

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Employer,

and

GRADUATE WORKERS OF COLUMBIA
GWC, UAW,

Petitioner.

Case No. 2-RC-143012

The above-entitled matter came on for Hearing pursuant to Adjournment, before AUDREY EVEILLARD, HEARING Officer, at the National Labor Relations Board, Region 2, 26 Federal Plaza, Suite 3614, New York, New York 10278, on Tuesday, April 28, 2015, at 9:30 a.m.

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A P P E A R A N C E S

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
Carlos Alonso	(prev)	579	603		606
Elliott Cairns	608	625			

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E X H I B I T S

EXHIBIT NUMBER	IDENTIFIED	RECEIVED
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PETITIONER'S:

P-26	589	590
P-27	600	600
P-28	601	601
P-29	608	610
P-30	610	616
P-31	616	617
P-32	619	620
P-33	620	621
P-34	620	622

EMPLOYER'S:

E-84	605	606
E-85	627	629

2

1 P R O C E E D I N G S

2 (Time Noted: 9:44 a.m.)

3 HEARING OFFICER EVEILLARD: Back on the record. Have a
4 seat.

5 Whereupon,

6 CARLOS ALONSO,

7 having been previously duly sworn, was examined and testified
8 further on his oath, as follows:

9 THE WITNESS: Good morning.

10 HEARING OFFICER: Good morning. You're just reminded that
11 you're still under oath.

12 CROSS EXAMINATION

13 BY MR. MEIKLEJOHN:

14 Q. Good morning, Dr. Alonso.

15 A. Good morning.

16 Q. I know you'll be disappointed that this is probably your
17 last chance to be here, but you can always come back to observe
18 if you'd like.

19 A. I will.

20 Q. Okay. What percentage of entering doctoral students are
21 awarded Deans Fellowship?

22 A. A hundred percent.

23 Q. And this -- a Deans Fellowship for most departments is a
24 five-year funding package, is that correct?

25 A. Yes, it is.

1 Q. Now, in the Arts and Humanities -- actually, could you take
2 a look at Exhibit 39 -- well, maybe you don't need it, but you
3 might. Yeah, why don't you take a look at Employer's Exhibit
4 39?

5 HEARING OFFICER: Okay.

6 BY MR. MEIKLEJOHN:

7 Q. And why don't you just tell me what that document is?

8 A. It's called Fellows category.

9 Q. Do you remember this document?

10 A. Yes, I do.

11 Q. Now, under Deans Fellow it says, the second sentence says
12 that in the Art -- in Humanities and Social Science the award
13 entails no service obligations in the first year beyond
14 satisfactory progress in study and research. Can you tell me
15 what the phrase service obligations means in that sentence?

16 A. It means that in the Humanities and the Social Sciences
17 students do not have teaching assignments or assignments of any
18 sort. However, in the Natural Sciences a Deans Fellowship may
19 include teaching or a research obligation in the first year.

20 Q. Right, okay. Service obligations means either teaching as
21 a -- one of the teaching categories or doing -- or research as a
22 research assistant or research fellow?

23 A. Yes.

24 Q. And if -- and then in the -- if the student is granted a
25 dissertation fellowship then there are no service obligations in

1 the fifth year, correct?

2 A. That is correct.

3 Q. And these -- this first year and the fifth year in the Arts
4 -- I mean in the Humanities and Social Sciences, the first year
5 and the last -- and the fifth year are part -- strike that.

6 In the Humanities and the Social Sciences this first year
7 with no service obligations and the dissertation year are the
8 first and the last year customarily of the five-year funding
9 package, correct?

10 A. That is correct.

11 Q. Now, there are situations under which a, at least according
12 to the document, a dissertation fellowship may be denied such as
13 failure to make an effort to obtain outside funding?

14 A. Is that in this document?

15 Q. I think so. Well, dissertation fellows are encouraged to
16 use -- well, let me see where I found that. Well, what it says
17 -- I'm sorry, it is there. The second sentence says, "Usually,
18 only students who have successfully defended the dissertation
19 prospectus and demonstrated that they have made a good faith
20 effort to obtain external funding are eligible to receive
21 dissertation fellowships." I knew it was there somewhere.

22 So I take it -- well, is it in fact the case that at least
23 in theory a student could be denied a dissertation fellowship
24 for failing to seek outside funding?

25 A. We have never denied dissertation fellowship to a student

1 who has not proven that they have made a good faith effort to
2 obtain external funding. It's not tallied, it's not kept as a
3 requirement for students, meaning that there would be no way in
4 which we would be able to know whether a student has or has not
5 made an effort to obtain external funding.

6 We don't ask them to report an effort to obtain such
7 funding and we don't keep records of that fact so I would have
8 to say that this is language that is vestibular in a sense.

9 Q. There was a time that that was the policy or --

10 A. It must have been a requirement at some point or another.
11 However, I find it prior to think of how they would be able to
12 ascertain that fact in the case of all students.

13 Q. Do you know whether some departments ask students to report
14 on whether they have sought outside funding?

15 A. Not to my knowledge.

16 Q. Is it fair to say that this language is in there to
17 encourage these students to seek outside funding?

18 A. Yes.

19 Q. Okay. And are there other circumstances or are there
20 circumstances in which you're aware of in which a fifth year
21 Ph.D. student has not obtained a dissertation fellowship in the
22 fifth year?

23 MR. BRILL: Object to the form of the question. You said
24 are there other circumstances in which Ph.D. students have
25 established --

1 MR. MEIKLEJOHN: I'll rephrase --

2 MR. BRILL: -- any circumstance.

3 HEARING OFFICER: That's true.

4 MR. MEIKLEJOHN: I'll rephrase.

5 BY MR. MEIKLEJOHN:

6 Q. I'm not sure it would have been misleading, but are you
7 aware of any circumstances in which a fifth year Ph.D. student
8 has been denied a dissertation fellowship?

9 A. Not at all.

10 Q. Okay. So I guess I won't ask you what arrangements are
11 made if that happens.

12 If you could turn to the next page under Research Fellow?

13 A. Yes.

14 Q. The second sentence reads, "The duties associated with
15 Research Fellowships average 15 to 20 hours per week. Research
16 Fellowships are most common in the Natural and Social Sciences."
17 Do you know how much time a Research -- strike that.

18 Do you know how much time a Ph.D. student in their -- after
19 they've completed their classes, so in their third, fourth years
20 would normally spend working on their dissertation?

21 A. Specifically under dissertation?

22 Q. Yes, the dissertation research.

23 A. I'm sure we do not legislate on that. The assumption is
24 that when students are working on their dissertation everything
25 that they do should be an aspect of that dissertation work and

1 that it should be meeting to the conclusion of the dissertation
2 work.

3 Q. Would this normally take in your -- based upon the
4 information available to you is it fair to say that they
5 normally spend substantially more than 15 to 20 hours a week on
6 average working on their research?

7 A. If you're asking me about 52, I would have to say yes. In
8 many cases it's probably substantially more than that.

9 Q. I think that's probably right, yes. Now, graduate research
10 assistants, this is supplemental money -- strike -- well, I'll
11 ask you. Is this essentially supplemental money that's awarded
12 to students who have another source of funding from an outside
13 source?

14 A. Yes, the graduate research assistant is a student on
15 appointment that is funded by an outside source.

16 Q. And in many circumstances those outside sources award less
17 funds than the standard GSAS fellowship package?

18 A. That is correct in the sense that we supplement the award
19 through tuition and health needs in order to have all students
20 have the same funding package.

21 Q. So if a student is awarded a research grant from -- I'm
22 sorry. If a student is working on a project that involves a
23 research grant from the National Institutes of Health or the
24 National Science Foundation would those grants, if you know,
25 normally cover the full stipend that those students would

1 receive?

2 A. It does and it also covers a certain amount of the tuition.

3 Q. But the University has to supplement that to bring it up to
4 the standard package?

5 A. I believe that the supplementation happens in the case of
6 the medical plan and health fees and facilities fees and so
7 forth. I'm not completely sure about whether the tuition is
8 completely covered by the outside rent. I would imagine not,
9 but I would not be able to give you a completely accurate answer
10 on that score.

11 Q. Now, are there other types of grants, outside grants that
12 students receive that provide less in the way of a stipend, less
13 in the way of money for living expenses than the standard
14 University funding package?

15 A. Yes.

16 Q. What types of grants are those?

17 A. Those would be grants that a student may receive from a
18 foundation or any other outside entity that would award a grant
19 based on a competitive selection process for the receipt of a
20 grant.

21 Q. Are these grants -- would this include grants referred to
22 as training grants?

23 A. Training grants are Federal grants. These are -- training
24 grants are grants that are given by Federal Agencies to
25 encourage inter-disciplinary research and thinking and they have

1 a fixed number of years and it's the department that receives
2 the grant.

3 Q. So the funding goes to the department?

4 A. Yes.

5 Q. And then that funding is -- is that funding used in some
6 way to at least in part benefit the student?

7 A. Just like with any other Federal grant.

8 Q. So the funding is used to pay the student's tuition and the
9 stipend as well as the other elements in the fellowship package?

10 A. To the extent that it covers them because there are some
11 that we provide as I said previously.

12 Q. And the -- well, those grants often fall short of the
13 standard funding package so that the University supplements it?

14 A. No, I think what happens is that there's only certain types
15 of expenses that can be charged to grants, So that for instance
16 the medical plan that the University pays for graduate students
17 is not -- cannot be charged to the grant and facilities fees and
18 health fees are not part of the type of expense that can be
19 charged to grants.

20 Q. And the -- when you say that the funds are received by the
21 department, I guess, as a fiscal matter, is it in fact the case
22 that the money is received by the University and then the
23 University allocates it to the department?

24 A. That is my understanding.

25 Q. I mean in other words the Federal Government doesn't write

1 a check to the Economics Department or the Physics Department of
2 Columbia, they write a check to Columbia?

3 A. That is my understanding, yes.

4 Q. Oh, nobody writes checks anymore, but -- and those -- but
5 the funds are received by the University as a result of the
6 grant request submitted by the student, is that right?

7 A. The grant request submitted by the principal investigator
8 that describes the research that will be undertaken if the grant
9 were to be received and it may be disbursed through the
10 University, but the fact is that it's up to the individual PI to
11 -- principal investigator to ensure that the responsibilities
12 and the research stipulated in the grant is actually undertaken.

13 Q. Are we talking about training grants now or research,
14 traditional research grants? We had stated switching -- we had
15 switched over to training grants at one point. Are we still
16 talking about training -- does that last testimony relate to
17 training grants as well as other research grants?

18 A. I don't know for a fact what the disbursement mechanism for
19 training grants is. I would imagine that it is also handled by
20 the University simply because there has to be some mechanism to
21 keep track of the flow of funds.

22 Q. Okay. So with respect to training grants who writes the
23 application for those grants?

24 A. I believe that the faculty in the department write the
25 training grants.

1 Q. To obtain funds for the research being conducted by a
2 particular student or is it not necessarily associated with a
3 particular student?

4 A. I don't think I could answer that question --

5 Q. Okay.

6 A. -- authoritatively.

7 Q. Now, the last time -- one of the times you were here you
8 testified about the Association of American Universities.

9 A. Yes.

10 Q. And you introduced -- or your counsel introduced some
11 information obtained from the web page of the Association of
12 American Universities?

13 A. Yes.

14 Q. And I asked you about the membership of that organization
15 and you said that in order to tell me who was the -- who were
16 members of the organization, you'd have to look at the web page?

17 (Whereupon, Mr. Meiklejohn's cell phone rang.)

18 MR. MEIKLEJOHN: Sorry. I have been very good up till now
19 in making sure this was off.

20 BY MR. MEIKLEJOHN:

21 Q. You said you'd have to look at the web page of the American
22 -- the Association of American Universities to determine who
23 were the members?

24 A. I believe I said that I would have to look at the roster of
25 the AAU to be able to tell who the members are.

1 Q. And that roster is available on their web page?

2 A. Yes.

3 Q. Okay.

4 MR. MEIKLEJOHN: I'd like this marked as Petitioner's
5 Exhibit 26.

6 (Petitioner's Exhibit 26 identified.)

7 BY MR. MEIKLEJOHN:

8 Q. Have you had an opportunity -- oh, not yet.

9 A. Yes, I have.

10 HEARING OFFICER: You can continue asking questions.

11 MR. MEIKLEJOHN: Pardon?

12 HEARING OFFICER: You can continue asking questions.

13 MR. MEIKLEJOHN: Oh, I thought the Reporter wasn't
14 finished.

15 BY MR. MEIKLEJOHN:

16 Q. Have you had an opportunity to review Petitioner's Exhibit
17 26?

18 A. Yes, I have.

19 Q. And is this the roster of the Association of American
20 Universities?

21 A. It would seem so.

22 MR. MEIKLEJOHN: I move the introduction of Petitioner's
23 26.

24 MR. BRILL: If you represent that that's what it is I have
25 no objection, but I don't know how this witness could identify

1 it. You just handed him a piece of paper --

2 MR. MEIKLEJOHN: Well, at this time I --

3 MR. BRILL: -- that purports to be. If it is what it
4 purports to be then we have no objection.

5 MR. MEIKLEJOHN: At this time I'll say I personally went
6 to the web page. This was a relatively easy website to navigate
7 through and located it myself, so yes, I will say that this is
8 the roster that appears on the web page of the Association of
9 American Universities and consistent with the witness' testimony
10 shows that there's 62 members.

11 MR. BRILL: No objection.

12 MR. MEIKLEJOHN: Two in Canada.

13 HEARING OFFICER: Okay, it's admitted.

14 (Petitioner's Exhibit 26 received.)

15 MR. MEIKLEJOHN: Okay. I have no questions about it. I
16 just want to get that in.

17 BY MR. MEIKLEJOHN:

18 Q. What is a -- maybe we've had testimony about this, but I
19 don't remember it. What is a faculty fellow?

20 A. I have no way of describing that category.

21 Q. Do you know what it is or --

22 MR. MEIKLEJOHN: Well, could the witness be shown Employer
23 40, please?

24 (Whereupon, the document was handed to the witness.)

25 HEARING OFFICER: Anything in particular?

1 BY MR. MEIKLEJOHN:

2 Q. My question is actually on the first page under Guidelines
3 for Teaching Fellowships, Roman Numeral I, the first paragraph.
4 There's a mention of a Faculty Fellow.

5 A. Oh --

6 Q. But -- go ahead.

7 A. I believe I may have an explanation about that. Faculty
8 Fellows was the designation that was used before the Deans
9 Fellow was instituted. In other words, there would be the
10 designation of the first year offer to a perspective student.

11 Q. Do you know when that term went out of use?

12 A. I know it was sometime after I became Dean, but I -- it was
13 very early in my tenure, maybe four or five years ago.

14 Q. Okay. And if you could just look at Exhibit 41? This is
15 not an earth shattering question.

16 MR. BRILL: Just give us a second, please. Yeah.

17 BY MR. MEIKLEJOHN:

18 Q. You testified that this was a list of the departments that
19 give course credit for pedagogical training and I believe you
20 testified that to your knowledge other departments don't, but I
21 just -- according to this list, the Math Department, which is
22 the fifth from the bottom, gives zero credits. Do you know is
23 that a typo or is it in fact that they answered the survey and
24 said they give no credit?

25 A. That must be a typo.

1 Q. So you think that the Math Department gives some credit?

2 A. I believe so.

3 Q. Now, in some of these documents, I hope I can find one if
4 it's necessary, but there are documents from your website that
5 say in normal circumstances a Ph.D. student is only permitted to
6 play a teaching role with respect to one class, correct?

7 A. Yes.

8 Q. But the documents indicate that there are circumstances
9 under which an exception may be made as long as you check -- you
10 have to check with lots of people and get authorizations through
11 particular procedures, correct?

12 A. I would have to look at the document, but my understanding
13 is that there is a way in that provision to allow students who,
14 for instance, may have to do field work or somehow need to be
15 absent from campus at a time when they are supposed to be on a
16 teaching appointment and in those various instances the student
17 is allowed to fulfill teaching obligations in one semester as
18 opposed to two. But as you yourself said, it requires a very
19 high bar in terms of approval.

20 Q. Okay. Could you take a look at Employer Exhibit 53?

21 A. Okay.

22 Q. This is the information about pedagogical requirements for
23 the Art History and Archeology Department from the Departmental
24 Student Handbook.

25 A. It seems that way.

1 Q. I believe that's how you identified it when you offered it.
2 And have you reviewed this and the other teaching handbooks
3 that you offered?

4 MR. BRILL: Just for the record he didn't actually offer
5 them.

6 MR. MEIKLEJOHN: Oh, did this come through --

7 MR. BRILL: No, counsel offered them.

8 MR. MEIKLEJOHN: Oh, I'm sorry, but --

9 MR. BRILL: He identified them.

10 BY MR. MEIKLEJOHN:

11 Q. That you identified. I'm sorry, yes, fine. Did you review
12 this and the other teaching materials that you identified when
13 you were on the stand last week?

14 A. In the context of this -- these proceedings, I -- you
15 presented them to me or Mr. Brill presented them to me and I
16 looked at them, but not in a deep fashion I would say.

17 Q. How did you come to have these documents in your -- or
18 available to you?

19 HEARING OFFICER: When you say these, are we just talking
20 about --

21 MR. MEIKLEJOHN: Well, this one in particular then. I'll
22 stick with 53.

23 HEARING OFFICER: Okay.

24 MR. MEIKLEJOHN: It was part of a series of handbooks that
25 he -- or teaching materials that he offered, but I'll just --

1 BY MR. MEIKLEJOHN:

2 Q. How did you come to have access to this document?

3 A. This particular document?

4 Q. Yes.

5 A. We -- two and a half years ago or so the apparent Director
6 of the School of Teaching Center asked all departments to
7 forward to him documents pertaining to the training of their
8 students and at that time we in the Dean's Office received a
9 copy of the materials that had been forwarded to the GSAS
10 Teaching Center so that it was familiar to me when I was
11 preparing for this testimony.

12 Q. So they were in the -- they were in the files of your
13 department, is that a fair description?

14 A. They were in a folder that contained all such documents
15 that had been copied to us by the GSAS Teaching Center.

16 Q. All right. Oh, so they were forwarded from the -- I'm
17 sorry, they were forwarded from the Teaching Center, not from
18 the department.

19 A. Right.

20 Q. Could you turn to the third page of the document, which is
21 Bates Stamped 761 and there's a lengthy description of the
22 duties of a section leader?

23 A. Yes.

24 Q. Now, you can read the whole thing if you'd like. I'm going
25 to draw your attention to the section that begins -- the

1 sentence, rather, that begins about three-quarters of the way
2 through the paragraph that begins, "In addition to leading
3 discussion sections and grading..."

4 MR. BRILL: Give the witness and counsel a few minutes to
5 read it.

6 MR. MEIKLEJOHN: Okay.

7 (Whereupon, counsel and the witness reviewed the document.)

8 MR. MEIKLEJOHN: Just the paragraph relating to the duties
9 of section leader. Have you had a chance to review that?

10 MR. BRILL: I haven't finished yet.

11 (Pause.)

12 BY MR. MEIKLEJOHN:

13 Q. All right. Now, you saw the sentence --

14 MR. MEIKLEJOHN: I'm sorry, are you still reading? Are
15 you ready, counsel?

16 MR. BRILL: Sure.

17 MR. MEIKLEJOHN: Okay.

18 BY MR. MEIKLEJOHN:

19 Q. So the sentence that I drew your attention to continues,
20 "Section leaders may occasionally photocopy."

21 MR. BRILL: is that a question?

22 MR. MEIKLEJOHN: I'm just trying to -- I'm trying to get
23 to where I have to go.

24 THE WITNESS: Could you indicate the sentence maybe first?

25 BY MR. MEIKLEJOHN:

1 Q. Okay. The sentence begins, "In addition to leading
2 discussion sections and grading, section leaders may
3 occasionally photocopy, organize library reserves and printed
4 readers, and handle administrative tasks directly related to the
5 class." You find that sentence?

6 A. Yes, I did.

7 Q. Now, the first question is does photocopying have
8 pedagogical value to the student?

9 A. Teaching a class, preparing a class is a one piece and
10 there are many things that an instructor does that have to do
11 with being able to teach a successful class that are not -- if
12 you desegregate them one from another will look like you would
13 want to make a distinction between having pedagogical value and
14 not having pedagogical value. You can't do that.

15 In other words, teaching a class is an organic and complex
16 experience that is made up of many kinds of actions and
17 responsibilities all of which in the aggregate constitute
18 teaching a class.

19 Q. If a class doesn't -- if an instructor does not have a
20 section leader to do photocopying for him or her who does the
21 photocopying?

22 MR. BRILL: Could you repeat the question, please?

23 BY MR. MEIKLEJOHN:

24 Q. If a class doesn't have a section leader available to do
25 photocopying who would do the photocopying for the instructor?

1 A. Judging from the description of the section leader, a
2 section leader is the person responsible for the infrastructure
3 for the class, for the preparation of everything that has to do
4 with the class, so I cannot imagine that a section leader either
5 would be able to designate somebody else to do this type of
6 task.

7 Q. There are classes that don't have section leaders, correct?

8 A. Yes.

9 Q. And those classes do have instructors, correct?

10 A. Yes.

11 Q. And if the instructor needs something photocopied who does
12 he or she go to?

13 A. I would not be able to tell in every instance, but if you
14 are responsible for your class, you do your own photocopying
15 unless a department has some kind of procedure in place for
16 helping instructors do this type of photocopying to avoid
17 crunches at machine. I know this used to happen in my
18 department.

19 Q. In your department there was an administrative person who
20 did the photocopying?

21 A. No, there would be some series of hours in which
22 instructors could come and do their photocopying, but there was
23 nobody designated, no staff member designated to do photocopying
24 for the class because classes are typically small.

25 In large section courses such as this each department may

1 have a different procedure for doing this, but typically you do
2 the work that is required to teach the class successfully.

3 Q. Unless you have a section leader available to do that for
4 you?

5 MR. BRILL: Objection.

6 MR. MEIKLEJOHN: I'll withdraw the question.

7 BY MR. MEIKLEJOHN:

8 Q. The next clause in that sentence states that the section
9 leader is expected to organize library reserved and printed
10 readers.

11 A. Yes.

12 Q. Do you know what that means?

13 A. Some courses will put together packets of photocopies that
14 are used for the class and library reserves are materials that
15 are put on reserve in the library so that students may go at
16 their leisure to consult them.

17 Q. So the section leader's job is to make sure that those
18 materials are on reserve?

19 A. Yes. Occasionally it is.

20 Q. I'm sorry, could you repeat the last phrase?

21 HEARING OFFICER: He said occasionally the document's --

22 MR. MEIKLEJOHN: Occasionally, right.

23 BY MR. MEIKLEJOHN:

24 Q. Could you look at Exhibit 57, please, Employer 57? Do you
25 have it?

1 HEARING OFFICER: Um-hum.

2 MR. MEIKLEJOHN: I'm going to ask about the teaching
3 apprenticeship.

4 BY MR. MEIKLEJOHN:

5 Q. And really I may have asked this in a different context,
6 but this is one of several documents that provide that
7 exceptions to teaching requirements are made for students who
8 win external financial rewards.

9 A. Yes.

10 Q. You see that in there?

11 A. Yes.

12 Q. And if you know, why are students who receive external
13 financial rewards exempted from some -- if this makes it clear --
14 -- some teaching requirements?

15 A. Sometimes the outside grant requires that during the tenure
16 of the grant a student not have any other responsibilities than
17 for time devotion to his or her research.

18 Q. Are there other reasons or is that the only reason you're
19 aware of?

20 A. No. We allow students, we give the students the option of,
21 I believe I said in my previous testimony, of receiving a
22 supplement to the outside grant or bank, their support, so that
23 they can guarantee for themselves an extra year of teaching
24 beyond the five year package.

25 Q. And then in the sixth year -- you know, we did go over

1 that. Okay.

2 MR. MEIKLEJOHN: I'd like this document marked as
3 Petitioner's Exhibit 27.

4 (Petitioner's Exhibit 27 identified.)

5 THE WITNESS: Yes.

6 BY MR. MEIKLEJOHN:

7 Q. Have you had an opportunity to review Petitioner's Exhibit
8 27?

9 A. Yes.

10 Q. Is this also a page from the GSAS website?

11 A. Yes, it is.

12 MR. MEIKLEJOHN: I move the admission of Petitioner's 27.

13 MR. BRILL: No objection.

14 HEARING OFFICER: Okay, it's admitted.

15 (Petitioner's Exhibit 27 received.)

16 BY MR. MEIKLEJOHN:

17 Q. Now, you testified that -- I believe, that English
18 Department students are normally awarded a six year funding
19 package or maybe you didn't, but is that --

20 A. I did not testify that, but that is indeed the case.

21 Q. That is the case, okay.

22 And the English Department package typically provides for
23 -- requires four years of teaching responsibilities in order to
24 receive the six years of funding?

25 A. I believe so.

1 Q. Finally, I have one more page that I believe comes from
2 GSAS website. This one was not produced in response to the
3 subpoena.

4 MR. BRILL: Are you marking this as 28?

5 MR. MEIKLEJOHN: This would be yes, Petitioner's 28.

6 (Petitioner's Exhibit 28 identified.)

7 BY MR. MEIKLEJOHN:

8 Q. I'd ask you if you recognize this as being another page
9 from the GSAS website regarding teaching and research
10 appointments?

11 A. Yes, it is.

12 MR. MEIKLEJOHN: Move the admission of Petitioner's 28.

13 MR. BRILL: No objection.

14 HEARING OFFICER: Okay, it's admitted.

15 (Petitioner's Exhibit 28 received.)

16 BY MR. MEIKLEJOHN:

17 Q. And I'll draw your attention to the last paragraph or the
18 second paragraph of this document. That paragraph begins with a
19 reference to funded doctoral students, funded doctoral students
20 needs refers to ones who have received fellowship packages,
21 typically a five year package, correct?

22 A. Yes.

23 Q. And it goes on to state that funded doctoral students may
24 not work more than 20 hours per week at paid pursuits regardless
25 of their fellowship category. Can you explain what that

1 reference to paid pursuits means?

2 A. The phrase paid pursuits refers to the stipend or
3 combination of stipend and salary that students receive upon
4 appointment.

5 Q. Would this limitation apply if they got some outside
6 employment?

7 A. It would in the sense that the expectation is that -- you
8 mean outside employment. I'm sorry, I thought you referred to
9 outside fellowships. We state in a number of places in our
10 website that we do not prevent a student from having other paid
11 pursuits as long as they do not interfere with their primary
12 responsibility toward progress toward the degree.

13 Q. I guess my question is like would this limitation apply to
14 or restrict someone or is there a limitation that would restrict
15 someone from waiting tables or working at Starbucks or McDonalds
16 or something like that?

17 A. I believe that this document is referring to the number of
18 hours that a student should not go beyond in the fulfillment of
19 responsibilities having to do with their appointments.

20 Q. So just their responsibilities that they have to fulfill to
21 obtain the funding that they're being paid?

22 A. Yes. In other words, regardless of their fellowship
23 category, they should not spend above 20 hours in those
24 responsibilities as determined by the type of appointment that
25 they have.

1 MR. MEIKLEJOHN: Nothing further.

2 HEARING OFFICER: Nothing further?

3 MR. MEIKLEJOHN: Was Petitioner's 28 received?

4 HEARING OFFICER: Yes.

5 MR. MEIKLEJOHN: Yes, I have no more questions. The next
6 page on my notes is blank.

7 HEARING OFFICER: Mr. Brill, any further questions?

8 MR. BRILL: I have a few on redirect.

9 REDIRECT EXAMINATION

10 BY MR. BRILL:

11 Q. Dr. Alonso, I believe during one of your earlier
12 appearances here you were asked a question about the requirement
13 that international students demonstrate competency in English in
14 order to be able to serve as a teaching assistant or teaching
15 fellow. Do you recall that?

16 A. I --

17 Q. Well, whether or not you recall, let me ask my question.
18 To what extent is it necessary for international students to
19 demonstrate competency in English to matriculate as a Ph.D.
20 student regardless of any teaching responsibilities that they
21 may have?

22 A. Yes. There is a minimum score that a student whose native
23 language is not English has to score in order to be offered
24 admission. Our department may request consideration and may
25 devise a program for the student to undertake the summer before

1 arriving in order to bring up his or her skills to the level
2 that the test would require, in which case they would need to be
3 retested.

4 Also, if a student upon arrival is identified as having
5 difficulties in terms of his or her management of their class,
6 they are referred to the English language program at Columbia so
7 that there are a number of moments when that student's
8 proficiency and whether that proficiency is sufficient to work
9 effectively in a classroom is ascertained.

10 Q. When you say work effectively in the classroom do you mean
11 as a student studying the particular subject that they're
12 involved in?

13 A. Yes, both as a student and as a potential instructor.

14 Q. One other question. You gave some testimony about your
15 calculation that it costs the University approximately \$8,000
16 more to hire -- I'm sorry, it costs the University \$8,000 less
17 to hire an adjunct to teach a course than the amount that
18 support of a graduate student costs the University. Do you
19 recall that testimony?

20 A. Yes, I do.

21 Q. Did you actually prepare a calculation explaining the
22 differential?

23 A. Yes, I did.

24 MR. BRILL: I'd like to mark as Exhibit 84 a document
25 headed Comparative Cost Graduate Student versus Adjunct FY'15.

1 (Employer's Exhibit 84 identified.)

2 HEARING OFFICER: This is Number 84?

3 MR. BRILL: Yes.

4 HEARING OFFICER: Have you reviewed this?

5 THE WITNESS: Yes.

6 BY MR. BRILL:

7 Q. This is the calculation that you prepared? Is Exhibit 84
8 the calculation that you prepared?

9 A. It is.

10 Q. And you just -- can you explain how you reached these
11 numbers?

12 A. The document is divided into calculation of the cost of one
13 section for our graduate student on appointment as opposed to
14 the second part, which describes the same calculation for an
15 adjunct. Other than that I think it's self-explanatory.

16 There are stipend and salary costs associated with the
17 financial rate package for our graduate student, health and fee
18 plus insurance that we pay for those students and then there's
19 the facilities fee that we also pay, which brings you to a total
20 of \$29,596. But since students teach one course per term, you
21 divide that number by two, which gives you a total of 14,798.

22 In the case of an adjunct, there is salary cost and then
23 there is fringe cost, which is assessed on any faculty
24 appointment and goes into the fringe pool for the University.
25 So University puts here the services of this adjunct for 6,625.

1 Subtracting that figure from 14,798 you have a figure that's
2 very close to \$8,000.

3 Q. And looking at the first line under graduate student, it
4 says stipend salary 25,336. Does the graduate school
5 distinguish between the amount that's paid as stipend and the
6 amount that's paid as salary?

7 A. Yes. I believe I testified that in the case of teaching
8 fellows there is a one-third/two-third proportion between salary
9 and stipend, one-third being salary and two-thirds being
10 stipend, which was in fact a requirement that the IRS imposed on
11 the graduate school for the purposes of reporting.

12 Q. In terms of the cost of the graduate school however, is
13 there any difference between the part that's paid as stipend and
14 the part that's paid as salary?

15 A. Absolutely not.

16 MR. BRILL: I offer Exhibit 84.

17 HEARING OFFICER: Any objections.

18 VOIR DIRE EXAMINATION

19 BY MR. MEIKLEJOHN:

20 Q. Did you do the arithmetic yourself?

21 A. Absolutely.

22 MR. MEIKLEJOHN: Okay, no objection.

23 HEARING OFFICER: It's admitted.

24 (Employer's Exhibit 84 received.)

25 MR. BRILL: I don't have anything further on redirect.

1 HEARING OFFICER: Mr. Meiklejohn?

2 MR. MEIKLEJOHN: One moment.

3 (Pause.)

4 MR. MEIKLEJOHN: No further questions.

5 HEARING OFFICER: Thank you.

6 Thank you, you're excused.

7 THE WITNESS: Okay.

8 (Witness excused.)

9 MR. MEIKLEJOHN: We're going to be calling the next
10 witness, but could we have a --

11 MS. ROTHGEB: And we just got an e-mail that he's delayed.
12 He's supposed to be here for 11:00 o'clock. That's a few
13 minutes beforehand.

14 HEARING OFFICER: Okay, off the record.

15 (Whereupon a recess was taken from 10:46 a.m. to 11:15 a.m.)

16 HEARING OFFICER: We're back on the record.

17 MS. ROTHGEB: Petitioner calls Elliott Cairns.

18 HEARING OFFICER: Please have a seat.

19 Good morning. Please raise your right hand.

20 Whereupon,

21 ELLIOTT CAIRNS,

22 having been called as a witness by and on behalf of the
23 Petitioner and having been first duly sworn, was examined and
24 testified on his oath, as follows:

25 HEARING OFFICER: Can you please state your name and spell

1 your last name for the record?

2 THE WITNESS: It's Elliott Cairns. Last name is C-a-i-r-
3 n-s.

4 HEARING OFFICER: You may proceed.

5 DIRECT EXAMINATION

6 BY MS. ROTHGEB:

7 Q. Mr. Cairns, can you tell us your connection to Columbia
8 University?

9 A. I am a fifth year Ph.D. candidate in the Department of
10 Music.

11 Q. And is there a particular study of music you're involved
12 in?

13 A. Historical Musicology is the official name of the area I
14 work on for my dissertation early sound recording in Germany.

15 Q. And you said you're in your fifth year currently?

16 A. Yeah.

17 Q. Could you tell us a little bit about your educational
18 background?

19 A. I did my undergraduate in music at McGill University in
20 Montreal where I received a Bachelor of Music for cantor
21 performance and music history. And then since 2010 I've been at
22 Columbia.

23 MS. ROTHGEB: And could I have this marked as Petitioner's
24 Exhibit 29, please?

25 (Petitioner's Exhibit 29 identified.)

1 BY MS. ROTHGEB:

2 Q. Mr. Cairns, if you could take a look at that document and
3 let me know when you've had a chance to review it?

4 (Whereupon, the witness reviewed the document.)

5 A. Yep.

6 Q. Can you identify this document for me, please?

7 A. It is my offer letter from March of 2010 offering me
8 admission to Columbia University starting in the fall of that
9 year.

10 Q. For the Ph.D. program?

11 A. For the Ph.D. program, yes.

12 Q. And so you began in the fall of 2010?

13 A. Correct.

14 Q. In the second paragraph it mentions teaching and research
15 responsibilities in the second line, you see that?

16 A. Yes.

17 Q. During your program of study have you engaged in either
18 teaching or research responsibilities or both?

19 A. I have.

20 Q. And what kind of responsibilities have you engage in,
21 teaching or research?

22 A. They have been teaching.

23 Q. And why have you engaged in those teaching
24 responsibilities?

25 A. They were required by my program.

1 Q. Required by your educational program?

2 A. Yes.

3 Q. Any other reasons?

4 A. In order to fulfill my obligation in order to get paid I
5 must provide some sort of teaching or research service.

6 Q. And when in your program of study did you begin those
7 teaching responsibilities?

8 A. In the second year of my program, beginning in fall of
9 2011.

10 MS. ROTHGEB: We'd move admission of Petitioner's Exhibit
11 29.

12 MR. BRILL: No objection.

13 HEARING OFFICER: It's admitted.

14 (Petitioner's Exhibit 29 received.)

15 MS. ROTHGEB: I'd like to mark Petitioner's Exhibit 30.

16 (Petitioner's Exhibit 30 identified.)

17 BY MS. ROTHGEB:

18 Q. Mr. Cairns, have you had a chance to review Petitioner's
19 Exhibit 30?

20 A. Yes.

21 Q. Can you identify that document for me, please?

22 A. This is my appointment letter for my fellowship position
23 dated June 3rd, 2011 for the following academic year beginning
24 fall 2011, so my senior year.

25 Q. Was this your first teaching appointment?

1 A. It was.

2 Q. And this indicates that you would be -- you were offered an
3 appointment as a Music Humanities teaching assistant or high
4 enrollment reader?

5 A. Yes.

6 Q. Which were you appointed?

7 A. I was appointed as a Music Humanities teaching assistant.

8 Q. And do you see at the last full paragraph it indicates non-
9 U.S. citizens need to complete the I-9 form? Do you see that?

10 A. Yes.

11 Q. Are you a U.S. student, Mr. Cairns?

12 A. I am not.

13 Q. Did you need to complete an I-9 form?

14 A. I did.

15 Q. Could you tell us about your experience as a Music
16 Humanities teaching assistant in the fall of 2011?

17 A. In the fall of 2011 I was a teaching assistant for a
18 section of the core class Music Humanities, which core meaning
19 is required of all undergraduates in Columbia College. It's a
20 one-semester class and the instructor for whom I was a TA was
21 himself a graduate student, an upper level graduate student in
22 Musicology.

23 Q. An upper level grad student was the instructor. Do you
24 know what year that grad student was?

25 A. I believe he's in his ninth year now so sixth.

1 Q. And what were your duties as a TA that semester?

2 A. I was required to attend to class sessions per week, each
3 about an hour and a half in length. Additionally, I was
4 required to hold office hours, two office hours per week for a
5 time in which students could come and talk to me, discuss with
6 me course material concerning -- ask questions.

7 I also was required to attend staff meetings Wednesday
8 afternoons -- yeah, well, Wednesdays at noon, it's a lunchtime
9 meeting for an hour. Additionally throughout the semester I
10 helped the instructor in terms of grading as well as
11 instruction. I taught a couple of the class sessions.

12 Q. And what do you mean you helped the instructor with
13 grading?

14 A. His assignments, the way that he designed the class that
15 they had a midterm and a final as well as two papers, one about
16 -- due about the time of the midterm and one due at the time of
17 the final. And to the best of my recollection, I believe I
18 performed about half of the grading duties for each of those
19 four assignments or exams.

20 Q. Did the instructor of record give you guidelines as to what
21 he was looking for and the answers on those exams and papers?

22 A. Not generally. There was no rubric, for instance, for the
23 papers, but he did give me some general this is what I'm looking
24 for, this is what I'm hoping to see. And if they don't have
25 these key things, at least for the papers, then you can mark

1 down.

2 The exam itself was for multiple choice so in terms of
3 correct or incorrect answers that was pretty straightforward.

4 Q. He gave you a key of the answers?

5 A. I believe so. If not, I just knew them.

6 Q. During that first semester were you observed by anyone in
7 your TA responsibilities?

8 A. During that first semester I was not.

9 Q. And what were the staff meetings you mentioned?

10 A. The staff meetings were run by the Chair of Music
11 Humanities and that's an administrative position that changes
12 for the most part every academic year, but sometimes the same
13 person will hold that position for more than one year.

14 Essentially, that person, as far as I know, is responsible
15 for assigning instructors to classes in terms of scheduling,
16 which instructor will teach what section at what time during the
17 week as well as which person is in charge of running these staff
18 meetings, which are meant to provide an opportunity for other
19 people to help and/or demonstrate lecture teaching demos, how
20 one might approach teaching this class -- this particular topic
21 or else it's a place for people to ask questions especially with
22 regard to, as in my case, with regard to what do we do if a
23 student is not fulfilling his or her obligations in the class
24 and not adequately performing.

25 Q. Not by name, but by role, who attended these staff

1 meetings?

2 A. These staff meetings were attended by teaching assistants,
3 instructors, and those instructors consisted of graduate
4 students, adjuncts, and appointed faculty, both tenured and non-
5 tenured.

6 Q. And your appointment as a Music Humanities TA, that was a
7 full year appointment?

8 A. It was.

9 Q. And so were your responsibilities in the spring 2012
10 semester the same?

11 A. Initially, yes.

12 Q. Did they change at some point?

13 A. They did.

14 Q. How so?

15 A. In March of that year, perhaps the end of February, the
16 instructor for whom I was TA'ing and this time it was a tenured
17 professor as opposed to a graduate student, informed me that he
18 would be going on medical leave starting at spring break. And I
19 was asked to step in and take over.

20 Q. Before that occurred, so prior to spring break, were your
21 duties as TA the same in this spring 2012 section as you
22 described over the fall 2011 section?

23 A. Yes.

24 Q. And you said that you were asked to take over for this
25 professor. Who so asked you?

1 A. The professor initially approached me.

2 Q. And what happened after that?

3 A. After that he was available briefly at the beginning, just
4 immediately following spring break for consult. For me, I had
5 his phone number so I was able to call, but shortly after that
6 due to a medical procedure he was essentially incapacitated and
7 unable to communicate so I was on my own.

8 Q. So you did --

9 A. I did take over.

10 Q. -- take over. Did your official appointment change in any
11 way when you took over after spring break?

12 A. No.

13 Q. Did your compensation change in any way?

14 A. No.

15 Q. What were your duties after spring break?

16 A. After spring break in addition to all of the duties that I
17 had had before, namely being present at each class and grading
18 and holding office hours, obviously my grading largely increased
19 because then I was -- I became responsible for all grading and
20 my teaching increased in that I was responsible for teaching all
21 sections or all class sessions.

22 Q. And how big was the class, the Music Humanity class?

23 A. Music Humanities classes are generally kept at 24, but are
24 often over-enrolled so I would estimate that was probably 26 or
25 27 students.

1 MS. ROTHGEB: We'd move the admission of Petitioner's
2 Exhibit 30.

3 MR. BRILL: No objection.

4 HEARING OFFICER: Okay, it's received.

5 (Petitioner's Exhibit 30 received.)

6 BY MS. ROTHGEB:

7 Q. Did you have an appointment in your third year, Mr. Cairns?

8 A. I did.

9 Q. And what was your appointment in your third year?

10 A. I was a music humanities instructor.

11 MR. MEIKLEJOHN: Sorry, I didn't hear the answer.

12 THE WITNESS: Music humanities instructor.

13 MS. ROTHGEB: If I could have this marked as Petitioner's
14 31?

15 (Petitioner's Exhibit 31 identified.)

16 BY MS. ROTHGEB:

17 Q. Mr. Cairns, could you tell me what this document is?

18 A. This is the document dated July 15th, 2012, which is the
19 appointment, my appointment letter for the following academic
20 year, so beginning fall of 2012.

21 Q. That was your third year?

22 A. It was my third year, yes.

23 MS. ROTHGEB: Move the admission of Exhibit 31.

24 MR. BRILL: No objection.

25 HEARING OFFICER: Okay, it's admitted.

1 (Petitioner's Exhibit 31 received.)

2 BY MS. ROTHGEB:

3 Q. And this is the appointment letter that -- the appointment
4 that you were just talking about for music humanities
5 instructor?

6 A. Yes.

7 Q. Does the Music Department use the term preceptor?

8 A. No.

9 Q. Can you tell me what your appointment as instructor, what
10 that entailed?

11 A. It entails -- it entails being responsible for all teaching
12 duties for a particular section, for one section per semester of
13 Music Humanities, the same core class of which we're talking.

14 In addition to being present and teaching all of the
15 sessions, all grading responsibilities fall to the instructor.
16 Instructors are also asked to attend those Wednesday meetings
17 and instructors are also eligible to have a TA.

18 Q. Did you have a TA when you were an instructor in your third
19 year?

20 A. I did not.

21 Q. Were you observed at any time in your time as Music
22 Humanities instructor in your third year?

23 A. I was.

24 Q. Who were you observed by?

25 A. It would have been -- her title then she would have been

1 the Chair of Music Humanities.

2 Q. And did the Chair of Music Humanities observe all sections
3 of Music Humanities?

4 A. The Chair of Music Humanities is meant to observe all
5 teaching assistants and instructors in their first year as
6 instructors, at least graduate students.

7 Q. Do you know if the Chair observes adjuncts in their first
8 year of instruction?

9 A. I believe so.

10 Q. I think you made reference to other roles that attend the
11 staff meetings so the answer may be obvious, but what other
12 roles serve as instructor of record for Musicom?

13 A. Graduate students, adjuncts and tenured and non-tenured
14 faculty members.

15 Q. To your knowledge are the duties of the instructor of
16 record for the Musicom course different depending upon that
17 role?

18 A. No. One other thing to add to duties of instructor that I
19 forgot, Music Humanities unlike other core classes does not have
20 a set syllabus so Music Humanities instructors are required to
21 set their own syllabus, namely describing the course and
22 figuring out if they're going to use a textbook or not and also
23 determine the schedule and the progression of topics.

24 Q. Did you have an appointment in your fourth --

25 MS. ROTHGEB: Move to admit Petitioner's 31.

1 MR. MEIKLEJOHN: No objection.

2 HEARING OFFICER: It's admitted.

3 BY MS. ROTHGEB:

4 Q. Mr. Cairns, did you have an appointment in your fourth
5 year?

6 A. I did.

7 Q. And what was your appointment at that point?

8 A. Again, it was Music Humanities instructor.

9 Q. Did you receive an appointment letter in your fourth year?

10 A. I did.

11 Q. Was it generally the same as Petitioner's Exhibit 31?

12 A. It was. It was worded a little bit different.

13 Q. And were there any changes to your duties or your role as
14 an instructor of record for Music Humanities in your fourth
15 year?

16 A. No.

17 Q. Did you receive any credit on your transcript for serving
18 as a TA or as an instructor of record?

19 A. No.

20 MS. ROTHGEB: I'm going to mark a couple of documents.

21 Please mark this one as 32.

22 (Petitioner's Exhibit 32 identified.)

23 MS. ROTHGEB: Would it confuse you if I mark a couple at
24 once?

25 HEARING OFFICER: No, go ahead.

1 MS. ROTHGEB: This one will be 33.

2 (Petitioner's Exhibit 33 identified.)

3 MS. ROTHGEB: And one more is 34.

4 (Petitioner's Exhibit 34 identified.)

5 BY MS. ROTHGEB:

6 Q. Here's Number P-32 and P-33. Mr. Cairns, can you tell me
7 what Petitioner's Exhibit 32 is?

8 A. This is the application form for the -- this was attributed
9 to music students, music graduate students in late March.
10 Actually I think it was April 1st and it is the application form
11 for fellowship appointments for the following year.

12 Q. And is this form generally the same for each year of your
13 Ph.D. program?

14 A. Yes.

15 MS. ROTHGEB: Move the admission of Petitioner's 32.

16 HEARING OFFICER: Any objections?

17 MR. BRILL: No objection.

18 HEARING OFFICER: It's admitted.

19 (Petitioner's Exhibit 32 received.)

20 BY MS. ROTHGEB:

21 Q. Can you tell me what Petitioner's Exhibit 33 is, Mr.
22 Cairns?

23 A. 33 is a copy of the text that was in the e-mail that
24 contained this document from the Department Chair and it lists
25 some information about the 2015/2016 fellowship positions.

1 Q. And by this document you're referring to Petitioner's
2 Exhibit 32?

3 A. Yes.

4 MR. BRILL: No -- oh, I'm sorry.

5 BY MS. ROTHGEB:

6 Q. And does Petitioner's Exhibit 33 provide information about
7 the various student appointment positions that were available
8 for application?

9 A. To an extent because they're further detailed elsewhere.

10 MS. ROTHGEB: move the admission of Petitioner's Exhibit
11 33.

12 MR. BRILL: No objection.

13 HEARING OFFICER: It's admitted.

14 (Petitioner's Exhibit 33 received.)

15 BY MS. ROTHGEB:

16 Q. Do you have Petitioner's Exhibit 34?

17 A. I do.

18 Q. Could you tell me what that document is, please?

19 A. 34 is a detailed description of all teaching appointments
20 for the Department of Music.

21 Q. Did this Petitioner's Exhibit 34 provide student teaching
22 guidelines in those courses?

23 A. It does.

24 MS. ROTHGEB: Move the admission of Petitioner's Exhibit
25 34.

1 MR. BRILL: No objection.

2 HEARING OFFICER: Admitted.

3 (Petitioner's Exhibit 34 received.)

4 BY MS. ROTHGEB:

5 Q. Mr. Cairns, on Petitioner's Exhibit 34 if you could turn to
6 Page 2? At the top of the page there's a description of or
7 appears to be a description of the Music Humanities course.

8 A. Yes.

9 Q. Could you review that and tell me if that's an accurate
10 description of the course?

11 (Whereupon, the witness reviewed the document.)

12 A. It is.

13 Q. And in very general terms would you agree Music Communities
14 is a music appreciation course?

15 A. Yes.

16 Q. And there is a -- could you tell me what the syllabus in
17 the middle of Page 2 is? Is that a guidelines syllabus?

18 A. Yeah. It's essentially offering a potential breakdown of
19 what a semester schedule could look like.

20 Q. And turning back to Petitioner's Exhibit 32, Mr. Cairns,
21 it's an application form. Am I correct that the form -- in
22 filling out the form you're to indicate your preferences for
23 which appointment you'd prefer?

24 A. Yes.

25 Q. And if you read in the text above the list it indicates all

1 students in years one through three must list Music Humanities
2 as one of their choices?

3 A. Yes.

4 Q. Do you know why that is?

5 A. It is because Music Humanities is seen as one of the --
6 it's the main fellowship position for the music program and
7 Music Humanities has a number of sections and obviously that
8 requires a number of instructors in order to do that.

9 Also it requires that the first year the person -- one of
10 the students be the teaching assistant or apply for teaching
11 assistant for Music Humanities so that they can then apply for
12 instructor of Music Humanities the following year.

13 Q. And in all of your appointments you were a TA or instructor
14 of record for Music Humanities.

15 A. Yes.

16 Q. Was that because you always listed that as your first
17 preference?

18 A. I did not always list it as my first, but it was listed as
19 one of my choices.

20 Q. Were there applications where you had something else listed
21 as a first?

22 A. I believe one of them I listed the Director of --

23 Q. And you were not granted that appointment?

24 A. No.

25 Q. Have you applied for an appointment for this upcoming what

1 will be your sixth year?

2 A. I have.

3 Q. You have?

4 A. Yes.

5 Q. And have you gotten an appointment?

6 A. Not yet.

7 Q. And why have you applied in your -- that will be your sixth
8 year?

9 A. Yes.

10 Q. Why have you done so?

11 A. Because I've not yet completed my dissertation and I need
12 funding in order to remain at Columbia.

13 Q. And you mentioned your dissertation, but could you tell us
14 again what the -- or you may have mentioned. I don't know if
15 it's -- what is the title of your dissertation?

16 A. The title?

17 Q. Or the subject matter, the subject matter. I assume it's a
18 working title.

19 A. Yeah. The subject matter I'm interested in recording --
20 sound recording technologies and their uses at the turn of the
21 century in Germany, namely Berlin, and the century being the
22 turn of the 20th Century.

23 Q. That subject matter covered at all in Music Humanities?

24 A. Not unless I want it to be, but no. When I teach it, I
25 will often discuss recording technologies just because that's

1 what I know and that's what -- and sometimes my students are
2 interested in that, but at the same time they're much more
3 interested in MP3's than they are in phonographs.

4 Q. Is early sound recording technology in Germany part of the
5 guideline syllabus for Music Humanities?

6 A. No.

7 MS. ROTHGEB: I have no further questions.

8 HEARING OFFICER: Okay. Or do you want to take a break?

9 MR. PLUM: No, just give me a second.

10 (Pause.)

11 CROSS EXAMINATION

12 BY MR. PLUM:

13 Q. Hello, Mr. Cairns, how are you?

14 A. Fine, thank you.

15 Q. So you're studying to become a historical musicologist or a
16 musicologist specializing in the history of music?

17 A. For the intentions of my dissertation, yes.

18 Q. And you have career plans that are different?

19 A. I am considering alternate career paths to pursuing a job
20 in academia.

21 Q. And is a job in academia one of the career paths that
22 you're considering?

23 A. It is one of them, yes.

24 Q. What other career paths that a historical musicologist
25 could pursue?

1 A. Historical musicologists, there's not really one sort of
2 career path the way that maybe an art historian could apply for
3 a job as a curator in an art museum because, well, I mean the
4 Met has a collection of musical instruments and that would be a
5 musicologist that's in charge of that.

6 Musicologists will apply or will work as sort of consulting
7 positions. For instance, a musicologist, there's actually a
8 large musicologist team that was affiliated and/or hired to put
9 together the sound track and do all of the research for the Coen
10 Brothers Oh Brother, Where Art Thou so that's another potential
11 field that I'm looking in as well as academic publishing.

12 Q. And would it be fair to say that most musicologists are in
13 academia, historical musicologists? Do you know?

14 A. I don't think it would be fair to say because given the
15 current hiring rate in the job market, probably most
16 musicologists are unemployed.

17 Q. What about those who are employed?

18 A. Those who are employed probably a good number of them are
19 in some sort of teaching position.

20 Q. And you have an interest in teaching, don't you?

21 A. To an extent. I do enjoy discussing and talking about
22 things I'm passionate about so generally when I teach I teach to
23 what I like more than what I don't even if it's not necessarily
24 what I'm writing about in my dissertation.

25 Q. So but isn't it true though that you have expressed that

1 you have a strong interest in teaching --

2 A. Yeah.

3 Q. -- at the University level?

4 A. Yeah.

5 Q. That's part of why you came to Columbia?

6 A. Yeah.

7 Q. So when you were asked earlier about why you engage in
8 teaching responsibilities the answer is not just because you
9 were required by the program, correct?

10 A. It's a little bit more complicated than yes or no.

11 Q. Well --

12 A. would I like to have some teaching experience, yes, but
13 would I like to necessarily spend the amount time that I'm
14 required to in order to fulfill my teaching obligations as a
15 Music Humanities instructor, I guess at the cost of spending
16 considerably less time working on my dissertation which is the
17 real reason why I'm here right now, then yes I like -- I'm
18 interested in doing some teaching, but maybe not as much as I
19 would necessarily be required to.

20 Q. So are --

21 MR. PLUM: So could you mark this --

22 HEARING OFFICER: 85.

23 MR. PLUM: Mark this as Respondent's 85.

24 (Employer's Exhibit 85 identified.)

25 BY MR. PLUM:

1 Q. So if you go in it looks like about a third of the way
2 through the packet, first of all can you tell me --

3 HEARING OFFICER: What Bates Stamp number is on there?
4 That might help you.

5 BY MR. PLUM:

6 Q. First of all tell me what this is? Do you recognize it?

7 A. Yeah. I mean I've never seen it in this format, but this
8 is my application.

9 Q. And now that we know the Bates Stamp number is on the
10 bottom right of every page, can you go to the page that's marked
11 1092?

12 A. Already there.

13 Q. You've got it?

14 A. Yeah.

15 Q. Do you know what's on that page?

16 A. This is my -- I think they call it Academic Statement or
17 Statement of Intent, Statement of Purpose.

18 Q. And you wrote it?

19 A. Yup.

20 Q. And everything -- presumably everything you said in here is
21 true?

22 A. Yeah.

23 MR. PLUM: Can we have this in evidence, please?

24 HEARING OFFICER: Any objections?

25 MS. ROTHGEB: Is that the whole application?

1 MR. PLUM: Yeah.

2 HEARING OFFICER: Okay, it's admitted.

3 (Employer's Exhibit 85 received.)

4 BY MR. PLUM:

5 Q. So in the event that you wind up as an academic, a teacher
6 in a -- presumably in a Liberal Arts College, what kind of
7 courses do you think you'd be teaching?

8 A. Generally if the classes that are offered are any
9 indication in the Music Department, larger scale, maybe 20 to 25
10 student classes on topics such as composers or particular areas
11 or particularly something such as opera or something.

12 Q. How about what counsel for the Union referred to as music
13 appreciation courses? Do you think that if you end up in a
14 Liberal Arts College as a first year instructor or assistant
15 professor you'd be teaching music appreciation classes?

16 A. Potentially.

17 Q. Pretty likely, right?

18 A. Potentially. Not all schools have the same class.

19 Q. And those classes would look something like Music
20 Humanities don't you think?

21 A. Potentially.

22 Q. So it's unlikely, probably not potential that you'd be
23 asked to teach a course in recording technologies in turn of the
24 century Germany.

25 A. Correct.

1 Q. Now, I do want to talk a little bit more and make sure I
2 understand the details of your duties as a TA in the first year,
3 I guess it was the first semester, right, because you were in
4 the second semester of your second year, which was your first
5 year as a TA.

6 A. Yeah.

7 Q. You wound up essentially replacing the instructor in the
8 second semester, is that right?

9 A. Yes.

10 Q. And your duties in the first semester you had two class
11 sections per week. Were these small discussion groups from the
12 larger class?

13 A. No.

14 Q. Oh, so tell me what they were?

15 A. Music Humanities is not like other classes outside of the
16 core in that there's a large, say 500 person lecture and then
17 the class splinters off into discussion sections, meet alongside
18 that lecture class. Instead Music Humanities is a class of one
19 group of students that does all of the instructional time with
20 those other people in that small section. So it's two times a
21 week for an hour and a half.

22 Q. And so that the students met with you two times a week for
23 an hour and a half in addition to the classes that they had with
24 the actual instructor?

25 A. No. I -- as a TA I was meeting -- I was the TA during

1 those classes. So when I did my teaching, I was teaching one of
2 those classes, but I was always sitting there in the class
3 observing and also whenever the instructor didn't -- wasn't able
4 to answer a question, he could defer to me because I might know
5 the answer.

6 Q. Okay. So when you said you attended two class sections per
7 week, you were sitting in the class --

8 A. Yes.

9 Q. -- and the instructor might turn to you?

10 A. Yes.

11 Q. Okay. And you also taught a couple of those large class
12 sections, correct?

13 A. Um-hum.

14 Q. And were the staff meetings designed largely to help you
15 perform your teaching functions and how to address particular
16 problems that arose in the class?

17 A. Yeah, yeah.

18 Q. And at the same time that you were serving as a teaching
19 assistant you were also teaching -- sorry, a student in a
20 teaching seminar?

21 A. Yes, starting the year before me, the Music Department
22 implemented this course. I think it's called Professional
23 Strategies and Skills. It was not itself a teaching seminar.
24 Things about teaching were addressed at times, but it was
25 largely professional development such as writing abstracts, how

1 to submit things to conferences, how to build a CD, how to
2 market yourself as a potential job applicant presumably four or
3 five years later when I would be on the job market.

4 Q. Was there a session about preparing lesson plans?

5 A. Prob -- yeah, probably.

6 Q. And were there workshops on how to teach a 75 minute class?

7 A. Not during the semester I was there I don't think.

8 Q. No? You don't recall that?

9 A. No.

10 Q. How about one on designing quizzes?

11 A. Essentially.

12 Q. And what about design of exams and midterms?

13 A. (No response.)

14 Q. You don't recall?

15 A. I don't recall. The semester I was in that class most of
16 them -- well, maybe not most of them, but a large number of the
17 sessions were cancelled.

18 Q. That was a mandatory course so --

19 A. For all second year.

20 Q. For all second year? It was three credits?

21 A. No. I think it was maybe one credit. Oh, no, that's right,
22 it was three credits, but the credits don't count towards the
23 required course credits.

24 Q. And how often did it meet, do you remember?

25 A. It was supposed to meet once every Friday.

1 Q. In this current year, your fifth year, you have no
2 instructional responsibilities, correct?

3 A. Correct.

4 Q. And you continue to receive this same stipend?

5 A. Yes.

6 Q. Actually the stipend this year is a little more than it was
7 last year, isn't it?

8 A. Yeah, it tends to go up a couple of hundred dollars a year
9 except I think that next year they're actually going -- it's
10 actually going up a little bit more than that.

11 Q. And so you're currently what's referred to as a
12 dissertation fellow?

13 A. Correct.

14 Q. And in your first year you also had no teaching
15 responsibilities?

16 A. Correct.

17 Q. At that point you were a faculty fellow?

18 A. Yes. I think now they refer to them as Dean's fellows.

19 Q. And the stipend that you got in the first year was
20 essentially the same as in the fifth year and the second and
21 third and fourth, a little less?

22 A. Well, for instance, I was -- stipend coming in I was told
23 was \$23,000. And then by my third year it was up to \$23,878.

24 Q. So the stipend -- the stipend has gone up slightly each
25 year?

1 A. Yes.

2 Q. Somewhat each year and you got it whether you were teaching
3 or not teaching for the last five years?

4 A. (No response.)

5 Q. Have you taken your general exam at this point?

6 A. I have.

7 Q. You took it in September of 2012?

8 A. It's in three parts, so I took the first part -- well, the
9 first two parts in May of 2012 and then the final part in
10 August.

11 Q. And do you remember what the subjects or the topics that
12 were covered in the general exam were?

13 A. Loosely.

14 Q. Why don't you tell me what you remember?

15 A. The medieval topic was symbolism in medieval music until
16 1400. The renaissance was something about music in renaissance
17 cities and villages. Baroque, Glocks (ph.) operas from one of
18 them to another one -- oh, no, that was classical.

19 Baroque was opera in Venice until 1670 or something.
20 Romantic was the Austrio-German symphonic tradition post 1850
21 and the 20th was improvisation. And then there was one called
22 critical -- it's the one that everyone takes, it doesn't change
23 from year-to-year, where you read non-musicology text and
24 somehow you have to talk about how you might use those five
25 texts that you chose in musicology and how they might apply.

1 Q. So the general exam covered medieval, renaissance, baroque,
2 classical, romantic and 20th Century?

3 A. Yes.

4 Q. And within each of -- did I miss one?

5 A. Oh, no, there's a seventh.

6 Q. A seventh which --

7 A. Which is not topic based in the same sense.

8 Q. Okay. So within those larger headings of medieval,
9 renaissance, baroque, classical, romantic, 20th Century, the
10 specific topics that you described, did you select those?

11 A. No.

12 Q. Those were selected for you?

13 A. Yes. And then we built a bibliography based on those
14 topics and then during the two days in which we wrote all of the
15 essays we were given specific questions that we had to respond
16 to during the given amount of time.

17 Q. And when you teach Music Humanities part of that course is
18 focused on medieval music?

19 A. Yup.

20 Q. Part of it on renaissance?

21 A. Yup.

22 Q. And part of it on baroque?

23 A. Yup.

24 Q. And classical?

25 A. Yup.

1 Q. And romantic?

2 A. Yup.

3 Q. And 20th Century?

4 A. Yup, but we take our exams before we start teaching just to
5 put that in -- we take our exams at the end of the second year
6 and I started teaching at the beginning of my third.

7 Q. Didn't you teach in your second year as well?

8 A. I wasn't supposed to, but I did.

9 Q. Well, you were a TA.

10 A. I was a TA, yeah.

11 Q. You were a TA.

12 A. Yeah, but I wasn't actually teaching the class. I wasn't
13 the instructor of record.

14 Q. But as a TA you were sitting in the Music Humanities class.

15 A. Um-hum.

16 Q. And you were meeting -- I think you should probably have to
17 say yes.

18 HEARING OFFICER: That was a yes?

19 THE WITNESS: Yes.

20 BY MR. PLUM:

21 Q. It's easier for the record.

22 A. Sure.

23 Q. And you were sitting in the class and you were attending
24 the meetings, the staff meetings?

25 A. Yes.

1 Q. Did you, during that first semester, also -- you did teach
2 some of the classes?

3 A. Yes, I think yes. I don't know what it was about, but yes.

4 Q. And as it turned out, in the second semester you
5 essentially -- the second semester of your second year or first
6 year of teaching, you ended up substituting for the instructor?

7 A. Yes.

8 MR. PLUM: Okay, we're going to take a couple of minutes.

9 HEARING OFFICER: Okay. We're off the record.

10 (Whereupon, a recess was taken from 12:02 p.m. to 12:11 p.m.)

11 HEARING OFFICER: Back on the record.

12 MR. PLUM: Yes.

13 BY MR. PLUM:

14 Q. Mr. Cairns, are you familiar with the Teaching Scholars
15 Program?

16 A. Vaguely.

17 Q. Do you know what it is?

18 A. I think it involves if you're accepted to the program you
19 participate in some workshops and things and then put on some
20 sort of event of sorts. I went to one last night that I think
21 was my colleague's Teaching Scholar event. And then it comes
22 with an extra, I think, \$1,000 a semester.

23 Q. Okay. I think -- are you referring to the Weed --

24 A. Oh, yeah.

25 Q. -- Teaching Fellows Program?

1 A. Okay, then Teaching Scholars -- then I have no idea.

2 Q. You don't know what that is?

3 A. Apparently not.

4 (Laughter.)

5 BY MR. PLUM:

6 Q. So I take it you didn't apply?

7 A. To the best of my knowledge I have not applied to the
8 Teaching Scholars --

9 Q. Did you apply for any program that would have allowed you
10 to teach an undergraduate course of your own design?

11 A. Well, Musicom is my own design when I teach it.

12 Q. I understand that.

13 A. Okay.

14 Q. But the Teaching Scholars Program --

15 A. Oh, is that the summer one?

16 Q. There's one in the summer and there's one for during the -

17 A. Okay. No, I have not applied for that. I was thinking of
18 doing it, but I did not.

19 Q. Okay. So now that you know that you didn't apply for it --

20 A. Yes.

21 Q. -- can you explain to me what you think it is?

22 A. What I think it is, is that I believe at the beginning of
23 the academic year undergraduate students are offered or have the
24 ability to design or put together some sort of class proposal
25 and maybe a mock syllabus or something and then they send it in

1 and then if selected they get to teach that class during the
2 summer session.

3 Q. So in that program, which is a Teaching Scholars Program --

4 A. That is the right one. Okay.

5 Q. That's the Teaching Scholars Program.

6 A. Okay.

7 Q. In that program is it your understanding that you could
8 have, for example, for next year design a course around music in
9 the turn of the century Germany or recording technologies,
10 perhaps, in turn of the century Germany?

11 A. Um-hum.

12 Q. Is it your understanding you could have done that?

13 HEARING OFFICER: Is that yes?

14 THE WITNESS: Sorry, yes.

15 BY MR. PLUM:

16 Q. But you didn't do that?

17 A. No.

18 Q. And there's a also an opportunity to do that over a summer
19 class as well. Are you aware -- you seem to be aware of that?

20 A. Oh, I only thought that it was for the summer.

21 Q. Okay. You don't know whether there's a program that would
22 allow -- would have allowed you to do it during the full
23 academic year next year?

24 A. No.

25 Q. Or a semester?

1 A. For us they -- they don't advertise that to us, I think,
2 because we're always doing Music Humanities.

3 MR. PLUM: Okay, I have nothing further.

4 HEARING OFFICER: Any further questions? No?

5 MR. PLUM: No.

6 MS. ROTHGEB: No questions.

7 HEARING OFFICER: Mr. Cairns, you're excused. Thank you
8 so much.

9 (Witness excused.)

10 HEARING OFFICER: Mr. Meiklejohn, I neglected to ask you
11 in the beginning of the proceedings, in the event the Board
12 decides to exclude certain individuals you petitioned for in the
13 petition would the Petitioner still desire to proceed to an
14 election in the unit found appropriate by the Board?

15 MR. MEIKLEJOHN: Yes.

16 HEARING OFFICER: I understand that we have no witnesses
17 for tomorrow, so we will be adjourned to May 12thh at 9:30.

18 MR. MEIKLEJOHN: Could we go off the record first before
19 you close?

20 HEARING OFFICER: Okay, off the record.

21 (Discussion off the record.)

22 HEARING OFFICER: Back on the record.

23 We're adjourned to May 12th at 9:30. I'll see you guys
24 then.

25 Thank you.

1 MR. BRILL: Thank you.

2 HEARING OFFICER: Off the record.

3 (Whereupon, at 12:17 p.m., the hearing was adjourned,
4 to reconvene on May 12, 2015, at 9:30 a.m., in the
5 same place.)

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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 2:

In the Matter of:

THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,

Employer,

and

GRADUATE WORKERS OF COLUMBIA GWC, UAW,

Petitioner.

Case No.: 2-RC-143012

Date: April 28, 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

BARRINGTON MOXIE,
Official Reporter

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