

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 10278, on Thursday, April 9, 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
Roosevelt Montas	140	168	187 190	190	148
Henry Pinkham	195	224	246	248	--

1

1

E X H I B I T S

EXHIBIT NUMBER	IDENTIFIED	RECEIVED
EMPLOYER'S		
E-5	141	141
E-6 & E-7	143	144
E-8, E-9, E-10	147	148
E-11	150	151
E-12, E-13	155	155
E-14 & E-15	157	157
E-15 & E-17	162	163
E-18 & E-19	163	163
E-20 & E-21	192	--
E-22	197	198
E-23	202	199
E-24	202	202
E-25	219	219
E-26	221	--
Petitioner's:		
P-16	180	183
P-17	241	242
P-18	243	243
P-19	245	246

2

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

2 (Time Noted: 10:13 a.m.)

3 HEARING OFFICER EVEILLARD: Let's go on the record.

4 Do you have a witness for us today?

5 MR. BRILL: Yes, Columbia calls Dr. Roosevelt Montas.

6 HEARING OFFICER EVEILLARD: Mr. Montas. Okay. Mr.

7 Montas, please raise your right hand?

8 Whereupon,

9 ROOSEVELT MONTAS,

10 Having been called as a witness by and on behalf of the Employer
11 and having been first duly sworn, was examined and testified on
12 his oath, as follows:

13 HEARING OFFICER EVEILLARD: Please give your name and the
14 spelling of your last name for the record.

15 THE WITNESS: Sure. My name is Roosevelt Montas. The
16 last name is spelled M-o-n-t-a-s.

17 HEARING OFFICER EVEILLARD: You may proceed.

18 DIRECT EXAMINATION

19 BY MR. BRILL:

20 Q Good morning, Dr. Montas. Are you currently employed by
21 Columbia University?

22 A I am.

23 Q And what position do you hold?

24 A I am the Director of the Center for the Core Curriculum.

25 Q And can you, before you describe your current job, could

1 you just tell us briefly what your educational background and
2 employment history are?

3 A Sure. I completed my Bachelor's Degree at Columbia in
4 Comparative Literature and went on to do a Ph.D. at Columbia as
5 well in English. After that I worked for a year as a visiting
6 assistant professor at the English Department at Columbia and
7 then three years as a faculty fellow in the Core curriculum
8 after which I took this appointment as Director of the Core
9 Curriculum in 2008.

10 MR. BRILL: What exhibit are we up to?

11 HEARING OFFICER EVEILLARD: Five.

12 MR. BRILL: I'd like to mark as Employer's Exhibit 5 a
13 copy of Dr. Montas' current CV.

14 (Employer's Exhibit 5 identified.)

15 HEARING OFFICER EVEILLARD: Any objections?

16 MR. MEIKLEJOHN: Oh, was it offered? I'm sorry.

17 MR. BRILL: Well, it wasn't identified.

18 HEARING OFFICER EVEILLARD: I'm sorry.

19 MR. MEIKLEJOHN: No, there's no objection.

20 HEARING OFFICER EVEILLARD: Moving this along.

21 MR. MEIKLEJOHN: We'll acknowledge that this is Dr.
22 Montas' CV.

23 HEARING OFFICER EVEILLARD: Okay, it's admitted.

24 (Employer's Exhibit 5 received.)

25 MR. MEIKLEJOHN: All right. The Union went along.

1 BY MR. BRILL:

2 Q Dr. Montas, can you describe your current job
3 responsibilities as Director of the Core Curriculum?

4 A Yes. As the Director of the Center for the Core, I oversee
5 the operations of the five courses that make up the Core
6 curriculum, or at least one construction of the Core curriculum.
7 I oversee --- I am the Chief Administrator and oversee the
8 operation of these courses from details like registration and
9 scheduling to oversight of staffing and participation in
10 curricular policy decisions.

11 Q And can you just describe for the record what is the Core
12 curriculum at Columbia?

13 A It's variously described. I'll describe the Administrative
14 components under my purview that is five courses. There are two
15 Humanities, Contemporary Utilization; it's another year long
16 course, and three semester long courses, Frontiers of Science,
17 Art Humanities and Music Humanities.

18 Q And who, if anyone, is required to take these courses?

19 A All Columbia College students are required to take all of
20 those courses. Students in the School of Engineering are
21 required to take half of them and students in the School of
22 General Studies are not required, but may take the entire Core.

23 Q Dr. Montas, who do you administrate and who do you report
24 to?

25 A I report to the Dean of Academic Affairs of Columbia

1 College.

2 Q And is there any individual or group of individuals that
3 oversees the Core curriculum?

4 A Yes.

5 Q And who is that?

6 A In addition to my administrative oversight there is a
7 committee made up of both faculty and administrators called the
8 Committee on the Core that oversees the Core.

9 Q And what oversight responsibilities do they have?

10 A They deal with curricular questions, often also
11 administrative questions, policy questions, orders and sequence
12 of if there are any problems that arise that needs some staffing
13 or any other kinds of resources those end up in the Committee on
14 the Core.

15 Oh, I should add that the Committee on the Core also
16 includes students.

17 MR. BRILL: I'd like to mark as Employer Exhibit 6 and 7
18 respectively copies of documents headed Literature Demand of
19 Contemporary Civilization.

20 HEARING OFFICER EVEILLARD: Thank you, 6 and 7.

21 The Court Reporter has which one marked as 6? Literature
22 of the Humanities is Number 6.

23 (Employer's Exhibits 6 and 7 identified.)

24 MR. MEIKLEJOHN: Thank you.

25

1 BY MR. BRILL:

2 Q Do you have those in front of you?

3 A Yes, I have the Literature for Humanities and the ---

4 Q Can you identify these documents that we've marked as
5 Exhibit 6 and 7?

6 A Yeah. These come from the Columbia College website and
7 they offer a general description of the courses as well as the
8 sections offered of each of those courses.

9 MR. BRILL: I offer Exhibits 6 and 7.

10 MR. MEIKLEJOHN: No objection.

11 JUDGE ESPOSITO: Okay, they're admitted.

12 (Employer's Exhibits 6 and 7 received.)

13 BY MR. BRILL:

14 Q Are the --- I'm going to ask questions that pertain to both
15 these two courses and you can distinguish in your answer is
16 there's a difference, but how are the courses Literature of
17 Humanities and Contemporary Civilization taught?

18 A They follow the same model. They are year-long courses
19 that meets twice a week for two hours each meeting so four hours
20 a week total. They are capped as far as the number of students
21 in each course at 22. The average in the class is about 21.

22 They tend to have the same instructor for the entire year
23 and both are discussion based and have an inter-disciplinary
24 staff.

25 Q Beginning with Literature of Humanities what is the

1 subject, general subject matter of that course?

2 A Literature of Humanities is often referred to as a grade
3 books course because in it are read works of major cultural
4 significance in the history of Western literature beginning with
5 Homer going chronologically up to the 20th century.

6 Q And when is that course typically taken by Freshmen --

7 A It's taken by first year students.

8 Q And what about Contemporary Civilization?

9 A Contemporary Civilization has the same structure. It
10 differs in content. It looks at works in the history of moral
11 and political thought and it is taken by Columbia College
12 sophomores typically.

13 Q And what --- as the Director of the Core, what role do you
14 have with respect to these two courses?

15 A I teach one of them, I teach Contemporary Civilization. I
16 oversee both of the courses in all of the range of details that
17 I mentioned before from scheduling to staffing to curricular and
18 policy decisions.

19 Q Now, if you look at Exhibit 6 and 7, they both have a list
20 of what appear to be around 60 or so sections both for the Fall
21 and Spring.

22 A Yes.

23 Q Does that represent the specific sections for which the
24 undergraduates register to take the course?

25 A That's right. The course is offered in 60 some odd

1 sections each semester. Since every student takes them, the
2 courses are small, capped at 22.

3 Q And then in the fourth column over there's a list of names.
4 Those are the names of the instructors?

5 A Those are the names of the instructors.

6 Q And who serves as instructors in the Literature of
7 Humanities and Contemporary Civilization course, not by name,
8 but by category?

9 A Both courses are staffed by the entire span of ranks in the
10 profession from retired faculty to senior, tenured faculty,
11 junior untenured faculty, post-doctoral, fellows, graduate
12 students and adjunct faculty.

13 Q You mentioned also some other courses, Frontiers of
14 Science, Art Humanities and Music Humanities and what respon ---
15 do you have any different responsibilities with respect to those
16 courses than with respect to Contemporary Civilization and
17 Literature Humanities?

18 A I do. My responsibilities with Art and Music Humanities
19 are somewhat different because those courses live inside
20 particular departments, the Art Humanities in the Art History
21 Department and Music Humanities in the Music Department so
22 staffing for these courses happens inside the departments. I
23 don't oversee staffing of those courses.

24 Q And how about Frontiers of Science?

25 A Frontiers of Science is administered entirely within the

1 Center so I oversee staffing and other details of the course.

2 MR. BRILL: So we're up to exhibit?

3 HEARING OFFICER EVEILLARD: Eight.

4 MR. BRILL: So I'm marking three documents. Music
5 Humanities as Exhibit 8.

6 HEARING OFFICER EVEILLARD: Hold on.

7 MR. BRILL: Art Humanities as Exhibit 9. And the
8 Frontiers of Science as Exhibit 10.

9 (Employer's Exhibits 8, 9, and 10 identified.)

10 BY MR. BRILL:

11 Q So the Court Reporter will show you the exhibits when
12 they're marked and I'll just ask you if you can identify these
13 three exhibits as descriptions also of the three courses that
14 you mentioned, Music Humanities, Art Humanities, and Frontiers
15 of Science.

16 (Whereupon, the documents were handed to the witness.)

17 HEARING OFFICER EVEILLARD: He has 8 and 9 in front of
18 him.

19 BY MR. BRILL:

20 Q Can you identify 8 and 9?

21 A Yes. Exhibit 8 is the description of Music Humanities and
22 sections offered from the Columbia website. And similarly,
23 Exhibit 10 is the description of Art Humanities from the website
24 with sections offered.

25 HEARING OFFICER EVEILLARD: You mean 9?

1 THE WITNESS: Yes, thank you, Exhibit 9. And 10 is
2 Frontiers of Science, also the description and the sections
3 offered. Thank you.

4 MR. BRILL: I'd offer Exhibits 8, 9, and 10.

5 MR. MEIKLEJOHN: I'm sorry, just one quick question.

6 VOIR DIRE EXAMINATION

7 BY MR. MEIKLEJOHN:

8 Q You say this is from --- and I probably should have asked
9 this with respect to the other ones --- you say this is from the
10 website?

11 A Yes.

12 Q What ---

13 A That's what it looks like to me.

14 Q Do you know what web --- my question was what website. It
15 is from the website, I agree, but how would you describe the
16 website, if you can?

17 A Columbia University hosts a website that is specific to the
18 college and the college hosts a website specific to the Core and
19 these come from that section, the Core section of the Columbia
20 College website and the University's website.

21 MR. MEIKLEJOHN: Thank you. No objection.

22 HEARING OFFICER EVEILLARD: Okay, it's admitted.

23 (Employer's Exhibits 8, 9, and 10 received.)

24 BY MR. BRILL:

25 Q Now, just briefly, you said Music Humanities and Art

1 Humanities courses are --- reside within the respective
2 departments of Art History and Music.

3 A Um-hum.

4 Q And do you know who serves as the instructors for the
5 sections of those two courses?

6 A Each of the courses has a Faculty Chair and the Faculty
7 Chair for Art Humanities currently is Professor Brandon Joseph.
8 The chair for Music Humanities is Professor Walter Frisch. And
9 of course there's a teaching staff, some of whom I know, some of
10 whom I don't know.

11 Q Do graduate students serve as teachers for Music and Art
12 Humanities?

13 A Yes, they do.

14 Q And incidentally, you mentioned a Course Chair. Are there
15 also Course Chairs for Literature Humanities and Contemporary
16 Civilization?

17 A Yes, there are and for Frontiers of Science.

18 Q And how is the Frontiers of Science course taught?

19 A It is taught as a weekly lecture given by a senior
20 scientist from Columbia and a weekly seminar that students take
21 in small groups of about 20.

22 Q Are there graduate students who serve as instructors in the
23 Frontiers of Science course?

24 A There are no graduate students as instructors for Frontiers
25 of Science.

1 Q Are you familiar with a University writing program?

2 A I am.

3 Q And what is the University writing program?

4 A The University writing program, which sometimes included in
5 the descriptions of the Core is administered independently from
6 the other Core classes, has its own director so I don't have an
7 administrative involvement. I'm not involved with that.

8 Q Now, I think you testified about the fact that graduate
9 students do serve as instructors in Contemporary Civilization
10 and Literature Humanities so my questions now will relate to
11 those two courses.

12 In what capacity are the graduate students who teach in
13 those courses appointed?

14 A They are appointed as preceptors.

15 MR. BRILL: I'll mark as Exhibit 11 a document entitled
16 Graduate Student Preceptors. This is also the website.

17 (Employer's Exhibit 11 identified.)

18 BY MR. BRILL:

19 Q Can you identify Exhibit 11?

20 A Yes, it comes from the course --- the Core website. It's a
21 page about the graduate student preceptors with links to the
22 applications for this past year.

23 MR. BRILL: I offer Exhibit 11.

24 MR. MEIKLEJOHN: No objection.

25 HEARING OFFICER EVEILLARD: Okay, it's admitted.

1 (Employer's Exhibit 11 received.)

2 BY MR. BRILL:

3 Q Do you know how long graduate students have served as
4 instructors in the Core?

5 A From the very beginning of the Core, which was in 1919,
6 doctoral candidates have been part of the instructional staff.

7 Q And we'll come back to that in a minute, but what level of
8 graduate students are eligible to teach in the Core?

9 A Students must be what we call in the business ABD, that is
10 all but dissertation. They must have completed all of the
11 requirements for the doctorate degree except for the
12 dissertation.

13 Q So what year would that typically be?

14 A It ranges. Probably the earliest is the third year, but
15 more typically it's the fifth year.

16 Q And is there a limit on what year a graduate student can be
17 in?

18 A There is a limit connected to the funding rules of the
19 graduate school of Arts and Sciences. That is the graduate
20 school of Arts and Sciences would only fund students up to the
21 seventh year and, therefore, students that we're able to appoint
22 in the Core curriculum must be eligible for that GSAS funding.

23 Q So a student who's beyond the seventh year will not be
24 eligible to be a preceptor?

25 A Would not be eligible to be a preceptor.

1 Q And what is the length of an appointment that's a preceptor
2 in the Core?

3 A One or two years. Every preceptor has the option of
4 teaching two years if they're eligible by GSAS as funding rules,
5 but they're not require to teach two years. They can withdraw
6 after the first year.

7 Q Now, but how many classes does a preceptor teach each
8 semester of the 60 --- I guess there are --- you testified there
9 were some 60 independent sections.

10 A Yes.

11 Q So the preceptor would have the responsibility for how many
12 of those sections, an individual preceptor?

13 A An individual preceptor would teach only one section.

14 Q And how many Ph.D. students serve as preceptors in each of
15 the Core courses each semester, do you know?

16 A Yes. Currently there are 17 preceptors in Contemporary
17 Civilization and 19 preceptors in --

18 Q And that's out of approximately 60 sections?

19 A 62 sections of each course.

20 Q Is there a goal in terms of how do you distribute teaching
21 among the different categories of instructors each semester?

22 A There is. With preceptors in particular there is a maximum
23 of 24 preceptors in each course that we will have. We have not
24 met that 24 maximum in the last several years.

25 Q And could you go over again in a little bit more detail who

1 else serves as instructors?

2 A Sure, some retired faculty who belongs in the society of
3 senior scholars at Columbia' then regular members of
4 departmental faculty, tenured faculty, and untenured faculty.
5 Then we have a category of instructors called Core lecturers or
6 sometimes called Faculty Fellows, they're post-doctoral
7 appointments and serve for two years and teach exclusively in
8 the Core.

9 We have visiting Fellows through the Society of Fellows
10 Program and finally we have a handful of adjunct faculty too.

11 Q Could you explain the visiting Fellows through the Society
12 of Fellows?

13 A The Society of Fellows is a program that brings in recent
14 Ph.D.'s to the University, to do primarily research on three-
15 year appointments. And the first year of their appointments
16 they have a requirement to teach a course in the Core. The
17 second year of their appointment they may choose to teach a
18 course in the Core, but are not required. The third year of
19 their appointment they don't have a teaching responsibility.

20 Q And what departments does the Core faculty come from?

21 A They come from all the departments of Arts and Sciences.

22 Q And ---

23 A From year-to-year there may be a department that's not
24 represented, but all the departments in Arts and Science is and
25 often contribute to the teaching staff.

1 Q Would include the graduate students as well?

2 A That would include the graduate students.

3 Q Now, do the --- you mentioned the GSAS. The Ph.D. student
4 has to be eligible to receive the GSAS Fellowship in order to
5 serve as a preceptor.

6 A That's right.

7 Q GSAS is the graduate school of Arts and Sciences, for the
8 record?

9 A Right.

10 Q And is there any additional payment that's made to the
11 preceptors?

12 A There is. In addition to the GSAS Fellowship, preceptors
13 receive a thousand dollar stipend on top of that for teaching in
14 the Core. They also receive a summer fellowship after a year of
15 teaching in the Core of \$3,200.

16 Q The stipend is \$1,000?

17 A The stipend is \$1,000 in addition to the GSAS Fellowship.

18 Q And that's for what period of time?

19 A That's for a year of teaching.

20 Q Is there any --- is there an application process for the
21 preceptor?

22 A There is.

23 MR. BRILL: I'd like to mark as Exhibit 12 and 13
24 applications of the preceptor. 12 is for Literature and 13 is
25 for Contemporary Civilization.

1 (Employer's Exhibits 12 and 13 identified.)

2 BY MR. BRILL:

3 Q Can you identify the documents we've just marked as
4 Exhibits 12 and 13?

5 A Yes. Exhibit 12 is the call for applications for
6 preceptorships in Literature Humanities and Exhibit 13 is the
7 call for applications for preceptorships in Contemporary
8 Civilization.

9 Q These are the invitations to students to submit
10 applications for those two courses?

11 A Correct.

12 MR. BRILL: I offer them in evidence.

13 MR. MEIKLEJOHN: No objection.

14 HEARING OFFICER EVEILLARD: Okay, they are both admitted.

15 (Employer's Exhibits 12 and 13 received.)

16 BY MR. BRILL:

17 Q Can you describe the process for the application and
18 selection process for the preceptors?

19 A Sure. As this document lays out, graduate students who are
20 eligible under criteria specified before, both eligible for GSAS
21 funding and having completed the MFAL, which is the last
22 requirement before the dissertation, are invited to apply, to
23 submit a letter to references from departments and teaching
24 evaluations for courses they have taught.

25 Q And about how many applications do you receive each year?

1 A Typically, 25 to 30 applications for each course.

2 Q And how many are selected? You say you have 17 and 19 now?

3 A 17 and 19 now.

4 Q And those come from two rounds of classes?

5 A That's right, that's correct, from --- in that 17 in
6 Contemporary Civilization and 19 in Literature Humanities that
7 includes both first year preceptors and second year preceptors.

8 Q So would it be correct to say that it sounds like you're
9 accepting like nine or ten out of what did you say, 30
10 applications?

11 A That's right. We will typically interview between 20 and
12 25 candidates and make offers to about 12 candidates, that being
13 the maximum number of first year preceptors that we will take in
14 any year.

15 Q What are the criteria that you're looking for in selecting
16 the preceptors?

17 A We're looking for the ability to explain their fields of
18 specialization in plain terms that an undergraduate would relate
19 to and the kind of intellectual flexibility to learn and teach
20 outside their field of specialty.

21 Q And who interviews the candidates?

22 A For each of the courses a committee is put together of two,
23 three or four people. In Contemporary Civilization I am
24 typically one of the members of that committee along with the
25 Chair of the Core and another faculty member. In Literature

1 Humanities, the Chair of that course with one or two other
2 faculty members who make up the committee.

3 MR. BRILL: So I'd like to mark as Exhibits 14 and 15
4 letters. We've redacted the students' names which appear.
5 These are the letters for services as preceptors for Literature
6 Humanities and Contemporary Civilization. I think that just
7 explains the reason there, there's a black redaction at the top
8 that said that the letter was actually forwarded to us as part
9 of another e-mail, so we've redacted the part that was not ---
10 did not contain the actual letter. The letter starts midway.

11 (Employer's Exhibits 14 and 15 identified.)

12 BY MR. BRILL:

13 Q Can you identify the documents that we've marked as 14 and
14 15?

15 A Yes. Exhibit 14 is an offer letter for a preceptorship in
16 the Literature Humanities and Exhibit 15 is an offer letter for
17 a preceptorship in Contemporary Civilization.

18 Q And these are representative of the offer letters that are
19 sent out ---

20 A Correct.

21 MR. BRILL: I offer those in evidence.

22 MR. MEIKLEJOHN: No objection.

23 HEARING OFFICER EVEILLARD: Okay, they're admitted.

24 (Employer's Exhibits 14 and 15 received.)

25 BY MR. BRILL:

1 Q Do the --- once the preceptors are appointed do they
2 receive any preparation or training for teaching the courses,
3 Literature Humanities and Contemporary Civilization?

4 A They do, they receive an extensive training that begins
5 with this --- with their appointment. The first thing we ask
6 them to do as part of the training is to visit two current
7 classes as observers and then we also have an orientation at the
8 end of the Spring semester and a full orientation program at the
9 end of the Summer.

10 While they're teaching their first year ---

11 Q Let me just stop you.

12 A Sure.

13 Q With the orientation program, can you describe the
14 orientation programs?

15 A Sure. The orientation at the end of the spring semester is
16 a fairly short orientation where they meet some of the
17 administrators of the college, including myself, some of them
18 have met me already. We tell them about the course, the general
19 responsibilities, have them meet each other, and then go and
20 have a nice lunch together.

21 At the end of August we have a more substantive program in
22 which they are introduced to various offices in the University
23 that they might have occasion to interact with, such as Center
24 for Student Advising, Psychological Services, Disability
25 Services. Then they also have a two-day workshop where they are

1 explicitly instructed in how to teach some of the text that they
2 will be teaching as their model workshops on how to go about
3 teaching some of the text.

4 Q And you said how long is the summer workshop?

5 A It's three days.

6 Q And is that jointly conducted with instructors in the two
7 courses?

8 A They are conducted in parallel.

9 Q Now, you mentioned --- so after the summer program, I guess
10 then they move on to actually begin work as preceptors, is there
11 any additional training or preparation that takes place at that
12 point?

13 A There is.

14 Q What would that be?

15 A First year preceptors take a course that is taught by the
16 Chair of the course. It's a course for art credit that meets
17 once a week for two hours.

18 Q And what is art credit?

19 A Art credit is a credit bearing, but not graded course.

20 Q Does that appear on the transcript?

21 A Yes, it appears on the transcript, yes.

22 Q I'm sorry. So they take a seminar?

23 A They take that seminar also called the Preceptor's Seminar,
24 meets once a week, and that seminar deals both with substantive
25 intellectual matters about the books that are being taught and

1 also with logical matters about how to conduct class
2 discussions, how to design effective assignments, how to assess
3 student performance, etc.

4 In addition to that Preceptor's Seminar, every week there
5 is a lecture given not only to the preceptors, but to the entire
6 teaching staff by an expert in whatever book is coming up on the
7 curriculum. The first year preceptors are required to attend
8 that. The rest of the staff attends it optional.

9 Q And who is the instructor for the seminar that you've
10 testified to?

11 A The seminar is taught by the Chair of the respective
12 course.

13 HEARING OFFICER EVEILLARD: I'm sorry, going back to the
14 workshop, is it a two-day workshop or a three-day workshop?

15 THE WITNESS: It's a --- one --- it's a three day. One of
16 the days is a general orientation about administrative
17 resources, etc., and then two days on the logical portion.

18 HEARING OFFICER EVEILLARD: Okay, thank you.

19 BY MR. BRILL:

20 Q Is there any faculty supervision or observation of the
21 preceptors in terms of the teaching that they do in the Core?

22 A There is.

23 Q Can you describe that?

24 A Yes. The Chair of the course will serve the first year
25 preceptors and then have a meeting with them going over their

1 observations and give them feedback on their duties.

2 Q I'm not sure I asked you this, but how are the two courses
3 taught in terms of the curriculum and the grading, etc.? Is
4 there a common curriculum that's used, a common test?

5 A There is a slight difference in the assessment of the two
6 courses, but they are similar in that all of the sections follow
7 a common curriculum, so all of the sections are teaching the
8 same books at roughly the same time.

9 In the case of Literature Humanities there is a common
10 final exam that is put together by a committee and then voted on
11 by the entire teaching staff, including the preceptors. In the
12 case of Contemporary civilization, individual instructors make
13 up their own exams.

14 Q Do the instructors, including the preceptors, have the
15 authority to vary what they teach each week?

16 A There is a very slight room for variation in both courses,
17 a little bit more in Contemporary Civilization than in
18 Literature Humanities.

19 Q Are there outside activities that the instructors can
20 involve the undergraduates in, such as trips to museums or the
21 rare book library or anything like that?

22 A There are. We have a range of extracurricular enrichment
23 opportunities including specially designed tours of the
24 Metropolitan Museum for Literature Humanity students and various
25 other exhibits as they arise in the City that we make available

1 to instructors, to interested students.

2 Q And is that up to each instructor to decide whether or not
3 to involve his section in that activity?

4 A It is up to the instructors.

5 Q I'll show you ---

6 MR. BRILL: I'm going to mark as Exhibit 16 and 17 next
7 letters or memos, I guess. 16 is a letter or memo from you to
8 Literature Humanities faculty dated 4/20/14 and 17 is a letter
9 from you to the Contemporary Civilization faculty dated August
10 1st, 2014.

11 (Employer's Exhibits 16 and 17 identified.)

12 BY MR. BRILL:

13 Q Can you identify ---

14 A Yes. Exhibit 16 is a memo from me to the Literature
15 Humanities faculty and Exhibit 17 is a similar memo from me to
16 the Contemporary Civilization faculty.

17 Q And these are sent out to all of the faculty including the
18 preceptors?

19 A Correct.

20 Q What is the purpose of these memos?

21 A These memos include general administrative information, how
22 to use the copy machine, how to post class rosters, how to pick
23 up desk copies, what to do in cases of plagiarism, etc.

24 MR. BRILL: I offer them in evidence.

25 MR. MEIKLEJOHN: No objection.

1 HEARING OFFICER EVEILLARD: Okay, they're admitted.

2 (Employer's Exhibits 16 and 17 received.)

3 BY MR. BRILL:

4 Q Are there also letters that are sent to the faculty from
5 the Directors of the two courses?

6 A Yes, there are.

7 MR. BRILL: I'd like to mark as Exhibits 18 and 19 letters
8 dated, the first August 4, 2014 to the Literature Humanities
9 faculty and from the Chair of that course. And similarly, as
10 Exhibit 19, a memo to instructors of Contemporary Civilization
11 from Matthew Jones the Chair of that course.

12 (Employer's Exhibits 18 and 19 identified.)

13 BY MR. BRILL:

14 Q Can you identify the documents we've just marked as
15 Exhibits 18 and 19?

16 A Yes. Exhibit 18 is the letter from the Chair of Literature
17 Humanities to the Literature Humanities faculty and Exhibit 19
18 is a letter from the Chair of Contemporary Civilization to the
19 Contemporary Civilization faculty.

20 MR. BRILL: All right. I offer 18 and 19.

21 MR. MEIKLEJOHN: No objection.

22 HEARING OFFICER EVEILLARD: Okay, they are admitted.

23 (Employer's Exhibits 18 and 19 received.)

24 BY MR. BRILL:

25 Q How do you determine how many preceptors will be acquainted

1 each year into the courses?

2 A So we have the general rule to have a maximum of 12 new
3 preceptors. That number is arrived as what we conceive to be an
4 appropriate contribution from them, from graduate students. We
5 very much value having a mixed faculty, an inter-generational
6 faculty.

7 And over the years and experimentation and discussion about
8 what would be the right proportion, the right mix, it has seemed
9 to us that that number is an appropriate one.

10 Q So if in a given year you needed additional faculty to
11 teach the Core would you look to add preceptors to do that or
12 would you look to some of your other sources of faculty?

13 A We'd look at other sources. We would not add more than 12
14 new preceptors in a given year.

15 Q And so you mentioned that there were adjunct faculty who
16 serve sometimes in the faculty. How much are the adjunct
17 faculty paid?

18 A Adjunct faculty are paid \$8,000 per term.

19 Q And just to put it on the record, what are the duties of
20 the preceptors?

21 A To teach the courses plus, as I said, they meet twice a
22 week for two hours each time, to administer exams and grade the
23 exams and the papers, and submit the final grades of the course,
24 and all of the other responsibilities that might come with being
25 the instructor of record of a course fall on the preceptors.

1 Q They have office hours?

2 A They have office hours.

3 Q And do they determine the homework assignments during the
4 course of the semester, the term?

5 A The homeworks are largely doing the reading. There might
6 be special assignments that are given in connection to that
7 which are determined by the preceptors, but there is no ---
8 beyond the reading there is no formal homework associated with
9 the course.

10 Q Are there papers or tests given during the course of the
11 term?

12 A There are and with the exception of the final examination
13 of Humanities, which is made up by a committee, all of the exams
14 and paper assignments are designed and graded by the particular
15 instructor, whether it be a preceptor or a professor.

16 Q Now, you mentioned earlier that graduate students have been
17 serving as instructors in courses since the inception of almost
18 a hundred years ago. Since you've been the Director of the Core
19 have there been discussions about the role of graduate students
20 and whether it's appropriate or it makes sense to continue to
21 use graduate students?

22 A Yes, certainly. I alluded to the discussions about what
23 the right proportion would be, about the right number of
24 graduate students teaching in our staff would be and the courses
25 are understood very much in the context of serving a

1 professional training function for our graduate students, so
2 that has been part of the aim of the program from its inception
3 and one that we very deliberately maintain.

4 Q I notice from your CV that you actually served as a
5 preceptor yourself, is that true?

6 A That's correct.

7 Q Can you tell us what course you served as a preceptor for?

8 A As a graduate student I served as a preceptor in Literature
9 Humanities.

10 Q And can you tell us generally about your experience as a
11 preceptor and how that related to the research that you were
12 doing with graduate school?

13 A My experience as a preceptor was very important to me. It
14 was intellectually formative. I sometimes describe it as my
15 having found the poison which I wrote my dissertation in
16 allergic --- where I learned how to speak authoritatively about
17 text and how to get underneath the surface of the text and kind
18 of uncover its architecture and how it deploys meaning. As a
19 Ph.D. student in English that was the essential mode in which I
20 conducted my research.

21 Q What was your dissertation on?

22 A My dissertation looked at Conceptions of American National
23 Intensity in the 19th Century, particularly with questions of
24 race and abolitionism.

25 Q Which was not the particular subject that you were teaching

1 though ---

2 A Not at all.

3 Q --- Literature Humanities. But you still found this
4 intellectual connection?

5 A Absolutely, because the mechanism of uncovering meaning
6 from a text and of communicating that effectively is very much
7 the skill that I honed in a wide variety of subject matter in
8 the Literature Humanities classroom.

9 Q Now, as the Director of the Core do you ever have occasion
10 to talk directly to the graduate students who are serving as
11 preceptors in the Literature Humanities and Contemporary
12 Civilization courses?

13 A Yes, I do that on a regular basis.

14 Q And in what connection do you speak to them?

15 A I'm sorry?

16 Q Under what circumstances would you be speaking to them on a
17 regular basis?

18 A A wide variety of things. Sometimes they come to me for
19 advice about issues in the classroom that they face or for
20 questions of administrative policy. Since I'm an experienced
21 instructor they also come to me for advice on pedagogical and
22 other matters.

23 Q And have you ever discussed with preceptors the issue of
24 the work that they're doing as teachers in the Core relates to
25 their own work as Ph.D. students?

1 A Yes. My own experience I've seen confirmed over and over
2 again by other students who refer to the formative role that
3 teaching these courses have had for them and how often they have
4 found their sense of professional mission and their --- an
5 interest in teaching, in particular teaching the Liberal Arts
6 for these programs.

7 MR. BRILL: I don't have anything more on direct. I
8 wonder if we can take a short break before cross examination?

9 HEARING OFFICER EVEILLARD: Sure. How long do you need?

10 MR. MEIKLEJOHN: I mean I was going to say I could jump
11 right in, but if we're going to take a break why don't we take
12 ten minutes.

13 HEARING OFFICER EVEILLARD: Is that okay?

14 MR. BRILL: That's fine.

15 HEARING OFFICER EVEILLARD: Okay, great, off the record.

16 (Whereupon, a recess was taken from 11:05 a.m. to 11:25 a.m.)

17 HEARING OFFICER EVEILLARD: All right, back on the record.

18 Mr. Meiklejohn.

19 CROSS EXAMINATION

20 BY MR. MEIKLEJOHN:

21 Q Good morning, Dr. Montas.

22 A Good morning.

23 Q You understand that I'm representing the Union in this
24 case?

25 A I do.

1 Q And I just ask you to be patient with me. Wait until I
2 finish my questions before you answer, even if you can figure
3 out where I'm going, which people usually can.

4 In your current position do you also have an appointment as
5 an officer of the University?

6 A I do, yes.

7 Q and what is your understanding of the significance of being
8 appointed as an officer?

9 A I've never thought about it. It's --- my appointment is an
10 administrative appointment and I understand all of those to be
11 officer appointments, but I'm not sure how to answer your
12 question.

13 Q You ---

14 MR. MEIKLEJOHN: Could we see Exhibit 14, please?

15 HEARING OFFICER EVEILLARD: Please show the witness
16 Exhibit 14.

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

18 BY MR. MEIKLEJOHN:

19 Q Okay. For the record, Employer's Exhibit 14 is in front of
20 you. That's a letter from the Chair of the Literature
21 Humanities to an appointed preceptor?

22 A Yes.

23 Q And in about the middle of the first paragraph it says the
24 second year of the appointment is contingent on satisfactory
25 performance in the initial year?

1 A Um-hum.

2 Q How is the --- how is it determined whether the preceptor's
3 performance was satisfactory in the first year?

4 A If the preceptor fulfills all of the stated
5 responsibilities, grading, teaching the class, the presumption
6 is that they will continue to a second year. That sentence is
7 there in case something goes very wrong, we have the opportunity
8 to not renew the preceptor.

9 Q What kind --- when you say something goes very wrong can
10 you give --- can you explain what you mean by that?

11 A I have never had in my time in this position such a
12 situation, but one can imagine kind of negligent performance,
13 not attending classes or not turning in the grades, behaving
14 inappropriately with students. Those are the kinds of grounds
15 that I would imagine would lead us to not re-appoint someone.

16 Q So basically you're saying if you want to do this for a
17 second year you better do your job --- you have to do your job
18 in the first year?

19 A Correct.

20 Q Now, you've described the different categories of officers
21 who teach these classes. What is the difference in the way the
22 class is taught, for example, if it's taught by a senior faculty
23 member as opposed to a preceptor?

24 A In the classroom, what is the difference in the classroom?

25 Q I guess from the perspective of the student, the

1 undergraduate student.

2 A Yeah. There would be no different from the perspective of
3 the undergraduate student except the visitor that will come to
4 observe the preceptor at some point.

5 Q And are there other --- I'm sorry, who would you say would
6 come to observe the preceptor?

7 A I just called them a visitor, but it is in fact the Chair
8 of the course.

9 Q What about a class taught by a Post-Doctoral --- you call
10 them Faculty Fellow? Is that the title?

11 A There are Faculty Fellows, yes.

12 Q That's ---

13 A Post-Doctoral Lecturers I call Faculty Fellows.

14 Q Would a Department Chair observe the performance of the
15 Faculty Fellows as well?

16 A No, not typically.

17 Q Is there any monitoring of performance of the Faculty
18 Fellows?

19 A No, except students of mid-course evaluations at the end of
20 every semester and we will retain the --- make those evaluations
21 and flag anything that is a course of concern.

22 Q Do the students also submit evaluations of the preceptors?

23 A Yes.

24 MR. MEIKLEJOHN: Could the witness be shown Employer
25 Exhibit 11?

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

2 BY MR. MEIKLEJOHN:

3 Q Would you look at the very beginning of that document? It
4 says that the students who are selected to be preceptors in ---
5 this is for all of the Core classes that this --- this document
6 applies to all Core classes?

7 A This document applies to Contemporary Civilization and
8 Literature Humanities.

9 Q Okay. I understand. It describes the students who are
10 selected to hold this position as a highly select group of
11 graduate students. What do you mean by highly select group?

12 A It is a competitive process, often very competitive so
13 students have to apply and be interviewed, have recommendations.
14 We review the students' evaluations of them in previous classes
15 so that selective process produces what we consider to be a
16 highly selective group of graduate students.

17 Q And you're looking for --- one of the things you look at is
18 recommendations. I take it those are recommendations for their
19 teaching ability and accomplishments?

20 A They are recommendations from faculty supervisors. Some of
21 them focus on teaching and some of them focus on their research
22 work.

23 Q And you're interviewing these --- you're part of the
24 Interview Committee?

25 A In the case of Contemporary Civilization, I am.

1 Q Right. And when you're interviewing an applicant what are
2 you looking for?

3 A Looking for their general ability to explain specialized
4 concepts and ideas in plain terms that undergraduates can
5 understand and also their ability to range beyond their own
6 fields of specialization in their thinking.

7 Q And why are those factors that you look for?

8 A They are essential to doing a good job teaching. The
9 course will require them to precisely explain complicated terms
10 in simple, accessible terms to undergraduates and it will also
11 require them to go beyond their specialty and teach material
12 that's not in their field.

13 Q So you're looking for people who you can expect to do a
14 good job as instructors?

15 A Yes.

16 Q And you're looking for people whose teaching will benefit
17 the undergraduates that they teach?

18 A Yes.

19 Q You testified that Doctoral candidates have been involved
20 in the Core Program since 1919.

21 A Um-hum.

22 Q Now, I realize that you --- you were not involved in 1919
23 and I don't even go back that far, but do you know whether the
24 role of graduate students in the Core Program has changed in
25 that 96 year period?

1 A I don't know precisely. I do not know of any significant
2 change, but my knowledge is not complete.

3 Q You testified that each year in Contemporary Civilization
4 you can select up to 12 preceptors to teach in the program?

5 A Yes.

6 Q But that you haven't met that number in recent years. Why
7 is it that you haven't reached that number in recent years?

8 A There are two driving factors. One is the shrinking of the
9 graduate school. The number of graduate students in the
10 graduate school has been reduced in recent years so our
11 applicant pool is smaller. And in recent years there have also
12 been more opportunities for teaching for graduate students so
13 that there are other things that they're applying to and doing
14 besides teaching in the Core.

15 Q But you have had enough applicants so you could fill the
16 jobs?

17 A We have had enough applicants to fill the job if we relaxed
18 our standards of selection.

19 Q So the reason that there's --- I don't think there's
20 anybody in the group that will be insulted by this question, but
21 the reason that you haven't filled it is because you haven't
22 been satisfied that you had enough applicants who would meet the
23 teaching standards that you require for this position?

24 A One could put it that way. Every year we have made more
25 than 12 offers. Every year there have been more than 12

1 individuals who would be qualified, but sometimes they end up
2 doing other things.

3 Q So the range of instructors in these two classes seems to
4 run the gamut from --- well, from post --- from Doctoral
5 candidates through retired faculty with one possible gap, I
6 guess. You said that after the fifth year as a Doctoral --- in
7 the Ph.D. Program that a student is ineligible to serve as a
8 preceptor.

9 A It's after the seventh year.

10 Q I'm sorry. It's after the seventh year. Okay. And, most
11 do complete their Ph.D. within seven years?

12 A I don't know.

13 Q Okay. If you could take a quick look at Exhibits 12 and 13
14 and tell me how those are disseminated.

15 HEARING OFFICER EVEILLARD: Mr. Meiklejohn, *

16 MR. MEIKLEJOHN: Pardon?

17 HEARING OFFICER EVEILLARD: *

18 THE WITNESS: It says 12 and 13 are the Core program
19 applications, these are distributed by the graduate school of
20 Arts and Sciences. I understand that they are sent both to the
21 departments and to all graduate students in the Graduate School
22 of Arts and Sciences.

23 BY MR. MEIKLEJOHN:

24 Q How are they sent?

25 A They are sent by email.

1 Q And, if you look at, say, 12, one of those requirements --
2 One of the requirements is a CV?

3 A Yes.

4 Q Is that also something that a post doc or an adjunct would
5 be required to submit if they were applying for a position as an
6 instructor in this program?

7 A Yes.

8 Q And, the other -- The other application that's here, are
9 they also required of candidates seeking this type of position?

10 A Cover letters and student evaluations are also required of
11 post docs and adjuncts who may be applying for the position.

12 Q And, how about statistical summaries of courses previously
13 taught?

14 A Yes. That is a -- That is part of the students
15 evaluations.

16 Q Okay. So, this is a statistical summary of what the
17 students thought of their courses.

18 A That's right.

19 Q And, what you're looking for there is whether they received
20 positive evaluations of students, I take it.

21 A Yes.

22 Q Okay. You described a training program that preceptors go
23 through. Do you provide similar training to faculty fellows?

24 A Faculty fellows are chosen from Columbia Ph.D.'s, who have
25 taught in the Core. So, they will have gone through that

1 training as Ph.D. students.

2 Q How about adjuncts who are hired to work in this program?

3 A Our general practice is to hire adjuncts who have taught
4 the course before in some other category, usually as graduate
5 students or as faculty fellows or as faculty. In the rare case
6 where we hire an adjunct who has not taught the course before,
7 we ask them to participate in the Preceptor Seminar.

8 Q You testified about the extent to which the course is
9 structured and the limited areas in which instructors have some
10 flexibility in how they present -- For example, one area of
11 flexibility is deciding whether to take the classes to visit
12 some of the cultural resources in the area like museums.

13 A Yes.

14 Q If you can, how would you expect the instructors to decide
15 whether to take advantage of those opportunities?

16 A By looking at what they want their students get out of the
17 class and how such an experience will fit into their own
18 teaching approach. So, they will exercise their own judgment on
19 whether that's something that fits in with what their approach
20 to the class is.

21 Q You characterize that as their exercising a professional
22 judgment?

23 A Yes.

24 Q How does an undergraduate get assigned to a particular
25 section of, say, literature humanities would they initially sign

1 up by instructor?

2 A No. In the case of literature humanities, they are
3 assigned randomly.

4 Q How about contemporary civilization?

5 A Students register themselves into particular sections whose
6 schedule they know, but not whose instructor they know. So,
7 they choose a section based on when it's taught, what time of
8 day, what day of the week, but they don't know who the
9 instructor will be.

10 Q What about the other courses in the Core, do you know?

11 A The same happens to the other courses in the Core.

12 Q The same which?

13 A That students don't know what instructor they're signing up
14 for, or have been signed for.

15 Q But, they do know the time.

16 A In the case of art and music humanities, they know the time
17 and * science they're pre-registered before they start school.

18 Q Could you take a look at Employer's 6? How is -- You say
19 this is a document that's from the Columbia College website?

20 A Yes.

21 Q Is this available to the undergraduate students?

22 A This is available to undergraduate students in this form
23 for previous semesters. Just let me explain.

24 Students are registering for the fall semester next week.

25 The listings here that you can see on the website are for

1 current instructors. So, what they see here is who's teaching
2 currently, not who will be teaching in the next semester.

3 Q I guess moving all the way over to the listing of -- the
4 listing of courses and sections and instructors includes
5 enrollment numbers all the way over in the right-hand column?

6 A Correct.

7 Q Could just tell what -- There's two sets of numbers there.

8 A Yes.

9 Q Can you tell what those mean?

10 A Yes. The first number is the maximum number of students
11 that can be in the class and the second number is the actual
12 number of students there are in the class.

13 Q We assume in the lower right-hand corner is a typo?

14 A What are you referring to?

15 Q Okay. I think what you're saying is --

16 A Twenty-one, 22.

17 Q Twenty-one would be the maximum number and 22 is the number
18 there?

19 A Yes. That is not a typo, but an anomaly. That means that
20 the cap of 21 was manually overwritten by somebody who's
21 authorized to register students.

22 Q Okay. Do you know why that one would have a cap of 21
23 instead of 22?

24 A I do know.

25 Q Okay. Would you explain that?

1 A Yes. We cap a number of classes even if the maximum in the
2 course is 22, we cap a number of classes at 21, leaving a seat
3 open in those sections in case we get a special petition from a
4 student who has a compelling need to take the class at that
5 time. We have a little room for play to allow the student to
6 register in that class.

7 Q And, that is apparently what happened?

8 A Yes.

9 Q Okay. As the administrator, that's something you know
10 about.

11 A Sadly.

12 Q All right. The people who are listed as instructors,
13 they're considered the instructors of record?

14 A Correct.

15 Q And, that listing does include some Ph.D. candidates.

16 A Correct.

17 MR. MEIKLEJOHN: I'd like to have this document -- Can I
18 have this marked as Petitioner's Exhibit 16?

19 HEARING OFFICER EVEILLARD: Sure.

20 (Petitioner's P-16 identified.)

21 THE WITNESS: This looks like a printout from the website.
22 This graphic looks familiar and I certainly know it's a Columbia
23 College bulletin, but I have not seen it in this format before.

24 BY MR. MEILKEJOHN:

25 Q Okay. So, you recognize the cover page as a -- as a cover

1 page of the Columbia College bulletin?

2 A Yes.

3 Q Okay. And, is this the -- Is this the cover page for the
4 current Columbia College bulletin for the -- for the current
5 academic year?

6 A Yes, it is.

7 Q And, I ask you to turn to the fourth page of this document,
8 which is -- The whole thing, if you look at the Table of
9 Contents is like 800 pages. The index is Page 799 and the index
10 is more than a page long. So, the fourth page of the document
11 is numbered Page 88. Do you recognize this as a description of
12 the Core curriculum that's included in some version of the
13 Columbia College bulletin?

14 A I do.

15 MR. MEIKLEJOHN: Okay. I would move --

16 BY MR. MEIKLEJOHN:

17 Q Well, if you take a minute to look through this, is this a
18 -- does this excerpt include the complete description of the
19 Core curriculum as contained in the bulletin?

20 A I'm not sure I understand your question.

21 Q This is not the complete Columbia College bulletin,
22 correct?

23 A Yes. You told me this is an excerpt because it's hundreds
24 of pages long.

25 Q Right. My question is, does this excerpt include all of

1 the pages related to the Core curriculum?

2 A I am not sure that it does. I'm not -- I'm not so familiar
3 with the layout of the bulletin to make that -- make a
4 definitive statement about that. It looks like it.

5 Q Okay. It would be the listing of the instructors --
6 Beginning on what's numbered Page 89, the listing of
7 instructors. Does that match the listing of instructors in
8 Employer's 6?

9 A It should.

10 Q I mean, I'll represent that -- If you look at the first
11 three names --

12 A Yes.

13 Q -- it does.

14 A It does. Yes.

15 Q You're not sure whether -- I guess I would ask you to take
16 a look at the Table of Contents.

17 MR. BRILL: I'm not sure what you're trying to accomplish
18 with this witness.

19 MR. MEIKLEJOHN: Well, I'll move the introduction of
20 Petitioner's Exhibit 16.

21 MR. BRILL: I don't know where this came from. It doesn't
22 have -- It doesn't appear to be printed out of a web and the
23 text of -- For example -- I'm not suggesting it's not what it
24 appears to be, but --

25 MR. MEIKLEJOHN: Okay. The reason for my question --

1 MR. BRILL: Can I just finish what I'm trying to say? The
2 text of the description of literature humanities, for example,
3 on Page 89 appears to be word-for-word identical to the printout
4 that we put into evidence as Exhibit 6, including as you
5 suggested the list of instructors, although I certainly haven't
6 compared them one for one.

7 So, if you make a representation as to what this is, I
8 could agree to let it in, but it doesn't appear the witness has
9 any particular familiarity with the document.

10 MR. MEIKLEJOHN: I'll make a representation -- I think he
11 did indicate some familiarity, but it's available from the
12 Columbia College website. There's a link to the Columbia
13 College Bulletin and if you click on it, you can get a PDF
14 version of the whole 800 pages. These are the excerpts that
15 relate to the Core. So, I move Petitioner's 16 on that basis.

16 HEARING OFFICER EVEILLARD: And, it shows that the Core
17 starts on Page 88 and ends at 108 and, then, those are the pages
18 that are attached.

19 MR. BRILL: I have no -- I have no objection.

20 HEARING OFFICER EVEILLARD: It's admitted.

21 (Petitioner's P-16 admitted.)

22 BY MR. MEIKLEJOHN:

23 Q Now, turning to Page No. 88, you testified that you
24 recognized this as part of a description of the Core curriculum
25 and I have a question for you about the very first sentence. It

1 states that the Core curriculum is the cornerstone of the
2 Columbia College education.

3 A Correct.

4 Q Can you explain what that means?

5 A Yes. It is the foundation upon which the rest of the
6 curriculum builds. It is required of every student and some of
7 it is taken in the very first semester of the -- of the
8 student's experience at Columbia.

9 Q And, there's also a listing of the curriculum on the Core
10 on that page, do you see that?

11 A A listing of the members of the committee in the Core, is
12 that what you're referring to?

13 Q Yes.

14 A Yes. I see that.

15 Q Thank you for clarifying my question.

16 And, that listing does not include any students, correct?

17 A That is correct.

18 MR. MEIKLEJOHN: Just a moment. Could I have a moment off
19 the record? I think I'm --

20 HEARING OFFICER EVEILLARD: Sure.

21 MR. MEIKLEJOHN: Actually, I do have a couple more
22 questions about this. Just to help the reader of the record,
23 maybe.

24 BY MR. MEIKLEJOHN:

25 Q There are a couple of items listed here under the Core that

1 are not included in your description of the elements of the
2 core. And, I realize that in your initial testimony you said
3 there's different iterations of what the Core consists of. But,
4 the items listed here that you didn't talk about are University
5 Writing, Foreign Languages and Phys Ed, the other requirement --
6 a science requirement and phys ed.

7 My question is, what is -- what is the relationship of
8 those items to the Core?

9 A As I said, the Core is used variably in the kind of
10 Columbia College idiom. Sometimes, it is used to describe all
11 of the requirements to the degree which is what I just listed
12 here including the famous swimming test requirements. But,
13 administratively, the Core curriculum consists of the five
14 courses that I oversee in the center for the Core curriculum.
15 So, there is a narrow and a broader definition of the Core and
16 this document lists the components of the broader definition of
17 the Core.

18 Q Who oversees University Writing?

19 A The director of University Writing is Professor Nicole
20 Wallach.

21 Q Do you know whether students are used as instructors to
22 teach the University Writing program?

23 A They are.

24 Q Graduate students?

25 A Yes. Graduate students.

1 Q Okay. How about Foreign Languages, who oversees that?

2 A The different Language Departments oversee their language
3 courses in their specific departments.

4 Q And the students are expected -- Undergraduate students are
5 Expected to sign up for -- It's two years of languages; is that
6 correct?

7 A The requirement for their degree is competence equivalent
8 to two years of language.

9 Q So, if you -- If the undergraduate can demonstrate that
10 competence upon admission, they can waive out of the program.

11 A Correct.

12 Q But if they need to start from scratch, they have to take
13 two years and pass it.

14 A Correct.

15 Q And, do you know whether graduate students also provide
16 instruction in the -- to fulfill the Foreign Language
17 requirement?

18 A I believe that they do.

19 Q Okay. What about swimming, do you know whether the
20 graduate students teach swimming?

21 A I don't know whether graduate students teach swimming.

22 HEARING OFFICER EVEILLARD: I think that's a great course
23 by the way.

24 MR. MEIKLEJOHN: Pardon?

25 HEARING OFFICER EVEILLARD: I think that's a great course,

1 by the way. I didn't have swimming lessons in -- I know other
2 schools do. Go ahead.

3 MR. MEIKLEJOHN: I think I've concluded, but I did want to
4 review my notes.

5 HEARING OFFICER EVEILLARD: Off the record.

6 (Whereupon, a short recess was taken.)

7 REDIRECT EXAMINATION

8 BY MR. BRILL:

9 Q Just to clarify. I think you testified that in the time
10 that you've been the director there's never been a preceptor who
11 decided not to reappoint for a second year.

12 A There's never been a preceptor that we decided not to
13 reappoint for a second year.

14 Q Some preceptors may decide on their own.

15 A Correct.

16 Q And, have there ever been occasions when you found that the
17 teaching of a preceptor in the first year was defective in some
18 way or needed some improvement?

19 A Certainly. Preceptors -- First year preceptors are often
20 inexperienced as sole classroom instructors. So, part of what
21 we do in their training is make interventions and equip them
22 with resources and give them advice on how to do it most
23 effectively. So, that is part of the process of learning, that
24 we sometimes have to correct and intervene practices that we
25 think are not effective.

1 Q If there are complaints by students about the teaching by a
2 preceptor how would you -- how would you treat those compared to
3 similar complaints made about, for example, an adjunct faculty
4 member teaching?

5 A They're treated very similarly through conversations with
6 the instructor. Obviously, the details on the particulars of
7 the situation would dictate the tenor of the conversation.

8 Q Would there be occasion, for example, not to use an adjunct
9 again in a future year if their teaching was deemed to be not up
10 to the level you expected?

11 A Certainly.

12 Q And, that's never happened with a preceptor, you said.

13 A Has never happened with the preceptor, but we -- I
14 testified earlier that we do have a sentence in our description
15 of the job that allows us to do that if we feel it's necessary.

16 Q You mentioned certain things that you look for when you're
17 interviewing Ph.D. students for positions as a preceptor,
18 including, I think you said, the ability to explain complicated
19 concepts in the way that undergraduates could understand them
20 and also the ability to teach effectively outside their
21 particular field; is that correct?

22 A That's correct.

23 Q To what extent if at all would those qualities be something
24 that would be an important part of doctoral education generally?

25 A Of doctoral education generally?

1 Q Ph.D. education. Yeah.

2 A They are not particularly emphasized in my experience with
3 the Ph.D. training program which is so focused on research and
4 specialization.

5 Q From your point of view, are those factors things that are
6 important though for people who are obtaining Ph.D.'s, in other
7 words, to be able to communicate complicated concepts?

8 A They are important and they are important for the job
9 prospects. Having taught in the Core will give job candidates
10 an edge because of their experience in teaching general
11 education courses which will be required of them in many faculty
12 appointments.

13 MR. BRILL: I don't have anything further.

14 MR. MEIKLEJOHN: Just one moment.

15 (Pause.)

16 MR. MEIKLEJOHN: Just one question.

17 RE-CROSS-EXAMINATION

18 BY MR. MEIKLEJOHN:

19 Q The Interview Committee, is it the same Interview Committee
20 for adjuncts and post-docs?

21 A It is the same for post-docs. For adjuncts, it is at the
22 discretion of the Core chair who teaches as an adjunct.

23 MR. MEIKLEJOHN: Nothing further.

24 MR. BRILL: I have one question I forgot to clarify.

25 FURTHER REDIRECT EXAMINATION

1 BY MR. BRILL:

2 Q The graduate students who are teaching in Literature
3 Humanities and Music Humanities, do you know, are they appointed
4 as preceptors also or some other category?

5 A They are appointed as preceptors, all of the graduate
6 students that teach any Core class are appointed as preceptors.

7 MR. BRILL: Nothing further.

8 MR. MEIKLEJOHN: Nothing further.

9 HEARING OFFICER EVEILLARD: No further questions, Dr.
10 Montas, you are excused. Thank you very much.

11 (Whereupon, the witness was excused.)

12 HEARING OFFICER EVEILLARD: Off the record.

13 (Whereupon, a recess was taken from 12:05p.m. to 12:17 p.m.)

14 HEARING OFFICER EVEILLARD: Have you seen copies?

15 MR. MEIKLEJOHN: I've had a chance to look at them. Yes.

16 HEARING OFFICER EVEILLARD: Okay.

17 MR. BRILL: I have marked as Exhibits 20 and 21, two
18 reports relating to New York University. One is the
19 recommendation from the Faculty Advisory Committee on Academic
20 Priorities dated April 26, 2005. And, the other is a final
21 report of the Academic Affairs Committee and Executive Committee
22 dated May 2nd, 2005.

23 These are documents that were identified and put into
24 evidence in the recent NYU case involving also United Auto
25 Workers in a petition to represent the graduate students

1 attending university. I believe that there's no dispute as to
2 the authenticity of them. I believe the documents are self-
3 explanatory. At the time that these reports were issued NYU was
4 a party to a collective bargaining agreement with the UAW with
5 respect to various categories of graduate assistants given the
6 change in the law in Brown University case, NYU asked three
7 separate committees at the university including faculty and in
8 the one case also students and administrators to do a thorough
9 evaluation of the experience that the university had had under
10 the collective bargaining agreement that had existed for four
11 years and to make a recommendation as to whether or not the
12 university would voluntarily continue with that relationship.

13 As the reports indicate, while there were some positives
14 certainly from that experience which are reflected in the
15 reports, there were also some serious negatives particularly
16 with respect to concerns about infringements on academic freedom
17 and academic decision making and, therefore, all three
18 committees unanimously recommended against continuation of the
19 union recognition.

20 There are two reports but one of the reports is a joint
21 report from two committees. So, there are three committees and
22 two reports. I think that -- I offer them in light of the
23 ruling admitting the collective bargaining agreements at public
24 universities, Union Commissioner Exhibits 1 through 12. In
25 particular, note the Hearing Officer's explanation that the

1 reason for the admission of those collective bargaining
2 agreements was that the experience of collective bargaining for
3 units of graduate research assistants and I assume this applies
4 to teaching assistants as well, units of graduate research and
5 teaching assistants at other institutions of higher education is
6 relevant and that's reflected at Page 128 of the transcript.

7 So, the truth is that there's been only one private
8 university that's ever had a collective bargaining relationship
9 with a union representing graduate assistants, that's NYU, and
10 these are the official evaluations of the university after much
11 deliberation as to what that experience was. And, therefore, it
12 seemed to us much more relevant than, in any event, on that
13 issue than the exhibits that were introduced which were simply
14 collective bargaining agreements.

15 So, on that basis, we would offer Exhibits 20 and 21.

16 (Employer's E-20 and E-21 identified.)

17 HEARING OFFICER EVEILLARD: Any objection?

18 MR. MEIKLEJOHN: Well, yes, but I guess I'd like to offer a
19 possible resolution. I have two problems. One is the general
20 fact that these are self-serving documents created by a party to
21 what I would characterize as a labor dispute which at the heart
22 of their decision -- The way I guess I would phrase it is take
23 advantage of Brown. Second, I think that this offer takes these
24 documents out of context in two important ways.

25 One, these are a portion of the evidence introduced at the

1 NYU case regarding the history of collective bargaining at NYU
2 prior to -- up to the point of withdrawal of recognition. I
3 would have no objection to the Regional Director taking
4 administrative notice of both portions of the record that relate
5 to that issue. But, I would object to taking just these two
6 particular documents by themselves.

7 Second, I would think that if we're going to be taking this
8 in, we would also -- the record should also include evidence of
9 the fact that NYU has now reversed position, granted recognition
10 to the UAW and had recently entered into a collective bargaining
11 agreement. So, I suppose I could offer that collective
12 bargaining agreement. Hopefully, that won't --

13 Counsel has often said the documents -- often said to me
14 that documents shouldn't be offered without testimony to explain
15 what they are. I don't think that we need new testimony to
16 explain what these are, they should be done by taking
17 administrative notice of the NYU transcript regarding these
18 documents. Similarly, I would hope that it wouldn't be
19 necessary to call a witness to identify this is the NYU
20 contract. Counsel has three sources to verify the authenticity
21 of that document provided.

22 MR. BRILL: I think those suggestions make some sense and
23 maybe we can work out a stipulation to that effect.

24 MR. MEIKLEJOHN: I think we could probably -- There's a
25 good chance we could get that done.

1 HEARING OFFICER EVEILLARD: So, based on that, no
2 objection?

3 MR. MEIKLEJOHN: No. I will -- I'm objecting at this
4 point. I'm objecting to taking these alone. If we can work out
5 a stipulation between now and April whatever our next date is.
6 I'm objecting at this time and I think -- We may agree that we
7 would defer it.

8 MR. BRILL: We would defer my offer pending working out a
9 stipulation. That's fine.

10 HEARING OFFICER EVEILLARD: Which one is which? Which is
11 20 and which is 21?

12 MR. BRILL: Right.

13 MS. ROTHGAB: I thought 20 was April 26 and 21 was May 2nd.
14 Yes. That's correct.

15 HEARING OFFICER EVEILLARD: Okay. We'll hold off on moving
16 these into evidence. And, I guess we will come back -- We'll
17 adjourn and come back at 1:45.

18 MR. BRILL: Come back at two because the witness is
19 teaching until one.

20 HEARING OFFICER EVEILLARD: Okay. Two o'clock. Off the
21 record.

22 (Whereupon, the luncheon recess was taken from 12:26 p.m. to
23 2:14 p.m.)

24

25

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

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(2:13 p.m.)

HEARING OFFICER EVEILLARD: Back on the record. Mr. Brill,
can you call your next witness, please?

MR. BRILL: Yes. We call Professor Henry Pinkham.

Whereupon,

HENRY PINKHAM

having been first duly sworn, was called as a witness herein and
testified as follows:

HEARING OFFICER EVEILLARD: Please state your name and
spell your last name for the record.

THE WITNESS: My name is Henry Pinkham. P-i-n-k-h-a-m.

DIRECT EXAMINATOIN

BY MR. BRILL:

Q Good afternoon, Dr. Pinkham.

A Mm-hm.

Q Are you currently employed by Columbia University?

A Yes, I am.

Q And, in what position?

A I'm a profession of Mathematics and I'm currently the chair
of the Mathematics Department.

Q Before beginning can you just tell us briefly your
educational background?

A Yes. I got my AB at Harvard in 1970, Suma Cum Laude in
Mathematics. My Ph.D. from Harvard in 1974.

1 Q And, also, can you give us a brief summary of your work
2 history?

3 A Yes. I started at Columbia in 1974 as assistant professor.
4 Then, I was promoted to associate professor and, then, to full
5 professor. And, then, in 2001, I was dean of the Graduate
6 School of Arts and Sciences for nine years and I stepped down in
7 2010 and returned just to the Mathematics Department.

8 Q When did you become chair?

9 A I became chair July 1st of last year.

10 Q What are your responsibilities as Chair of the department?

11 A Well, I run the department -- I'm responsible for running
12 the department overall, but my main mandate is to the faculty in
13 the department.

14 Q Could you provide just a very brief description of the
15 department in terms of number of faculty members and the
16 programs that are offered?

17 A Yes. There are roughly 40 faculty members and we have
18 three -- we offer three degrees, an undergraduate degree, a
19 master's of Finance an MA degree and a Ph.D. degree.

20 Q And, about how many students are there in each of the
21 programs?

22 A At the undergraduate level it's a little bit hard to say.
23 We have maybe a hundred majors every year. But of course, we
24 teach many other students. We teach about 4,000 students a
25 semester. For the masters of Finance, we admit roughly a

1 hundred full time students a year. Actually, we say full time
2 equivalent students a year. And, then, we admit 12 Ph.D.
3 students a year.

4 MR. BRILL: I'm going to begin with the Ph.D. program. I'm
5 going to ask the court reporter to mark Exhibit 22. A document
6 headed Department of Mathematics of Columbia University Graduate
7 Ph.D. Program. We'll mark it and, then, the court reporter will
8 show you the exhibit.

9 (Employer's E- 22 identified.)

10 BY MR. BRILL:

11 Q Can you identify Exhibit 22 for us?

12 A Yes. This is something we have on our web page, a document
13 that we have on our web page describing the Ph.D. Program.

14 MR. BRILL: I offer Exhibit 22.

15 MR. MEIKLEJOHN: Just as a point of clarification, when you
16 say our web page, are you referring to the departmental web page

17 --

18 THE WITNESS: Yes.

19 MR. MEIKLEJOHN: -- is that correct?

20 THE WITNESS: That is correct.

21 MR. MEIKLEJOHN: That is also linked to the University web
22 page?

23 THE WITNESS: Yes.

24 MR. MEIKLEJOHN: No objection.

25 HEARING OFFICER EVEILLARD: Okay. It's admitted.

1 (Employer's E-22 admitted.)

2 BY MR. BRILL:

3 Q Can you provide a description of the typical courses
4 studied for someone entering into the Ph.D. program of
5 Mathematics?

6 A Yes. In the first year they take required courses, three
7 out of six courses. Then, in the second year, they take some
8 more courses. The big exam for us takes place at the end of the
9 second year called an Oral Exam, where they're examined orally
10 by three examiners. One of those three examiners will --
11 usually become the thesis advisor of the students. And, then,
12 starting in year three, they no longer take courses but they
13 participate in seminars and start working on their thesis and
14 consult with their thesis advisor up to two or three times a
15 week.

16 Q What is the process for a student to select a thesis topic?

17 A Typically, it starts in the second year after they decide
18 what their area of interest is. They start talking with the
19 faculty members who might be willing to advise them. And, then,
20 part of their oral examination is in the field that they hope to
21 write their Ph.D. in and usually -- Well, always, a specialist
22 in the field becomes their advisor.

23 Q And, what is the typical length of time to achieve the
24 Ph.D. degree in math?

25 A Five years.

1 Q What are the types of pursuits that the Ph.D. students
2 engage in or aspire to after receiving the degree?

3 A The overwhelming majority of the students apply for
4 academic positions, that's what they're really given the Ph.D.
5 for. But, a few of them discover other interests. The main
6 other interest is Wall Street.

7 Q I suppose it's hard for the Wall Street jobs to compete
8 with the salaries at Columbia.

9 MR. BRILL: I'd like to mark was Exhibit 2, a copy of a
10 redacted letter -- Sorry. Exhibit 23. It's number two in my
11 file. A copy of a redact letter of admission to a student
12 entering the Ph.D. program in Mathematics.

13 (Employer's E-23 identified.)

14 BY MR. BRILL:

15 Q Can you identify the document we've marked as Exhibit 23 as
16 a letter of admission to the Ph.D. program in Mathematics?

17 A Yes.

18 MR. BRILL: I offer it.

19 MR. MEIKLEJOHN: No objection.

20 HEARING OFFICER EVEILLARD: It's admitted.

21 (Employer's E-23 admitted.)

22 BY MR. BRILL:

23 Q Before the letter of admission is sent out, actually, what
24 is the -- what is the process for someone who's interested in
25 the Ph.D. program to apply for and, then, get accepted into the

1 program?

2 A Well, they apply. They need three letters of
3 recommendation. The application is due like in December 15 and,
4 then, the department looks at the applications and takes a
5 certain number of applicants and makes offers to a certain
6 number of applicants.

7 Q What are the criteria that you look for in deciding who to
8 accept in the program?

9 A Mainly, accomplishments in mathematics. Because we view
10 the degree, the Ph.D. degree as only being for students who have
11 already shown an aptitude in doing research in mathematics.
12 That's the primary.

13 Q Do you look for teaching experience?

14 A At that level, that's secondary criterion because typically
15 the students have had no opportunity to teach.

16 Q Now, going back to Exhibit 23, if you turn to the second
17 page of the document, there's a listing of what's described as a
18 five-year funding package.

19 A Mm-hm.

20 Q Is this -- Is this same package provided to everyone in the
21 -- who's admitted as a Ph.D. student?

22 A Yes, it is.

23 Q And, does everyone receive the same packet throughout their
24 time in the Ph.D. program?

25 A Yes, they do.

1 Q Now, two-thirds of the way down the page, just before the
2 paragraph headed Housing, there's a paragraph that begins, Your
3 fellowship includes participation in your department's
4 professional apprenticeship which includes some teaching and
5 research responsibilities. The faculty regard this experience
6 as a vital part of your education. Do you see that?

7 A Yes.

8 Q First of all, could you just describe in very general terms
9 what the participation in teaching responsibilities would be for
10 somebody -- I'm going to go into it in more detail, but if you
11 could just give an overview for now.

12 A The goal is to provide the students some experience in
13 teaching because once they get their degree, unlike what happens
14 when they're admitted to Graduate School, there's an expectation
15 that our Ph.D.'s have some experience and some ability to teach.
16 That's a very important criterion.

17 Q Would that be, in a sense -- Does the faculty regard this
18 experience as a vital part of your education --

19 A Yes.

20 Q -- is that the reason why the faculty regard teaching as
21 important for the education of the Ph.D. students?

22 A Yes. Because without this experience they will not be able
23 to get an academic job.

24 MR. BRILL: Now, in terms of specifics of the teaching
25 that's done by the Ph.D. students let me mark as Exhibit 24

1 another document. This one is headed Department of Mathematics
2 Columbia University Student Teaching Guidelines.

3 (Employer's E-24 identified.)

4 BY MR. BRILL:

5 Q Can you identify this document?

6 A Yes. It's another document that's on the Mathematics
7 Department website under the heading of Ph.D. Programs and it's
8 specifically for Ph.D. students.

9 MR. BRILL: I offer this in evidence.

10 MR. MEIKLEJOHN: No objection.

11 HEARING OFFICER EVEILLARD: It's admitted.

12 (Employer's E-24 admitted.)

13 BY MR. BRILL:

14 Q Now, in the very first paragraph, the last sentence states,
15 quote, In fulfillment of the requirements for the degree all
16 students must gain teaching experience as part of their graduate
17 training.

18 A Mm-hm.

19 Q Is that the -- Does that accurately reflect the degree
20 requirements of the Department of Mathematics?

21 A It's not so much a degree requirement of the department,
22 but of the Graduate School, as I understand it.

23 Q Now, with respect to the specific responsibilities of the
24 doctorate students in the Math Department for teaching, can you
25 explain to us what the various assignments or duties would be

1 for the doctorate students?

2 A In the first year they have a very small assignment in the
3 second semester. They only have to spend two hours a week in
4 our help room. And, then in --

5 Q Let me just stop there for a minute. So, during the first
6 year --

7 A Yes.

8 Q -- are the students given any appointments?

9 A No.

10 Q They're just -- What are they considered to be? I know
11 there's something called a dues fellow referred to in the
12 admission letter. Would that be their category?

13 A Well, I'm not expert on the administrative differences but
14 to be -- not appointed simply means that they are on stipend the
15 entire year.

16 Q And, then, what about the ensuing years, what teaching
17 responsibilities would the Ph.D. students have?

18 A Well, we have -- They all have the same title of teaching
19 fellow, but they have several types of responsibilities. The
20 first is they are assistants of a faculty member in the
21 classroom. The second is they teach their own independent class
22 for which they are the instructor of record and they only teach
23 the elementary classes.

24 Q Would those be Calculus 1 and 2?

25 A Yes. We also have a third class which I think is called

1 College Algebra which is lower -- even lower class than Calculus
2 1 and 2. The third possibility is that they could be an
3 instructor in the -- in the seminar for our majors.

4 Q The undergraduate majors.

5 A The undergraduate majors.

6 Q Okay. So, let me just turn your attention back to the
7 document that we just marked as Exhibit 23 I think.

8 HEARING OFFICER EVEILLARD: Twenty-four.

9 BY MR. BRILL:

10 Q Twenty-four. This is the Student Teaching Guidelines. So,
11 you'll notice under teaching responsibilities there's Paragraphs
12 1, 2 and 3.

13 A Mm-hm.

14 Q And, do these accurately describe the responsibilities of,
15 I guess -- The order here is, one is graduate students who teach
16 Calculus 1 and 2 or College Algebra, then it goes on to describe
17 their responsibilities.

18 A Yeah. Yes.

19 Q So, just for the record, that would include grading
20 homework, making and grading exams and holding office hours.

21 A Yes. Mm-hm.

22 Q And, as you said, they teach a small section of those
23 particular courses, the Calculus instructors.

24 A Yes. We limit -- It says here normally limited, but we
25 have a strict limit. We restrict enrollment to 30. So, the

1 students actually cannot register once we get the 30.

2 Q And, the next paragraph talks about the responsibilities of
3 graduate students who are assigned as teaching assistants.

4 Again, it says they're assigned to a specific instructor grade
5 homework, help grade exams and hold office hours.

6 A Mm-hm.

7 Q Would that be an accurate description?

8 A That is an accurate description.

9 Q And, lastly, what is the undergraduate seminar?

10 A It's our capstone course for our majors. They get to
11 select an area where they're interested -- in which they're
12 interested in doing research or beginning to do research. I'm
13 not sure how much more detail you want.

14 Q How is the course taught?

15 A There is a faculty instructor who organizes the course,
16 makes sure that every semester there's a diversity of topics
17 that are offered. And, those topics are offered exclusively by
18 the graduate student who supervises a small section, typically
19 seven or eight students. The students actually do all of the
20 presentation of the material. I should say, maybe I'm not being
21 clear. There are no undergraduate students present. Sorry.
22 There are of course undergraduates. It's a course for
23 undergraduate students. But there are meetings regularly where
24 the graduate students and the faculty member who's leading it
25 get together.

1 Q Now, what if any training is provided to the Ph.D. students
2 in terms of serving in any of these roles, such as teaching
3 assistants or the Calculus courses or the capstone seminar?

4 A The first semester they're in the Ph.D. program, they have
5 to take a course called the Teaching of Mathematics.

6 Q That's a required course?

7 A It's required. Yes.

8 Q Is that for credit?

9 A I cannot -- I cannot tell you offhand. But, it is
10 required.

11 Q And, what is covered in that class which you just -- Let me
12 ask first, who teaches it?

13 A Every single aspect that I can think of are becoming a good
14 teacher of mathematics and it's there that the students, each
15 one of the graduate students prepares a lecture with the other
16 students as the audience, supervising faculty member as the
17 audience and he or she is critiqued and learns how to do it
18 better. And, also, learns how to -- all the technical aspects
19 of being an instructor.

20 Q And, how often does this class meet? How often?

21 A Once a week throughout the semester.

22 Q On Page 2 of Exhibit 24, if you could turn your attention
23 to that. There's a heading that says The Teaching Seminar. It
24 says --

25 A Yeah.

1 Q -- first year students are required to participate in the
2 semester long seminar on the teaching of mathematics.

3 A Mm-hm.

4 Q Is that the course that you're --

5 A Yes, it is.

6 Q -- talking about? Some of the things they do are creating
7 a web page for the course, writing a syllabus, writing and
8 grading exams and lecturing on Calculus topics.

9 A Yes. Those are a series of things.

10 Q I'm sorry. Forgive me. If I asked you who teaches the
11 course?

12 A The person in the department we call the Calculus Director,
13 who supervises also all the calculus classes.

14 Q If you turn your attention back to the same exhibit under
15 Guidance and Training, the immediate -- immediately above the
16 heading Teaching Seminar. There's a reference to first year
17 students are required to participate in the semester long -- I'm
18 sorry -- the director of graduate student teaching is
19 responsible for training and advising fellow.

20 A Yes. That is actually the same person as the Calculus
21 director. The reason there are two different titles is inside
22 the department we use Calculus director, but director of
23 Graduate Student Teaching is the title used by the Graduate
24 School of Arts and Sciences.

25 Q Now, you indicated that in the second semester of the first

1 year, the graduate students spend about two hours a week in the
2 help room?

3 A Mm-hm.

4 Q Now, for those appointed as teaching assistants, which you
5 referred to as teaching assistants, how many -- how many hours a
6 week approximately are they expected to devote to their teaching
7 assistant responsibilities?

8 A Between eight and ten hours a week.

9 Q If you didn't describe it already, what is the help room?

10 A The help room -- Well, there are actually two help rooms,
11 where an undergraduate student can go at any time of the day
12 during weekdays including the evenings to get help on whatever
13 math course they're working on as a student.

14 Q And, with respect to the students who are the calculus
15 instructors, what -- how much time a week are they expected to
16 devote to that role?

17 A Two hours, or three hours. I'm not really completely
18 certain. Two hours.

19 Q As a calculus instructor or --

20 A No. No. I thought you meant in the help room.

21 Q But, how much time total in the role of calculus
22 instructor, including teaching class and --

23 A Ten hours total -- maximum, I think.

24 Q Okay. Now, for the students who serve as the calculus
25 instructors, can you just describe a little more about how that

1 course is taught? I think you mentioned there was a faculty
2 member who supervises the course.

3 A Well, there are actually two layers of supervision.
4 There's the calculus director who supervises all the calculus
5 courses and, then, for each different version of calculus, we
6 have Calculus 1, 2, 3 and 4, there is a faculty -- senior
7 faculty member who serves as coordinator of those because we
8 have many sections with many teachers. So, there's someone who
9 coordinates all the sections.

10 Q Are there -- Are there faculty other than the Ph.D.
11 students who teach the calculus courses?

12 A Oh, absolutely. Most of the calculus courses are taught by
13 junior and senior faculty with a few graduate students.

14 Q Can you tell us approximately how many sections there are
15 in total and how many would be taught by graduate students each
16 semester?

17 A Well, the total number of sections, Calculus 1, maybe a
18 dozen; Calculus 2, eight or nine; Calculus 3, again, a dozen
19 roughly; Calculus 4, maybe four. That's the distribution. And,
20 as I mentioned earlier, the graduate students are only allowed
21 to teach Calculus 1, 2 and each semester there may be half a
22 dozen maximum sometimes fewer than that.

23 Q And, in teaching the Calculus 1 and 2 courses, how much --
24 are they teaching from a common curriculum or --

25 A Yes.

1 Q -- are they pretty much developing their own curriculum?

2 A Yes. There's a common book that's used and there's a model
3 syllabus that's posted on the web that they all have access to.
4 But they make up their own exams, choose their own homework with
5 supervision of course.

6 Q What is the supervision that's provided by the faculty?

7 A There are meetings, typically a couple of meetings of the
8 semester. The graduate students who want more, they can get
9 extra help.

10 Q Are they observed?

11 A Yes. They're typically observed by their course leader or
12 by the Calculus director.

13 Q You said the graduate students prepare their own
14 examinations?

15 A Yes.

16 Q How many exams are given during the course?

17 A Typically, two mid-terms, in-class mid-terms and a three
18 hour final.

19 Q Is there also homework assignments?

20 A There's weekly homework assignments.

21 Q Is that also developed by the graduate student?

22 A Yes.

23 Q And, what are some of the considerations for a teacher in
24 the calculus course in terms of preparing either the mid-term or
25 the final exam?

1 A I don't understand what you mean, consideration.

2 Q What's involved in preparing the exams? How would somebody
3 going about preparing an exam?

4 A Well, there are model exams, they look at that. Then they
5 can get help from one of the faculty. And, since there are a
6 lot of faculty teaching each section, what typically happens is
7 that one of the faculty creates a model exam and the students
8 can look at that and base their exam roughly on that. But, they
9 have to -- They change it depending on what topics they've
10 emphasized in their teaching.

11 Q I guess I'm trying to understand to what -- how do you -
12 How would a graduate student know that, for example, to give an
13 exam that's difficult enough so that not everybody in the class
14 gets A, but not so difficult that everybody fails the exam? In
15 other words, that it accurately measures the degree of
16 competence by the undergraduates who are in the class.

17 A Well, this is one of the finest parts of being a math
18 instructor and it's learned first in the teaching seminar that
19 they have in their first semester. Then, by the help they're
20 given, by the sample exam they're shown. And, if they still
21 don't know, they can help in actually writing the exam.

22 Q How many of the -- When somebody graduates, gets the Ph.D.
23 in Mathematics what percentage of them would you say have served
24 as a calculus instructor at some point during their career as a
25 student?

1 A Close to a hundred percent.

2 Q Now, turning to the undergraduate seminar, I think you
3 referred to that as a capstone seminar?

4 A No.

5 Q Tell us again, what are some of the responsibilities of the
6 Ph.D. student with respect to that seminar.

7 A Well, they have a one-on-one relationship with each one of
8 the students in the seminar. They help them develop lectures,
9 the undergraduate student's lectures. They act as the expert in
10 the topic, they are themselves learning that -- at a very
11 advanced level the topic and the undergraduate students are
12 beginners.

13 Q So, could you explain to what -- what you mean by saying
14 the graduate students are actually learning the topic
15 themselves?

16 A Well, for example --

17 Q Could you give an example that we might be able to
18 understand?

19 A I don't know. For example, a specialist topology and
20 writing their thesis in topology. Topology is also a course
21 that we teach at the undergraduate level, so a student who has
22 taken that undergraduate class might want to learn more about
23 topology. So, a graduate student who's a specialist in topology
24 is ideal for doing that.

25 Q What -- I thought you said the graduate student is also

1 learning something about topology by teaching a class.

2 A The graduate student knows all the material that's going to
3 be covered in the undergraduate seminar. The graduate student
4 is learning things at a higher level.

5 Q By serving as the instructor for the undergraduate seminar?

6 A No. I was referring actually to what they're doing in
7 their Ph.D. But, of course, they learn something from the
8 students and from interacting with the students.

9 Q So, the seminar, would that typically be related to the --
10 to the area of specialty of the Ph.D. student?

11 A Absolutely. That's what I was trying to express earlier.

12 Q Now, how long does the capstone seminar last?

13 A A semester.

14 Q One semester. And, again, how many hours a week would you
15 estimate that the graduate student spends in that?

16 A I think they spend -- They have one weekly meeting, but it
17 meets for at least two hours.

18 Q Now, you mentioned earlier that one of the reasons that the
19 department requires this course of teaching for the Ph.D.
20 students is that it's something that's expected when they go
21 onto the academic job market. Thinking about the different
22 roles that the Ph.D. students have in the various teaching
23 capacities as teaching assistants, calculus instructors and
24 instructors in the undergraduate seminar, would you say that
25 there are any other educational benefits to the Ph.D. students

1 in serving in these teaching roles?

2 A Well, for the teaching calculus, for teaching the
3 undergraduate seminar, I think there's a huge benefit to them
4 because often, especially in calculus, they have not seen the
5 material and the presentation of this material since they were
6 themselves students in the calculus class. So, they get a
7 completely new vision of calculus from having to teach it.

8 Q Would that same connection exist for the Ph.D. students who
9 are serving as instructors in the capstone seminar?

10 A Oh, yes. Yes.

11 Q Now, for the teaching assistants they're working in the
12 help room?

13 A Yeah.

14 Q And, they're also doing grading I think you said?

15 A Yeah.

16 Q Would there be any relationship between what they're doing
17 in the help room and grading in their own Ph.D. program in terms
18 of, well, any aspect of their educational program?

19 A Well, mainly, there it's more focused on just learning how
20 to be a good teacher, learning how to develop things in
21 teaching.

22 Q For example, what is involved in grading a math exam or a
23 math problem?

24 A Most of our courses especially at the advanced level
25 require the students to reproduce proofs and requires very

1 careful attention to all the steps in the proof, to make sure
2 that the student even if he or she gets the right answer has
3 actually done the steps correctly. It's hard work.

4 Q Is that something that the Ph.D. students have to receive
5 training or guidance in, that is, how to -- how to grade?

6 A Yes. They get that from the instructor of the class.

7 Q Do some of the Ph.D. students also serve as instructors in
8 the summer session?

9 A Yes.

10 Q Could you tell us what those positions entail?

11 A They are -- The courses in the summer session are
12 essentially the same courses in our undergraduate curriculum,
13 but they're taught double time, twice as fast. So, they're in a
14 compressed schedule and one of the big advantage for our
15 graduate students is they have the opportunity to teach not only
16 Calculus 1 or Calculus 2, but the more advanced calculus courses
17 and, then, more advanced courses, period. Not just calculus
18 courses, other courses. So, it's a very valuable experience.

19 Q And, how are they supervised? The ones who teach during
20 the summer, is there any supervision for that?

21 A Yeah. There's a director for the summer session, who does
22 some of the supervision. And, sometimes, but this is not
23 universal, the director of Calculus supervises by visiting the
24 graduate students' classes.

25 Q Dr. Pinkham, are there also graduate research assistants in

1 the Math Department?

2 A No. I'm hesitating because this is an official title of
3 the Graduate School and we appoint very, very few students in
4 that capacity.

5 Q But the Ph.D. students in the department, do engage in
6 research.

7 A Yes. Yes.

8 Q And, how are they -- How are they supported then in that
9 endeavor?

10 A Every student receives a five-year package from the
11 Graduate School. So, all the support comes from the Graduate
12 School.

13 Q Now, are there some -- Are there some students who are
14 supported on outside grants?

15 A Yes. The best students across the United States and the
16 world have access to grant money. In the United States,
17 typically NSF. In Canada it's NSERC (ph.) and we have -- right
18 now, we have a student from Portugal supported by the Portuguese
19 government. Students from South America supported by their
20 governments.

21 Q And, NSF is National Science Foundation?

22 A Yes.

23 Q And, when the student is supported on an NSF fellowship for
24 example, does that affect the teaching obligations that they
25 have to the department?

1 A Yes. Because --

2 Q In what respect?

3 A NSF has a requirement that for I think it's two semesters,
4 the recipients not do any teaching.

5 Q So, that would be --

6 A Two semesters.

7 Q -- two semesters while they're on the NSF grant.

8 A That's right.

9 Q And, how long would the students typically be on an NSF
10 grant?

11 A Two or three years.

12 Q So, even for those students who are on a grant such as the
13 NSF grant that restricts teaching, they still have some teaching
14 obligation.

15 A Yes. For all except the two semesters I was referring to.

16 Q I think you said everyone in the department gets the same
17 stipend --

18 A Yes.

19 Q -- every semester; is that correct, or every year.

20 A Mm-hm.

21 Q Regardless of whether they're serving as a teaching
22 assistant or a calculus instructor or --

23 A Yes.

24 Q -- a researcher. There was a reference, I think it's in
25 Exhibit 24 to something called a Teaching Letter. I don't see

1 it. Do you know what a Teaching Letter is?

2 A Yes.

3 Q What's a Teaching Letter?

4 A All our Ph.D. students who are graduating to get an
5 academic job they need to have one of the three or four
6 recommendations that they receive from a Columbia faculty to be
7 devoted exclusively to their ability to teach. And, so, we
8 provide -- we provide that letter.

9 HEARING OFFICER EVEILLARD: The letter is referenced in
10 Paragraph 2 of Exhibit 24.

11 BY MR. BRILL:

12 Q I'm going to move on to the Master's Program that you
13 mentioned.

14 A Mm-hm.

15 Q Can you give a brief description of a Master's in Finance
16 Program?

17 A It's an intensive program that students going full time can
18 complete in -- It's very hard to complete in two semesters, but
19 they could. And, they're allowed to take three semesters to
20 complete it. Then we have a number of students who take it
21 part-time because they're already working.

22 Q And, about how many students are in the program?

23 A As I said earlier, in the full time equivalent students
24 there's a hundred roughly. I'm not sure exactly.

25 Q And, what are the careers that these master students pursue

1 after they receive the degree?

2 A They aspire to be what's known as quants on Wall Street.

3 These are the people who account to a very high level of

4 mathematical sophistication and help the trade on Wall Street.

5 Don't ask me more about that.

6 Q Okay.

7 A I was referring to quants.

8 Q Not in general. We have to do a few more questions.

9 A Don't ask me about quants.

10 MR. BRILL: I think we're up to 25. This is a document
11 headed Mathematics With a Specialization of the Mathematics of
12 Finance, which appears to be a page off the website.

13 (Employer's E-25 identified.)

14 BY MR. BRILL:

15 Q Do you recognize Exhibit 25?

16 A Yes, I do.

17 Q And, is this a printout from the Mathematics Department
18 website of a description of the Master's Program?

19 A Yes, it is.

20 MR. BRILL: I offer it in evidence.

21 HEARING OFFICER EVEILLARD: Any objection?

22 MR. MEIKLEJOHN: No objection.

23 HEARING OFFICER EVEILLARD: It's admitted.

24 (Employer's E-25 admitted.)

25 BY MR. BRILL:

1 Q Dr. Pinkham, are there any of the students in the Master's
2 Program appointed to teaching positions?

3 A A very small number, less than ten.

4 Q And, what would their -- For those that are appointed, what
5 would their responsibilities be, what positions would they hold?

6 A They're teaching assistants in typically a math or finance
7 course.

8 Q And, what responsibilities would they have in the course?

9 A Grading, homework.

10 Q Do you know what they -- What payment, if any, they would
11 receive?

12 A Yes. They receive 18 hundred dollars a semester and they
13 get a tuition rebate of 18 hundred dollars also.

14 Q And, how long would the appointment be for, typically?

15 A I'm not sure. Certainly, no less than a semester because
16 the course is -- They might be appointed for two consecutive
17 semesters. I'm not completely sure about that.

18 Q Had you said -- Would it be typical for a master's student
19 to have such an appointment in his or her first semester?

20 A No.

21 Q And, is it only the full time students who would have such
22 an appointment?

23 A Typically. And, in fact, they're only allowed to be -- to
24 be assistants in a course they've already taken. So, the only
25 students who are assistants are the students who take three

1 semesters to complete and, then, in the third semester, they
2 teach or they TA a required course for the first semester.

3 Q I see. So, at least the prevalent pattern would be any of
4 these master's students would only serve in that role for one
5 semester.

6 A I think so, but I'm not -- I'm not sure.

7 Q Okay. Now, I want to ask you about the undergraduate
8 students. Are there -- Are there undergraduates appointed to
9 assist in the teaching of the math courses?

10 A Yes. Many.

11 Q And, what position would they be appointed to?

12 A I'm not sure of the official title of the position.

13 MR. BRILL: I'm going to mark was Exhibit 26 a document
14 headed Department of Mathematics Columbia University in the City
15 of New York, Undergraduate Teaching Assistant Three.

16 (Employer's E-26 identified.)

17 BY MR. BRILL:

18 Q Can you identify --

19 A Yes.

20 Q -- Exhibit 26?

21 A This is a form we distribute to students who are applying -
22 - undergraduate students who are applying for a job.

23 Q And, this is the -- Does this refresh your memory that the
24 position is for Teaching Assistant 3?

25 A Yes.

1 Q And, what are the responsibilities of the undergraduates
2 who serve as teaching assistants three?

3 A They have two responsibilities. They have to spend time,
4 two hours a week, in the help room, again. And, they also grade
5 homework. They're not allowed to grade exams.

6 Q And, what is the process by which the undergraduates are
7 appointed or selected for these positions?

8 A Well, they're selected by filling out this form and, then,
9 we accept students, as you can see on the form, we ask for their
10 instructor's name of every course they've taken. We consult the
11 instructors. We look at what grade they have in the courses
12 they've taken and that's basically it.

13 Q And, do the undergraduates have to be at a certain level in
14 their studies in order to have such a position?

15 A There's no exact cutoff, but they have to have taken the
16 course in which they're going to be a TA.

17 Q What is the period for which the undergraduate would be
18 appointed or assigned as a teaching assistant three?

19 A They receive an appointment for a year.

20 Q And, is there a payment associated with this position?

21 A Excuse me?

22 Q Is there a payment associated --

23 A Yes.

24 Q -- with the position?

25 A Yes.

1 Q What is the payment?

2 A Eighteen hundred dollars a semester.

3 Q Who actually makes the selection of the undergraduate
4 teaching assistant three?

5 A The director of Undergraduate Studies.

6 HEARING OFFICER EVEILLARD: Does the help room where the
7 other students get help for math?

8 MR. BRILL: I'm sorry. I can't hear the question.

9 HEARING OFFICER EVEILLARD: I said is the help room where
10 other students go to do math problems --

11 THE WITNESS: Yes.

12 HEARING OFFICER EVEILLARD: -- from the undergraduate TAs?

13 THE WITNESS: Yes.

14 BY MR. BRILL:

15 Q Is that the same help room where the graduate students --

16 A Absolutely.

17 Q And, in addition to the 18 hundred dollars that the
18 undergraduate students receive, from your perspective as a
19 professor and chair of the department, is there any other
20 benefit to the undergraduate students for serving in these
21 Teaching Assistant Three positions?

22 A Well, yes, because a couple of factors. First of all, they
23 have contact with a faculty member teaching the course.
24 Secondly, it gets them to see -- It's like the graduate
25 students, it gets them to see the material of the course a

1 second time and they learn the material better. They have
2 contact with their peers in the help room.

3 Q Are many of these students math majors or --

4 A They're almost exclusively math majors.

5 Q Is there any percentage of them who are going on to
6 graduate degrees in math?

7 A I imagine that -- I don't know. I don't have any studies.

8 MR. BRILL: Just give me a minute.

9 (Pause.)

10 MR. BRILL: I don't have anything else on direct. Could we
11 take just five minutes?

12 HEARING OFFICER EVEILLARD: Sure.

13 (Whereupon, a recess was taken from 3:08 p.m. to 3:20 p.m.)

14 CROSS-EXAMINATION

15 BY MR. MEIKLEJOHN:

16 Q Good afternoon, Dr. Pinkham. I'm Tom Meiklejohn. I'm
17 representing the union in this matter.

18 A Yes.

19 Q My question sometime tends to take me a long time to get to
20 the end of the question.

21 A Mm-hm.

22 Q So, even if you figure out where I'm going, please be
23 patient and wait till I finish the question.

24 A Okay.

25 Q It makes the reporter's job easier.

1 You testified that you started out -- I think you started
2 out at Columbia in 1974 as an assistant professor and progressed
3 through associate professor and full professor; is that right?

4 A Yes, it is.

5 Q In order to move from those different levels of professor,
6 what do you have to demonstrate or do in order to move forward?

7 A You need to demonstrate that you're an excellent
8 researchers and you have to demonstrate that you've an excellent
9 teacher.

10 Q And, as you progress through those stages, do you continue
11 to learn about and improve your teaching skills, at least that's
12 the hope?

13 A That's the hope.

14 Q And, now, some 40 years into your academic career, do you
15 find that you're still learning and still expanding your
16 knowledge?

17 A Yes, I do.

18 Q Is that part of being a professional?

19 A Yes.

20 Q And, do you continue to increase your knowledge of -- I'm
21 not going to ask you about specifics, but about the subject
22 matter of your own expertise, as well?

23 A Yes.

24 Q This is -- You said that there are approximately a hundred
25 undergraduate majors in the Math Department.

1 A Mm-hm.

2 Q Is that a total number of students or is that the number
3 who graduate each year?

4 A The students at Columbia declare a major at the end of
5 their sophomore year. So, I'm certainly only counting juniors,
6 seniors. Now, the number actually depends on what one counts.
7 We have math majors. We have math econ majors, math statistics
8 majors. So, these are people that have joint majors. So, if
9 we're counting everybody that is a hundred student a year, so a
10 hundred students in the senior year, a hundred students in the
11 junior year.

12 Q And, about half -- If I'm following your thinking there,
13 it's dangerous for me to ask a math question, I know. But, it's
14 pretty elementary, are you saying -- I think I hear you saying
15 that approximately half of those are people who have declared
16 just a math major; is that right?

17 A No.

18 Q No.

19 A I'm not saying that.

20 Q Okay.

21 A I'm saying that the total is a hundred a year, but the
22 majority every year are the math majors. Math econ and math
23 stats and the others are smaller.

24 Q I understand. Do you still have Employer Exhibit 23,
25 that's the sample letter of admission?

1 A Mm-hm.

2 Q The letter is actually signed by the dean of GSAS?

3 A Yes.

4 Q You recognize this as -- This is a standard form letter
5 that's used -- is this used throughout the university or just
6 for the Department of Mathematics?

7 A It's used for all the Ph.D. programs in the university.

8 Q And, obviously, the first letter in the third line would be
9 different for different departments.

10 A Yes.

11 Q Okay. And, any other specific references to the
12 department.

13 A Mm-hm.

14 Q Do you know who drafted this letter?

15 A No.

16 Q Okay. In the second paragraph it says that as a dean's
17 fellow, you will receive a comprehensive funding package which
18 includes teaching and research responsibilities.

19 MR. BRILL: Which includes some teaching and research
20 responsibilities.

21 MR. MEIKLEJOHN: It does say that.

22 BY MR. MEIKLEJOHN:

23 Q Let me -- Let me put the question aside and I'll get back
24 to that.

25 Could you pull out Exhibit 24, which is the one that begins

1 with the word Requirements in large type at the top?

2 A Mm-hm.

3 Q Under teaching responsibilities it states that in the first
4 year students do not teach, but they typically assist in the
5 mathematics help room. Do you see that?

6 A Yes.

7 Q You explained about that. Is that an expectation for all
8 second semester Ph.D. candidates on fellowship?

9 A Yes, it is.

10 Q And, you testified that TA threes undergraduate students
11 also assist in the same help rooms?

12 A Mm-hm.

13 Q What if anything -- What, if any, distinctions are there
14 between the work done by the Ph.D. candidates who work in the
15 help room and the TA3s who work in the help room, or help in the
16 help room?

17 A None. Inasmuch as you're talking about their work in the
18 help room.

19 Q Right. Just the work that they do in the help room.

20 A No. No.

21 Q Under the one in parenthesis regarding --

22 A Yes.

23 Q -- graduate students teaching Calc 1, 2, et cetera, it
24 indicates that enrollment is normally limited to ensure small
25 section sizes.

1 A Mm-hm.

2 Q Why is that done?

3 A For the benefit of the graduate student teacher. We do not
4 want them to be -- have very large classes as a beginning
5 teacher.

6 Q How about for the benefit of the undergraduates, is there a
7 benefit to the undergraduates of that also?

8 A Well, we think so. The faculty thinks so.

9 Q Okay. You're the ones that are making these decisions,
10 correct?

11 A Yeah.

12 Q With some control by the administration?

13 A Well, we make -- We make some decisions, but the
14 undergraduate students make decisions also.

15 Q In which classes to sign up for.

16 A Yes.

17 Q Okay. Now, these functions performed by the graduate
18 students in these sections, grading homework, making and grading
19 exams, holding office hours, these functions, you testified,
20 benefit the graduate students in terms of learning to teach,
21 correct?

22 A Yes.

23 Q These functions also have benefits for the undergraduate
24 students?

25 A Yes. They are taught.

1 Q And, that's the function of the undergraduate school and
2 the undergraduate classes, to teach the undergraduates.

3 A Yes.

4 Q Under the two in parenthesis it says, Graduate students
5 assigned to a specific instructor are required to, one of the
6 functions is to hold office hours in the help room.

7 A Mm-hm.

8 Q Is there some difference or significance in them holding
9 their office hours in the help room? Okay.

10 Under parenthesis one --

11 HEARING OFFICER EVEILLARD: Was there an answer?

12 MR. MEIKLEJOHN: No. He looked puzzled by my question.

13 HEARING OFFICER EVEILLARD: Okay.

14 MR. MEIKLEJOHN: So, I was trying to rephrase.

15 MR. BRILL: Are we still on Exhibit 24?

16 MR. MEIKLEJOHN: I'm still on Exhibit 24.

17 BY MR. MEIKLEJOHN:

18 Q You looked puzzled by my question. You didn't ask me to
19 explain it. Did you understand my question?

20 A I didn't hear you. I didn't hear a question.

21 HEARING OFFICER EVEILLARD: Okay.

22 BY MR. MEIKLEJOHN:

23 Q All right.

24 HEARING OFFICER EVEILLARD: Is there *

25 THE WITNESS: Yeah.

1 HEARING OFFICER EVEILLARD: Okay. Go ahead.

2 BY MR. MEIKLEJOHN:

3 Q My question is, why do they do their office hours in the
4 help room?

5 A Well, first of all, not all of them do. Some of them use
6 separate classrooms, classrooms that aren't used, to hold their
7 office hours there. But, some of them hold their office hours
8 in the help room. They notify the students in their class that
9 they will be in the help room at specified hours.

10 Q Will they also be providing help room services to other
11 students who come to the help room?

12 A Yes, they will.

13 Q I didn't -- I mean, if an undergraduate wants help, do they
14 have to make an appointment in the help room, or can they just
15 wander in there knowing a certain hours when there will be
16 people there to help them?

17 A The latter. They can come at any hour.

18 HEARING OFFICER EVEILLARD: There's always somebody there.

19 THE WITNESS: There's always somebody there.

20 BY MR. MEIKLEJOHN:

21 Q There are some set hours when people are assigned there,
22 correct?

23 A Yes. So, the instructors are assigned. The graduate
24 students or the undergraduate or TAs have to be there during
25 specific times. But the undergraduates come when they want.

1 Q The undergraduates who want to --

2 A Help.

3 Q Right. Okay. Are there hours when the help room is open?

4 A Well, yes.

5 Q What are the hours that it's staffed, it's open,
6 approximately?

7 A I don't know, but from nine to six or seven. I'm not sure.

8 Q Okay. Now, you gave some testimony about students funded
9 by -- who receive outside government funding.

10 A Mm-hm.

11 Q Are Ph.D. candidates expected to make at least one
12 application for outside funding?

13 A You mean before they're admitted?

14 Q No. At some time during their career.

15 A We certainly encourage them to.

16 Q And, why do you encourage that?

17 A It's practice writing grant applications, that's the first
18 thing. They will have to write grant applications once they get
19 their degree. Also, -- Well, in the NSF case, it's a source of
20 huge prestige.

21 Q To the -- To the student or to the university or both?

22 A Mainly to the student.

23 Q Okay. Does it have financial benefits to the department or
24 the university?

25 A To the department, none, except once again, a little bit of

1 prestige. To the Graduate School, it does have a benefit in
2 that the outside agency is providing some or all the support for
3 that graduate student, rather than the university.

4 Q That extra money doesn't go to the department, it goes to
5 the school?

6 A Yes.

7 Q And, if a student gets a year of this outside funding, I
8 guess the next financial benefit to the university assuming the
9 student completes his Ph.D. in five years, is that the
10 university only has to pay him for four years -- provide four
11 years of funding, correct?

12 A Partially. Certainly, sometimes these fellowships don't
13 have the same stipend level as we do and so we pay the
14 difference for that. And, also, most of these fellowships only
15 provide a small amount of the tuition. And, so, the student is
16 never fully supported, or rarely fully supported by the outside.

17 Q So -- Okay. So, it costs the university less, but not 20
18 percent less, correct?

19 A Mm-hm.

20 Q My math was right that time?

21 A Mm-hm.

22 Q Okay. And, there are also fewer teaching responsibilities
23 for those students who get the outside funding, correct?

24 A As far as I know that's only true in the case of NSF. All
25 the others, they have exactly the same teaching

1 responsibilities. It's only true for NSF because NSF requires.

2 HEARING OFFICER EVEILLARD: I'm sorry. Requires?

3 THE WITNESS: Requires that the student not teach for a
4 year.

5 BY MR. MEIKLEJOHN:

6 Q Of your students who get outside funding, do you know what
7 percentage of them get it from NSF?

8 A No. But, a maximum of two a year.

9 Q Do the -- You said you weren't sure whether graduate
10 students get academic credit for the teaching training class.

11 A Mm-hm.

12 Q Do they get academic credit for their teaching
13 responsibilities?

14 A No.

15 Q Do you still have Exhibit 24 in front of you, the one that
16 starts with --

17 A Yes.

18 Q If you turn to the second page, the American Language
19 Program. I suppose this may be self-evident, but what is the
20 reason for this requirement -- I'm sorry, the American Language
21 Program requirement?

22 A The main reason is to make sure that we have good teachers
23 in the classroom. But, the second and important reason is that
24 many of these international students will stay in the United
25 States for their career and they will only be effective

1 researchers if they can communicate in English.

2 Q With respect to the first answer, the first part of your
3 answer, if I understand what you're saying correctly, in order
4 to teach students effectively, they need to be able to
5 communicate in English.

6 A Sure.

7 Q And, they -- Okay. But, this requirement would apply to
8 international students who are planning to return to their home
9 countries following their education, correct?

10 A Yes.

11 Q Could you turn to the next page of the same document,
12 Fairness Issues.

13 A Mm-hm.

14 Q The second paragraph it says that the level of teaching
15 must be satisfactory.

16 A Where are you --

17 Q Under Fairness Issues, the second paragraph.

18 MR. BRILL: I think if you're directing him to the second
19 paragraph, he ought to read the first paragraph in conjunction
20 with the second paragraph.

21 MR. MEIKLEJOHN: Counsel thinks that I'm misleading the
22 witness. He'll have an opportunity. I haven't asked the
23 question yet anyway.

24 BY MR. MEIKLEJOHN:

25 Q My question is, how do you determine whether the level of

1 teaching is satisfactory?

2 A By visiting -- By having a faculty member visit the class.

3 Also, by the undergraduates can complain. If we have

4 complaints, we know that something is wrong.

5 Q Have there been occasions where you've had to take -- To
6 your knowledge, have there been occasions where it was necessary
7 to take action or do something because a Ph.D. candidate's
8 teaching was not satisfactory?

9 A Typically, we've been able to determine that the graduate
10 student would not be a good teacher before something serious
11 occurred.

12 Q And, then, what do you do about that situation?

13 A If the situation is extreme, we may relieve the graduate
14 student's teaching responsibilities until the situation has
15 improved. In any case -- In all cases, we give the graduate
16 student extra help to become a better teacher.

17 Q You testified that the introductory courses, Calculus 1 and
18 2 and the -- and Algebra are taught by graduate students and by
19 instructors at other levels.

20 A Mm-hm.

21 Q What -- Other than the -- The classes taught by the under -
22 - by the graduate students are generally in smaller sections; is
23 that correct?

24 A Yes.

25 Q Other than that, what other distinctions are there between

1 the classes taught by the Ph.D. candidates and the faculty --
2 and other faculty members?

3 A None.

4 Q Okay. There is a document called the Faculty Teaching
5 Manual. Are you familiar with that document?

6 A Yes.

7 Q Does that also apply to the Ph.D. teaching faculty?

8 A I imagine.

9 MR. BRILL: If the witness doesn't know, he shouldn't
10 speculate.

11 HEARING OFFICER EVEILLARD: Do you know?

12 THE WITNESS: Well, it's listed on the page that connects
13 to the graduate student page. It's available for graduate
14 students who come there to read.

15 BY MR. MEIKLEJOHN:

16 Q They can follow a series of links to get to it.

17 A Yes.

18 Q The grad student -- Okay. I'm going to take a stab at
19 something that opposing counsel also tried to ask about.

20 You testified, for example, with respect to exams and
21 homework, the Ph.D. students serving as instructors can have
22 some flexibility to design exams and the homework.

23 A Yes.

24 Q Is it -- Is it fair to say that they're expected to
25 exercise their professional judgment in deciding what would make

1 for a good exam or appropriate homework for the class?

2 A Once they've received training on this. Yes.

3 Q You testified that during the summer that Ph.D. candidates
4 are -- You testified that Ph.D. candidates in the summer get an
5 opportunity to teach some of the more advanced classes.

6 A I did.

7 Q Why do they get that opportunity in the summer and not
8 during the rest of the academic year?

9 A That's how it historically developed. Beyond that, I
10 cannot tell you.

11 Q You say it's been that way for a while.

12 A Mm-hm.

13 Q So the court reporter understands you, you have to -- it's
14 better to use yes or no, rather than mm-hm. That was a yes to
15 the last question?

16 A Say the last question again.

17 Q That's okay. I'll withdraw that last question.

18 Is the reason that they're given that opportunity in the
19 summer to relieve the regular faculty of summer teaching
20 assignments?

21 A No.

22 Q Okay. But you don't know why it is that the opportunity is
23 given during the summer.

24 A Yes. I can formulate part of a response. The regular
25 faculty -- None of the regular faculty members teach during the

1 summer. The summer session is offered by a different school and
2 the summer session tries to recruit the very best teachers for
3 the summer session. One of the places where it recruits is in
4 our Graduate School population. And, the graduate students
5 historically who have been assigned to these courses are very
6 successful.

7 Q Where else do they recruit?

8 A The alums of our programs, faculty members from other
9 institutions who would like to do this.

10 Q And, how are the Ph.D. candidates who teach in -- the
11 classes in the summer, how are they compensated?

12 A They receive compensation from the summer school.

13 Q Okay.

14 A In addition to what they receive from the Graduate School.

15 Q Do they get officer appointments for doing this work?

16 A I do not know.

17 Q Okay. And, how are the other faculty that are recruited,
18 how are they compensated?

19 A In the same method as the graduate student. If you have a
20 Ph.D., you get a higher level of compensation.

21 Q And, the semesters when the Ph.D. candidates are fulfilling
22 their teaching responsibilities, during those semesters part of
23 their compensation is received in the form of a salary; is that
24 correct?

25 A That's my understanding.

1 MR. BRILL: I want to note for the record that it's the
2 Employer's position as a legal matter, but the stipend and other
3 payments that the graduate students are not compensation. I'm
4 not objecting to the use of the phrase for reference during
5 hearing. But, our position is that these payments are not
6 compensation for services.

7 BY MR. MEIKLEJOHN:

8 Q They receive part of their fellowship payment in the form
9 of a salary with tax withholding?

10 A I'm not sure. All I know is that they come from two
11 different sources. They come from -- Payment comes from two
12 different sources when they hold appointments.

13 Q What are those sources?

14 A I'm going to say -- Well, what I mean by sources, from two
15 different accounts inside the university.

16 Q That's what I -- Actually, I understood that. What are
17 those two accounts, if you know?

18 A No, I don't know.

19 Q One of them is the payroll office, correct?

20 A I think so.

21 Q Do you know an individual named Crispina Pincus?

22 A Yes.

23 Q Is that a she? I was going to ask, who is she?

24 A Yes, that is a she and she is the departmental assistant --
25 Mathematics Departmental assistant for undergraduate affairs.

1 Q And, in that capacity does she send -- Do you oversee her
2 work as department chair?

3 A Not directly. The director of Undergraduate Studies
4 oversees her work.

5 MR. MEIKLEJOHN: I'd like this document marked -- I'd like
6 this document marked as Petitioner's Exhibit 17.

7 (Petitioner's P-17 identified.)

8 BY MR. MEIKLEJOHN:

9 Q Is it a part of her function to send correspondence to
10 graduate student employees when they're offered teaching
11 assistant positions and other --

12 MR. BRILL: That question, I object to.

13 HEARING OFFICER EVEILLARD: Graduate students. Go ahead.

14 MR .BRILL: Employees you called them. You tried to sneak
15 that passed me. It's four o'clock, but I did have a second cup
16 of coffee, so I'm not asleep yet.

17 BY MR. MEIKLEJOHN:

18 Q Is it part of her function to send communications to
19 graduate students when they're offered teaching assistant
20 positions?

21 A Yes. But, they're all offered positions, it's what kind of
22 positions.

23 Q I understand. And, is this correspondence, Exhibit 17,
24 correspondence that she sends to teaching assistants offered --
25 This would be -- This would be a person, a math finance person,

1 correct?

2 A Correct.

3 Q Is this correspondence the type that she'd send to students
4 offered -- to master's students offered math finance positions?

5 A Yes.

6 MR. MEIKLEJOHN: I move Petitioner's 17.

7 MR. BRILL: I have no objection.

8 HEARING OFFICER EVEILLARD: It's admitted.

9 (Petitioner's P-17 admitted.)

10 BY MR. MEIKLEJOHN:

11 Q And, are you familiar with a gentleman by the name of
12 Nathan Schweer?

13 A Yes.

14 Q Who is Nathan Schweer?

15 A He is the what used to be called the ADA for the
16 department.

17 Q They changed --

18 A The administrative officer for the department.

19 Q Do you think he's been given a new title now?

20 A I know he's been given a new title.

21 Q Is his new title Human Resources Manager?

22 A No. That was his old title.

23 Q Oh, okay. When did his title change?

24 A When he was promoted to his new position.

25 Q When did he -- Was that promotion after the summer of 2014?

1 A Yes. It was around the New Year, 2015.

2 Q So, as of last summer was it part of his job to send
3 correspondence to graduate students informing them of their
4 selection for positions -- teaching positions?

5 A Yes.

6 MR. MEIKLEJOHN: I'd like this one marked as Petitioner's
7 Exhibit 19.

8 HEARING OFFICER EVEILLARD: Eighteen.

9 (Petitioner's P-18 identified.)

10 BY MR. MEIKLEJOHN:

11 Q Have you had an opportunity to review Petitioner's Exhibit
12 18?

13 A Yes.

14 Q Is this correspondence that is sent to Ph.D. students when
15 they're offered teaching positions?

16 A Yes.

17 MR. MEIKLEJOHN: I move the admission of Petitioner's 18.

18 MR. BRILL: No objection.

19 HEARING OFFICER EVEILLARD: It's admitted.

20 (Petitioner's P-18 admitted.)

21 BY MR. MEIKLEJOHN:

22 Q Students when they're offered teaching positions are
23 required to provide I-9 employment verification forms to fill
24 out? I-9 employment verification forms.

25 A Mm-hm.

- 1 Q Yes?
- 2 A Yes.
- 3 Q And, why is that required?
- 4 A Because the university requires it.
- 5 Q You testified about the duties performed by master's
6 students appointed as teaching assistants?
- 7 A Mm-hm.
- 8 Q Do they grade exams?
- 9 A I do not know.
- 10 Q The undergrads are prohibited --
- 11 A Yes.
- 12 Q -- grading exams?
- 13 A Yes.
- 14 Q Do you know, is there similar prohibition with respect to
15 master's students?
- 16 A No, I don't.
- 17 Q You don't know whether there's a prohibition.
- 18 A I do not know whether there is a prohibition.
- 19 Q Okay. But, both master's and undergraduate teaching
20 assistants do grade homework, correct?
- 21 A Yes.
- 22 Q And, that is also a duty of the Ph.D. candidate
23 instructors, correct?
- 24 A A greater part of their duty is to grade exams.
- 25 Q How about -- You mean it takes longer to grade exams than

1 it does to grade homework?

2 A Yes.

3 Q All right. You testified that undergraduate students when
4 they get appointed as a TA3, they get appointed for a full year?

5 A Yes.

6 Q Do you mean -- Is that a two semester appointment or --

7 A That is.

8 Q It does not include the summer.

9 A No.

10 Q You testified that the -- You testified that the master's
11 students appointed as TAs get an 18 hundred dollar tuition
12 rebate, but they receive the same salary payment as the TS3s?

13 A Yes, they do.

14 Q Do the undergraduate TAs get any tuition rebates?

15 A No, they don't.

16 MR. MEIKLEJOHN: Now, it's 19; is that right?

17 HEARING OFFICER EVEILLARD: Mm-hm.

18 MR. MEIKLEJOHN: Can I have this marked as Petitioner's
19 Exhibit 19, please?

20 (Petitioner's P-19 identified.)

21 BY MR. MEIKLEJOHN:

22 Q Professor Pinkham, do you recognize this as the description
23 of the Ph.D. program and map from the GSAS website?

24 A Yes, I do.

25 MR. MEIKLEJOHN: I move the introduction of Petitioner's

1 Exhibit 19.

2 MR. BRILL: I just note for the record that there's text on
3 the back of the page.

4 MR. MEIKLEJOHN: I'm sorry. Yes. It's a two-sided copy.
5 Yes.

6 HEARING OFFICER EVEILLARD: Any objection?

7 MR. MEIKLEJOHN: The portion on the back is also part of
8 the website, correct?

9 THE WITNESS: Yes, it is.

10 MR. MEIKLEJOHN: I think he said he has no objection.

11 MR. BRILL: I have no objection.

12 HEARING OFFICER EVEILLARD: It's admitted.

13 (Petitioner's P-19 admitted.)

14 HEARING OFFICER EVEILLARD: Do you need to go off the
15 record?

16 MR. MEIKLEJOHN: Can we go off the record for a minute?

17 (Whereupon, a brief recess was taken.)

18 REDIRECT EXAMINATION

19 BY MR. BRILL:

20 Q Dr. Pinkham, I think you actually clarified this, but you
21 said during cross-examination that the summer sessions are
22 offered by a different school. What school are you referring
23 to?

24 A The School of Continuing Education.

25 Q And, that's different than Columbia College.

1 A And, it's also different from the Graduate School of Arts
2 and Sciences.

3 Q And, the only other question I have, if you look at
4 Petitioner's Exhibit 18, which is the letter from Nathan Schweer
5 regarding the paperwork. Do you have that in front of you?

6 A Yes.

7 Q So, just to clarify, this -- Am I correct that this
8 communication is sent only when the student is going into the
9 second year?

10 A Yes, it is.

11 Q And, it's not -- This is not in any sense an appointment
12 letter to each particular teaching assignment that the Ph.D.
13 student will have.

14 A No, it isn't.

15 Q This is simply to get the paperwork set up for a portion to
16 be paid, as it says here, to be paid through payroll for the
17 period of the payment.

18 A It's to inform the students that things are going to happen
19 a different way from then on.

20 Q And, it's only necessary to do it once.

21 A Yes.

22 MR. BRILL: I don't have anything further.

23 HEARING OFFICER EVEILLARD: Mr. Meiklejohn?

24 MR. MEIKLEJOHN: Can I talk to my colleague for a second?

25 HEARING OFFICER EVEILLARD: Off the record.

1 (Whereupon, a brief recess was taken.)

2 MR. MEIKLEJOHN: Actually, I do have follow up. It will be
3 very brief.

4 HEARING OFFICER EVEILLARD: Okay. Go ahead.

5 RE-CROSS-EXAMINATION

6 BY MR. MEIKLEJOHN:

7 Q Petitioner's Exhibit 18, this is something that relates to
8 the first time this particular individual is going onto the
9 payroll account, correct?

10 A Mm-hm. That is right.

11 Q And, then, the same payroll procedure would apply in
12 subsequent years when the same individual continue -- subsequent
13 years when that same individual performs teaching functions; is
14 that right?

15 A That is correct.

16 MR. MEIKLEJOHN: Okay. Nothing further.

17 HEARING OFFICER EVEILLARD: Mr. Brill?

18 MR. BRILL: No. No further questions.

19 HEARING OFFICER EVEILLARD: Seeing that there's no further
20 questions, you're excused. Thank you very much.

21 (Whereupon, the witness was excused.)

22 HEARING OFFICER EVEILLARD: We are adjourned until -- If
23 there's no further matters, we're adjourned until April 22nd,
24 9:30. Thank you. Off the record.

25 (Whereupon, the hearing was adjourned at 4:12 p.m. to reconvene

1 on Wednesday, April 22nd, 2015 at 9:30 a.m.)

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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 TWO

In the Matter of:

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

Employer,

And

GRADUATE WORKERS OF COLUMBIA-GWC, UAW,

Petitioner.

6 Case No.: 02-RC-143012
7
8 Date: April 9, 2015
9
10 Place: New York, New York
11
12 Were held as therein appears, and that this is the original
13 transcript thereof for the files of the Board
14
15
16
17
18

Official Reporter