That's in the general chemistry lab?

4 A That's in the general chemistry laboratory. I can't speak
5 to the other large course which uses laboratory associates,
6 which is organic, but I would imagine it's a similar number or
7 slightly less.

8 Q In your role as director in the general chemistry lab, do
9 you work with postdocs?

10 A No.

11 Q Have you ever had a postdoc in the chemistry lab?

12 A In my lab, no. It's very uncommon for postdocs to be
13 working in departments of our size. It's just postdocs are
14 primarily used in research capacity. And a small liberal arts
15 college, the funding that is required for a research faculty
16 member, for example, to procure, to be able to pay for a
17 postdoc is beyond many of their capabilities. So we don't, as
18 a rule, have postdocs in our department.

19 There was one example, the very first year I was there,
20 where a particularly successful professor was able to acquire
21 one, who then subsequently applied for an adjunct position in
22 the department. But that's the only example that I could think
23 of. Very much the exception.

24 Q Okay. If you turn back to your initial appointment
25 letter, Employer's 17? It states, the beginning of the second

1 paragraph, the length of your appointment from August 1, 2005,
2 to June 30, 2006. What happened in 2006?

3 A In 2006, the term ended. My department chair said great
4 job, you know, see you next year, and get working on the fall
5 semester. And off we went.

6 Q Were you reviewed, at that time?

7 A No.

8 Q How long were you in the lecturer position before you were
9 reviewed?

10 A I was reviewed in my third year.

11 Q And that is -- is that, well, I'll have you describe that,
12 but first let me show you what I'll have marked as Employer 19.

13 (Employer's E-19 identified.)

14 BY MS. MUNOZ:

15 Q Have you ever seen this document before?

16 A I have.

17 Q Would you please tell us what it is?

18 A This is the end of the year faculty personnel form.

19 Q How are you familiar with this document?

20 A So this document is a large part of my yearly review
21 process.

22 Q When did you first have a yearly review?

23 A So I've been filling these out since I started at Barnard.

24 Q Did you have to complete one in 2006?

25 A I did.

1 MS. MUNOZ: I would like to move to enter Employer 19.

2 HEARING OFFICER BERGER: Any objection?

3 MR. LEVY: No.

4 HEARING OFFICER BERGER: Okay, 19 is received.

5 (Employer's E-19 received.)

6 MS. MUNOZ: Thank you.

7 BY MS. MUNOZ:

8 Q Would you please describe the yearly review for us?

9 A Certainly. So this document is a summation of everything
10 that you believe is relevant in your review at the college, so
11 it covers everything from beginning with your teaching load to
12 what you anticipate teaching in the future, and then very
13 quickly moves to broader information and contributions to the
14 college.

15 It doesn't just stop on the page here, on Page 2, which
16 says what we teach next year, but we continue onto the very
17 next sections, all of which contain a great deal of information
18 on research, on service to the college, what sorts of things
19 have you done to support the college, what support things have
20 you done to develop the curriculum or pedagogy, what kind of
21 relevant scholarship have you done. It goes on. It's quite
22 tedious to fill this out every year.

23 I actually perhaps misspoke before when you asked me about
24 formal review in 2006. I thought you meant of an interview
25 sort. Most certainly I filled one of these out, as I did every

1 year.

2 Q What do you do with this form?

3 A So this form, once it is compiled, is sent along with your
4 updated vitae to the department chair and the provost of the
5 college.

6 Q Do you know what they do with it?

7 A It is reviewed departmentally and I assume at the
8 collegiate level to make sure it is satisfying the standards
9 that are set.

10 Q Do you have any discussion about this form, once you
11 submit it?

12 A Before usually it's submitted. And then after it is
13 submitted, every department may do this differently, but in
14 chemistry it quite standard once you have, and this is
15 something that's been incorporated by our new senior faculty,
16 which I think is very important, is once this is submitted to
17 the department, to have a kind of post review meeting in which
18 you sit down with your department chair and you have a
19 conversation about this form, what's in this form, what are
20 some things that you really like that you see here, what are
21 some things that you think didn't go as well this year and
22 you'd like to build up on. This is an opportunity for the
23 chair of the department to let you know what the senior faculty
24 think and to give you a sense of what the college is thinking.
25 It's quite valuable, but that's post review.

1 Although, certainly, it is true that when compiling this
2 document, it would be very helpful to come to your department
3 chair and say am I forgetting anything, is there stuff that
4 should be in here that I didn't put in, and so it can be quite
5 valuable in that regard. But, in our department, it's mostly
6 post review that that conversation takes place.

7 Q And you said that you had a third-year review?

8 A That's correct.

9 Q Would you describe for us what that consisted of?

10 A My third-year review, at the Office of the Provost's
11 request, where the department asked me to basically compile
12 what I had done to that point and to get a summation, a written
13 summation of the activities that I had performed in the
14 department, what work I had done in the classroom, in addition
15 to a record of my teaching, what courses have I taught, but
16 what contributions had I made to the department, I had to have
17 faculty sit in on my lectures and review my lectures and give
18 feedback on that.

19 And then the chair of the department wrote up a summation
20 of the department's position. I assume, I wasn't there, that
21 there was a vote on the subject, and they passed along a
22 positive recommendation to the college, and I was retained.

23 Q Do you know who participated in that vote?

24 A I do not.

25 Q When was your third-year review?

1 A It would have been 2008.

2 Q When were you next reviewed?

3 A I was next reviewed for my promotion to senior lecturer in
4 2011.

5 Q Okay. And so that goes with Employer 18, all right. So
6 what was the process associated with your promotion?

7 A It was quite a bit more extensive. For one, the packet of
8 information that I was to put together, the department asked
9 for quite a bit more. All of the activities that I had done
10 and, in addition, I had to put together a document, very
11 similar to the tenured dossiers that I've seen, where I really
12 had to sell my case. I had to present all of the work that I
13 had done at the college, all the development I had done at the
14 college, all of the service that I had done at the college, and
15 everything that had happened in and out of the classroom for
16 the last seven years that would allow me to continue in a
17 senior role.

18 This process started about a year before the decision, and
19 the construction of that document, the compiling. And I don't
20 believe I needed three external letters. I think I had two,
21 but I don't quite recall. It was some time ago. But I'm
22 almost possible there were external letters involved. And then
23 this was submitted again to the department for a departmental
24 decision, which apparently was positive, because then they
25 forwarded it to ATP, and this led to my promotion at the

1 request of the ATP to the president.

2 Q So when you said you had to put together a dossier similar
3 to tenure dossiers, when have you seen a tenure dossier?

4 A I have many colleagues who are assistant and associate
5 professors at other institutions. And it's not uncommon when
6 those dossiers are being put together in unofficial capacity to
7 help each other out and to look over things, in the same way
8 that we would proofread all kinds of other documents that take
9 place. And so I've seen quite a few of them. And, indeed,
10 originally, I had some aspirations of a position of that type,
11 myself. I had my own when I came out of my postdoc, so I had
12 some sense of what goes in it.

13 Q Have you undergone a review process in your director
14 position?

15 A No.

16 Q Are you a voting member of the faculty?

17 A I am.

18 Q And did you participate in the vote on curriculum change?

19 A I did.

20 Q To the extent that you haven't already described, have you
21 participated in curriculum development in any other way?

22 A Well, outside of the department, I'm sure that I have.
23 Inside the department, I think I've expounded at length on my
24 contributions to the curriculum. To the college curricular
25 development, I argued very strongly during the curricular

1 process for certain revisions that we were considering at the
2 institutional level, whether or not they should be taking
3 place. I tried my very best to help craft that as we moved
4 along. I have done quite a bit of outside of the classroom
5 constructions. We've taken students to professional meetings.
6 We have put together a very large, very successful program
7 serving underprivileged students at Columbia University.

8 I am a regular contributor to our summer higher education
9 opportunities program, where we target economically
10 disadvantaged students and bring them in for a summer course,
11 where we try and prepare them for the rigors of an academic
12 institution of our level. I have total control over the
13 content, the chemistry content of that program, and wrote it
14 from scratch.

15 I have attended conferences on curricular development. I
16 was at Carlton College in 2010 with some of my colleagues at a
17 diversity on approaching underprivileged students, serving
18 underprivileged students in the sciences, and much of that
19 information from those conferences has come back and been woven
20 into how I frame chemistry quite a bit.

21 Q You've testified that as a lecturer and a senior lecturer,
22 you are required to perform teaching, services, and
23 scholarship.

24 A Correct.

25 Q You have also testified that you are reviewed on all

1 three.

2 A Correct.

3 Q Do you know how it would have impacted you had you not
4 performed all three?

5 A Things would not have gone well had I not performed all
6 three. It was made very clear to me from the time that I
7 entered my department that this is an elite institution and we
8 have very high expectations of our faculty. And these are the
9 sorts of things which are going to lead to success, teaching,
10 service, and scholarship. And if you so choose not to
11 participate in these things, then your tenure at Barnard, lower
12 case T, might be quite short.

13 Q Do you know of any full-time reviewed and renewable, we've
14 been calling them, faculty member who does not perform all
15 three?

16 A Well, I can only watch myself. I leave it to the
17 supervisors of the college to determine what my other
18 colleagues are doing. I certainly would argue that given the
19 very clear expectations by the college, someone who is not
20 doing those things is not doing their job, as I understand it.

21 Q Okay. So in your opinion as a full-time reviewed and
22 renewable faculty member, are your duties and responsibilities
23 the same as those of an adjunct?

24 A Absolutely not.

25 Q Why do you say that?

1 A I think that there is almost no comparison between what
2 our wonderful adjuncts do and the duties and obligations that I
3 have in my capacity as senior lecturer and director of the
4 general chemistry laboratory.

5 Q And why is that?

6 A I think that what an adjunct is called upon to do is a
7 very clear and in the box application. They are expected to
8 provide excellent instruction, as I have defined it. And
9 therein lies the key, execution and design. You must teach.
10 We all teach. But pedagogy is so much more than teaching. It
11 is construction of the framework behind the teaching. We hire
12 adjuncts to teach. We hired me to discover.

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

14 HEARING OFFICER BERGER: There are a couple of things you
15 spoke about I wanted to touch upon a little further.

16 THE WITNESS: Sure.

17 HEARING OFFICER BERGER: At the beginning of your
18 testimony, you mentioned that you currently serve or have
19 served on two committees that are affiliated with Columbia?

20 THE WITNESS: Correct.

21 HEARING OFFICER BERGER: You are currently on those
22 committees?

23 THE WITNESS: No, those committees no longer exist.

24 HEARING OFFICER BERGER: I see. Do you know how you were
25 selected for those committees?

1 THE WITNESS: I was made aware by my department chair that
2 there were openings on those committees. And I contacted the
3 director of the center to see if I would be an appropriate
4 person to be on those committees, and was assured that I was a
5 good thing, that the committee had a need for Barnard
6 representation, and I was happy to fill it.

7 HEARING OFFICER BERGER: And so you weren't elected in any
8 way for that service?

9 THE WITNESS: No. This is semi-appointed, I suppose.

10 HEARING OFFICER BERGER: Okay. So you were appointed by
11 whom?

12 THE WITNESS: The director of the Nano Center, Jimmy
13 Yardley.

14 HEARING OFFICER BERGER: And that's someone who is
15 affiliated with Columbia or with Barnard?

16 THE WITNESS: That's correct. He is the director -- was
17 the director of Nanoscale Science and Engineering Center.

18 HEARING OFFICER BERGER: Okay. Did anyone else from
19 Barnard serve with you on those committees?

20 THE WITNESS: No.

21 HEARING OFFICER BERGER: A couple of questions about the
22 chemistry department curriculum that you developed. Did anyone
23 else from the chemistry department work with you in developing
24 the curriculum?

25 THE WITNESS: In terms of the laboratory, no, other than

1 my research students. In terms of the department curriculum,
2 yes. I worked closely with several members of the department.
3 There were three of us -- four of us, sorry, across --

4 HEARING OFFICER BERGER: That includes you?

5 THE WITNESS: Yes.

6 HEARING OFFICER BERGER: Okay, sorry. Go ahead.

7 THE WITNESS: And so this was a three-year process where
8 we brought this curriculum along, but it was, what did we name
9 it, colloquially, a curriculum task force within the
10 department.

11 HEARING OFFICER BERGER: And your three colleagues, what
12 ranks were they?

13 THE WITNESS: Our colleague, the department chair,
14 Christian Rojas -- four colleagues, Marissa Buzzeo, assistant
15 professor; John Magyar, assistant professor; Craig Allen, who
16 is a laboratory associate.

17 HEARING OFFICER BERGER: And did you consult other faculty
18 in the department outside that small group in developing the
19 curriculum?

20 THE WITNESS: As we moved along, we did, yes.

21 HEARING OFFICER BERGER: Did you consult any adjunct
22 faculty in that department, as you developed the curriculum?

23 THE WITNESS: No, other than the one member who was
24 sitting on the committee.

25 HEARING OFFICER BERGER: The lab associate?

1 THE WITNESS: Yes.

2 HEARING OFFICER BERGER: And one question about the
3 college curriculum. You mentioned that you argued in favor of
4 certain changes that were being proposed?

5 THE WITNESS: I actually argued -- my colleagues will
6 chuckle, I argued strongly against some of the --

7 HEARING OFFICER BERGER: Oh, against, sorry. Okay.

8 THE WITNESS: You know curriculum development is generally
9 assumed to always be a positive thing. But in this particular
10 case, I didn't think that this particular move was a positive
11 one. There were many facets of the college curriculum that
12 were rolling out in coming years that are very positive, but
13 there was one particular that hit close to home that we weren't
14 so excited about.

15 HEARING OFFICER BERGER: So in what forum did you make
16 those arguments?

17 THE WITNESS: These were public forums.

18 HEARING OFFICER BERGER: Faculty meetings?

19 THE WITNESS: These were faculty meetings. These were
20 also curriculum meetings which were subsets of the regular
21 faculty meeting.

22 HEARING OFFICER BERGER: Okay. So can you explain to me a
23 little bit more what these curriculum meetings were?

24 THE WITNESS: So the college had a wide variety of
25 discussions on the new curriculum. It's obviously a very large

1 issue for the college and these took many forms, and were
2 targeted, depending on which one of them you were attending,
3 they were aimed at different audiences. There were some forums
4 which were intended for full-time faculty. There were some
5 which aimed at more administrative positions. There were some
6 that were aimed primarily at students. There were some that
7 were open sessions and anyone could show up and share their
8 opinions on the topic. And there were quite a few of them.

9 HEARING OFFICER BERGER: So the ones that you're referring
10 to, not the full faculty meetings, but the smaller curriculum
11 meetings, do you remember who attended those along with you?

12 THE WITNESS: I have no memory. There were quite a few
13 attendants. It was a popular topic.

14 HEARING OFFICER BERGER: Do you remember how you were
15 notified of those smaller curriculum meetings?

16 THE WITNESS: The college had regular -- what's the word
17 I'm looking for? Updates is not the word. Postings?

18 HEARING OFFICER BERGER: Okay.

19 THE WITNESS: Email reminders sorts of things. In the
20 general faculty meetings, it was made very clear that this was
21 the schedule and these were the things were happening. And
22 then as we approached various things, I don't know by what
23 method the college used to notify the groups. I didn't -- I
24 assume there was a methodology because I didn't receive
25 necessarily every reminder that a student panel was going to be

1 happening, but I certainly received new reminders that my
2 cohorts was happening.

3 HEARING OFFICER BERGER: Do you remember at any of these
4 smaller curriculum meetings were there adjuncts in attendance?

5 THE WITNESS: Rarely, but occasionally.

6 HEARING OFFICER BERGER: And so you recall that you spoke
7 up against some of these changes. Do you recall any other
8 members of the faculty speaking up either in favor or against
9 curriculum changes?

10 THE WITNESS: Oh, my goodness. It was a spirited debate
11 taking place from all across the campus. It was a very
12 interesting topic.

13 HEARING OFFICER BERGER: And do you know if any of the
14 people who participated in that debate were adjunct faculty
15 members?

16 THE WITNESS: I have no way of knowing.

17 HEARING OFFICER BERGER: Okay, thank you, nothing further
18 for me. Mr. Levy, do you have questions?

19 MR. LEVY: We have a few questions.

20 HEARING OFFICER BERGER: Would you like some time to
21 consult?

22 MR. LEVY: I'd like to start and then I'll stop at some
23 point as we get rolling.

24 HEARING OFFICER BERGER: No problem. Go ahead.

25 CROSS-EXAMINATION

1 BY MR. LEVY:

2 Q When you were first appointed in 2005, you taught for a
3 year. And then you were reappointed in 2006, is that right?

4 A Correct.

5 Q Did you get an appointment letter in 2006?

6 A I don't recall. I received a salary letter.

7 Q And the salary letter said what?

8 A That I was hired for the subsequent year at X salary.

9 Q So that was a letter that hired you for the 2006-2007
10 year?

11 A It was a letter that was informing me of my salary for the
12 2006-2007 year.

13 Q Did you get another letter that informed you of your
14 salary for the 2007-2008 year?

15 A I did.

16 Q And how about the 2008-2009 year?

17 A And subsequent.

18 Q And all subsequent years you've gotten a letter each year
19 telling you your salary?

20 A Yes.

21 Q When you were hired for the 2006-2007 year, did you
22 receive any commitment about the number of years you were hired
23 for, at that time?

24 A No.

25 Q And in the following year did you receive any commitment?

1 A No.

2 Q And the year after that did you receive any commitment?

3 A I don't believe so.

4 Q How about the year after that?

5 A No, I don't believe so.

6 Q As director, you described your role in hiring along with
7 the chair.

8 A Yes.

9 Q Have you ever recommended that a certain person be hired
10 or not hired?

11 A I have.

12 Q Has your recommendation always been followed?

13 A Always.

14 Q And you direct the lab associates?

15 A I do.

16 Q And that is in your role as director?

17 A That is in my role as director.

18 Q It's not in your role as lecturer.

19 A I don't believe so.

20 Q Let's talk a little bit about -- oh, let's go back to
21 something you said about your conferences. You went to how
22 many conferences where you were supported by the school?

23 A Two.

24 Q How much did you receive in support from the school on
25 those two occasions, as best as you can recollect?

1 A Probably somewhere in the 1,500 to 2,000 range. I believe
2 the college limit was 2,500. And I didn't exhaust it
3 completely.

4 Q Is that for each of the conferences or for both?

5 A For each.

6 Q Are those the only stipends you have received from the
7 college to assist your travel or your participation?

8 A In those conferences, yes. I've received other
9 contributions from the college for other things.

10 Q But not for attending --

11 A For professional conferences.

12 Q -- conferences or professional conferences. Have you ever
13 presented at a professional conference?

14 A I have.

15 Q When was that?

16 A The last time I presented was in 2006, I want say.

17 Q That was the year that you became a lecturer?

18 A Yes.

19 Q Where did you present?

20 A At the American Chemical Society meeting in San Diego.

21 Q Did you submit a paper?

22 A No.

23 Q Have you ever submitted a peer review paper that's been
24 published?

25 A In my career, certainly.

1 Q No, since you've been at Barnard.

2 A I've had five -- four publications appear under my name
3 while I was at Barnard.

4 Q Any other names appear with your name on those
5 publications?

6 A Yes.

7 Q How many other names?

8 A I would have to go back and review my --

9 Q Were there tenured professors on those as well, on those
10 papers?

11 A Yes.

12 Q On each of them?

13 A All.

14 Q Ever had, since you've been at Barnard, had a paper peer
15 reviewed and published that had just your name on it?

16 A No.

17 Q How many part-timers are in the chemistry department, if
18 you know or if you can approximate?

19 A Currently, zero.

20 Q By the way, on any of those papers that were published
21 with your name on them, is yours the first name?

22 A I was first author on one, I believe.

23 Q Let's talk about the curriculum committee that revamped or
24 worked on the curriculum in the chemistry, general chemistry.
25 You said there was a lab assistant on that committee?

1 A That's correct.

2 Q Did he participate fully with you in terms of discussions
3 of issues?

4 A Very little.

5 Q Well, I didn't ask you the amount yet, but he did
6 participate?

7 A Very little.

8 Q He expressed his views?

9 A Occasionally.

10 Q And you expressed your views?

11 A Quite.

12 Q Okay. What is his credentials, if you know, in terms of
13 education?

14 A In terms of education, I don't know.

15 Q And the other people on that committee were tenured
16 faculty?

17 A Correct.

18 Q How many courses does the lab assistant assist in?

19 A I'm sorry?

20 Q The lab assistant is part-time?

21 A Yes.

22 Q How many courses does he assist in?

23 A I don't know.

24 Q Do you know what his role is in those classes or in those
25 labs where he participates?

1 A I know under my direction what the role is, yes.

2 Q What is the role under your --

3 A The role is to execute the duties of the position.

4 Q That's very uninformative. Could you tell us some more
5 about it?

6 A So, in general chemistry, there are basically three things
7 that the instructor is required to do in the course. The first
8 is to supervise the undergraduates in the physical laboratory
9 section, which is when they're doing the experiment, the
10 hands-on part of it. They are required to have an office hour
11 for each lab section that they teach. And they are required to
12 handle a percentage of the grading load in the sections that
13 they teach.

14 Q You referred to instructor. Is that the same as the lab
15 associate or lab assistant?

16 A Yes.

17 Q So they're instructing the students on the experimental
18 work.

19 A They are supervising the work, yes.

20 HEARING OFFICER BERGER: Let me just clarify, is there a
21 title lab assistant?

22 THE WITNESS: We run fairly informal with titles in the
23 laboratory. So, at any time, our part-time faculty can be
24 called any one of a number of things. This is very typical at
25 the departmental level. We don't necessarily weight the titles

1 in the same way that perhaps is done in HR or something like
2 that. We simply refer to the various roles. This is something
3 that you see all the time. In my informal communications with
4 the department, when I was first assigned, it was made very
5 clear that even though my title was lecturer and that was a
6 college assignment that was not necessarily a list of my
7 duties, which would be continuous.

8 HEARING OFFICER BERGER: I just want to be sure we're all
9 talking about the same people.

10 THE WITNESS: We are talking about the same people.

11 HEARING OFFICER BERGER: We've been informed by the
12 college that there is a title called laboratory associate. And
13 so when you are --

14 THE WITNESS: That's the one we're most commonly using,
15 yes.

16 HEARING OFFICER BERGER: Okay.

17 BY MR. LEVY:

18 Q When the curriculum came up for a final vote, it was at a
19 faculty-wide meeting?

20 A The college curriculum?

21 Q Yeah, the college curriculum.

22 A Yes.

23 Q Is the curriculum you have been talking about, was that
24 part of what became the college curriculum that was voted on?

25 A No. It was coincidental that it happened at the same

1 time.

2 Q I see. So you were talking about a curriculum that was
3 developed for chemistry.

4 A Correct.

5 Q In particular, what you worked on was the general
6 chemistry lab curriculum.

7 A Yes.

8 Q Have you ever been part-time at Barnard?

9 A No.

10 Q Which part-time faculty do you know well enough to know
11 what they do in their roles?

12 A Certainly the ones who have worked with me in the course
13 that I taught.

14 Q So you've had part-timers in your course?

15 A I have.

16 Q What kind of -- in what kind of roles?

17 A Lab associates, in general.

18 Q Lab associates?

19 A Yes.

20 Q How about have you ever worked with a part-time instructor
21 or a part-time -- I'm sorry, a part-time lecturer?

22 A What do you mean when you say --

23 Q An adjunct lecturer. Have you ever worked with an adjunct
24 lecturer, someone in that role?

25 A Yes.

1 Q Who is that?

2 A We've had several in the department over the time that
3 I've been there.

4 Q You have none now?

5 A We will have one this year, yes.

6 Q When is the last time you had one?

7 A Last year.

8 Q Weren't you asked if there were adjunct faculty and you
9 said there were none?

10 A I'm sorry, I was -- I wasn't -- that was incorrect. There
11 is one.

12 Q Who is the one?

13 A I believe Ben Bostick is the one for this year.

14 Q When has Ben Bostick worked there?

15 A Has he worked with us before? I'm not sure.

16 Q What does he teach?

17 A I don't -- his full assignment for this year is going to
18 involve I think quantum chemistry -- you would have to consult
19 with the chair. I don't assign the rest of the faculty.

20 Q I'm questioning you. I can't bring the chair in. So what
21 else does -- you don't know what else Ben Bostick will be
22 teaching?

23 A Not off the top of my head.

24 Q And you don't know if he taught in the past or you do
25 know?

1 A I feel like he might have, but I don't know.

2 Q So is it fair to say you don't really know what he does
3 when he teaches this course?

4 A I don't know that that follows. I know what he's going to
5 be called up on to do, which will be consistent with what our
6 previous adjunct faculty have been called upon to do.

7 Q Who was that?

8 A We've had several over the years. This year, we had
9 Suzanne Charnick.

10 Q Suzanne?

11 A Charnick.

12 Q Who else?

13 A Let's see, I'd have to pull out the records. I don't keep
14 a running tally of the faculty.

15 Q Are they working in your area, in the general chemistry
16 lab?

17 A Sometimes.

18 Q Well, did Suzanne Charnick work in your --

19 A She did.

20 Q In the general chemistry lab, okay. And Ben Bostic, did
21 he work in the general --

22 A No, but I believe he -- the assignments are still in flux,
23 but I believe he might be this fall.

24 Q Let's talk about your teaching. I'd like you to focus on
25 the years before you became a senior lecturer and those would

1 be the years 2005 to 2011, did you say?

2 A I believe that's correct, yes.

3 Q And your title during that time is lecturer?

4 A Correct.

5 Q And your title during that time was not yet director?

6 A I was also director of the general chemistry lab.

7 Q I'm sorry. When did you first start as director?

8 A 2005, my appointment to the college.

9 Q You were director at that time, as well?

10 A Yes.

11 Q How many directors are there in the chemistry department?

12 A Two.

13 Q Who is the other one?

14 A Meena Rao.

15 Q Okay. In your first year, what courses did you teach?

16 A In the fall, I taught general chemistry. In the spring, I
17 taught general chemistry II.

18 Q How many sections of general chemistry did you teach in
19 the fall?

20 A I feel like it was two.

21 Q And in the spring?

22 A There is only one section of general chemistry II.

23 Q So what other courses did you teach besides general
24 chemistry?

25 A Those were my courses, my first year.

1 Q So you only taught three courses?

2 A Courses are counted differently in the sciences; but, yes.

3 Q How are they counted differently?

4 A It depends on how the department is negotiated with the
5 provost. For example, an instructor of record, in a
6 150-student lecture or lab course, that is their full teaching
7 load. It counts as two, or three, or whatever is appropriate.

8 Q Do you know Toby Holtz?

9 A I do.

10 Q Toby Holtz is a senior lecturer in chemistry?

11 A Correct. I believe she's retired now.

12 Q She started as a lab associate, did she not?

13 A That was long before my time.

14 Q But she did start as a lab associate, didn't she?

15 A I take your word for it. That sounds correct.

16 Q Now when you go in to teach or when you went in to teach
17 that general chemistry course initially, did you create a
18 syllabus in that course?

19 A No.

20 Q It was already created?

21 A It was already created.

22 Q How about the general chemistry II, did you create a
23 syllabus for that course?

24 A I did.

25 Q How did you begin that process?

1 A Sometimes, as much an art as a science, instruction of the
2 syllabus is a very interesting process. You know in those
3 early days, I started off with the basics and, you know, I had
4 not taught a college course before, so I leaned very heavily on
5 my department colleagues. What sorts of things do we put into
6 an administrative syllabus and where am I supposed to go? And,
7 in fact, I'm deeply indebted to my senior colleagues at the
8 time who helped shepherd me through that process and show me
9 all the things that need to be there for a variety of reasons,
10 but to start to show glimpses of what happens in the beyond, a
11 syllabus. And I thought that that was quite valuable. And so
12 we began with administrative things.

13 Q Can I stop you for a minute? I don't mean to interrupt
14 your answer and you certainly may continue, but I want to stay
15 with what you just described. I think, if I understand
16 correctly, what you're saying is you spoke to your colleagues
17 for advice, is that right?

18 A I think that that's accurate.

19 Q Did you do any reading or research to assist in
20 determining how to create the course?

21 A Certainly.

22 Q What kind of things did you read?

23 A There are all kinds of available resources that are out
24 there. This is part of the course. You --

25 Q I'm going to interrupt again for a moment to ask you to

1 try to focus on my question. So what did you, what did you
2 look at? What things did you look at?

3 A So I compared --

4 Q If you can be somewhat specific?

5 A I compared to similar syllabi, similar courses. We are
6 limited a bit in chemistry at Barnard because we have something
7 of an atypical introductory curriculum, so our course doesn't
8 match up with courses at other institutions. And so it is
9 still valuable to see what even dissimilar courses do in these
10 various topics that we want to cover. Then you move to the
11 literature and you start looking at the kinds of things that
12 people broadly speaking put in these introductory syllabi.

13 Q What kind of literature?

14 A Well, the chemical education literature.

15 Q And do you go to a library for any of this material?

16 A Most of this is available outside the library.

17 Q In the chemistry department?

18 A Yes.

19 Q But you do go to books in the chemistry department for
20 this purpose?

21 A Yes.

22 Q So you go to colleagues for advice. You go to books for
23 materials. Is that right? You go, you look at other syllabi.
24 Is that right?

25 A Yes.

1 Q Do you set a goal for what you want to accomplish in the
2 class?

3 A I think that's reasonable, yes.

4 Q What do you think about when you set that goal? What
5 kinds of things concern you?

6 A This is where we start to now move a little bit off the
7 syllabus, I suppose.

8 Q Well, I'm asking about the syllabus. When you create the
9 syllabus, do you think about how you can best convey to the
10 students the material that's contained in the syllabus?

11 A Only to some extent.

12 Q But you don't really care how it's conveyed to the
13 students? I don't understand that answer.

14 A I don't understand the question.

15 Q Okay. The question is you create a syllabus. Why do you
16 create a syllabus?

17 A We create a syllabus to give a listing of the
18 administrative meetings of the class and the expectation of
19 students.

20 Q How many times were you told by counsel to use the word
21 administrative?

22 A I don't understand the question.

23 MR. DiGIOVANNI: I'm going to object. You're crossing a
24 line here, Mr. Levy.

25 HEARING OFFICER BERGER: All right. I agree.

1 MR. LEVY: It's just a straightforward question.

2 HEARING OFFICER BERGER: It's argumentative. Please move
3 on.

4 MR. LEVY: It is argumentative. But it's also called for,
5 I think. But anyway, let's go ahead.

6 BY MR. LEVY:

7 Q How many students do you have in your class?

8 A Which class?

9 Q General chemistry I. And I'm talking about that period
10 when you were a lecturer.

11 A The period when I was a lecturer, the enrollment in
12 general chemistry varied, between 130 to 160.

13 Q And I'll go back to the original question. In terms of
14 creating the syllabus for the class, what were your pedagogical
15 concerns?

16 A In the early days, they were, as I mentioned earlier,
17 somewhat secondary. Later, they became primary and moved to
18 the bigger picture than just when does the class meet and what
19 is the textbook, and when are the exams, and what is the
20 grading scheme or the grading percentages.

21 Q So let me understand this. When you first taught the
22 course, you were only concerned about when it would meet, and
23 when you would grade, and the other things you just said a
24 moment ago. That's all you were concerned about when you
25 taught the first class?

1 A Certainly not. But in terms of putting them on a piece of
2 paper, they were of considerable importance.

3 Q I'm going to ask you again, what were your pedagogical
4 concerns when you first taught the course, even though you
5 declare that they were minimal?

6 A My pedagogy concerns when I first taught the course were
7 can I convey the information that I'm expected to convey on the
8 level that the department wants me to convey.

9 Q And what kind of considerations go into the answer to that
10 question, how you would convey to these students, these Barnard
11 students what you want to convey?

12 A That's a wonderful question.

13 Q Thank you.

14 A Could you repeat it?

15 Q I'll have it read back.

16 MR. LEVY: Can we have it read back?

17 HEARING OFFICER BERGER: Are you able to do that?

18 (Whereupon, the pending question was replayed.)

19 THE WITNESS: It's a question, I think, that we are
20 constantly pursuing the answer to. I think that knowing -- for
21 a student to be told that a particular chemical statement is
22 truth because we have to have them know that a chemical
23 statement is true because it's going to be asked on the exam,
24 which is some percentage of their grade, it is something that
25 is important and that's something as a teacher that I need to

1 make sure is made clear to the student.

2 What comes beyond that is the why I'm asking a question
3 and the how I'm asking the question. That becomes important.
4 So now we move into the pedagogical discussions. The student
5 is going to be told certain things are important. The student
6 is not going to be told on the syllabus why certain things are
7 important. They are not going to be told how I'm going to try
8 and convey it to them. They are simply going to be given an
9 outline or a general outline of the sorts of things that are
10 going to be happening broadly in the course.

11 BY MR. LEVY:

12 Q When you were preparing for your course, you said you
13 looked at other syllabi, and you read materials from books, and
14 you sought advice, how much time did you spend doing that?

15 A I'm sure it was quite a bit. That's a -- whatever was
16 necessary to require -- I mean to perform those teaching
17 duties.

18 Q Did you try to quantify that at all?

19 A I had no stopwatch on me at the time, so, you know, quite
20 a bit. But that's to be expected. That's what teaching is.

21 Q What is teaching?

22 A Putting in the time that's required to get the job, the
23 presentation done.

24 Q Are you still teaching the same courses that you taught in
25 the beginning?

1 A I have revolved around several courses, but I am still
2 teaching general chemistry.

3 Q Is that a course to first and second-year students?

4 A Primarily, almost exclusively.

5 Q Is it almost exclusively first-year students?

6 A No. Although, we're working to make it more so.

7 Q You do not teach the upper level chemistry classes?

8 A I teach several intermediate level chemistry courses.

9 Q Intermediate level. Every year?

10 A Every year.

11 Q And what courses are those?

12 A Quantitative analysis in instrumental methods lecture,
13 which is a new course that I developed this year; quantitative
14 analysis laboratory, which is the analytical course, laboratory
15 course in our curriculum, and is quite rigorous; intermediate
16 general chemistry, which is the terminal course in the
17 pre-health sequence.

18 Q How many courses do you teach a semester now?

19 A I have a three/three load.

20 Q So you're teaching more courses than you described was
21 your assignment originally?

22 A Again, it's complicated and because courses aren't counted
23 the same in the sciences. And so you can't directly compare,
24 you know, what the college has assigned teaching credit from
25 one to the other necessarily.

1 Q How many hours are each of the classes that you teach now?

2 A General chemistry is a five point course. Quantitative
3 analysis laboratory was formerly a five-point course, now it is
4 a three-point course. The quantitative lecture is a
5 three-point course. The intermediate general chemistry is a
6 three-point course.

7 Q Would three-point reflect three hours?

8 A Certainly common.

9 Q What is a three-point course?

10 A The three-point, I don't know what the college's
11 methodology is for assigning class meeting times to point value
12 for courses. That's taken up, I guess, by the departments, and
13 the provost, and the committee on instruction.

14 Q The general chemistry course, how many of those do you
15 teach a semester?

16 A Two of the sections.

17 Q Two sections, each semester?

18 A I believe that's right, occasionally more. It depends on
19 staffing issues and other things.

20 Q How often does that class meet?

21 A The lecture meets three days a week. The laboratory meets
22 five days a week.

23 Q Are you present for the lecture and the lab?

24 A I am present for the lab.

25 Q The lab?

1 A Yes.

2 Q Who does the lecture?

3 A It depends, but in recent years it has been Assistant
4 Professor John Magyar.

5 Q So you attend five days a week in the lab for that course?

6 A I am physically in the laboratory, the full laboratory
7 meeting time two days a week. I give all five laboratory
8 lectures a week, yes.

9 Q So there's a general lecture and then there are laboratory
10 lectures?

11 A Correct.

12 Q Is the lab broken down into smaller group of the students
13 who receive or listen to a lecture?

14 A Yes, that's correct.

15 Q How many students in the lab section?

16 A So each lab section will vary depending on the enrollment,
17 somewhere between 25 and 32.

18 Q And so you lecture to the lab section.

19 A Correct.

20 Q Does the lab associate ever lecture to the lab section?

21 A No.

22 Q And the two days that you are in the lab, how many hours
23 is that for?

24 A The laboratory, itself, meets for three hours.

25 Q Are you there for the full three hours?

1 A I am.

2 Q And that's twice a week, so that's six hours for each of
3 those classes?

4 A Correct.

5 Q Do you prepare for those lectures?

6 A I do.

7 Q How do you prepare for the lectures?

8 A You prepare for the lectures -- I don't know if I've
9 thought about it in this way, but many of them are rehearsed in
10 general chemistry because we have five sections. It's very
11 important that students have a similar experience across all
12 five. We believe very strongly in our department in that sort
13 of commonality of experience. And so it takes a very
14 well-rehearsed and well-prepared lecturer to be able to give
15 the same bad jokes five days in a row. So, you know, you have
16 to sit there in front of the slides and make sure that
17 everything that you have constructed in terms of the actual
18 things that you have to say about the laboratory are done. You
19 also have to make sure that you can deliver it fluidly and
20 consistently in the time frame that we have, which is quite
21 limited, because we have to get students into the laboratory.

22 Q Do you know how -- can you estimate about how much time
23 you spend preparing for each lecture?

24 A I couldn't do that, you know, whatever it takes to get the
25 job done.

1 Q Are we talking about an hour or two, are we talking about
2 three or four?

3 A I'm sure it's quite a few a week. I couldn't put --

4 Q What's the normal range you would say that in advance of
5 each lecture you prepare for that lecture?

6 A I have never really thought about it.

7 Q Well, I'm asking you to think about it now.

8 A I can only say quite a bit. It's certainly not 20
9 minutes.

10 Q As much time as the lecture, itself, takes?

11 A Certainly that much, almost certainly more. I've just
12 never codified it.

13 Q So in general chemistry, you described in a given semester
14 you have four sections in the lab representing the two classes.

15 A I'm sorry, there are five sections, in the lab section.

16 Q But you're only present at two.

17 A Correct.

18 Q For each of those sections.

19 A No. There are -- I think the confusion here is over the
20 word section. So we have -- there is one traditional section
21 of general chemistry. There is one BC2001X that 150 students
22 are enrolled in.

23 Q Right.

24 A Then our nomenclature is there are five lab, or six
25 sometimes, lab sections, of which I am physically in the lab

1 for at least two, sometimes three.

2 Q I see. But is that two or three for each of the general
3 chemistry sections or is there only one --

4 A This is the confusion. There is only one general
5 chemistry course.

6 Q Oh, so when you say you teach two --

7 A Two sections, I mean two laboratory sections.

8 Q Ah, thank you.

9 A You're quite welcome.

10 Q Okay. In addition to the two laboratory sections of
11 general chemistry, you teach some kind of a quant (sic) course?

12 A Correct.

13 Q What is that course?

14 A So quantitative analysis is the intermediate level,
15 students would argue very advanced level, jumping off point
16 into the chemistry major. And so this is a course for
17 chemistry and biochemistry majors, and the occasional chemistry
18 minor, getting them into our department. And so they begin a
19 very rigorous and in-depth study of analytical chemistry.

20 Q How often does that class meet?

21 A That class meets three days a week.

22 Q And I don't want to misuse the term, but do you teach one
23 section of that class? In other words --

24 A I, historically --

25 Q -- you meet three times a week regarding quantitative

1 analysis?

2 A Right. Quant is less confusing than gen-chem. Quant is a
3 lab only course. And there are -- there is no -- there is a
4 single pre-lab lecture which meets once a week. And then
5 students attend one of three lab sections, in the old days two
6 lab sections, but --

7 Q Do you give the pre-lab lecture?

8 A I do.

9 Q So let me see if I understand this right. Do you meet
10 once separately for the pre-lab lecture and then three times in
11 the lab?

12 A Correct. If there is a way to make it hard, chemistry
13 will do it.

14 Q How long does the lecture session last?

15 A Anywhere from an hour to an hour and a half.

16 Q How long do the lab sections last?

17 A Four hours.

18 Q Are you in the lab for those lab sections?

19 A I am.

20 Q So does that mean you're in the lab 12 hours for that
21 course?

22 A Until this year, that is correct.

23 Q Plus an hour and a half of lecture.

24 A Correct.

25 Q And do you have to prepare for that lecture the same way

1 that you -- I don't mean exactly the same content, of course,
2 but in the same way you described --

3 A Even more so.

4 Q -- preparing for the general chemistry lecture?

5 A Very much so and more.

6 Q And more.

7 A Yes.

8 Q So, again, I take it that you're saying that obviously
9 more time preparing for that lecture than giving it.

10 A Yes, I think that's fair.

11 Q By a multiple of something, like two or three?

12 A Again, I can't really quantify it.

13 Q Do you have to prepare at all for the lab sections?

14 A Yes. It depends on what you mean by prepare, you know,
15 preparation --

16 Q Well, tell me what you mean when you say yes.

17 A Preparation for a laboratory section has an additional
18 component that comes along beyond the chemistry. So in order
19 to deal with the chemistry the students are exploring, there is
20 preparation which I would say is somewhat akin to what you do
21 for the lecture. But because the lecture will tend to be
22 somewhat broader than the specific experiment that a student is
23 going to do, so, in that regard, there is going to be that
24 preparation for the actual content, the chemistry content.

25 But in a laboratory, you have a whole second set of

1 information, which is the actual physical manipulations that
2 take place in a laboratory. And you need a familiarity with
3 the equipment that you need and familiarity with the
4 instruments that you're going to be studying, which very much
5 can be a separate piece of the puzzle.

6 MR. LEVY: Can we take a five-minute break?

7 HEARING OFFICER BERGER: Sure. Let's go off the record.

8 (Recess from 10:50 a.m. to 10:59 a.m.)

9 HEARING OFFICER BERGER: Back on the record, please.

10 MR. LEVY: That wasn't a break to prep.

11 HEARING OFFICER BERGER: Okay.

12 MR. LEVY: That was Mother Nature.

13 HEARING OFFICER BERGER: I understand.

14 BY MR. LEVY:

15 Q You were describing some of your preparation for the lab
16 sections that you do.

17 A Yes.

18 Q And you started to describe that you have to know the
19 equipment being used.

20 A Correct.

21 Q Like what kind of equipment is used in these labs?

22 A So one of the purposes of this course is to introduce
23 students to equipment that they have not seen before, to start
24 to move into more research grade equipment, and equipment
25 that's expensive and that they don't have access to in an

1 introductory course. That allows them to probe much more
2 complicated issues in the class. And some of the equipment
3 that we use are larger instruments, can be a bit cantankerous,
4 and just getting them to work properly can be a challenge. And
5 then using them properly is key to the experiment.

6 And so obviously I have to have all of that under my belt
7 before I can work with the students. And also in my capacity
8 as lab director, I also have to make sure that it's functioning
9 properly.

10 Q Well, I'm trying to focus on your teaching role here and
11 your preparation you do to teach. So in your lab classes, in
12 connection with -- I think we're talking now about the quantum
13 analysis class, right?

14 A Yes, the quantitative analysis.

15 Q Quantitative analysis class. You were describing the
16 preparation you do to teach those three lab days.

17 A Correct.

18 Q And one of them is to reacquaint yourself or to check out
19 the equipment --

20 A Yes.

21 Q -- and work on it. What else? Do you prepare any notes
22 for presentation?

23 A Sometimes. It depends. Certainly, there is also a
24 demonstration in many cases that takes place in the laboratory
25 where the actual instruction part or the primary instruction

1 part in a laboratory beyond supervision takes place where you
2 are showing the students, insofar as we do in that course, what
3 buttons to push, I'll simply it for these purposes.

4 Q And how do you prepare for that?

5 A Well, you have to have an intimate understanding of the
6 workings of the instrument. You have to understand more than
7 just where is the on switch. You have to understand what the
8 instrument is doing in order to tie it into the rest of the
9 course; otherwise, it becomes a black box and it's just a
10 microwave.

11 Q Right. So just to be clear, what I'm trying to get at is
12 you actually have to spend time before the class preparing for
13 the presentation in that lab class.

14 A Yes.

15 Q And I want to be clear, is the time you spend preparing
16 for each of those three lab classes a week comparable to the
17 amount of time you spend in the class or not that much? The
18 class, itself, is -- did you say how many hours? The lab
19 section.

20 A The lab section is four hours.

21 Q So for each of those classes, you spend some time
22 preparing.

23 A Yes.

24 Q Could you try to quantify within a range how much time you
25 would spend preparing for each of those classes?

1 A Again, I'm not able to put numbers on it. But I think
2 it's fair to say that the preparation is comparable to that of
3 a lecture course.

4 Q So the quantitative analysis course --

5 A The lecture course now? It's confusing, because the
6 lecture and the lab have very similar names.

7 Q I'm still on the lab course.

8 A Okay, that's fine.

9 Q Do you do that both semesters?

10 A It's only offered in the spring.

11 Q Only in the spring. And so let's move to the quantitative
12 lecture course.

13 A Okay.

14 Q And you teach that course when?

15 A In the spring.

16 Q In the spring. So the lab and the lecture are both done
17 in the spring?

18 A Correct.

19 Q But they are different courses?

20 A Yes, they are.

21 Q So in the spring, that course requires how many sessions
22 per week?

23 A The lecture course meets three times a week.

24 Q How long are those lectures?

25 A One hour.

1 Q And what is the preparation time -- oh, I'm sorry, how
2 many students are in that lecture?

3 A This was the first year, so I don't have continuing
4 numbers; but, this year, the enrollment was 26.

5 Q What would you estimate the preparation time is for each
6 of those three sections per week that you lecture?

7 A Well, this year, it was enormous because it was the first
8 year of a new course. And so starting from nothing is
9 obviously going to be more challenging than starting from
10 something. And so I had to write all the lectures out by hand,
11 which just in and of itself is a very time-consuming process.

12 Q You don't use a computer?

13 A Both hands.

14 Q I ask as one who doesn't use a computer.

15 A No, and my predecessors didn't.

16 Q So did you spend three or four hours, would you say,
17 preparing for each of the lectures?

18 A I'm sure it was a tremendous amount. Again, I didn't time
19 it, but it was quite a bit.

20 Q Can you estimate at all? Again, even a range, if that's
21 more convenient?

22 A I can only speak in a relative sense that it took, you
23 know, for a new course, enormously more effort and time than it
24 would for a previously established course.

25 Q So in the spring semester, if I added up the time you

1 spent on these various courses that you've been involved in, I
2 gather than you spend 30 or 40 hours a week on teaching and
3 teaching related efforts?

4 A Broadly defined, that's possible.

5 Q What other courses have you taught?

6 A I've taught -- in addition to the ones that we've named
7 here?

8 Q Yes.

9 A I've taught fundamentals of chemistry.

10 Q Others?

11 A That might be all.

12 Q And when did you teach fundamentals of chemistry?

13 A I taught it for several years, between -- I would have to
14 look at my vitae to be sure, but I taught it for five years in
15 the middle of my time at Barnard, somewhere roughly in the
16 middle.

17 Q What was that -- how often did that course meet?

18 A The course met three times a week.

19 Q For how long?

20 A One hour.

21 Q And did you teach it both semesters, fall and spring?

22 A At the time, it was only offered in the spring.

23 Q Would you say of that course that, as with the others
24 you've described, each presentation, each day of class required
25 a similar or greater amount of time in preparation?

1 A I would say it required somewhat less than a course like
2 quantitative analysis. But, yes, preparation was required.

3 Q Do you have adjuncts in the department? Did we ask you
4 that before?

5 A You asked that, yes. We have one, I believe, this year.
6 We might have more. Again, I don't have the department
7 employment records in front of me. But we certainly had one.

8 Q Who was the one?

9 A Suzanne Charnick.

10 Q What was Suzanne Charnick's position?

11 A I don't know what her official title was.

12 Q Did she teach?

13 A Yes.

14 Q What did she teach?

15 A In the fall, she taught in the general chemistry
16 laboratory. In the spring, she taught intermediate in general
17 chemistry, and one section of quant, in the laboratory.

18 Q Was her title lab associate, do you know?

19 A I don't know. Again, this goes to the laissez faire in
20 the fall semester. She was referred to as a lab associate
21 internally when she worked in the general chemistry laboratory
22 because that's what we refer to all of the non-full-time people
23 who are working in the laboratory. But I don't know what her
24 college title was.

25 Q So when she taught a section of -- that was quantitative

1 analysis?

2 A Correct.

3 Q That was the same course that you were teaching?

4 A Yes.

5 Q When she taught intermediate general chemistry, is that a
6 course you've taught, also?

7 A I have.

8 Q Was she teaching the same course that you were teaching in
9 that sense?

10 A Yes. She followed me directly.

11 Q Were there other part-time -- was Craig Allen a
12 part-timer?

13 A Yes.

14 Q Does he teach any of these sections?

15 A No.

16 Q What does he do?

17 A In the spring semester, he works in the organic laboratory
18 as a lab associate.

19 Q He only works in the spring semester?

20 A In the fall semester, he is a lab associate in the
21 intermediate organic lab and usually that was his full
22 assignment. This year, he wanted to experience gen-chem, so I
23 allowed him to have one of the sections and to be one of the
24 lab associates in one of the sections of general chemistry.

25 Q So when he was the associate in -- by the way, does he

1 have a PhD?

2 A Yes, I believe so.

3 Q When he was the associate in the gen chemistry lab, was he
4 doing the same work that you do in the gen chemistry lab?

5 A In terms of being physically in the room, yes.

6 Q Well, in terms of instructing the students?

7 A Yes.

8 Q And to the best of your knowledge, what he did in the
9 intermediate organic lab, he was instructing students in there,
10 in the same way that you and he instruct students in the
11 general --

12 A I wasn't in that class, but I would assume that his -- you
13 would have to speak to the director of the organic lab to
14 confirm what his roles and responsibilities were in there. I
15 can only speak to what I can compare to in gen-chem.

16 Q You would assume that it was similar, though?

17 A I would not be surprised if it was the same.

18 Q Have there been other part-timers there that you can
19 recall?

20 A Can you be more specific in which?

21 Q In chemistry.

22 A In the department?

23 Q Well, in the department, who you know and knew what they
24 were doing.

25 A We've had a few over the years as lab associates. But,

1 again, I don't -- other than the ones who are lab associates in
2 general chemistry, I don't really follow the --

3 Q Well, who are the other -- I'm sorry.

4 A -- rest of the department.

5 Q Who else in general chemistry?

6 A We had Grace Lee, who was an associate for several years.
7 We've had Frances Feerst, you know, going way back. We've had
8 several others whose names I don't recall from early in my --

9 Q And Grace Lee, what did she teach?

10 A She was a lab associate in general chemistry.

11 Q Did she teach sections of general chemistry?

12 A Yes. She was in the lab for several afternoons a week.

13 Q What she did in the lab was the same kind of work that you
14 do in the lab?

15 A Correct.

16 Q And how many years was Grace Lee there?

17 A I don't recall. Several.

18 Q When did she leave?

19 A She left this year, was her last year.

20 Q Did she retire?

21 A No.

22 Q Do you know why she left?

23 A Because the position no longer exists.

24 Q Is there a -- can you tell us why the position doesn't
25 exist?

1 A Yes, because we have reorganized how we staff our
2 introductory courses. And over a multiyear process of
3 negotiation with the college, we have created several new
4 positions that are going to be handling the bulk of that load.

5 Q Are those going to be full-time, as opposed to part-time
6 positions?

7 A They are full-time positions.

8 Q So you're phasing out some of the part-time positions in
9 favor --

10 A That is correct.

11 Q -- of full-time positions? Try to let me finish the
12 question or they won't be able to pick it up on the record. So
13 let me ask it again. They're phasing out some of the part-time
14 positions in favor of full-time positions in some of these
15 courses?

16 A Correct.

17 Q Do you know if any of the part-time lab associates are
18 going to be filling any of the full-time positions?

19 A I do know, yes. Grace has been hired as one of the
20 full-timers.

21 Q And do you know what her title will be? Is it still lab
22 associate? Is it --

23 A It is.

24 Q -- full-time lab associate or will she become a lecturer
25 or something --

1 A She is not a lecturer. It is a --

2 Q And associate?

3 A -- new position. I don't remember exactly what it's
4 called.

5 Q Do you know what she will be teaching?

6 A It will be basically some of the same instructional duties
7 with an expanded service role in the department.

8 Q Do you know how many classes she'll be teaching?

9 A I don't remember.

10 (Pause.)

11 MR. LEVY: I'm sorry, but the problem with writing and
12 questioning at the same time sometimes confuses the questioner.
13 That would be me.

14 BY MR. LEVY:

15 Q Did you just testify about Ben Bostick? Did you say
16 something about Ben Bostick?

17 A I did.

18 Q What was it that you said?

19 A I had said, when you were asking about adjuncts in the
20 program, and I was trying to figure out when we were talking
21 about. I said that I believe that he had been hired to be an
22 adjunct for the upcoming year.

23 Q This coming year?

24 A Yes, '15-16.

25 Q Was it your recollection that this is his first year?

1 A I thought that that was true, but it may or may not be.
2 Again, I don't hire people into those positions.

3 Q And he's going to be teaching which course again?

4 A I don't know his full assignment. I believe that he is
5 going to be in one section of general chemistry laboratory and
6 that's the extent of what I know. And I believe teaching the
7 quantum chemistry course in the fall, which is not my course.
8 But that's all I know.

9 Q What is the quantum chemistry course?

10 A So quantum mechanics.

11 Q Is that a first-year course?

12 A No. This is senior level.

13 Q When you say senior level, what is senior level?

14 A Not introductory.

15 Q So all levels above introductory get categorized as senior
16 level?

17 A We tend to categorize them in three ways, I guess, you
18 know, introductory, intermediate or majors courses, and then
19 the terminal courses, the senior courses that generally
20 students take once they have a sufficient body of knowledge to
21 be able to approach them.

22 Q You're teaching intermediate courses?

23 A I am.

24 Q But not senior courses?

25 A No.

1 Q But Ben Bostick, to the best of your knowledge, is going
2 to be teaching a senior level class?

3 A That's correct.

4 Q As an adjunct?

5 A That's correct.

6 Q Do you know what his title will be as an adjunct?

7 A I do not know what his title is.

8 Q I may have asked you this, but how long has Craig Allen
9 been in the department, as best you can recall?

10 A Several years. I don't recall.

11 Q Like 5 or 10?

12 A Not 10, but 5 at least sounds right.

13 Q Has he always been part-time?

14 A Yes.

15 Q Do you know if he teaches elsewhere?

16 A I do not know.

17 Q As director of the chemistry lab, do you assign tasks to
18 other individuals, other instructors, or lab associates, or
19 teachers?

20 A Yes.

21 Q And to which of those categories do you assign tasks?

22 A I assign grading assignments and, in the beginning of the
23 semester, scheduling.

24 Q Grading and scheduling. Anything else?

25 A I'm sure there is, but those are the --

1 Q Do you select what classes they teach?

2 A I select what sections they're in. I try to consult with
3 them. It's, you know, I'd like to think an iterative process,
4 but, yes, I assign them to their sections.

5 Q And you described your role in hiring at least with
6 respect to the lab associates, do you have a role in hiring any
7 other level of faculty?

8 A I have participated in every search our department has
9 had.

10 Q Have you ever been involved in terminating an employee?

11 A There have been certainly --

12 Q Or not renewing?

13 A Not renewing, yes. We have not had, in my time at
14 Barnard, a terminated employee that I can think of in our
15 department.

16 Q And in the not renewing situation, what was your role?

17 A My role was, as I said before, in consultation with the
18 chair, so in recommendation. I, when approached by the chair
19 as for my evaluations of the associates, we had a contraction
20 in the number of sections we were going to be offering and so
21 we didn't need as many associates the following year. And so
22 the question was, you know, which of those interested in
23 returning would we consider. And so I had a say in how that
24 decision was made.

25 Q Do you know if others had a say?

1 A Perhaps. Not to my knowledge.

2 Q Was your recommendation followed?

3 A It was.

4 Q Are you involved in every search in your department?

5 A I have been involved in every search in the --

6 Q Including tenured --

7 A Including tenured.

8 Q -- positions? Is your involvement a function of your
9 being a director or being a lecturer, would you say?

10 A My involvement in?

11 Q In searches, in hiring decisions.

12 A My involvement in searches is very much a part of my being
13 a senior lecturer. My involvement in employment cases as they
14 pertain to the laboratory is a subset of my responsibilities as
15 the lab director.

16 Q I think we've seen documents here or heard testimony that
17 full-timers who are not on the tenure track cannot be on
18 committees to select those who are on a tenure track. Is that
19 right?

20 A I don't know if that's accurate or not. I know that the
21 way it was explained to me by my department chair is that I can
22 serve on any committee in the department that I so wish. It is
23 true that for tenure line cases, my vote is advisory. I
24 believe it's not binding in tenure line cases. But cases of my
25 rank and below, my vote is valid.

1 MR. LEVY: I think I'll take a break now to see if we have
2 further questions.

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

4 (Recess from 11:26 a.m. to 11:39 a.m.)

5 HEARING OFFICER BERGER: Let's go back on the record.

6 Quiet down. We're on the record again, please.

7 BY MR. LEVY:

8 Q Is there someone in the department by the name it looks
9 like, Jean, Jean Vadakkan.

10 A That's correct.

11 Q What is her position?

12 A She was just promoted to senior lecturer, I believe.

13 Q What was she before?

14 A Lecturer.

15 Q Was she part-time, at one point?

16 A I'm not sure.

17 Q How long has she been there that you recall, do you know?

18 A I'm not exactly sure. Several years.

19 Q Isn't it a fact that she, in her first year, was a
20 part-time lab instructor?

21 A It very well could be.

22 Q I'm sorry. Her position again is what currently, senior
23 lecturer?

24 A I believe that she is a senior lecturer, as of this
25 semester.

1 Q She was a lab associate at one point?

2 MR. DiGIOVANNI: Objection, asked and answered three
3 times.

4 MR. LEVY: No, I asked about part-time before.

5 HEARING OFFICER BERGER: Overruled.

6 MR. LEVY: I'm asking now whether she was a lab associate.

7 THE WITNESS: Again, she did serve as a lab associate,
8 yes. I'm not sure what her title was at the time, her rank.

9 BY MR. LEVY:

10 Q Just so I understand, at the time that she was serving as
11 a lab associate, you're saying she may have had the title of
12 lecturer, but you're not sure?

13 A I'm saying she may have had a part-time designation at
14 some point during the time that she has been working in the
15 courses that I'm assigned to.

16 Q I'm trying to separate two different questions. One is
17 about part-time and one is about title, her classification at
18 the college.

19 A Right. We don't classify the people who are working, and
20 I addressed this earlier, in the laboratory in as rigorous a
21 way as the college assigns ranks. So we -- when I say that she
22 was in the laboratory, I was confirming that, yes, she has
23 worked with me in general chemistry as Person of Interest #2,
24 in charge of instruction of students.

25 Q Number 2 meaning what we would sometimes call a lab

1 associate? Is that what you mean by that?

2 A Yes. But we've just tossed a lot of names around.

3 Q Right.

4 A Yes. It is possible that she could have been a lab
5 associate who was a part-timer, at the time.

6 MR. LEVY: Can we ask that the college provide any record
7 that would indicate if she was a part-timer, at any time? Our
8 interview notes indicate that she was. I would like to verify
9 it.

10 HEARING OFFICER BERGER: Okay.

11 THE WITNESS: And I'm not denying it. I just -- I don't
12 know.

13 HEARING OFFICER BERGER: I would think that information
14 would be readily available in her personnel file.

15 MS. MUNOZ: Also, are we going to revisit the stipulation
16 about the lab associates being included in the unit?

17 HEARING OFFICER BERGER: We can certainly do that again,
18 yes.

19 MS. MUNOZ: Thank you.

20 HEARING OFFICER BERGER: Not now, but --

21 MS. MUNOZ: No, I understand.

22 HEARING OFFICER BERGER: And just so the record is clear,
23 that's a proposed stipulation, at this point, and hasn't been
24 finalized.

25 MR. LEVY: Just to clarify my request, I think it would be

1 useful to know each of the titles, university titles that this
2 individual, Jean Vadakkan, has had at the university.

3 MS. MUNOZ: At the college.

4 MR. LEVY: At the college, thank you.

5 BY MR. LEVY:

6 Q Do you know someone in the chemistry department named, I
7 probably won't get the pronunciation right, Suqing Liu?

8 A I do.

9 Q What is Suqing Liu's position?

10 A I am not sure of her official title. She is on an
11 administrative line.

12 Q Does she teach?

13 A She is not the instructor of record, I don't believe, in
14 those courses that she's assigned.

15 Q What would her role be in a course if she's --

16 A She's a support role.

17 Q What is a support role?

18 A She is an administrator who formally doesn't have student
19 contact responsibilities.

20 Q I see. You don't know what her classification would be?

21 A I believe it is administrative, not faculty.

22 Q How about Jennifer Haghpanah?

23 A I've never worked with her.

24 Q Do you know who she is?

25 A I'm vaguely aware that she has responsibilities in the

1 organic lab.

2 Q Teaching responsibilities?

3 A I assume, yes.

4 Q Do you know if she held a part-time position, at one time?

5 A I know really nothing about her.

6 MR. LEVY: I would ask for the same information from the
7 college with respect to Jennifer Haghpanah, whether she was a
8 part-timer who became a full-timer and what the record of her
9 employment is in that regard.

10 HEARING OFFICER BERGER: Okay.

11 MS. MUNOZ: What is her last name? Sorry.

12 MR. LEVY: It's spelled H-A-G-H-P-A-N-A-H.

13 MS. MUNOZ: Thank you.

14 MR. LEVY: And I have no further questions.

15 HEARING OFFICER BERGER: Any redirect?

16 MS. MUNOZ: A few.

17 REDIRECT EXAMINATION

18 BY MS. MUNOZ:

19 Q So after your initial year in 2006, did you ever discuss
20 with your chair when your next review would be?

21 A No, I don't believe so.

22 Q Did you ever discuss with your chair the length of your
23 appointment?

24 A No.

25 Q And you testified as well that in some years you had

1 adjuncts in the department and some years you did not.

2 A That's probably true, yes.

3 Q Do you know why?

4 A I think primarily it would be, were I to hazard a guess,
5 for staffing issues.

6 MR. LEVY: I object. I think we shouldn't guess. We're
7 trying to make a factual record here.

8 HEARING OFFICER BERGER: Okay. Well, then the question
9 was do you know why. That's the extent to which he knows, I
10 suppose.

11 BY MS. MUNOZ:

12 Q And you have taught continuously in the chemistry
13 department since you began at Barnard?

14 A That's correct.

15 Q You were asked extensively about developing a syllabus on
16 cross-examination. Have you ever developed a new syllabi?

17 A I have.

18 Q Do you know how many?

19 A I have developed a new syllabus for quantitative analysis
20 lecture. I developed the new syllabus for the quantitative
21 analysis laboratory. Indeed, there was no syllabus for the
22 quantitative analysis laboratory as such. And I have developed
23 a syllabus for a general chemistry I laboratory, and for
24 fundamental. So every class that I've taught, fundamentals as
25 well.

1 Q Do you know if anyone else uses your syllabi?

2 A Certainly, my syllabi are available, and usually
3 requested, and freely given if anyone follows me in a course.
4 This is a very collegial thing to do in our department and we
5 share these things with someone who is going to come along
6 behind you.

7 Q Has anyone ever requested one of your syllabi?

8 A Yes.

9 Q Do you know who that was?

10 A I have received requests from, off the top of my head, the
11 spring semester, the instructor in intermediate general
12 chemistry, Suzanne Charnick, requested my syllabus and other
13 materials pertaining to the course.

14 Q Anyone else?

15 A In general chemistry II, a similar situation. I forwarded
16 my information on and I cannot remember who followed me in that
17 course, to whomever followed me and I just can't recall, at the
18 time. And then in fundamentals, I forwarded the materials
19 forward to Mary Sever, I believe, who followed me in that
20 course. And general chemistry, I still control, so I guess I
21 hand it to myself.

22 Q Do you know what rank Mary Sever is?

23 A She is assistant professor of chemistry.

24 Q You testified that both the development of the syllabus
25 and the development of the curriculum involved pedagogical

1 concerns. Are those the same concerns?

2 A I think that they're a part of the same discussion, but
3 I'm not so sure they're the same concerns. You know we talked
4 about what is in a syllabus in terms of the checklist, the list
5 of things about the course. If we were to do a reduction of
6 this course down to one type sheet of paper, these are the
7 policies of the course, these are the rules of the course, and
8 so forth and so on, the development of what content is going to
9 and why content is going to end up on the syllabus I think is
10 pedagogy.

11 And also pedagogy is not teaching alone. Teaching is part
12 of pedagogy, but it's not all of pedagogy. There is a huge
13 amount of discussion that takes place outside of the classroom
14 that goes into these sorts of discussions, of which teaching is
15 the end point, but the theory behind what it is that you're
16 going to teach is a very big part of the discussion. And I
17 think that that's an important distinction.

18 Q Along the same lines, you testified you developed a new
19 course.

20 A That's correct.

21 Q And that course was called lecture?

22 A The course I -- yes, it was quantitative analysis lecture.

23 Q And what was the process to develop that course?

24 A So, long. When we reviewed our department curriculum, a
25 point of particular concern to me as we were moving along is

1 students were being exposed, young students, new majors in the
2 department were being asked to take a leap from an introductory
3 level course, which were all rigorous but still introductory,
4 to come into the major and take a laboratory course which was
5 incredibly high level.

6 The course, at the time, was taught by our most senior
7 scholars. They had put this course together to be brutal to
8 these young students. And it was a course they were taking at
9 the same time as many of their other cognate requirements.

10 Chemistry requires quite a bit of the major of other
11 disciplines for students. So students were taking an enormous
12 course load. They were dealing with very high level material
13 and they were dealing with his material in an exhaustive lab
14 setting, where they were in the lab all the time. And they
15 only had a single hour of free laboratory discussion to support
16 them. And then outside of that prelab discussion and our
17 extensive office hours system, that was all they had.

18 It was incredibly challenging for these students. And I
19 saw a serious hole in our curriculum that these students needed
20 to be supported by. And so one of the things that I wove into
21 the new curriculum with the department was this new course
22 which was going to be a complementary course that addressed not
23 just some of these issues, but also gave the students kind of a
24 launching pad into the department where they could be told
25 these are some of the things that chemistry majors need

1 to know.

2 And so this is not a course that has a lot of equals that
3 I found. One of the first things that I found is every program
4 has an analytical lecture course. Not every program has a
5 course that satisfies as many things that we think this or I
6 hope this course satisfies for our new majors, which is to say
7 here is some material to help support you in the classroom, in
8 the laboratory. Here is some material that is going to serve
9 you when you go forward into some of your upper level classes.
10 And here is some material that's important because it's just
11 important and you haven't gotten to it yet.

12 And so crafting this sort of class is not a cookie-cutter
13 course. When you start putting things on paper and saying, oh,
14 you know, an analytical course, they need Chapter 1, Chapter 2,
15 Chapter 3, Chapter 4, and here is the analytical textbook, and
16 we're all done. But that would not have worked for us. That
17 would not have solved all the broader problems that we saw in
18 the curriculum and it would not have steered the students
19 towards the areas that then we could teach them more
20 effectively.

21 Q Going back to the syllabi, do you know if a new syllabus
22 is created each time a course is taught?

23 A I don't know that.

24 Q Is creating a syllabus part of teaching?

25 A I think that drafting a syllabus is part of teaching, yes.

1 Q Is preparation outside of class a part of teaching?

2 A I think preparation outside of class is part of teaching.

3 Q Have you taught any other courses than those you've named
4 so far, do you recall?

5 A Yes, I did. Early in my career, I taught a senior seminar
6 course.

7 HEARING OFFICER BERGER: This was at Barnard?

8 THE WITNESS: This was at Barnard College.

9 BY MS. MUNOZ:

10 Q What was the senior seminar?

11 A The senior seminar course? So I apologize for neglecting
12 it, earlier. It's not offered anymore, so it slipped my mind.
13 So students at Barnard are required to have a capstone
14 experience independent of what the department -- every
15 department defines the capstone experience differently, but a
16 senior thing. And in the department of chemistry, at the time,
17 had two ways essentially satisfying the senior requirement, one
18 was through research. And then for students -- three ways, so
19 one was through guided research with faculty, one was through
20 thesis research with faculty, and then for students who were
21 unwilling or unable to do either of those options, there was
22 option Number 3, which was senior seminar.

23 The senior seminar was a lecture course in which basically
24 we summarized the chemistry major experience. We did a lot of
25 preparative skills type things. We talked a lot about resume

1 building. We talked a lot about job interviews. We talked a
2 lot about bringing the chemistry knowledge that you have into
3 the workforce, and into the society, and your role as
4 scientists now in broader society. So we worked -- students
5 had to do presentations, the literature. Students had to show
6 a familiarity with literature, and they had several projects
7 over the time. So I taught that as well.

8 Q So in addition to the time, I believe you kept referring
9 to as quite a bit, but you spent teaching or preparing to
10 teach, were you also engaged in service?

11 A I was.

12 Q I'm going to ask a very tricky question. Do you know
13 approximately how much time you spent performing service?

14 A I suppose for consistency's sake, I should say quite a
15 bit. And I should also say that certainly the amount of
16 service that I've been called on to do has increased quite a
17 bit in the last couple of years.

18 Q In addition to the time you've spent teaching and
19 performing service, have you also been required to perform
20 scholarship?

21 A I have. And as I said quite previous, the scholarship
22 that I do now manifests itself primarily in the production of
23 our in-house materials. That's not the end of the road. It is
24 our hope and expectation that several of the new experiments
25 that we have constructed and several of the new courses that we

1 put in are in fact going to be published. That's something
2 that's very much on my radar and the department is very eager
3 to have happen, and I'm sure the college will approve of a
4 great deal. So, for the moment, those publications are
5 in-house publications, but no article because those continue.
6 And certainly I feel the expectation that such things is to
7 happen is brief.

8 Q The teaching services scholarship you've been performing,
9 you've also been performing your duties as a director?

10 A Correct.

11 Q Related to that, you were asked about Craig Allen and
12 teaching general chem. I believe you testified specifically
13 that you allowed -- he wanted -- you allowed him to experience
14 general chemistry. What did you mean by that?

15 A What I mean is that, you know, as I said before, I have
16 considerable control over the part-time associates that we
17 place in the laboratories and my opinion goes a very long way.
18 Again, the chair formally hires our associates, but upon my
19 recommendation. And I was approached by Dr. Allen, who
20 expressed an interest in teaching one of the sections. It
21 happened to coincide with a year that we had a vacancy
22 available. And I saw no reason, especially because this was a
23 special request from someone who had worked in our department
24 for several years, I was happy to accommodate him. And so he
25 joined us last fall as a laboratory associate.

1 MS. MUNOZ: That's it. Thank you.

2 HEARING OFFICER BERGER: Any further cross-examination?

3 RECROSS-EXAMINATION

4 BY MR. LEVY:

5 Q I didn't understand the last thing you said. You say he
6 joined as a laboratory associate. Hadn't he been a laboratory
7 associate previously?

8 A He had, but not for me, in general chemistry.

9 Q Oh, he had been a laboratory, a part-time laboratory
10 associate in --

11 A In other courses.

12 Q In other courses.

13 A But not any that I supervised.

14 Q So the change was that he added your course to other
15 courses he was teaching?

16 A Yes, I believe that's correct. Substituted for would
17 perhaps be more accurate.

18 Q Did he stop teaching the other courses?

19 A It was an exchange. So he did one section less in
20 whatever his organic assignment was in return for one section
21 of general chemistry.

22 Q The senior seminar course is no longer given?

23 A It no longer exists.

24 Q When did it stop?

25 A Formally, it stopped when we adopted the new department

1 curriculum last year. Informally, I don't remember the last --
2 I mean it may have been taught since I did, but -- I think it
3 may have been offered once. It was inconsistently offered and
4 had a quite small enrollment.

5 Q The last time you taught it?

6 A 2006.

7 Q That was the year you were hired.

8 A Yes, the spring of the year I was hired. It might have
9 been 2007. It was a spring course.

10 Q How many students were in that class when you taught it?

11 A I believe it was three.

12 MR. LEVY: I have no further questions.

13 HEARING OFFICER BERGER: Okay. Thank you, you are
14 excused.

15 THE WITNESS: Thank you very much.

16 HEARING OFFICER BERGER: Thank you.

17 (Witness excused.)

18 HEARING OFFICER BERGER: Do you have an additional
19 witness, Ms. Munoz?

20 MS. MUNOZ: We do. Can we have a break in that we got
21 some of the documents ready as exhibits, but we need to go --
22 Jen has them and she's preparing them, so time --

23 HEARING OFFICER BERGER: Okay, go off the record.

24 (Recess from 12:01 p.m. to 1:54 p.m.)

25

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

(Time Noted: 1:54 p.m.)

HEARING OFFICER BERGER: On the record.

During the break, the counsel for the college provided the Petitioner with various documents that had been subpoenaed. Petitioner is seeking to have those identified now. The college, it's my understanding, does not object to their authenticity and is willing to represent that these documents are what they say they are. Is that correct?

MS. MUNOZ: Yes.

HEARING OFFICER BERGER: So Union Exhibit 5 is principles and customs governing university-wide tenure reviews for Barnard College. Exhibit 6 is two pages of names and corresponding appointment letter numbers. And then Exhibit 7 are the appointment letters.

(Petitioner's P-5 to P-7 identified.)

HEARING OFFICER BERGER: Is there any objection from the college to Union Exhibit 5?

MS. MUNOZ: No objection.

HEARING OFFICER BERGER: So 5 is received.

(Petitioner's P-5 received.)

HEARING OFFICER BERGER: And is there any objection, let's skip ahead actually to Union Exhibit 7?

MR. DiGIOVANNI: Yes, the college does object to the submitting of those documents. It was represented to the

1 college at the beginning if this hearing that these were going
2 to be used to potentially get to a stipulation. That has since
3 been changed. The college objects from the premise that these
4 are being presented without any context and that the folks or
5 the faculty members who received these letters have not been
6 able to come in and testify to sort of not only what these
7 letters say, but the enormity of the rest of their duties that
8 they perform at the college, both in-service, scholarship, and
9 others that some of the full-timers that have already had the
10 opportunity to testify.

11 And to the extent that -- the college would like to
12 reserve its right either to call these folks or to present an
13 offer of proof from some of these folks explaining not only
14 what these letters were in context, but also what else they do
15 at the college, their duties, responsibilities, and everything
16 else that the full-time faculty have already testified and
17 provided to the region.

18 HEARING OFFICER BERGER: So I feel that the letters in
19 Union's Exhibit 7 are relevant and so I will receive them. I
20 understand your concerns about context. I do feel that the
21 record has been developed quite a bit on the meaning between a
22 full-time faculty member's duties at the college and the
23 appointment and promotion letters that are becoming part of the
24 record.

25 However, I understand your concern and so to the extent

1 that there are additional witnesses you would like to present,
2 I am willing to allow that depending on the number. It may be
3 that we ask for an offer of proof and go from there, but I am
4 not precluding the possibility that the college can present
5 additional witnesses in response and to provide additional
6 context, if need be.

7 But I am receiving Union 7.

8 (Petitioner's P-7 received.)

9 HEARING OFFICER BERGER: And then Union 6, does the
10 college have objections to that?

11 MR. DiGIOVANNI: Yes, we do. We object on the basis of
12 confidentiality. As we said, we don't think it's relevant that
13 these names be submitted with the list, the actual appointment
14 letters. The Union has made clear to us off the record that
15 they are presenting these for the purpose of showing that
16 certain faculty members have gone from one classification to
17 another. We don't think there is any relevance in providing
18 the names and for breaching the confidentiality of the full-
19 time faculty members.

20 Again, there's numerous -- there is a lot of them that
21 haven't been able to come and testify, and they haven't been
22 able to make that decision. These letters are pulled from
23 personnel files. And to the extent that the Union wants to
24 provide their names on the record, we don't see any relevance
25 to that or one that would outweigh confidentiality protection

1 of all these full-time faculty members.

2 HEARING OFFICER BERGER: Can you be more precise about
3 what it is that -- your confidentiality concern?

4 MR. DiGIOVANNI: Well, I think in some of these letters,
5 they discuss performance. I think a lot of these professors
6 are lecturers and POPPs wouldn't want that on the record,
7 whether good or bad, because that's private information,
8 confidential information that's put into their personnel files.

9 Again, it's the college's position that the Union needs to
10 present a justification as to why the names need to be
11 presented as well as the letters. If the letters are going to
12 be received by the Board, the Union hasn't presented any reason
13 why the names need to be as well.

14 HEARING OFFICER BERGER: Well, I think that they have.
15 Counsel for Petitioner has suggested that there are some names
16 in these letters that overlap in certain ways with
17 Attachment B, which is part of Board's Exhibit 2, which is the
18 Employer's position statement in that people's, it's my
19 understanding, the position is that there are people listed in
20 that attachment under certain classification who, in one of
21 these letters, are under a different classification. And,
22 therefore, there is some evidence of interchange between the
23 various classifications that the college is asserting don't
24 share a community of interest.

25 MR. DiGIOVANNI: Well, I think our problem is, is that

1 that goes back to the context situation. If there is
2 additional information, I think the fact that the Union is
3 allowed now to just present these letters, which clearly there
4 is more to the story than that, that sort of cuts against their
5 argument that they are relevant here.

6 The fact that there are names there that are attaching
7 both performance and other benefits, or the salaries aren't in
8 there, but benefits, whether they get them from the college or
9 not, how they perform at the college, I don't see how that goes
10 to the community of interest argument one way or the other,
11 either from our side or for the Union's.

12 And if there are questions about specific persons, I don't
13 think just having their name there is going to do any -- going
14 to add any additional information to the regional director. I
15 think that goes to our context argument that these without any
16 context are going to confuse the issue rather than help it.

17 HEARING OFFICER BERGER: I absolutely think that any
18 overlap of names here between these letters and Attachment B in
19 Board's Exhibit 2, and any difference in those titles is
20 certainly relevant and should be considered by the regional
21 director in writing the decision. We have talked I think
22 somewhat extensively about why that is relevant. And it has
23 been relied on by other regional directors when writing
24 decisions in this context when deciding whether part-time and
25 full-time faculty share a community of interest. That was

1 certainly taken into consideration. So I think relevance has
2 certainly been shown and the significance of that has been
3 shown and articulated.

4 But I appreciate what you're saying about context. And
5 this is why I'm saying I think it would be helpful. So what
6 I'm going to do with Union Exhibit 6, at this point, is place
7 it -- I'm not going to receive it. It has been identified. We
8 will put it in a rejected exhibit file for now. But I would
9 like in the coming days for that analysis to be done of where
10 there is overlap and for that to be pointed out on the record,
11 and for those names to be given on the record.

12 At that point, if the Employer would like to bring those
13 people in or bring in other evidence to provide what you
14 consider to be necessary context, you're certainly welcome to
15 do that.

16 MR. LEVINE: So if I may on the record?

17 HEARING OFFICER BERGER: Yes.

18 MR. LEVINE: I'd like to make a couple of points to the
19 extent that the regional director will view this record
20 ultimately in making a determination on the admissibility of
21 Union Exhibit 6.

22 As an initial matter, obviously, the names on Union
23 Exhibit 6 are names that the Union is aware of that were
24 produced in Exhibit B and Exhibit D, in connection with the
25 Employer's position statement. In addition, while we

1 appreciate their doing so, I want to call attention to the fact
2 that this list, the index, was produced to the Union without
3 any prior stipulation concerning confidentiality so that the
4 Union could, in fact, review and analyze the appointment
5 letters or at least that was our presumption, as in fact we
6 have now done to some extent.

7 That said, the Union certainly has no intention of
8 publishing these documents. Some of these specific concerns
9 raised by the Employer, these letters may state whether people
10 are entitled to benefits or not. There is, frankly, evidence
11 on the record that says full-timers are entitled to benefits.
12 I'm not sure what confidentiality is breached there. And the
13 Union has no intention, frankly, of arguing from the fact that
14 these people got good evaluations. We don't find that to be
15 particularly relevant.

16 However, to cite a few examples, and only a few examples
17 of issues that do arise or have arisen and which require the
18 use of Union 6 for the region to consider them, I will point
19 out the following.

20 First of all, while 45 sets of appointment letters were
21 produced to the Union, there is not a complete overlap of the
22 45 names in the relevant ranks which have been called reviewed
23 and renewable, namely associate, senior associate, lecturer,
24 senior lecturers, and POPPs that were requested and which we
25 thought was the intention to produce. Specifically, 43 of

1 those names have been produced. Two additional sets of
2 documents were produced, one from a postdoc and another from
3 somebody who was not on the list at all, whose appointment
4 letter identifies them as an associate, which indicates that
5 there are errors, whether they are inadvertent or not, in the
6 lists that were provided with the Employer's position
7 statement.

8 HEARING OFFICER BERGER: Can you, sorry, before you go, on
9 can you --

10 MR. LEVINE: I can identify which those are.

11 HEARING OFFICER BERGER: Please. So you're talking about
12 people who are listed in Union 6?

13 MR. LEVINE: Yes.

14 HEARING OFFICER BERGER: Where there is --

15 MR. LEVINE: So I cross-referenced Union 6 with the names
16 on Employer's Exhibit D-2 of the names that the Employer said
17 should be excluded from the attachments to its position
18 statement.

19 HEARING OFFICER BERGER: Okay. And what differences did
20 you find?

21 MR. LEVINE: What I found is that I found that the
22 document that ends with the three digits 006 is a postdoc and,
23 therefore, not one of the 45 members identified as a reviewed
24 and renewable. That's in their latest appointment letter.
25 And, in addition the document that ends with the digits 011 is

1 a no list. It's not in Exhibit B or Exhibit D to the
2 Employer's position statement. The documents that were
3 attached to this list, however, do identify that individual as
4 being an associate. So there is a concern that that wasn't on
5 the list.

6 I'll give a couple of other examples and then make an
7 additional point. Gail Archer, on the list as a professor of
8 professional practice, when I say on the list now I'm referring
9 to Exhibit D, the letters that were produced from 2003 and 2002
10 identify her as a lecturer. Now it's possible she converted
11 since that time from lecturer to POPP, though it's not clear
12 that there is a lot of movement between those titles. In any
13 event, we think that might be relevant insofar as separate
14 arguments have been advanced as to the lack of community of
15 interest for those two titles.

16 There is an individual who is identified with the listing
17 ending 009, who is listed on Exhibit D as a senior associate.
18 However, their appointment letter identifies them as a senior
19 lecturer. Now we can certainly understand, as with the
20 documents ending 041, that there could be people whose latest
21 documents say associate, who have since been converted to
22 lecturers having achieved a PhD. I have no way of knowing
23 whether that's true for the person listed with the digits
24 ending 041. But I can't understand why other than error
25 somebody would be listed on the documents presented with the

1 position statement as an associate, but have appointment
2 letters that identify them -- earlier appointment letters that
3 identify them as a lecturer, because that goes in the reverse
4 direction. Certainly being a lecturer and presumptively having
5 a PhD wouldn't then somehow convert to an associate, which is a
6 position we've been told for people who do not have PhDs.

7 HEARING OFFICER BERGER: So I'm a little lost. You
8 referred to 009 and 041.

9 MR. LEVINE: Yes.

10 HEARING OFFICER BERGER: Which is which there, the 009 was
11 associate?

12 MR. LEVINE: Those are in Union Exhibit 6, if you look at
13 those index numbers.

14 HEARING OFFICER BERGER: Right, sure. So 009 --

15 MR. LEVINE: They're the last three digits. The other
16 letters, I don't know if they stand for apple track or what,
17 for every single document are A-P-P-T-L-T-R. And then if you
18 see the index then goes from 001 through 045.

19 HEARING OFFICER BERGER: Sure, there. I'm with you there.
20 But so the person who is connected to Number 009 is someone
21 who, as far as you can tell, went from senior associate to
22 senior lecturer?

23 MR. LEVINE: Well, all I know is that the appointment
24 letters that were produced to us identify them as a senior
25 lecturer. But Exhibit D identifies them as a senior associate.

1 HEARING OFFICER BERGER: I see. And then what was the
2 deal with the person who is -- who corresponds with 041?

3 MR. LEVINE: They're an example of someone who goes in the
4 other direction. The appointment letters identify them as an
5 associate, but they're on Exhibit D as a lecturer. Again, I
6 can conjecture, though I don't know, that perhaps they got a
7 PhD since 2010, which is the most recent date for an
8 appointment letter that was produced. So I could at least --
9 there is a theory that would make sense as to why that would be
10 the case. Whereas, for 009, there does not appear to be.

11 In addition, there has been testimony about specific
12 individuals by name where I think it would be relevant to be
13 able to associate the documents with their name. And I'll give
14 you one example. Today, there was testimony concerning Toby
15 Holtz. Toby Holtz is identified as a senior lecturer. We have
16 no reason to believe she is not a senior lecturer. However,
17 the documents we were given show that her original appointment
18 was as a laboratory associate.

19 So it's for those sorts of reason --

20 HEARING OFFICER BERGER: Okay. Okay.

21 MR. LEVINE: And again, you know, there's no reason to
22 believe -- these names are already in evidence. The titles,
23 their supposed titles are already in evidence. The fact that
24 they were appointed for X number of years or Y number of years,
25 when they were reappointed, whether or not -- I mean the

1 Employer knows what they have produced to the Union. If there
2 are gaps between the first and the second appointment letters,
3 those can be explained if they think they are relevant.

4 Frankly, we're interested in other factors. But the
5 confidential issues, especially because arguably they've been
6 waived, but even so don't seem to be particularly salient to
7 the Union. And there are specific reasons.

8 HEARING OFFICER BERGER: So let's take each of those one
9 by one. So, first, Petitioner has pointed out that there are
10 two individuals, 006 and 011, is that right? Who -- so with
11 006, sorry --

12 MR. LEVINE: Those are two names that were not on appendix
13 -- either one of them was on Appendix D as a postdoc and,
14 therefore, not one of the 45 reviewed and renewable.

15 HEARING OFFICER BERGER: And one was not there at all.

16 MR. LEVINE: And one was not there at all.

17 HEARING OFFICER BERGER: And which is which?

18 MR. LEVINE: The one that is the postdoc is 006. And the
19 one that was not there at all is 011.

20 HEARING OFFICER BERGER: So do you know, looking at this
21 now, if not, it's fine, just say you're not sure at the moment
22 and we can come back to this later after you've had an
23 opportunity to look into it, do you have any idea why the
24 person who is connected to 011 was not on the Employer's
25 position statement lists?

1 MS. MUNOZ: No, we don't. We have to check.

2 HEARING OFFICER BERGER: Any explanation for why 006 is
3 identified as both a postdoc and -- I'm sorry, I forgot
4 already.

5 MR. LEVINE: I don't think 006 is identified anywhere as
6 anything other than a postdoc. It's just that --

7 HEARING OFFICER BERGER: Okay.

8 MS. STEPHEN: It was included in error.

9 MR. LEVINE: It was included as part of the 45.

10 HEARING OFFICER BERGER: I see.

11 MR. LEVINE: Which then indicates both of those names,
12 that in fact we were given 43 documents corresponding to what
13 we were told was 45 reviewed and renewable. So if, in fact,
14 there are 45 reviewed and renewable and I have not
15 cross-referenced the entire list of reviewed and renewable, it
16 suggests that there are an additional two sets of appointment
17 letters that were not produced as part of that group.

18 HEARING OFFICER BERGER: I see, okay. So the
19 identification of the person who is with Number 006 is
20 consistent?

21 MR. LEVINE: That person is listed --

22 HEARING OFFICER BERGER: Okay.

23 MR. LEVINE: -- in Appendix B and D as a postdoc, that the
24 Employer is seeking to exclude, but not one of the 45 reviewed
25 and renewable.

1 HEARING OFFICER BERGER: Okay, got you. And then the next
2 was the person who corresponds with 009.

3 MR. LEVINE: There was a 007, as well. I don't know if
4 you got that.

5 HEARING OFFICER BERGER: Oh, okay, I did not. What was
6 with the 007?

7 MR. LEVINE: That's an individual who is listed in
8 Appendix D --

9 HEARING OFFICER BERGER: Oh, right, okay. Okay. You
10 referred to her by name before instead of number.

11 MR. LEVINE: I did.

12 HEARING OFFICER BERGER: Okay. With 007, the concern was
13 is this individual a lecturer or is this individual a POPP.
14 She is identified both ways.

15 MS. STEPHEN: Right. And so we need to go back and look
16 and see if we don't have -- if we didn't have the most up to
17 date appointment letter for her. So we'll look into that.

18 HEARING OFFICER BERGER: Okay. And then the individual
19 who has been identified as both the senior associate and the
20 senior lecturer but in an order that doesn't make sense, any
21 knowledge of what is going on there? Why someone was -- the
22 documents would suggest demoted from lecture to associate?

23 MS. MUNOZ: We'd have to check.

24 HEARING OFFICER BERGER: Okay. And then --

25 MR. LEVINE: 011, I don't know if you've already addressed

1 that, that's the person not on the list at all, whose
2 appointment letter says associate.

3 HEARING OFFICER BERGER: Sure, any idea why that person
4 wasn't included?

5 MS. STEPHEN: No. We have to look into that, yeah.

6 HEARING OFFICER BERGER: Okay. And then so for Toby
7 Holtz, about whom there has been testimony.

8 MR. LEVINE: And there may have been, frankly, testimony
9 about other individuals on the list and there may be testimony
10 coming up about other individuals on the list, which adds to
11 the argument that we think the list should be in the record.

12 HEARING OFFICER BERGER: So Toby Holtz's letter here shows
13 what?

14 MR. LEVINE: Toby Holtz's letters, there are two, show
15 that she was originally appointed in the '90s as a lab
16 associate. The document -- the next document, which is
17 approximately eight years later, says that they're trying to
18 address the fact that a lot of people have been classified as,
19 quote/unquote, facility other, and that the position has been
20 reviewed, and in light of Toby's service that she's being
21 promoted to senior lecturer.

22 HEARING OFFICER BERGER: Okay, well, that speaks for
23 itself even without seeing the name.

24 MR. LEVINE: But there was testimony about --

25 HEARING OFFICER BERGER: And then how is Toby Holtz -- how

1 was Toby Holtz identified in the testimony?

2 MS. STEPHEN: Well, a question was asked by union counsel
3 to our, yes, Dr. Alexander, this morning, asking him if he had
4 familiarity with how she was hired and how she was identified.
5 So that was that.

6 HEARING OFFICER BERGER: And was he able to, I don't
7 recall, was he able to identify her current classification?

8 MS. STEPHEN: He wasn't able to --

9 MR. LEVINE: My memory is and the record will speak for
10 itself, he testified that he knew she was currently a senior
11 lecturer, but he didn't know what position she was hired into.
12 It was before her (sic) time. But that it wouldn't surprise
13 him to know that she was hired as a lab associate.

14 HEARING OFFICER BERGER: I see, okay. So is the college
15 then willing to stipulate that Toby Holtz was hired to
16 initially work at Barnard in a position of lab associate and
17 has since then hired to fill the position of lecturer and
18 promoted to a senior lecturer? And perhaps you need to look
19 through the personnel file and confirm all of that before you
20 are, but if you could look into that and then enter into a
21 stipulation along those lines, we could have that information
22 for the record perhaps without the need to put all of the names
23 into the record.

24 Okay. So in the ensuing days, I invite both parties to do
25 whatever analysis they would like to do with these documents

1 and point out various connections on the record. And we'll
2 revisit the issue of whether the list of names needs to be
3 admitted. And, also, re-evaluate your confidentiality
4 concerns, at that time, if need be.

5 So having gone through that, I believe we are ready for
6 the Employer's next witness. Have a seat. What's your name?

7 THE WITNESS: Laurie Postlewate.

8 HEARING OFFICER BERGER: Okay. Can you raise your right
9 hand, please?

10 (Whereupon,

11 LAURIE POSTLEWATE,
12 was called as a witness by and on behalf of the Employer and,
13 after having been duly sworn, was examined and testified as
14 follows:)

15 HEARING OFFICER BERGER: And if you could just spell your
16 name before you get going?

17 THE WITNESS: Yes. Last name? It's P-O-S-T-L-E-W-A-T-E.

18 MR. LEVINE: I'm sorry, what was the first name?

19 THE WITNESS: Laurie, L-A-U-R-I-E.

20 MR. LEVINE: Thank you.

21 DIRECT EXAMINATION

22 BY MS. MUNOZ:

23 Q Ms. Postlewate, good afternoon. By whom are you employed?

24 A Barnard College.

25 Q What is the title of your current position?

1 A Senior lecturer.

2 Q Where are you a senior lecturer?

3 A In the French department.

4 Q When were you appointed senior lecturer?

5 A I was appointed senior lecturer in 2001, August 2001,
6 September 2001.

7 Q Have you held any other positions at Barnard?

8 A Yes. I was a lecturer, appointed in 1997, again beginning
9 the semester of fall 1997.

10 Q Fall of 1997?

11 A Right. I believe the appointment dates are probably more
12 like May for each of those.

13 Q Oh, so you think that, okay.

14 A Yeah.

15 Q All right. Have you held any other positions while at
16 Barnard?

17 A I have held temporarily the position of director of
18 Medieval and Renaissance studies. And that would have been for
19 the academic year 2007-2008; for the spring semester, 2010; and
20 I'm scheduled to be the director of Medieval and Renaissance
21 studies in the 2015-16 school year. And I was also, during the
22 academic year 2007-2008, the acting director of first-year
23 seminar.

24 Q Let's start with the 2007-2008 year when you were director
25 of the Medieval and Renaissance studies program. Under what

1 circumstances did you become the director?

2 A So this was each time a case where the tenured faculty
3 member was a more or less standing director, went on
4 sabbatical, had some kind of leave, and so I was filling in for
5 that person.

6 Q What did you do as director in 2007-2008?

7 A So for Medieval and Renaissance studies, it would be
8 coordinating the courses. This is an interdisciplinary
9 program, an interdisciplinary major, so we draw courses from
10 different departments every year, come up with a program of
11 courses that those majors can take for their major, and then
12 advise them as to how they can put together their program. And
13 then it also involves when there are seniors graduating, it
14 involves directing their senior thesis.

15 Additionally, the director of Medieval and Renaissance
16 studies is totally or sometimes partially in charge of the
17 biannual conference of the Medieval and Renaissance studies
18 program. So this is a conference that takes place every other
19 year in December. It's an international conference that each
20 time is on a designated topic that's decided ahead of time by a
21 faculty committee. And so the director of Medieval and
22 Renaissance studies is in charge of either all of the
23 organization of that conference, or finding somebody else to do
24 it, or to help them do it. So that's an additional
25 responsibility.

1 I actually organized that conference series, myself, from
2 the year 2000 to the year 2010. So over a period of 10 years,
3 I organized 6 conferences. Sometimes I was actually the
4 director or sometimes I was designated by the director, asked
5 by the director to do the organization of the conference.

6 Q Were you working with anyone else on the conference?

7 A In 2012, I did have a co-organizer, whose name is Anne
8 Prescott. But the other, all the other conferences I did by
9 myself.

10 Q You mentioned a tenured faculty member. Has anyone else
11 held the director position besides you and that tenured faculty
12 member?

13 A Well, it would either -- except for myself, it would be
14 either tenured or tenurable. So the current director is
15 tenurable, but not yet tenured.

16 Q Have any adjuncts held that position?

17 A No.

18 Q When you are not in the director position, do you have any
19 involvement with those programs?

20 A Well, like I said, the organization of the conference is a
21 very big, and I was actually doing that when I was the
22 director, so --

23 Q Oh, so when you were the director, you were organizing the
24 conference?

25 A Yes, but I was also organizing the conference when I

1 wasn't the director.

2 Q When you were and when you weren't?

3 A Yes.

4 Q Okay. What about when you served as director again in the
5 spring of 2010, what were your duties, at that time?

6 A It's the same, because that was a spring semester, we'd be
7 getting the students who were graduating ready to graduate,
8 finishing off their thesis projects, and putting together the
9 courses for the following semester that would be courses that
10 they could take. This is, again, an interdisciplinary major,
11 so they choose from different departments.

12 Q Do you have anything planned for 2015-2016?

13 A We are discussing -- for the conference?

14 Q Yes.

15 A We're discussing what the topic of the conference will be.
16 There is a committee of Medieval and Renaissance faculty from
17 all the departments who come together and decide what the topic
18 will be.

19 Q In your role as acting director of the first-year seminar
20 2007-2008, what did you do? What were your duties, at that
21 time, as director?

22 A So that position is really to oversee the day to day
23 functions of the first-year seminar, so to make sure that
24 everything is running smoothly. This is a program, a
25 first-year foundations program, that has faculty from all the

1 departments across the campus. So the director really
2 coordinates all of those people as they are giving their
3 seminars.

4 The director also creates a pedagogy seminar series for
5 people who teach in first-year seminar, so there are every
6 semester three pedagogy meetings or seminars. And the director
7 is the person who really, really comes up with the program for
8 those, invites speakers, and issues the invitation to people to
9 come, and really is in charge of that pedagogy series.

10 And then every year the director is putting together the
11 program for the following year; in other words, finding faculty
12 who are willing to teach and that want to teach in a first-year
13 seminar program the following year, and getting that done well
14 in advance because the first-year students, over the summer,
15 the admitted students are going to be choosing their seminars
16 and what have you.

17 So, in a nutshell, that's really the responsibilities of
18 the director at first-year seminar.

19 Q You say finding faculty, what does that mean?

20 A That means recruiting faculty to teach. Once again, these
21 faculty come from all the departments across the college. Many
22 of them teach year to year. They return and teach. But people
23 go on leave or for whatever reason there is always the
24 necessity to recruit a few new seminars. And so the director
25 is the person who, who explores the possibility with each

1 department do they have a faculty member. Anthropology, for
2 example, would they have a faculty member who would be willing
3 or who would like to create a first-year seminar and then
4 participate in the program. So that's what I mean by
5 recruiting.

6 Q And just I believe it was a few days ago we had discussion
7 about what first-year seminar is.

8 A Right.

9 Q Could you just briefly describe what that is?

10 A Well, the first-year seminar is all -- it's half of
11 first-year foundations, the other half being first-year
12 English. And all first-year students will take a first-year
13 seminar one semester, first-year English the other semester.
14 And they will, you know, the first-year class will be divided
15 into two, and half will do one and then they will switch in the
16 spring semester.

17 So the first-year seminar currently is divided into three
18 possible offerings. One is called Reinventing Literary History
19 and these are courses that are, as it were, paired with courses
20 in first-year English. There are first-year seminars that are
21 created by individual faculty members on special topics of
22 interest to them. And then there is Reacting to the Past,
23 which is the part of the first-year seminar that I personally
24 teach in, and that's an innovative history pedagogy that was
25 developed at Barnard College.

1 Q How did you become a lecturer at Barnard?

2 A Do you mean what was the process for --

3 Q Strike that. Let me rephrase that. Did you apply to work
4 at Barnard?

5 A Yes, I did.

6 Q What position did you apply for?

7 A So I applied for an advertised position, advertised with
8 the Modern Language Association, for a lecturer. And the
9 advertisement, the description was for someone to develop for
10 the French department, a medieval renaissance or pre-modern
11 curriculum, and also to introduce -- this was 1997 mind you, so
12 they called in introduce new technology into the French
13 Department curriculum.

14 Those were both areas that I was -- had experience in, so
15 I applied for the job. I went to the Modern Language
16 Association conference. I had interviews and was offered the
17 job.

18 Q Did you submit any documentation for the position?

19 A Yes. Yes, I submitted a regular letter of application,
20 CV, letters of recommendation were sent on my behalf. I
21 submitted my -- I think I only submitted a chapter of my
22 dissertation, not the whole thing. I did have my PhD already,
23 at that point. And, yeah, probably a couple of articles that I
24 already had published, at that point.

25 Q Were you interviewed?

1 A Yes. I was interviewed at the Modern Language Association
2 conference in Washington, DC.

3 Q By Barnard?

4 A Yes.

5 Q Who interviewed you?

6 A Serge Gavronsky, who was the chair of the department, at
7 that point, and Peter Connor, who is currently the chair.

8 Q What happened after that interview?

9 A So that was right after Christmas. And then I believe it
10 was probably the end of January or early February I received an
11 offer by phone. And I went to Barnard, and I met with -- again
12 with Serge Gavronsky, and Peter Connor, and Renee Geen, who was
13 also a longstanding tenured faculty member, and discussed the
14 position, yeah.

15 Q Let me show you -- thank you, what I'll mark as
16 Employer 20.

17 (Employer's E-20 identified.)

18 HEARING OFFICER BERGER: Do you need copies? We can take
19 a break; I'll make copies.

20 MS. MUNOZ: That would be fantastic, could you make two
21 more? Perfect.

22 HEARING OFFICER BERGER: Okay, off the record.

23 (Pause off the record from 2:31 p.m. to 2:33 p.m.)

24 HEARING OFFICER BERGER: Back on the record.

25 MS. MUNOZ: Employer 20, here we go.

1 BY MS. MUNOZ:

2 Q Dr. Postlewate, if you would take a look at that. Let us
3 know if you recognize that document.

4 A Yes.

5 Q Could you tell us what it is?

6 A This is a letter from Provost Liz Boylan, of June 5, 1997,
7 for my appointment as lecturer to begin in the fall.

8 Q A couple of questions for you on this letter. It states
9 at the beginning that you were appointed part-time.

10 A Yeah.

11 Q Were you an adjunct?

12 A No. I was a lecturer, as it states here.

13 Q Could you explain for us why you were part-time?

14 A Well, it was an arrangement that I wouldn't say I
15 negotiated, but I was -- this is a personal note and sort of an
16 extenuating circumstances because I was, when I was offered the
17 job, pregnant with twins and they were born on May 7, 1997, and
18 I had a three year old. And I really wanted a two/two teaching
19 load, to be totally honest, the first year when I was dealing
20 with that.

21 And as I recall, and I'm looking here at the .833, as I
22 recall, I actually had only -- I had a 2 course load in the
23 fall, but a 3 course load in the spring.

24 Q So you were able to get --

25 A I was able to negotiate a reduction for the fall after the

1 twins were born.

2 Q The following year, were you still part-time?

3 A No. Then the following year, as of, I guess it would have
4 been May 1998, I became full-time.

5 Q Okay. And what was this now, well, when you were hired,
6 was there any communication about expectation of part-time or
7 full-time?

8 A Well, it was my expectation and I don't remember exactly
9 what was said, but it was my expectation that this was a
10 position that would be full-time with all that that implied,
11 and that I would have the possibility for promotion within a
12 period of four to five years. That was my understanding. It
13 was a verbal agreement. That was my understanding.

14 Q And so this says the appointment was -- I'm looking at
15 Employer 20, September 1, 1997, and terminates May 31, 1998,
16 unless renewed.

17 A Right.

18 Q So it was a one-year appointment?

19 A Well, I guess, yeah, you could say that from this letter,
20 yes. In the terms of this letter, with a .833 of full-time, at
21 any rate, and then the following year I went on full-time.

22 Q I'm going to show you what has been marked and entered
23 actually as Employer Exhibit 2 -- actually, one second, strike
24 that.

25 MS. MUNOZ: Could I move to enter Employer 20 into the

1 record?

2 HEARING OFFICER BERGER: Is there any objection?

3 MR. LEVY: No objection.

4 HEARING OFFICER BERGER: Okay. Employer 20 is received.

5 (Employer's E-20 received.)

6 BY MS. MUNOZ:

7 Q Now I'll show you Employer 2 and have you please look at
8 the second paragraph on -- look at Page 5 of 23 at the bottom
9 there.

10 MR. LEVINE: So we're looking at Employer 2, which is the
11 codes, correct?

12 MS. MUNOZ: yes.

13 MR. LEVINE: And you said page --

14 MS. MUNOZ: 5 of 23, the little corner at the bottom.

15 MR. LEVINE: 5 of 23?

16 MS. MUNOZ: I think that's what the -- see the bottom
17 corner there?

18 MR. LEVINE: I see, okay, so Page 5.

19 BY MS. MUNOZ:

20 Q I think it's like the second line.

21 A Is it with the paragraph beginning lecture is?

22 Q Yes. Would you please read that paragraph to yourself?

23 A So lecturer is --

24 HEARING OFFICER BERGER: No, sorry, you can read it to
25 yourself.

1 BY MS. MUNOZ:

2 Q Read it to yourself, I'm sorry.

3 A Oh, I'm sorry.

4 Q If you want to read it that's fine, but it's already in
5 the record.

6 A Okay. I read it.

7 Q Okay, very good. And does it -- I believe it states, but
8 let me know, would you agree that according to the code a
9 lecturer may be part-time with the first year.

10 A Yeah, not to exceed one year.

11 Q All right, thank you. And you have testified that for
12 your first year you were part-time?

13 A That's right.

14 Q And you were not your second year?

15 A That's right.

16 Q Okay. So when you were -- you talked about your review or
17 verbal contract, I think you said, regarding when you would
18 have your initial review?

19 A Promotion to senior lecturer, is that what you refer to?

20 Q I'm asking --

21 A I just mentioned I was talking about the anticipation that
22 I could come up for a promotion to senior lecturer within a
23 certain number of years.

24 Q And what number of years?

25 A Well, it happened after four years.

1 Q After four years, okay. Why don't we show you what I'll
2 mark as Employer 21?

3 (Employer's E-21 identified.)

4 BY MS. MUNOZ:

5 Q Would you take a look at that document? Do you recognize
6 that document?

7 A Yes.

8 Q Can you tell us what it is, please?

9 A It's my letter of promotion to senior lecturer in May 2,
10 2001.

11 MS. MUNOZ: The Employer would move to enter Number 21
12 into the record.

13 MR. LEVY: No objection.

14 HEARING OFFICER BERGER: Okay. 21 is received.

15 (Employer's E-21 received.)

16 BY MS. MUNOZ:

17 Q So since 2001, you've been a senior lecturer?

18 A That's correct.

19 Q And you said that you came up with that after four years,
20 so you've been employed since 1997?

21 A That's correct, well, '97 to --

22 Q I can't do math. That's why I'm a lawyer. All right, so
23 let's stick with the four years that you were a lecturer.

24 Would you please describe for us what your duties were?

25 A So my duties, as I mentioned, the description of the job

1 in the advertisement at least was to develop a medieval
2 renaissance curriculum for, really a pre-modern curriculum for
3 the French Department. They had no one teaching anything
4 before the French Revolution. They really wanted to develop
5 that. And so that was my main responsibility. And so I
6 created I believe -- I have created a total of 12 new courses
7 at Barnard since I've been there. And the first four of those
8 courses were in that period of time when I was a lecturer, I
9 believe that's -- yeah.

10 Q Do you recall what you --

11 A So I was creating new courses for that part of the
12 curriculum. And I was also investigating how we might
13 introduce new technology into the teaching of language and also
14 just generally into the department, so what we would call,
15 today, digital tools and such. So I created these four courses
16 and I taught them as well.

17 We also implemented a new pedagogical approach at the
18 elementary level as a result of this investigation into using
19 interactive -- I don't even think they called it online then,
20 but it was the precursor to online digital tools for teaching
21 basic language courses.

22 Q Can you explain what you mean by new pedagogical approach,
23 simply the online or is there more to it?

24 A Well, this would be -- for language teachers, it would be
25 approaches that began to incorporate what used to be called

1 audio/visual approaches, but that then had the label of
2 interactive. So they would use online tools, digital tools,
3 all of that kind of technology as it was becoming available.
4 So the first textbook that we used that was of this kind, looks
5 very rudimentary now, but it was, you know, at the time we were
6 going from old fashioned grammar books to trying to use
7 something more dynamic and it was beginning to bring in new
8 technology.

9 Q I see. So during this time were you performing any
10 scholarship?

11 A Yes. Between the time that I, you know, I was looking
12 over my -- I was looking at my CV and my publications, I was
13 working on publications. I had publications dated slightly
14 before I was hired at Barnard. And then I believe shortly
15 after I became senior lecturer, things were actually published.
16 But, yes, I was still doing scholarship. I was going to
17 conferences, certainly, as reflected on my CV. I had a very
18 active conference life, so that was still going on, and I began
19 to do more of that after I became senior lecturer.

20 Q When you say an active conference life, what do you mean
21 by that?

22 A I mean going to conferences at least once a year,
23 sometimes twice, academic conferences, to give papers.

24 Q So you were a presenter?

25 A Yes.

1 Q Do you know approximately how many papers you've
2 presented?

3 A When I was a lecturer?

4 Q Sure. Yes, let's start there.

5 A I would say during that period maybe three or four. And
6 then since then, I'm not really sure. They're all on my CV.
7 I'm going to say maybe 12, 15.

8 Q And while you were a lecturer, I'm not sure if I caught
9 it, but had you published any papers at that time?

10 A I had published two articles, I believe that's correct,
11 from 1996.

12 Q While you were a lecturer, were you performing any
13 service?

14 A Not outside of my department. I would say that I was
15 beginning to do some advising in my department. I was really
16 concentrated on developing the medieval renaissance curriculum.
17 And I did -- I would call this service. In anticipation that I
18 might be taking over the medieval renaissance studies
19 conference series, in 1998, I actually -- I forgot about this,
20 I actually co-chaired the 1998 conference with Joel Kaye of the
21 history department, to see how the conference worked. And then
22 the following year I took it over by myself, I mean the
23 following conference. In 2000, I took it over on my own. So I
24 guess if that would be --

25 Q Do you consider that to be service?

1 A It's not paid. It's -- yes.

2 Q Quick to point that out. When, well, we'll get to that.
3 So you mentioned advising.

4 A Right.

5 Q Do you currently advise students?

6 A Yes. Now since I became senior lecturer in 2001, and part
7 of the verbal agreement that I had in 2001, when I was
8 promoted, was that that would -- I would become much more
9 active in advising. I had an advising past at NYU. And my
10 chair knew this and the dean of studies knew this, and they
11 wanted to draw me in and I was eager to do so. So as of 2001,
12 I have been a first-year sophomore advisor every year. And I
13 began to incrementally also take on French majors. So since
14 2001, I have been involved in those two aspects of advising.

15 As of 2010, I have also become a VIS advisor, which is an
16 advisor for visiting international students. These are
17 students who come from all over the world to Barnard every
18 spring, from different institutions, and they spend one
19 semester at Barnard. So I advise in that program since it
20 began in 2010.

21 Q You talked about going to conferences. Have you ever
22 received any assistance from the college to attend those
23 conferences?

24 A Yes. Since I came to Barnard, I have gone to many
25 conferences. I should have counted them. But I can really say

1 very, very honestly that Barnard has paid for absolutely all of
2 them. And they have had a very generous professional
3 development leave, professional development stipends, I forget
4 the title, but we have a set amount that we can use on a two-
5 year cycle as renewable/renewed faculty, and I always use all
6 of my stipend. That is also included applying for
7 international -- supplements to do international conferences,
8 so I get extra money to go internationally and speak.

9 Q Are these supplements from the college?

10 A Yes.

11 Q Have you ever applied for a grant?

12 A Do you mean internal grants, or external grants, or both?

13 Q Based on your answer, I'm going to ask about both, but I
14 was referring to internal, yes, have you ever applied for
15 internal grants?

16 A So internal would -- actually, the faculty travel money is
17 considered a grant. That's what it's called, travel grants. I
18 also received, in 2014, an internal grant from the committee on
19 online learning, online and on-campus learning to develop a
20 digital project for my Golden Age of Versailles course. And
21 that project is now completed, so I got a grant for that. And
22 money for that grant is going to continue on. I haven't used
23 all of the fund, so I'm continuing that project. I'm doing
24 more for it in the future.

25 I also received a grant in 2015 from the same committee to

1 do another digital project on performing medieval literature.
2 And so this will be -- this is a project we are beginning this
3 summer and that will continue on the following year. So that's
4 an example of internal funding that I've received.

5 Q What about external?

6 A So external, for my -- I received, in 2005, or with the
7 help of Marjorie Silverman, who was a vice president -- an
8 administrator at that point, she's no longer at the college, I
9 received a grant from the Mellon Foundation to do travel with
10 French Department students to Paris over spring break, in
11 conjunction with my course called Performance in France. It's
12 a theater course.

13 That grant was renewed in 2007 for, same thing, spring
14 break trip with students for a course on French baroque and
15 classical. So for each of things, the Mellon Foundation gave
16 us money to fund a trip, where students and I went to Paris and
17 spent four or five days together doing course related
18 activities and so forth.

19 That travel money has now been replaced by a grant,
20 another external grant from, called the Geen Foundation, and
21 we've had that since 2010. So since 2010, I have -- or, excuse
22 me, spring break 2011 was when the trips began. And since
23 2011, every year at spring break these funds are used for me to
24 do the same thing, take a group of students to Paris over
25 spring break. The students pay their own airfare, but we cover

1 everything else once we're there. And sometimes it has been in
2 conjunction with the course. This past spring break, we did it
3 in conjunction with my Versailles course. Sometimes, it's
4 presented as a senior capstone experience. So these are
5 external grants.

6 I have also been very involved in the Teagle Foundation
7 grant to Barnard College, and specifically the grant for a
8 program that was done with what is called HEAF, H-E-A-F. It's
9 the Harlem Educational Activities Fund. And this was a
10 nine-year grant from the Teagle Foundation for an after school
11 enrichment program for high school juniors who are in the
12 Harlem Educational Activities Fund program.

13 And so for the fall of 2012, 2013, and 2014, I ran that
14 program every fall. Two other faculty members from Barnard
15 have been, over the years, involved in that. Initially, it was
16 Kristina Milner from the classics department, and after her it
17 was Peter Bower from environmental science. And then I was the
18 third person involved in that. And finally -- I'm sorry?

19 Q I'm sorry, I interrupted. Go ahead.

20 A Did you have a question about HEAF, because I was -- and
21 then the last thing that I would mention is I have personally a
22 grant that I just received a few months ago from the American
23 Philosophical Society to travel to England this summer to do
24 manuscript research for a book I have under contract right now.

25 Q What's the book?

1 A The book is a book of translations from old French of 14th
2 century poetry by a poet named Bozon, if I can do a little PR
3 for my poet, B-O-Z-O-N.

4 Q You keep referring to my courses. Are these the courses
5 that you developed or are these courses that you are currently
6 teaching?

7 A With respect to the travel?

8 Q Yeah, when you were talking about the travel, you said my
9 course, for my course.

10 A Well, sometimes, these trips were done with groups of
11 students from a course I would be teaching at that moment, but
12 not always. And some spring breaks, it was students who were
13 simply graduating French majors and it was presented to them as
14 a capstone experience.

15 Q Let's go back to you said that you had, as a lecturer, or
16 that you've developed 12 new courses. Could you tell us are
17 those courses still offered to Barnard students?

18 A Of the 12 courses that are offered, some of them have --
19 I'm no longer actively teaching.

20 Q Do you know who is?

21 A Excuse me?

22 Q Someone else is teaching those courses?

23 A Some of them, we have -- generally, the policy is if a
24 course is not taught for a certain number of years, for
25 whatever reason, we review whether we are going to continue to

1 teach it or if it's going to be replaced by something, and so
2 forth. If you went into the Barnard catalogue, you would not
3 find all of those right now. But over, you know, from the
4 first semester I was at Barnard on. But most of them are still
5 and I would say I have a fairly good record of doing one new
6 course a year or every other year.

7 Case in point would be this past semester, the Golden Age
8 of Versailles course was a new course. The previous academic
9 year, I taught a course called Francophone North America that I
10 developed, having to do with the Francophone literature of
11 Canada, Quebec, Louisiana.

12 Q And while you were a lecturer and doing much of this, were
13 you -- did you ever serve on a committee?

14 A No, I did not as far as I can remember, when I was a
15 lecturer.

16 Q 2001, per Exhibit 21, when you were promoted to senior
17 lecturer, were you performing the same duties as you performed
18 as a lecturer?

19 A I was with respect to the curriculum development and
20 teaching. But, as I mentioned, that's when I started to really
21 be very actively advising. And then, once again, it was
22 understood that I would get more involved with committee work
23 as well, and gradually began to do that.

24 Q When you say understood, what do you mean by that?

25 A Well, it was -- once again, it was a conversation that I

1 had with my chair in which the promotion was presented as
2 having, carrying new responsibilities.

3 Q And those were?

4 A More, well, advising, committee work, and they wanted to
5 see me publishing, because I think he knew that I had a certain
6 number of things sort of on a back burner and they were really
7 encouraging me to get those things out.

8 Q And if I may ask, why were they on a back burner, as you
9 said?

10 A Well, I was doing a lot of course development and
11 teaching. And I will admit that I had a very demanding family
12 life.

13 Q Fair enough. So while a senior lecturer, did you in fact
14 increase your committee work?

15 A Yes. So I could describe the committees that I am no
16 longer on or I can go in whatever order, what came first or
17 what I'm doing now.

18 Q Why don't you go chronologically?

19 A So I would say that the first committee that I recall
20 being on was in 2002, would have been a committee that I
21 believe no longer exists, called the committee on student life,
22 which was a committee of faculty members, administrators, and
23 students that met together to discuss student life, so it would
24 be res-life courses, etc. And I did that I believe from 2002
25 to 2004.

1 I was on a committee, sometimes it would be things of a
2 lighter nature, let's say like the alumni book committee, which
3 would choose the alumni reading for new students every year.
4 Other committees that I recall, the honors committee, which I
5 was on for a while from 2006 to 2012. And that's a committee
6 that meets very regularly through the year to -- one of the
7 biggest tasks is to help students prepare their applications
8 for Rhodes, Marshall, and Fulbright fellowships. It is also
9 the committee that reviews all internal awards that are made to
10 students, all kinds of internal grants that are made to
11 students. That's called the honors committee.

12 But leading up to what I -- from there I have moved into
13 committees that are a bit more curricular in nature. So during
14 the academic curricular review, which took place, as you
15 probably know, from 2013 to just a couple of weeks ago, a few
16 weeks ago. I was on the committee for first-year foundations,
17 and so that would have been a committee in the review that
18 dealt with first-year seminar, first-year English, and the
19 speaking and writing centers.

20 I am on currently, since fall 2014, I'm on the committee
21 on instruction. I believe that everybody knows that's the
22 committee that reviews all new courses, all changes to courses,
23 and all changes to majors and minors, as well as a couple of
24 other fringe issues that come up that are curriculum related.
25 So that's a committee that meets every, almost every week

1 throughout the academic year. And I served on that last year
2 and will serve on it for the coming year. That is an elected
3 position that runs for two years.

4 I have been, since 2008, on the first-year seminar
5 oversight committee. That's a committee that oversees all of
6 the sort of policy decisions made by first-year seminar and
7 that reviews all new syllabi. So if someone is proposing a new
8 first-year seminar, it has to go through the process of the
9 oversight committee. And sometimes it goes through several
10 iterations before it's approved by the oversight committee.
11 And then that committee just deals with various issues that
12 come up in the context of first-year seminar.

13 Finally, something that is not strictly speaking a
14 committee but that I've been very involved in which is the
15 Willens seminar. That may have already been mentioned before.
16 But that is a seminar that I initiated in the spring of 2013.
17 It's a Willens seminar on diversity in the classroom. And it
18 is funded -- it is sponsored, I would say, through the
19 committee at Barnard called the committee for faculty diversity
20 and development. So this is a seminar that is ongoing. It
21 will continue next year as well. I initiated that and I have
22 two other, actually, two other renewable and reviewed faculty
23 members who organize that with me.

24 Q When you say you initiated, what do you mean?

25 A Well, the Willens seminar, once again, these are proposed

1 by the FDD and faculty can come up with an idea for a seminar,
2 and it can be on something that's related to teaching, or
3 scholarship, research, whatever. And it's essentially applying
4 for the right to give these seminars at Barnard, these meetings
5 if you will, fora, and also receive a minimal amount of funding
6 to bring in speakers, buy materials if materials are necessary,
7 and what have you.

8 So this is a seminar that has to do with how we, how we
9 are approaching an increasingly diverse classroom situation at
10 Barnard College.

11 Q Any other committees?

12 A I was, from 2012 until I think it was January of 2015, on
13 the committee of online and on-campus -- COOL, C-O-O-L,
14 committee for online and on-campus learning. This was a
15 committee that people could volunteer to be on, that President
16 Debora Spar initiated to answer the changing situation with
17 respect to online learning at Columbia and Barnard.

18 That committee sort of morphed into a new committee having
19 to do with the new building project at Barnard, so I was on
20 that committee. It was the committee for the digital commons,
21 is what it is now being called.

22 Q You said that the COI, that's an elected committee. Are
23 any of these other committees elected committees?

24 A No. The COI would be the only one.

25 Q Are any of these committees, are you a voting member of

1 the committee?

2 A Yes, I mean all of them.

3 Q On all of them.

4 A Yeah.

5 Q Okay. And when you became a senior lecturer, did your
6 publishing in fact increase?

7 A Yes. Since, well, I became senior lecturer in 2004. I
8 believe I have five published articles since that time. And I
9 have three co-edited volumes, meaning that I was one of two or
10 three co-editors on the volume. Two of those I actually have
11 essays in as well. And I also have the book I mentioned under
12 contract with Arizona State, due out 2016.

13 HEARING OFFICER BERGER: Can we just clear something up?
14 I thought you had said earlier that you were promoted to senior
15 lecturer in 2001, but you just said a moment ago you became a
16 senior lecturer in 2004.

17 THE WITNESS: No, my first -- no, I became senior lecturer
18 in 2001.

19 HEARING OFFICER BERGER: Okay.

20 THE WITNESS: I may have been confusing something, but I
21 definitely became senior lecturer in 2001.

22 HEARING OFFICER BERGER: Did something else happen in 2004
23 or do you think you just misspoke?

24 THE WITNESS: Well, I may mean the fact that my
25 publications of books began in 2004. I have three books, 2004,

1 '07, and '15.

2 HEARING OFFICER BERGER: Okay, I might have misheard,
3 okay, got it.

4 BY MS. MUNOZ:

5 Q You said your promotion carried new responsibilities. Did
6 your advising also increase?

7 A Well, gradually. Because when I first did first-year
8 advising, I took on maybe five or six advisees. And now I'm up
9 to quite -- I mean I always, I would say for the past 5 years,
10 have always taken on 14 new advisees every year, so the number
11 of advisees has increased over the years. My numbers of major
12 advisees have increased over the years as well. So, yeah, it
13 has increased. It was incremental, slowly increased.

14 Q The number?

15 A Right.

16 Q Okay. While a lecturer, did you ever undergo any type of
17 review process?

18 A No. My reviews, well, there was in conjunction with the
19 promotion, there was I had to submit the syllabi I had created.
20 I had to submit my CV for that promotion in 2001. There were
21 I'm sure about student evaluations. But the first review that
22 would have been a fairly significant review was in 2005, and
23 that was what we sometimes fondly call the mini tenure review,
24 tenure process, because it feels a bit like a mini tenure
25 process, because it involves the following, the usual,

1 submission of your CV; submission of a letter in which you
2 state everything you've done, scholarship, service, teaching,
3 all of that; submission of anything that you have published. I
4 know that then there were outside reviewers who were solicited.
5 That would have been in 2005. So I went through that. And
6 observations of teaching. I'm trying to think if there are any
7 other components. So that was in 2005.

8 That kind of review is on a seven-year cycle, so it
9 started again and it goes over -- it takes a whole academic
10 year to do this typically, so it started again in 2012, the
11 review began, and I was actually reappointed. So I was
12 reappointed in 2006 and I was reappointed in 2013.

13 HEARING OFFICER BERGER: You said that involved outside
14 reviewers --

15 THE WITNESS: Right.

16 HEARING OFFICER BERGER: -- from the materials you
17 submitted. People outside Barnard or --

18 THE WITNESS: Yes.

19 HEARING OFFICER BERGER: Okay. Do you --

20 THE WITNESS: So the same way in a tenure process, if you
21 had published in a certain area, then your chair will find out
22 who are people in that area from outside of your institution,
23 who will then attest to the quality of your scholarship.

24 BY MS. MUNOZ:

25 Q And that happened in 2006?

1 A That happened in the 2005-06 review and again in the
2 2012-13 review. I would say that in the 2012-13 review, there
3 was another component which had not been there before, which
4 was that the chair had to find former Barnard students who were
5 graduated already, who had worked with the faculty member in
6 some capacity, like a thesis capacity or something like that,
7 who would then write an evaluation; in other words, a student
8 who is no longer at the institution who is writing and who is
9 saying this is the experience I had with this faculty member.
10 So that was an extra element that was there in the second time
11 I went through it.

12 Q What did you do with all of that information?

13 A Well, I submit it to my chair, the parts that I have to
14 submit. And then he submits it to the provost and to the ATP,
15 committee for academic tenure and promotion. So it is an ATP
16 decision. And then they review it and they decide whether to
17 reappoint you, so with the provost's -- the usual process with
18 the provost's input.

19 Q I'm going to show you Employer's 21. And now based on
20 what you said, I'm wondering if I need to ask you another
21 question.

22 HEARING OFFICER BERGER: Employer 22.

23 MS. MUNOZ: Oh, 22, thank you.

24 (Employer's E-22 identified.)

25 BY MS. MUNOZ:

1 Q Let me ask you -- run through a couple of these reviews.
2 Are they cumulative? So you're including things that were
3 reviewed by your chair, and the committee, and the provost at
4 the time of your initial promotion to senior lecturer. You're
5 presenting those in addition to what you've done since then or
6 are you only focusing on what you've done since in the past
7 seven years?

8 A Yeah, I remember specifically in 2012-13, it was what you
9 have done since your last review, so that was very clear. I
10 would say also that the faculty personnel form I believe is now
11 quite specific about that as well. In other words, you can't
12 just keep, as it were, dragging in the same things from your
13 years, so I think the faculty personnel form says that, too.
14 But, certainly, the review did.

15 Q Speaking of, why don't I show you Employer 19 first and
16 have you speak to that. Is that the faculty personnel form?

17 A Yes.

18 Q Okay. And when have you seen that before?

19 A I see this every spring, because I have to fill it out and
20 submit it. I submit one copy to my chair and one copy to the
21 provost.

22 Q Once you submit it, what happens with that information?

23 A Well, the provost reads it. The chair reads it. It is my
24 understanding that the chair and the provost have a
25 conversation about it, to which I am not privy. But, and then

1 the chair comes back and reports, hopefully positively, I don't
2 want to brag, but it's always been positive in my case, so I
3 don't know what happens if it's not positive. So that's it.

4 Q Okay. Now I'm going to go back to what I've marked as
5 Employer 22 and have you identify that.

6 A So this is the letter from the reappointment after my last
7 review in 2013.

8 Q Do you know is there a letter after your reappointment in
9 2006?

10 A Yes. Was there a letter? Oh, no, after 2006, to be
11 totally honest with you, I don't remember.

12 Q Okay.

13 A And I went back in my files and tried to find it, and I
14 couldn't find it, so I don't remember.

15 Q So again what is Employer 22? How do you recognize it?

16 A It's the letter of reappointment after my 2012-13 review.

17 MS. MUNOZ: Employer moves to enter 22.

18 HEARING OFFICER BERGER: Any objection?

19 MR. LEVY: No objection.

20 HEARING OFFICER BERGER: Okay. 22 is received.

21 (Employer's E-22 received.)

22 BY MS. MUNOZ:

23 Q Do you know will you be reviewed again?

24 A Yes, as this letter, the reappointment letter states very
25 clearly that it will be in seven years. And the missing 2006

1 letter, if I had it, it would say, because I knew that I was
2 going to be reviewed in seven years. I mean I always had this
3 date fixed in my mind. It was clear in 2006 that I would be
4 reviewed in 2012-13, so --

5 Q Okay. And so are you a voting member of the faculty?

6 A Yes.

7 Q Did you participate in the vote on curriculum change in
8 May?

9 A Yes.

10 Q Other than as you have described here, have you
11 participated in curriculum development in any other way?

12 A Well, yes, through what I mentioned for the French
13 Department, through what I mentioned for first-year seminar as
14 well, and I would say that I consider my involvement with the
15 -- I mentioned the reacting to the past pedagogy, that I have
16 been involved -- this is a really important international
17 program that I have been very active in since 2005. And I have
18 been active in the faculty institutes that take place to
19 develop this curriculum since 2005. So I feel that that is
20 really a significant part of what I've been doing has been
21 working with that part of first-year seminar.

22 Q Do you report your participation in curriculum development
23 in any way?

24 A On my faculty personnel form, there is the form and then
25 there is the possibility -- well, you're required to write a

1 narrative of what you have done. And I say everything that
2 I've done, you know, that's where I report. I think my chair
3 knows everything that I do, as well. So in terms of formal
4 reporting, the faculty personnel form would be the main way.

5 Q Does it ever come up in your reviews?

6 A The curriculum development?

7 Q Curriculum.

8 A Absolutely. I mean it's stated in this reappointment
9 letter that -- I believe, yes, something about -- no, this was
10 to work on curriculum development, yes. That was actually
11 about a stipend, excuse me. But, yes, I think that my interest
12 in curriculum development has been duly noted and rewarded at
13 the college.

14 Q When you say rewarded, what do you mean?

15 A Rewarded by trusting me, for example, with the Willens
16 seminar, trusting me to create a seminar that's going to be
17 along the lines of developing curriculum for a diverse
18 population, etc. I don't mean monetary reward because,
19 unfortunately, it doesn't involve monetary reward. But I think
20 perhaps appreciated would be a better word than rewarded.

21 Q Have you ever --

22 A I've been rewarded by I was, I was appointed to be the
23 faculty reporter, so I have been the faculty reporter for the
24 past two years. That's the kind -- I'm being a little bit
25 sarcastic, but taking the minutes in faculty meetings is a form

1 of trust obviously. And so that's what I mean.

2 Q Who appointed you to that position?

3 A It's one of those types of service that you elect to do.
4 So when you fill out the form at the end of every year where
5 you say these are the committees I would like to be on, you can
6 designate faculty reporters. And so I designated, perhaps
7 foolishly, one year to be the faculty reporter.

8 Q Have you ever received any formal recognition for your
9 work at Barnard?

10 A Yes. For the digital projects that I've been involved,
11 this past spring I was named the Barnard library faculty
12 partner of the year.

13 Q Congratulations.

14 A Thank you. Which, again, they're going to have a party in
15 my honor I hear in this fall, which again is an honorary award
16 or a recognition that doesn't have a monetary reward, but that
17 is a recognition. And then I received the Barnard excellence
18 in teaching award in 2015, as well, once again a sort of
19 recognition.

20 Q Congratulations.

21 A Thank you.

22 Q In your department, do you know or do you work with any
23 adjuncts?

24 A There are adjuncts in my department whom I know. I don't
25 teach with them. In my department, the adjuncts teach

1 elementary and intermediate courses only. And while my group
2 of renewable and reviewed can also teach elementary and
3 intermediate, the adjuncts are really only teaching elementary,
4 intermediate, and sometimes the first level of conversation.

5 For some years, I have only been teaching upper level
6 language courses, and literature and culture courses. But
7 there are adjuncts in my department and I know them, so we have
8 a collegial relationship, certainly.

9 Q In your opinion as a full-time reviewed and renewable
10 faculty member, do you believe that you share all of the same
11 duties and responsibilities as an adjunct?

12 A Well, we certainly have all of the -- we have all of the
13 responsibility that the adjuncts have, but they don't have all
14 the responsibilities that we have. So it's not an equal, I
15 don't know how to put it other than that.

16 MS. MUNOZ: Anything else? You're good. That's it, thank
17 you.

18 HEARING OFFICER BERGER: Any questions from the
19 Petitioner?

20 MR. LEVINE: Yes, thank you.

21 CROSS-EXAMINATION

22 BY MR. LEVINE:

23 Q So your area of academic specialty is medieval and
24 renaissance study?

25 A That's right, and 17th century, sort of pre-modern.

1 Q Okay. Yes, that's certainly modern compared to medieval
2 and renaissance. Would you describe yourself as current in
3 your field?

4 A I think so, yes.

5 Q So what does it mean to be current in a field which
6 studies things that happened hundreds of years ago?

7 A Well, that changes, changes almost weekly, actually, what
8 is considered current. I would say it's the ability to be
9 familiar with intellectual trends that are wider than just your
10 little specialization and understand how those trends can be
11 applicable to your specialization. So that could be keeping
12 abreast of what's going on in modern critical theory that is
13 generally only thought of in a context of the 20th century or
14 21st century, but knowing whether or not it is relevant for
15 something as long ago as medieval renaissance.

16 So, or other, for example, like now just in literary
17 studies across the board, an issue -- the issue of translation
18 is very cutting edge, and what do we mean by translation, and
19 so forth, is it just linguistic. So it's a big question. And
20 so applying a question like that, a point of inquiry like that
21 to the Middle Ages, for example.

22 Q So in your view, is being abreast of contemporary
23 scholarship in your field important to your being a good
24 teacher?

25 A Yeah, especially in a place like Barnard and Columbia,

1 because the students certainly are very versed and familiar in
2 cutting edge everything, trends, what have you. You wouldn't
3 want to go in and touch -- you wouldn't want to teach the
4 Middle Ages with something that they cannot connect with
5 intellectually. And I think that would be doing a great
6 disservice to the discipline and to the students as well, so,
7 yes, I think it's very important.

8 Q Would it be fair to say that the scholarship that you're
9 involved in makes you a better teacher?

10 A Well, yeah.

11 Q Do you still teach the first-year seminar?

12 A Yes, I do.

13 Q Would it be fair to say that the first-year seminar
14 program is considered a foundational part of the education of
15 students at Barnard?

16 A Yeah, it's part of the first-year foundation, so it's
17 really --

18 Q By definition it's foundational, yes.

19 A And everyone has to take it.

20 Q And that's taught by faculty members at all levels, is
21 that correct, in terms of ranks?

22 A That is taught by, yes, yes, absolutely.

23 Q So it's taught by people who are tenured and tenure track?

24 A Absolutely.

25 Q Though when you said finding people to teach courses, has

1 there been some history of it being a little difficult to find
2 people in those ranks willing to teach those courses?

3 A I wouldn't say -- more difficult at the tenure and
4 tenurable ranks, no. I think there are years when, because of
5 all kinds of reasons, understand that when someone teaches a
6 first-year seminar, they are in a sense being released from a
7 course in their department, so there can be situations in
8 departments where they are needed in that department. And that
9 would not be an issue -- that would not be a tenure or tenure
10 track issue.

11 Q So it would be --

12 A I guess what I want to emphasize is that I have not
13 encountered people who say I don't want to -- I think I'm above
14 teaching first-year seminar. If that was what you were
15 implying, I would not agree with that.

16 Q It's more an issue of resistance from their departments
17 that want them to do other things, is that what you're saying?

18 A Resistance isn't the right word. It's the ability for
19 everybody to do everything they want to do.

20 Q And non-tenurable full-time faculty teach in that program
21 as well.

22 A That's correct.

23 Q And also adjuncts?

24 A Yes, especially in Reinventing Literary History, which is
25 part of --

1 Q And adjuncts often teach for many years in that program,
2 correct?

3 A Yeah, I don't have any statistics about how long any
4 particular adjunct has been in that.

5 Q But you have personal knowledge --

6 A Yes.

7 Q -- of some individuals who --

8 A Yes.

9 Q -- have taught for many years?

10 A Yes.

11 Q And isn't it true that adjuncts sometimes develop courses
12 for first-year seminar, which are then reviewed according to
13 the process you've described?

14 A I can't -- I don't -- I can't think of an example of
15 somebody developing a course. I could be wrong, though. I
16 have not reviewed, myself, a course that was developed by an
17 adjunct. Now, once again, the Reinventing Literary History
18 part of the seminar is connected to first-year English and is
19 part of a curriculum that is set with first-year English. So
20 they, those instructors, no matter who they are, don't really
21 create those courses.

22 Q Okay. Do they add some individualized content?

23 A Oh, I would imagine so. I would imagine so.

24 Q So let's start with the last academic year. What courses
25 did you teach? How many -- you taught --

1 A I teach three, three and three.

2 Q Three and three, so a full load.

3 A Right.

4 Q And when you've been a director, you've gotten release
5 time for the director?

6 A Not from medieval and renaissance studies. I've gotten no
7 release or remuneration for that. I did have a one-course
8 release for the year that I did the director of first-year
9 seminar.

10 Q So in the last year, you taught three and three.

11 A That's correct.

12 Q What courses did you teach?

13 A So in the fall, I taught my first-year seminar, advanced
14 grammar and composition in the French Department, and major
15 literary text I in the French Department. So this is the early
16 part of the survey of French literature.

17 In the spring, I taught my new course on Versailles. I
18 taught advanced writing in French. And I taught the senior
19 thesis seminar in the French Department.

20 Q Now for each of those courses, I suppose it varies, for
21 example, you spend more time with the new course obviously
22 creating the syllabus and material. But for each of those
23 courses, do you either create, or review and revise the
24 syllabus each year?

25 A No syllabus is ever done the same way two years, period.

1 I mean I have never taught a course the same, the exact same
2 way twice, so it's always being changed. I'm not saying that
3 everything is being changed, but it's being reconfigured in
4 some way. It's really necessary to do that in conjunction with
5 student feedback and so forth.

6 Q We've had people testify that even to add a few new
7 readings to a syllabus, you have to read a lot more material
8 than you're adding to sort of --

9 A Yeah.

10 Q -- figure out what's out there and decide what would be
11 most salient, is that accurate?

12 A Sure, yes.

13 Q So is it fair to say that there is a considerable amount
14 of work that goes into planning each course, each semester?

15 A Absolutely.

16 Q And then you actually spent how much time in the class
17 each semester or for each class, if we can --

18 A You mean in the classroom?

19 Q Yeah, in the classroom.

20 A Well, all of my classes, except for the senior thesis
21 seminar, would be 75-minute, twice a week classes. The senior
22 thesis seminar is a once a week, two-hour seminar. So I don't
23 know exactly what that comes down to, in terms of hours
24 versus --

25 Q Well, not including the senior seminar, I think if you say

1 75, times 2, times 3 courses, that's 450 minutes, I'll
2 represent, which would be 7 1/2 hours of in-class time.

3 A I don't know. It's 75 minutes twice a week, times 14.

4 Q And then you have office hours as well?

5 A Yes.

6 Q Do you use exams or papers for evaluation in addition to
7 class participation or does it vary?

8 A It varies.

9 Q And you need to spend time figuring out what those
10 assignments will be and creating them, correct?

11 A That's correct.

12 Q And then actually doing the evaluation of the exam or the
13 papers.

14 A Right.

15 Q So, all told, can you give us an estimate of how much time
16 a week you spend directly preparing for a course, teaching the
17 course, doing office hours, and evaluating the students?

18 A As I'm sure you've heard, it's really hard to say that, to
19 give --

20 Q I would imagine.

21 A To give a number to it. And it's really hard to compare a
22 new course to one that you've already done.

23 Q Sure.

24 A I think that a typical literature course that you're going
25 to be with the students for 75 minutes, twice a week, if you

1 want to count in that what we call assessment now, which is the
2 grading of papers, counting all of that, plus your preparation,
3 you're going to spend two full days getting ready for it. Now
4 am I able to do that during the -- I'm also counting the
5 preparation time over the summer, over Christmas break, because
6 that is preparation time after all and that counts in. It's
7 very difficult to put, you know, nobody is standing around with
8 a watch timing themselves, and especially if you then figure in
9 advising time.

10 I mean I will give you an example. My Versailles class
11 had 24 students. They all did digital projects. I spent a lot
12 of time with each one of them on their digital projects. So a
13 course like that is just a tremendous amount of time.
14 Something else might be less, though, so it's very hard. I'm
15 just trying to drive home the point how hard it is to --

16 Q I appreciate that. So recognizing that you provide other
17 forms of service that you've told us about, would it be fair to
18 say that the majority of time you spend working for Barnard is
19 on teaching your courses with all that entails in educational
20 or teaching related duties?

21 A I would say that there are semesters and years -- this
22 past year where that would not probably -- it would be close to
23 50/50. And that was because I was involved in the curriculum
24 review, and I'm not exaggerating how much time these things
25 take. And so it's going to vary greatly. But I think that

1 anyone who is doing their job at Barnard and doing it well is
2 going to have to spend a lot of time preparing their classes
3 and doing their assessment. If they didn't, they would not be
4 at Barnard. And that's part of the job.

5 Q And that's true for full-timers and part-timers, right?

6 A It's true for everybody.

7 Q Albeit they are part-time, so doing their job well takes
8 less time than it would for somebody who is full-time.

9 A I'm not following you.

10 Q Never mind, I'll withdraw that. Now when you were hired
11 that first year and you were, what was it, .8 --

12 A 33.

13 Q -- 33, exactly, which I believe is 5/6ths. Is it your
14 understanding that that's because they were calculating a full-
15 time position on the basis of 3 and 3, and they were reducing
16 that load by 1/6th, so they reduced your appointment by 1/6th?

17 A And they came up with that, I would imagine, because as I
18 said I believe I did two courses in the fall, three courses in
19 the spring that first year, and I think that would have been
20 5/6ths.

21 Q By the way, during the periods when you were a director,
22 did you have any hiring responsibilities?

23 A Not for medieval and renaissance studies and not for
24 first-year seminar, so I have not been involved in hiring.

25 Q Were you assigning courses?

1 A Not in medieval and renaissance. In first-year seminar,
2 it was more a matter of scheduling than it was assigning
3 courses, because instructors either had their seminars that
4 they were already teaching and then a few people developed new
5 seminars. So I don't know if that answers --

6 Q So in first-year seminar, if you know, who would hire the
7 adjuncts?

8 A It is my understanding and I emphasize that it is my
9 understanding that those would have been instructors hired
10 through the Reinventing Literary History, that is to say the
11 first-year English program, and then as it were provided to the
12 first-year seminar program. So I did not -- I was not involved
13 in that and I do not believe that the standing chair or
14 director of first-year seminar would be that person, either.
15 But I am not certain about that.

16 Q Are you given additional compensation for advising first
17 and second-year students?

18 A Yes. We receive a stipend.

19 Q How about for the advising of the international visiting
20 students?

21 A I do not believe that we are. I do not believe. I
22 honestly don't remember.

23 Q You discussed the external grants you got from the Mellon
24 Foundation and then from -- I didn't catch the name, but
25 another foundation, since 2011 that funded trips you took to

1 France with students.

2 A Right.

3 Q Were those trips primarily designed as an educational
4 experience for the students?

5 A Um-hum. Yes, I'm sorry. I'm sorry, yes.

6 Q And did they entail any individual scholarship on your
7 part or were they primarily teaching trips?

8 A You mean did I do research while I was there?

9 Q Yes.

10 A No, I did not do research.

11 Q Explain to me a little bit more about this after school
12 program through the HEAF program, you said a program for
13 students in Harlem. What is the connection at Barnard with
14 that program?

15 A Harlem Educational Activities Fund, which in summary it is
16 an after school and summer program run for students who have
17 high potential for college. They begin in the fifth grade and
18 they stay in this program until they graduate from high school.
19 And they do all kinds of different things with them. Barnard,
20 nine years ago, entered into a grant situation through the
21 Teagle Foundation to provide a once a week program for them in
22 the fall of their junior year.

23 Q Are students involved with that or faculty members?
24 What's the actual --

25 A Well, there are no Barnard's -- excuse me, there are

1 Barnard students involved as helper assistants, so we call them
2 preceptors. They are involved on that level. There are, of
3 course, the students, themselves, are high school juniors from
4 all over the city. And then there is always a faculty member
5 involved. So, myself, I was doing it for the past three years.
6 The first two years of my three-year stint I was doing it with
7 a Barnard faculty member named Rebecca Stanton, who is no
8 longer at Barnard. And the final year I did it by myself.

9 Previously, I mentioned Peter Bower, who is in
10 environmental science, he did it for three years. And prior to
11 him, Kristina Milner in classics department did it. And each
12 one of these programs was, you know, each one of these three
13 programs was slightly different.

14 Q So it sounds like admirable work, but it would be fair to
15 say that wasn't -- didn't involve scholarship, did it?

16 A No, it didn't involve scholarship on my part.

17 Q It was primarily providing service --

18 A That's right.

19 Q -- to the community.

20 A That's right.

21 Q And possibly, I don't know, were you able to recruit
22 people to Barnard out of that program?

23 A Yeah, well, I think we have gotten one or a few, a few.
24 They're very gifted students.

25 Q You talked about your role on the committee of instruction

1 and you talked about the fact that they considered changes to
2 majors and minors. Were you referring to a major maybe
3 changing its requirements or are you talking about the creation
4 of new majors?

5 A Well, since I have been on COI, we have not created a
6 major. But I believe that if a new major were to be created,
7 that it would have to go through COI, excuse me, now that I'm
8 thinking about it, the comp-lit -- the comparative literature
9 department is now, and French, are going to have a minor in
10 translation studies, to give you an example. So it's a new
11 minor. It had to go through the COI last year.

12 Q And it came to the COI from where, from the department or
13 did --

14 A Yes.

15 Q -- it go through the provost first?

16 A No. It would come, it would come through -- it gets
17 channeled to the associate provost, who reads the whole thing,
18 and then it comes to the COI through the associate provost, who
19 is the chair of COI.

20 Q There was testimony concerning the COI that when they
21 received syllabi, that the provost can review them and send
22 them back to the department before they go to the committee, if
23 she thinks there are problems with them. Do you know if that's
24 the same for a proposal for a new minor, for example?

25 A I don't know that it is. When the provost does that, it's

1 typically because of a technical thing. For example, they've
2 put on the form that they want to do a seminar and they put
3 down it's going to be for three points. Well, seminars are
4 typically four points, so that's a technical error. It would
5 need to be sent back. There is no point in giving it to the
6 committee first. It needs to go back and it needs to be
7 corrected. Or if there is some, in the breakdown of the grade,
8 there's some error in the way it's calculated, they're going to
9 send it back.

10 Q Now how do you know what bases the provost uses for
11 sending things back or not before they get to the committee or
12 is that conjecture on your part?

13 A It's conjecture, to a conversation, I would say. I don't
14 know if it's policy anywhere or not.

15 Q You've served on many appointive committees. I think the
16 COI, you said, was the only elected committee you served on.

17 A Yes.

18 Q And you made passing reference to somehow noting your
19 preferences and we've had testimony about a form that goes
20 around. Have you ever been appointed to an appointive
21 committee that you didn't --

22 A No.

23 Q -- request?

24 A No.

25 Q In talking about your department, you talked about the

1 role, you said that adjuncts primarily teach elementary and
2 intermediate courses in language, I believe?

3 A That's correct.

4 Q And you said others also teach those courses --

5 A That's correct.

6 Q -- not just adjuncts. And just thinking about the French
7 Department, again, it would be fair to say that there are
8 adjuncts you know who have taught for many years those courses,
9 is that true?

10 A Actually, the adjuncts in my department, currently, there
11 is one adjunct -- there is only one adjunct who has been there
12 for more than one year and he has been there, I am going to
13 guess in saying maybe four or five years. So he is the only
14 one currently having continued. Since I have been at Barnard,
15 the -- no, we don't -- I don't know if that answers the
16 question. I'm just trying to think if there is anyone else,
17 but there isn't so --

18 Q I was going to ask that whether, you know, for the last
19 10, 15 years you've been the department there have been others
20 that have served as long as that adjunct who served 4 or 5
21 years, who simply aren't there anymore.

22 A No.

23 Q So you're saying there has only been one person in 15
24 years who has served as long as 4 or 5 years as an adjunct or
25 you don't know?

1 A I cannot think of anyone, honestly, who has served as an
2 adjunct for more than five years.

3 Q Do you know who Niamh Duggan is?

4 A Yes.

5 Q I may be pronouncing that wrong.

6 A That's correct.

7 Q She's an adjunct in the department?

8 A She's no longer at Barnard. She left. She took a job
9 elsewhere.

10 Q She's not coming back next year?

11 A No. She took a job at another institution.

12 Q And are there adjuncts who have moved onto full-time
13 positions in your department since you've been there?

14 A Yes.

15 Q Okay. And who is --

16 A People who were adjuncts and then changed rank, so to
17 speak?

18 Q Yes.

19 A Yes.

20 Q Who is that or if it's more than one can you tell us about
21 who they were?

22 A Well, am I allowed to name people's names? I mean I guess
23 that's okay.

24 HEARING OFFICER BERGER: Yes, it would be helpful if you
25 would name people's names.

1 THE WITNESS: Okay. Well, I'm not actually sure. There
2 is a faculty member who is -- who was last year a lecturer.
3 She may have previously been an adjunct, I am not sure. I
4 would emphasize that and it's going to sound like I'm trying to
5 be dicey on this, but we don't necessarily always know somebody
6 comes in, are they an adjunct, are they a lecturer. I mean we
7 just don't operate like that. So Lauren may have been an
8 adjunct when she began. I know that she last year was a
9 lecturer. So that would be an example of somebody who did make
10 that transition.

11 BY MR. LEVINE:

12 Q When you say you don't operate that way are you suggestion
13 that's because you just treat everybody as a respected
14 colleague and you're not -- you don't discuss rank necessarily?

15 A I would say that we aren't worried about -- we're not
16 worried about the fact that somebody is an adjunct. I don't
17 know what to say. I mean it sounds like, you know, do we have
18 respect for everybody in our department, absolutely, if that's
19 what you want me to say.

20 Q I was actually going to --

21 A And I would say we have equal respect for everybody.

22 Q I was going to go back because you mentioned the collegial
23 relationship with adjuncts.

24 A That's right.

25 Q And I was going to ask what specifically you meant by

1 that.

2 A I would say that beyond casual, you know, saying hi to
3 people, sharing what's going on in your classes in the hall
4 kind of thing, which I consider collegial, specifically in my
5 department, because the adjuncts are teaching, you know, we're
6 teaching sort of nuts and bolts language courses, they have a
7 voice in our end of the semester language meeting. And there
8 we talk about -- everybody talks about what they experienced
9 over the semester. I find those meetings very collegial. So I
10 would say that those are two examples, one casual and one a bit
11 more formal.

12 MR. LEVINE: I may be done, but I need a brief caucus.

13 HEARING OFFICER BERGER: Okay, let's take 10 minutes.

14 (Recess from 3:49 p.m. to 4:03 p.m.)

15 HEARING OFFICER BERGER: Let's go back on the record.

16 Anything further from the Petitioner?

17 MR. LEVINE: Nothing further, at this time.

18 HEARING OFFICER BERGER: And what about from the Employer,
19 any redirect?

20 MS. MUNOZ: The Employer does not have redirect.

21 HEARING OFFICER BERGER: Okay. Maybe you'll have
22 questions based on what I ask, we'll see. But there are a
23 couple of questions I have for you. One of the last things you
24 mentioned was the end of semester language meeting in your
25 department. So that happens every semester?

1 THE WITNESS: Yes.

2 HEARING OFFICER BERGER: Who participates or who attends,
3 let me ask that.

4 THE WITNESS: So anyone in the department who teaches a
5 language course, as opposed to literature, would be attending
6 this meeting.

7 HEARING OFFICER BERGER: And who chairs that meeting?

8 THE WITNESS: The coordinator, she's called the language
9 coordinator.

10 HEARING OFFICER BERGER: Who is the language coordinator?

11 THE WITNESS: Anne Boyman is her name.

12 HEARING OFFICER BERGER: Is she a tenured faculty member?

13 THE WITNESS: No. She's a senior lecturer.

14 HEARING OFFICER BERGER: I see. So how many people would
15 you estimate are in attendance at that meeting?

16 THE WITNESS: In any given semester, it's probably from 8
17 to 10.

18 HEARING OFFICER BERGER: And that includes people who are
19 in adjunct titles?

20 THE WITNESS: Yes.

21 HEARING OFFICER BERGER: How many of those 8 to 10 are in
22 adjunct titles?

23 THE WITNESS: So this past semester, for example, it would
24 have been two.

25 HEARING OFFICER BERGER: What kinds of things are

1 discussed at those meetings?

2 THE WITNESS: Well, we will discuss the elementary and
3 intermediate levels, first of all, and whether things are
4 working well, whether we feel that there might be eventually
5 changes needed, you know, depending on how things are going.
6 And then from there we talked about how those courses often,
7 not always but often feed into the more advanced courses and
8 are the students in more advanced courses adequately prepared,
9 in our opinion, and so forth.

10 HEARING OFFICER BERGER: And so have changes come out of
11 those meetings?

12 THE WITNESS: Yes, I would say that because it's a good
13 idea to every, you know, four, or five, six years, renew your
14 -- review your materials and renew them, and bring in new
15 materials. And it would be in the context of those meetings
16 that we would talk about that.

17 HEARING OFFICER BERGER: And so are the adjunct faculty
18 members in attendance at those meetings --

19 THE WITNESS: Yes.

20 HEARING OFFICER BERGER: -- participating in that
21 discussion and contributing to that discussion?

22 THE WITNESS: They would be giving their opinions, yes.

23 HEARING OFFICER BERGER: Okay. Also, the medieval studies
24 conference that you spoke about toward the beginning of your
25 testimony, is that at Barnard?

1 THE WITNESS: Yes.

2 HEARING OFFICER BERGER: And is that for the entire
3 college community; is it open to the public?

4 THE WITNESS: It is open to the public. It is advertised
5 to the entire Barnard and Columbia community, so students,
6 faculty, but also outside.

7 HEARING OFFICER BERGER: And what is that, a multiday
8 affair?

9 THE WITNESS: No. It is typically a one-day, a Saturday
10 in December affair.

11 HEARING OFFICER BERGER: And what does it consist of?

12 THE WITNESS: It consists of typically in the morning, two
13 plenary speakers, a lunch, and then in the afternoon multiple
14 sessions, typical paper panels with three or four papers per
15 panel that are going on at the same time. And then some kind
16 of an event in the evening like a cocktail reception, concert,
17 something like that.

18 HEARING OFFICER BERGER: So the plenary speakers, are they
19 from within the Barnard community?

20 THE WITNESS: No. They are always invited from outside.

21 HEARING OFFICER BERGER: And who chooses those speakers?

22 THE WITNESS: That would be -- there is a committee of
23 faculty from all the departments of the college who teach in
24 the medieval renaissance area, who get together and decide
25 collectively what kind of topic, because the conferences are

1 always based on a topic. And generally out of those
2 conversations, people will say, oh, I know this scholar, that
3 scholar who is a really good public speaker, who would be good
4 to have as a plenary.

5 HEARING OFFICER BERGER: Are any adjunct faculty on that
6 committee?

7 THE WITNESS: No.

8 HEARING OFFICER BERGER: Okay. And then the sessions you
9 described as paper panels.

10 THE WITNESS: Yes.

11 HEARING OFFICER BERGER: Are those, the participants of
12 those, are they from within the Barnard community?

13 THE WITNESS: Very seldom. What we try to do is we do a
14 call for papers a year and a half in advance or so. We try --
15 we solicit papers from scholars all around the country and
16 sometimes internationally to come to New York. I mean that's
17 really kind of the point is to bring scholars to New York.
18 However, sometimes, there are Barnard or Columbia faculty.
19 Sometimes, there have been graduate students as well who have
20 given papers. But the papers or the abstracts of papers are
21 submitted and evaluated by this same committee that I spoke of.

22 HEARING OFFICER BERGER: And in your experience, have
23 adjunct faculty at Barnard been selected to be on those panels?

24 THE WITNESS: Not to my knowledge, adjuncts from Barnard
25 or Columbia. There are -- there could be from other

1 institutions and I'm not aware what their status is.

2 HEARING OFFICER BERGER: Okay, that's all I have. Any
3 questions from either party based on the responses just given?

4 MR. LEVINE: I have one question.

5 BY MR. LEVINE:

6 Q Anne Boyman?

7 A Yes.

8 Q Isn't she the chair of the department, also?

9 A She's a co-chair.

10 MR. LEVINE: Okay. Nothing further.

11 MS. MUNOZ: And I just have one.

12 REDIRECT EXAMINATION

13 BY MS. MUNOZ:

14 Q In the end of the year language meetings, how are final
15 decisions reached or who makes the final decision?

16 A Well, the language -- Anne Boyman, the language
17 coordinator, is really the person who makes the final decision.
18 But I would have to say that we all do come into the
19 conversation.

20 Q Thank you.

21 HEARING OFFICER BERGER: Okay, nothing further, so you are
22 excused. You can leave those documents there.

23 (Witness excused.)

24 HEARING OFFICER BERGER: Does the Employer have any
25 additional witnesses?

1 MS. MUNOZ: We actually do not, subject to we're going to
2 look at the appointment letters and figure that out, but
3 otherwise --

4 HEARING OFFICER BERGER: Not, period, or not here at the
5 moment?

6 MS. MUNOZ: Not, period, on the case in chief.

7 HEARING OFFICER BERGER: Okay.

8 MS. MUNOZ: It's really a matter of either rebuttal or, if
9 necessary, upon review of the letters.

10 HEARING OFFICER BERGER: Okay. So let's go off the record
11 then.

12 (Whereupon, at 4:10 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

INTERNATIONAL UNION OF AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL WORKERS OF AMERICA, LOCAL 2110,

Petitioner.

Case No.: 02-RC-154022

Date: June 29, 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

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