

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

Columbia University,

Employer,

And

Graduate Workers of Columbia,
GWC, UAW

Petitioner.

Case No. 02-RC-143012

The above-entitled matter came on for hearing pursuant to Notice, before THE HONORABLE AUDREY EVELLARD, Hearing Officer, at the National Labor Relations Board, Region 2, 26 Federal Plaza, Suite 3614, New York, NY 10278 on Monday, April 27, 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

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Mark Phillipson	478	507	532	--	502
Henry Farber	536	568	--	--	--

E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
Employer's:		
E-68	481	482
E-69	483	483
E-70	483	483
E-71	484	484
E-72	490	490
E-73	498	499
E-74	503	503
E-75	504	504
E-76	504	504
E-77	507	507
E-78	507	507
E-79	507	507
E-80	537	537
E-81	539	554
E-82	555	--
E-83	566	568
Petitioner's		
P-21	517	517
P-22	522	522
P-23	528	528

E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
Petitioner's (continued)		
P-24	526	526
P-25	528	529

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P R O C E E D I N G S

(Time Noted: 9:54 a.m.)

HEARING OFFICER EVELLARD: On the record.

Mr. Brill, will you call your next witness, please.

MR. BRILL: I will call Mark Phillipson.

HEARING OFFICER EVELLARD: Mr. Phillipson; have a seat.

Whereupon,

MARK PHILLIPSON

was called as a witness by and on behalf of the Employer; and

having been duly sworn, was examined and testified as follows:

HEARING OFFICER EVELLARD: Please be seated and spell
your last name for the record.

THE WITNESS: Sure. My name is Mark Phillipson,
P - H - I - L - L - I - P - S - O - N.

DIRECT EXAMINATION

BY MR. BRILL:

Q Could you tell us what your current position is with
Columbia University?

A Sure, I direct the Graduate GSAS Teaching Center,
Graduate School of Arts and Sciences Teaching Center. I also
teach English.

Q And how long have you had that position?

A I moved over to the GSAS Teaching Center at the end of
2012 -- November, 2012.

Q And what positions at Columbia did you have before that?

1 A Before then, I was a Senior Program Director at the
2 Center for New Video Teaching and Learning for six years. I've
3 also taught in the English Department the whole time I was an
4 Adjunct Assistant Professor.

5 Q You're still teaching in the English Department?

6 A I am.

7 Q And could you tell us your educational background.

8 A Sure; I have -- I graduated from Columbia College with a
9 BA, and then I have a Master's in Library and Information
10 Science from Simmons College; and I have a Doctorate in English
11 from the University of California, Berkley.

12 Q And prior to coming to Columbia, were you employed
13 elsewhere?

14 A I was. I was in the English Department at Boden College
15 for three years.

16 Q Now you said you're the Director of the Teaching Center.
17 Could you describe generally what the Teaching Center is.

18 A Sure. The Teaching Center helps doctoral students at
19 Columbia develop pedagogical practices and reflect on those.

20 Q What is the constituency of the Teaching Center?

21 A The main constituency are the doctoral students in the
22 Arts and Sciences departments at Columbia, although we have
23 programs where we welcome anybody who is interested at
24 Columbia; so we do see doctoral students from elsewhere --
25 Columbia and other graduate students.

1 Q And what are your responsibilities as the Director?

2 A I program, run the offerings; I also coordinate with
3 other offices at Columbia.

4 Q Do you serve on any -- I'm sorry; who do you report to?

5 A I report to the Dean of the Graduate School of Arts and
6 Sciences, Carlos Alonzo.

7 Q And do you have any staff?

8 A I do. I have an Assistant Director. She started
9 recently. I also have some graduate students who work with me.

10 Q And do you have any -- do you sit on any Graduate School
11 committees?

12 A I sit on the Summer Teaching Scholars Committee, where
13 we decide on -- we sift through applications and decide what
14 courses we're going to prove up for the summer. That's it.

15 Q Now I want to ask you about the programs that are
16 offered by the Teaching Center. I'm going to show you some
17 documents in that connection.

18 Off the record.

19 (Whereupon, a brief recess was taken.)

20 MR. BRILL: I'm marking as Exhibit 68 a document put out
21 from the GSAS Teaching Center website at a Teaching Fellows
22 orientation.

23 BY MR. BRILL:

24 Q Do you have that in front of you?

25 A I do.

1 Q Can you identify Exhibit 68?

2 A This is -- yes; this is the web presence of our Teaching
3 Fellow Organizations. We run them in the fall for new Teaching
4 Fellows.

5 (E-68 identified.)

6 Q And can you tell us generally what the Teaching Fellow
7 Organizations consist of?

8 A Sure. They -- we have two different versions of them;
9 one for Teaching Fellows in the Natural Sciences, and one for
10 Teaching Fellows in the Social Sciences and Humanities; and
11 it's basically an introduction to the resources that are on
12 campus and to active learning principles; some policies and
13 some discussions about some first-week-of-teaching activities.

14 Q And when are those programs offered?

15 A They're offered at the beginning -- right before the
16 fall semester.

17 Q And who is invited to attend those programs?

18 A All Teaching Fellows -- all Teaching Fellows in Arts and
19 Sciences.

20 Q Is it -- is it intended for beginning Teaching Fellows
21 particularly, or --

22 A The returning are welcome to come, but it isn't intended
23 for first-time Teaching Fellows.

24 Q And how long does the orientation last?

25 A We've been lengthening it. It's been five hours. We're

1 going to go to six hours next fall.

2 Q It's a separate program, right, for the Natural Science
3 students and the Humanities and Social Sciences?

4 A That's right. Different -- I mean there's a lot that's
5 the same for those orientations, but we have some discussions
6 that are key to Natural Sciences pedagogy or key to Humanities
7 pedagogy.

8 Q And who conducts the program?

9 A I do, along -- I get some faculty to come in also to
10 talk to the graduate students and also representatives of some
11 of the University offices, like the Center New Video Teaching
12 and Learning.

13 MR. BRILL: I offer Exhibit 68.

14 MR. MEIKLEJOHN: No objection.

15 HEARING OFFICER EVELLARD: It's admitted.

16 (E-68 received.)

17 MR. BRILL: I'd like to mark as Exhibit 69 another web
18 printout. This one entitled "Orientation for Teaching Fellows
19 in the Social Sciences and Humanities for 2014," and 70 is a
20 document entitled "Orientation for Teaching Fellows in Sciences
21 for 2014.

22 BY MR. BRILL:

23 Q Do you have 69 and 70 in front of you?

24 A I do.

25 Q And what are these documents?

1 A These are -- this is the schedule of the orientations.
2 One is the schedule of the Social Sciences and Humanities
3 Orientation, and the other is the schedule of the Natural
4 Sciences Orientation.

5 (E-69 and E-70 identified.)

6 MR. BRILL: I'd offer 69 and 70.

7 MR. MEIKLEJOHN: No objection.

8 HEARING OFFICER EVELLARD: They're admitted.

9 (E-69 and E-70 received.)

10 BY MR. BRILL:

11 Q Dr. Phillipson, on 69 and 70, there are certain items
12 that are underlined. For example, Teaching Ramp-up on 69; and
13 then "New Teaching Fellows frequently ask questions" underneath
14 that. What does it signify that it is underlined?

15 A Those are all links, and they open up into a bunch of
16 resources that we have posted on-line for ready access during
17 the Orientation and afterward.

18 Q Did you or your office prepare a report of the GSAS
19 Teaching Center activities?

20 A Yes.

21 MR. BRILL: I'm going to mark as Exhibit 71 a document
22 entitled "GSAS Teaching Center for 2014 Report."

23 HEARING OFFICER EVELLARD: He has 71 right in front of
24 him.

25 BY MR. BRILL:

1 Q Do you have 71?

2 A Yes.

3 Q Can you identify Exhibit 71?

4 A Yes; this is the report that we generated at the end of
5 the fall of 2014 semester of activities in the Teaching Center.

6 (E-71 identified.)

7 Q For what purpose was the report generated?

8 A It was a report primarily to the Dean of the Graduate
9 School of Arts and Sciences.

10 MR. BRILL: I offer it in evidence.

11 MR. MEIKLEJOHN: No objection.

12 HEARING OFFICER EVELLARD: It's admitted.

13 (E-71 received.)

14 BY MR. BRILL:

15 Q Does the report describe the various programs that the
16 Teaching Center provided during the academic year?

17 A It does.

18 Q Starting on Page 2, there's a description of something
19 called the Teagle Summer Institute. If you could just tell us,
20 what is the Teagle Summer Institute?

21 A Sure. That is a summer institute. It's a four-day
22 intensive program. It's part of our preparing doctoral
23 students for 21st century classrooms initiative funded by the
24 Teagle Foundation. We put out an open call for applications,
25 and we accept 50 graduate students per summer for this free

1 program.

2 The emphasis is on a way to integrate merging technology
3 into teaching practices.

4 Q Is there competition among students to get into this
5 program?

6 A This one, there is; yes.

7 Q And can you tell us how the -- you say it is a four-day
8 program. Can you take us through how the program actually
9 operates?

10 A Sure. Well, on day one, we actually think about
11 curricular design; and we don't talk a lot about educational
12 technology on day one. The participants throughout the four
13 days are working on innovative assignment that they are
14 thinking of and they would like to develop at the institute.

15 So we get them thinking about backwards design and other
16 pedagogy design practices on day one. We make sure that they
17 have learning goals and that those learning goals are
18 coordinated to assessment strategies; and so we do have sort of
19 basic design on day one.

20 And then on day two, we showcase a lot of different
21 faculty projects that have run at Columbia that take advantage
22 of emerging technologies; and these can range -- these projects
23 can be simulations or collaborative offering tools that are
24 used as learning environments for media production assignments.

25 So there's a real range. The participants think about

1 their own innovative assignments and revise them as a result of
2 all the possibilities that they're seeing.

3 On day three, we have what we have what we call a Field
4 Trip Day. On that day, participants go around to various
5 places on the Columbia University campus that offer support for
6 educational technology; and they participate in workshops in
7 these various places, and they run -- they get to know some of
8 the staff, and they get to know some of the resources that are
9 available there.

10 And then on day four, it sort of culminates in the
11 participants talk to each other about their revised ideas about
12 their innovative assignment. Everybody does a poster. They're
13 sitting at tables, and so the tables decide which of the
14 assignments at the table they're proudest of and most
15 innovative; and then we sort of present stand-out assignments
16 that have been developed over the course of the four days.

17 Q Can you give us an example of some of those types of
18 technology that you work on in the Teagle Program?

19 A Sure. So this is very much driven by the initiative and
20 the thoughts of the graduate students who participate in this
21 program; so, for example, one doctoral student in the Slavic
22 Languages Department had an idea of teaching her students about
23 the language but also the culture of Russia by having them look
24 very closely at a Russian Telenovela and then actually filming
25 themselves acting out scenes.

1 And so over the course of the four days, she got pretty
2 specific about what that assignment would look like; how she
3 would grade it; what the pacing of the student activities would
4 be; and how she would make sure that her learning objectives
5 were being met by having students actually make little five-
6 minute scenes of Russian Telenovela. That's one.

7 Would you like anymore?

8 Q Sure; one more.

9 A Okay. A Calculus -- a Mathematics Instructor was
10 actually very interested in having her students discuss their
11 thinking as they worked out calculus problems. So again it was
12 video based. She was interested in having them produce short
13 explanatory videos where they reasoned out their solving of a
14 problem and then put them in a public space.

15 Q You mentioned that there were field trips taken as part
16 of the summer program; is that right?

17 A On-campus field trips.

18 Q Are those -- on Page 2, there is a list of bullet-
19 pointed stations, including the Center for New Video Teaching
20 and Learning Faculty Support Lab; the Experimental Digital
21 Classroom and so on. Are those the locations that you would go
22 on field trips?

23 A That is correct.

24 Q You feel it's important for graduate students to see the
25 range of resources that are available on campus and really get

1 their hands on tools there?

2 A (No audible response.)

3 Q Then is there also a follow-up program called the Teagle
4 Fellows program?

5 A That's right. So participants who do all -- who attend
6 all four days and complete all required activities in the
7 Summer Institute are then eligible to apply for an academic
8 year program, which entails a stipend. That is called the
9 Teagle Fellows Program.

10 And what Teagle Fellows do is they work very closely in
11 pairs and conduct peer teaching observations.

12 And so the Teaching Center gives them the structure and
13 support that they need for that. It needs to be carefully
14 planned with each other what exactly they're going to be
15 looking for in each other's teaching; what is the activity of
16 the day, and what is again the learning goal that is trying to
17 be met there.

18 And then they work in partners to conduct these teaching
19 observations; and we introduce them to tools, like surveys or
20 focus groups or video capture or interaction mapping --
21 whatever it takes to gather data about the learning activity so
22 then -- the partners can then look at that data together and
23 co-author a report on how the observation went.

24 Q Okay. What is the objective of the Teagle Fellows
25 Observation Program?

1 A It's to encourage again reflective teaching practices
2 and also to connect graduate students across disciplines with
3 each other around issues of effective teaching.

4 Q Actually, if you look at Page 7 of Exhibit 71, there's a
5 heading called "Peer Teaching Observation Tracks."

6 A Right. So those are the core activities of the Teagle
7 Fellows. You will see there are a series of meetings in the
8 Teaching Center where they come together as a cohort and
9 describe the challenges and the insights that they've had with
10 these peer teaching observations.

11 Q Do participants in the Teagle Institute get a
12 certificate of any kind?

13 A They do.

14 Q What does that reflect?

15 A That reflects their hard work and the time that they put
16 in over the course of the Institute; the fact that they have
17 iterated their ideas for an innovative assignment and now have
18 developed and in their pockets a truly thought-out plan --
19 assignment involving educational technology ready to run in
20 their teaching future.

21 MR. BRILL: I am going to mark this as Exhibit 72 for
22 identification. The letter certifying completion of the Summer
23 Institute requirements.

24 BY MR. BRILL:

25 Q Do you have Exhibit 72?

1 A I do.

2 Q And can you identify it?

3 A Yes; this is a Letter of Certification for Completion of
4 All Work and Requirements for the summer.

5 (E-72 identified.)

6 Q This is an example of a letter that will be sent the
7 student who completed the 2014 Summer Institute?

8 A That's correct.

9 MR. BRILL: I will offer 72.

10 MR. MEIKLEJOHN: No objection.

11 HEARING OFFICER EVELLARD: It's admitted.

12 (E-72 received.)

13 BY MR. BRILL:

14 Q Going back to Exhibit 71, which I think you also have in
15 front of you, there's -- on Page 3, there's something called
16 the Lead Teaching Fellows Language Program. Can you describe
17 what the Lead Teaching Fellows Program is?

18 A Yes; this is a program that we initiated in fall of
19 2014. It again gives graduate students stipends over the
20 academic year, and in exchange for 2,000 sessions over the
21 academic year, these Teaching Fellows meet in the Teaching
22 Center and talk about pedagogy ideas that they have; but their
23 main deliverable on this program is that they put on teaching
24 related discussions or events in their home departments.

25 And in the pilot year, we had 27 Lead Teaching Fellows

1 working in 20 different GSS Departments. GSS funded one of the
2 -- one Lead Teaching Fellow per department, and then some
3 departments actually funded, out of their own monies, a second
4 Lead Teaching Fellows in their department.

5 Q Can you give me an example of some of the types of
6 activities that these Teaching Fellows were engaged in?

7 A Yes. These really ranged, depending on the culture of
8 the department and what the Teaching Fellows were interested in
9 developing with our advice. They can range from basic town
10 halls for Teaching Fellows; tell us about challenges that are
11 coming up for you in your capacity as a Teaching Fellow in this
12 department; or they can be very specialized.

13 We had an event centered around using games in a
14 language classroom, or using advanced visual tools in classics-
15 type budget; or any -- we had one centered around how you work
16 with disabled students; if there's a disabled student in your
17 class, what kinds of accommodations do you need to make.

18 So, they really range. Some of them involve faculty
19 speaking on panels or in informal gatherings with graduate
20 students; and some of them involve just graduate students who
21 let down their hair and talk about pedagogy with themselves.

22 Q Is the Lead Teaching Fellow going to continue next year?

23 A It is.

24 Q And how do you select the Lead Teaching Fellows?

25 A There again, it's a competitive process. We put out an

1 open call for applications. This last year, we've gotten about
2 70 or so; and then we work closely with departmental
3 representatives to kind of collaboratively assess the
4 applications and decide, based on the strength of the
5 applications, and also information in the department who the
6 most effective Lead Teaching Fellow would be, out of the
7 applicants.

8 Q If you turn to the last page of Exhibit 71, there's a
9 chart that's headed "Attending the fall 2014 Lead Teaching
10 Fellow Program."

11 What does this chart show?

12 A It shows this is the first semester of this pilot
13 program, and you can see by looking by the event names that the
14 various Lead Teaching Fellows produced these events -- you can
15 see the variety; and then we ask Lead Teaching Fellows gather a
16 lot of information about their events, including attendance
17 information; so you can see that here, what they have reported.

18 At the bottom, you see the total attendance by graduate
19 students and others at the Lead Teaching Fellow produced events
20 that semester was 350 students.

21 You also see if the department has two Lead Teaching
22 Fellows, you see that information here as well. So, for
23 example --

24 Q Oh, I see.

25 A -- the Biology Department has Nathan Urkedo (ph) and

1 Susie Tosier. They are both Lead Teaching Fellows; they each
2 produced an event in the fall, each one of which was attended
3 by a certain number of students.

4 Q And what involvement did you or your staff of the
5 Teaching Center have in the Lead Teaching Fellow events?

6 A We ran meetings in the Teaching Center where we
7 discussed strategies for these events, and we also encouraged
8 Lead Teaching Fellows to talk to each other -- again across
9 disciplines -- about their ideas for their events that they
10 would run in their home departments.

11 And then at the end of the fall, we came back and we all
12 debriefed and talked about how those events went. There's a
13 lot we learned in running these events; not only others who
14 plan them so that the event helps others in their pedagogy; but
15 also, basics on how to announce them; how to attract attendance
16 and how to reflect on what actually happened.

17 We also have a website where we have templates that the
18 Teaching Fellows fill in so that they share with us and each
19 other and what happened at these events and how well they
20 thought the event went and their ideas moving forward.

21 Q The next item that's discussed in the report,
22 Exhibit 71, is something called "The Art of Communication
23 Series." Can you describe what that program is?

24 HEARING OFFICER EVELLARD: What page is that?

25 MR. BRILL: It's on Page 4.

1 THE WITNESS: So this is a series that we again started
2 in the fall of 2014. The idea behind this series is that we
3 want to support pedagogy, but we also want to support largely
4 effective communication practices; and with the realization
5 that some graduate students will be conveying their expertise
6 in other formats and not the University classroom; so we have
7 events that are key to that.

8 So, for example, Presentation Skills for Educators is a
9 recurring workshop where an improv actor comes to campus and
10 does intensive hands-on workshops with graduate students,
11 helping them to stand up in front of a crowd and, in a very
12 engaging way, communicate.

13 This draws on improv acting techniques and touches on
14 the basics of standing, gesticulating, eye contact, pacing,
15 enunciation -- those basics.

16 The Story Collator Event was an event where we hired a
17 group that focuses on science and narration, helping scientists
18 explain their work in terms that non-specialists can understand
19 and become involved in the states of that research; and so this
20 was a big presentation and also a follow-on workshop where
21 graduate students worked with this group on crafting their own
22 stories -- their own narratives of science in their research.

23 Q Then the last one is called "Discussions That Count."

24 A Yes. So that was a faculty member at Columbia who came
25 in and led a conversation about active listening and various

1 discussion techniques the class, really focusing on the art of
2 not only leading a discussion but having students take
3 responsibility for connecting with each other through
4 discussion.

5 Q And how many of these sessions do you offer each
6 semester?

7 A In Communication, we've had about seven or eight of
8 these sessions in this first academic year.

9 Q The next item that you report on is something called
10 "Collaborative Learning Track."

11 A Yes.

12 Q Or -- I'm sorry -- it's called "The Workshop Tracks."

13 A Yes.

14 Q What are "The Workshop Tracks"?

15 A So Workshop Tracks are sequences of workshops that we
16 run in GSAS Teaching Center Somewhat like the Summer
17 Institute, they offer certification for graduate students who
18 come to all workshops in the sequence and also produce work --
19 homework, we call it, that requests their understanding of the
20 concepts and techniques that are covered in these workshops.

21 Q And can you describe the first one, the Collaborative
22 Learning Track?

23 A Right.

24 Q What does that cover?

25 A So that is a series of workshops on basically group

1 assignments for students -- how do you design them; how do you
2 run them; how do you use technology in order to make them run
3 well.

4 So Session One is an overview of some of the research --
5 some of the reasons why you would want to group students and
6 ask them to work together on an assignment; how that helps on
7 learning.

8 Session Two is moving into some of the technology that
9 supports this kind of work, particularly the kind of technology
10 that is supported at Columbia, wikis and logs and collective
11 media analysis tools that we have available.

12 Q What is a "wiki"?

13 A A wiki is a website where a community of people all have
14 equal editing access to it. Wikipedia is probably the most
15 famous example. Anybody can go on there and edit any of the
16 pages and improve the information that is there.

17 The emphasis of a wiki was on visibility and commune
18 ability to edit.

19 Anyway, the third session is about how you assess group
20 work; how do you figure out who did what? You're asking your
21 students to work as a group. What are the -- some of the
22 pitfalls there, and what are some of the techniques where you
23 can make sure that you are measuring this work fairly -- that
24 you're assigning grades fairly.

25 Q And then there's "Teaching With Video Track."

1 A Yes.

2 Q What is covered in that track?

3 A So this is -- again, our emphasis is often using some of
4 the emerging technologies in teaching and taking advantage of
5 the resources that are on campus that help to do so; and so
6 Teaching With Video is a broad survey of the ways in which
7 instructors are using video to drive teaching.

8 So the first session there is a look at how people are
9 using video within lectures. What are effective ways of doing
10 that? How do you smoothly cue up a video and work it into your
11 lecture? How do you take a video of yourself as an instructor?
12 What are effective practices for that? Why would people want
13 to do that?

14 Classroom techniques. Off-loading some of the lecture
15 onto a video; opening up space in the classroom for more
16 interactive work. So that's the first session.

17 The second session, we look at ways in which instructors
18 are using video as an object of analysis in classes; so -- and
19 this could be a wide range of classes. So ranging from Social
20 Work to Film Studies to you name it -- any type of class that
21 asks students to look at video with the same specificity and
22 seriousness that we ask students to look at text; and to cite
23 it and to incorporate video into argumentative analysis.

24 What are the tools that are available for this; and how
25 do you set those up -- how do you monitor them?

1 MR. BRILL: I offer 73.

2 MR. MEIKLEJOHN: No objection.

3 HEARING OFFICER EVELLARD: It's admitted.

4 (E-73 received.)

5 BY MR. BRILL:

6 Q Then there is other workshops that are listed at the
7 bottom of Page 7 and the top of Page 8. Can you describe what
8 these other workshops are?

9 A So we have a series of "one-of" workshops. Not all of
10 our workshops are bundled in sets and leading to certificates;
11 so as we can, we program other workshops and advertise them.
12 So you see some of those listed out for the fall of 2014; and
13 then on Page 8, you also see our Teacher's Lounge series
14 described.

15 Q What is the Teacher's Lounge?

16 A So the Teacher's Lounge was not conceived as a workshop,
17 although it is a conversation about teaching practices, but it
18 is conceived of as an informal gathering. I order pizza. You
19 don't have to register. You don't even have to be a graduate
20 student. You can be anybody who is interested in teaching.
21 Primarily, we do get graduate students, though.

22 And in the fall -- last fall, we ran through a series of
23 research-based principles that have been developed and
24 described by a pretty influential book by some researchers at
25 Carnegie-Mellon University -- so we took one perception, and we

1 just looked at what some of the research says about, let's say,
2 student motivation and its effect on learning; and then we
3 apply that to our own experiences teaching at Columbia or in
4 classrooms elsewhere and tried to measure what the research was
5 implying or asserting about how learning works versus how it's
6 actually happening in classrooms around us.

7 But it's -- these are meant to be informal and, you
8 know, they're not meant to be training so much as they're just
9 talking together and really thinking about some of these
10 research-based principles.

11 Q Does the Teaching Center also offer individual
12 consultation?

13 A Yes.

14 Q And what are the individual consultations?

15 A Those tend to be at least 30 minutes long. They are
16 one-on-one. They're with me or now with my Assistant, and they
17 initiated by the graduate students who wants to talk about some
18 aspect of her teaching or perhaps he's applying to the summer
19 teaching scholars of the Academic Teaching Scholars
20 Competition, and they want a review of their syllabus that
21 they're thinking of submitting; or they're heading to the job
22 market, and they need to write a statement of their teaching
23 values and assemble a portfolio of teaching practices; and so
24 they want advice about that.

25 Q Now in connection with your responsibilities as Director

1 of the Teaching Center, did you collect information about
2 whether resources are offered within the individual departments
3 for teacher training?

4 A Yes; as a part of a larger effort to talk to graduate
5 students and undergraduates and also departments to understand
6 the landscape.

7 Q And did you prepare a document for the purpose of this
8 hearing summarizing some of the departmental Teaching Fellow
9 Support Program?

10 A I did.

11 MR. BRILL: I'm going to mark as Exhibit 74 a document
12 entitled "Examples of GSAS Departmental Teaching Fellow
13 Support."

14 BY MR. BRILL:

15 Q Can you identify Exhibit 74?

16 A Yes; this is a list of some of the ways that Teaching
17 Fellows are supported by GSAS Departments that I have found out
18 about.

19 Q And it includes both training materials, training
20 initiatives and mentorships?

21 A That's correct.

22 (E-74 identified.)

23 MR. BRILL: I offer it into evidence.

24 MR. MEIKLEJOHN: Is this a two-page document?

25 HEARING OFFICER EVELLARD: Yes; it's a two-page

1 document. Any objections?

2 MR. MEIKLEJOHN: Just a couple of questions.

3 HEARING OFFICER EVELLARD: Voir Dire.

4 VOIR DIRE EXAMINATION

5 BY MR. MEIKLEJOHN:

6 Q Would you just explain how you went about collecting
7 your information that you put into this.

8 A Sure; I actually reached out to departments to ask them
9 about the training and support that they had for Teaching
10 Fellows to make sure that what we were doing in the centralized
11 GSAS Teaching Center was complimentary and aware of the efforts
12 in the departments.

13 Q When did you gather this information?

14 A I started gathering this information in the summer of
15 2013, and it was a multi-week effort. I think by spring of
16 2014, we had heard from all departments.

17 Q And did you produce a report at that time of the
18 information you had gathered in 2013 and 2014?

19 A Yes.

20 Q This is not that report; correct?

21 A This all comes out of that report. This is all the
22 information that we -- all this information is in that report.

23 Q So you took that larger report and extracted this
24 information and put it in here?

25 A Yes.

1 (E-74 identified.)

2 MR. MEIKLEJOHN: Do we have that report? Was that
3 report provided to us?

4 MR. BRILL: No. The report addressed other things also.

5 MR. MEIKLEJOHN: Is that report available on the
6 Teaching Center website?

7 THE WITNESS: It is.

8 MR. MEIKLEJOHN: I mean with the understanding that this
9 is selected information from a document prepared in the regular
10 course of business, I will not object.

11 HEARING OFFICER EVELLARD: Okay. It's admitted.

12 (E-74 received.)

13 BY MR. BRILL:

14 Q Can you -- without going through this Exhibit 74 in
15 detail, Dr. Phillipson would you just describe the different
16 types of support that are reflected on here in terms of
17 training materials and initiatives?

18 A Right; well, it reflects a real variety, but it's just
19 in a different departmental initiatives and efforts, ranging
20 from practicums or two-week orientations to on-line materials
21 that are made available, to discussions with faculty or other
22 experienced Teaching Fellows in the departments to various
23 membership relationships that departments have been
24 encouraging.

25 MR. BRILL: I want to mark this exhibit 75 -- or mark

1 Exhibit 75 as a document entitled "A Manual for Teaching
2 Assistants" as compiled by Dr. Deborah Mowshowitz in the
3 Department of Biological Sciences; and Exhibit 76 is a document
4 that is entitled "Teaching at Columbia, a Handbook for Teaching
5 Fellows" prepared by Steven Mintz.

6 I note that this is the document that I have assured Mr.
7 Meiklejohn at some point that would be put in -- offered into
8 evidence. The time has come.

9 BY MR. BRILL:

10 Q When you've looked at them, can you identify Exhibits 75
11 and 76?

12 A Yes; 75 is a manual that was generated within the
13 Biology Department by Dr. Deborah Mowshowitz. It is available
14 on-line, hopefully available on-line, also linked to the GSAS
15 Teaching Center website; and Document 76 is a Handbook for
16 Teaching Fellows that was prepared by my predecessor, the
17 former Director of School of Arts and Sciences Teaching Center,
18 Steven Mintz, also available on the GSS Teaching Center website
19 and referred to in our orientations.

20 (E-75 and E-76 identified.)

21 MR. BRILL: I would offer 75 and 76.

22 MR. MEIKLEJOHN: No objection.

23 (No audible response.)

24 (E-75 and E-76 received.)

25 BY MR. BRILL:

1 Q Turning your attention to Exhibit 76 on Page 2, Dr.
2 Phillipson, under Paragraph 1, there is a description of
3 Teaching Fellows' roles and responsibilities, and I just -- are
4 you familiar with the different roles and responsibilities the
5 Teaching Fellows have throughout Arts and Sciences?

6 A Yes.

7 Q And looking through the description here, is this an
8 accurate summary of the different types of responsibilities
9 that Teaching Fellows have?

10 A Yes; I mean I would emphasize that the responsibilities
11 vary by department program and professor. I think that's very
12 true in Columbia. Teaching Fellows in some departments have a
13 lot of contact with students and lead discussion sessions; and
14 in other cases, they are Graders primarily; or run office hours
15 primarily, but do not run a classroom setting; so it really
16 does vary.

17 MR. MEIKLEJOHN: To be clear, you said Teaching Fellows;
18 right?

19 BY MR. BRILL:

20 Q Are you referring to Teaching Fellows or Teaching
21 Assistants?

22 A Teaching Fellows

23 Q Okay. Before moving on from 75 and 76, are these -- are
24 those documents used during the orientation sessions that you
25 described?

1 A Yes.

2 MR. BRILL: I'd like to mark three more documents;
3 Exhibit 77 is a printout from the Teaching Center website
4 entitled "Teaching Ramp-up." Exhibit 78 would be a printout of
5 Teaching Center website entitled "New Teaching Fellow Issues,"
6 and 79 would be a printout from the Teaching Center website
7 entitled "Teaching Center Handouts Archives."

8 BY MR. BRILL:

9 Q After you have looked at Exhibit 77, 78 and 79, can you
10 Identify each of them for the record.

11 A Sure. These are all documents that we use in the
12 orientations; so these are on the other ends of those links
13 that we were discussing earlier. Teaching Ramp-up, which is
14 Number 77, are some basic tactics for the first week of class
15 and getting the ground running and establishing a rapport with
16 students; and there are actually further resources if you go
17 down some of the links here.

18 Seventy-eight, a list of frequently-asked questions that
19 allows to structure some basic points of information and some
20 fundamental advice to Teaching Fellows and cover some issues
21 that often come up, such as students needing accommodation for
22 issues of class management or academic integrity or some
23 personal problems and stresses that students might have; and
24 what a Teaching Fellow's role is in that.

25 Document 79 is an archive of handouts that we've

1 developed at the Teaching Center over time. Most of these were
2 developed by my predecessor, Dr. Mintz; and it's pretty
3 self-explanatory. It covers a wide range of issues, and these
4 are all sort of tip sheets or other resources that are
5 available to students on all of these topics.

6 (E-77, E-78 and E-79 identified.)

7 MR. BRILL: I'd offer 77, 78 and 79.

8 MR. MEIKLEJOHN: No objection.

9 HEARING OFFICER EVELLARD: It's admitted.

10 (E-77, E-78 and E-79 received.)

11 MR. BRILL: I have nothing further of this witness on
12 Direct.

13 HEARING OFFICER EVELLARD: Okay. Off the record.

14 (Whereupon, a brief recess was taken.)

15 HEARING OFFICER EVELLARD: Back on the record.

16 Mr. Meiklejohn?

17 MR. MEIKLEJOHN: Thank you.

18 CROSS-EXAMINATION

19 BY MR. MEIKLEJOHN:

20 Q Good morning.

21 A Morning.

22 Q You understand that I'm representing the Petitioning
23 Organization in this case?

24 A Yes.

25 Q You testified that you teach an English class as part of

1 your duties with Columbia-Morrison?

2 A Yes.

3 Q What do you teach?

4 A I teach British Romanticism in the English Department.

5 Q And are you a member of the faculty of the English
6 Department?

7 A Adjunct.

8 Q You're an Adjunct?

9 A (No audible response.)

10 Q As an Adjunct, do you get an appointment -- yes; do you
11 get an appointment as an Officer?

12 A I am already an Officer at Columbia, but I do get a
13 Adjunct Appointment on top of that.

14 Q So you're an Officer by virtue of your Directorship
15 position?

16 A Yes.

17 Q Now you testified that the fall workshops -- that
18 they're primarily geared toward Teaching Fellows but that --
19 the phrase you used was: anyone is invited to attend?

20 And my question is: When you say anyone is invited to
21 attend, who are you referring to by "anyone"?

22 A Well, it really varies. Some of our programming --
23 competitive programming -- we have to restrict to graduate
24 students in certain years of the Arts and Sciences Doctoral
25 Program; but others, such -- I use that phrase in connection to

1 the Teacher's Lounge.

2 Those are informal conversations, and the more the
3 merrier; so sometimes we get staff who are interested in issues
4 of pedagogy coming in, as well as graduate students. We've had
5 some faculty drop in.

6 Q That actually was different testimony and a different
7 question, but that answers -- it is helpful.

8 But I was referring to a -- there's the introductory
9 program -- the first -- your orientation program at the
10 beginning of the semester; who -- and you said anyone was
11 invited to attend that program.

12 A No; that would not be correct.

13 Q Okay.

14 A That is for Teaching Fellows, so we have a registration
15 process, and any Teaching Fellows is welcome to register and
16 attend; and it is primarily advertised to and created for the
17 purpose of first-time Teaching Fellows.

18 Q Okay. Maybe you meant that any Teaching Fellow could
19 attend; that might have been. That's the one that started --
20 used to be five hours and going to be extended to six hours?

21 A Correct.

22 Q Okay. With respect to the Teacher's Lounge, could
23 Adjunct attend that if they wanted to?

24 A Sure.

25 Q Would they benefit from that do you think?

1 A Sure.

2 Q Are there other of the programs that you described that
3 would be open to Adjuncts?

4 A Some of the one-of workshops. Some of the Science
5 Communication Programs we advertised it to post-docs as well.

6 Q When did you start as an Adjunct at Columbia?

7 A It was 2007, I believe, was my first teaching
8 appointment.

9 Q Did the University offer any orientation for new
10 Adjuncts at that time?

11 A No.

12 Q Has anything like that been introduced since then?

13 A I don't know. I deal with the graduate students, so I
14 don't know.

15 Q Okay. Now you described how the -- what my notes say is
16 in the Teagle Program, but I gather there is more than one
17 Teagle Program; isn't there?

18 A (No audible response.)

19 Q In the summer -- I think it's in the Summer Teagle
20 Institute that the participants begin by designing a
21 curriculum?

22 A They come in with an idea for an innovative assignment,
23 and then they iterate on that idea throughout the Institute.

24 Q Right. And I guess they develop that idea through the
25 five-day program; is that -- that's the Teagle-funded program?

1 A Correct.

2 Q Okay. And are any of the ideas that are developed in
3 that program ever actually used in classes at Columbia?

4 A Sometimes; not always.

5 Q Can you give some examples of ones that have found their
6 way to classes?

7 A Sure. I mean I mentioned that the Calculus Instructor,
8 the Doctoral Student in the Mathematics Department who wanted
9 her students to create videos of them explaining out problem
10 solving and posting them on-line. She actually had a summer
11 teaching scholar appointment, so she was able to actually put
12 that into play just a couple weeks later.

13 Another student in ELAC developed an assignment on
14 Japanese Tea Ceremony and having students kind of understand
15 that practice and analyze it closely and work with it, and he
16 was able to work that into another academic year teaching
17 scholar program.

18 So it happens.

19 Q Okay. How is it decided whether one of these ideas will
20 be used in the classroom?

21 A It really depends on what the graduate student -- what
22 their teaching situation is. First of all, if they have a
23 teaching appointment after the Institute; and if they do, the
24 amount of latitude that they have to design class activities --
25 that really varies -- really depends on the department and the

1 faculty member that you're assisting.

2 Q So in some instances, it would be up to the Teaching
3 Fellow him or herself whether to use the idea?

4 A I would think that as a Teaching Fellow who would always
5 be in coordination with the faculty member who is ultimately
6 responsible for the pedagogy of the course.

7 Q And so there would be a faculty member who would have to
8 decide whether using this technique or idea would benefit the
9 students in the class?

10 A Right. Under a traditional Teaching Fellows
11 relationship, the two examples that I gave you earlier, though,
12 however, were examples of courses that graduate students
13 themselves were able to design completely.

14 Q But the question of whether to follow through and use
15 that idea would ultimately vest with -- or the authority, at
16 least -- to decide that would rest with a regular faculty
17 member?

18 A In the Teaching Scholars Program, the courses are
19 pitched, and those kinds of assignments are described within a
20 syllabus that is reviewed by a committee, and the course is
21 approved. Once that course is approved, there's no more
22 faculty intervention.

23 But that's a special case. Most of the Teaching
24 Fellows' capacity is done -- yes, under the auspices of the
25 faculty member.

1 Q And the decision whether to use an idea or a technique
2 like this is going to turn, at least on part, on whether the
3 students in the class will benefit from the technique?

4 A That's the whole idea.

5 Q Thank you. Do you have Employer Exhibit 71 still handy?

6 A (No audible response.)

7 Q Do you know how to find the numbers on there?

8 A Yes.

9 Q Okay.

10 A I'm just turning back to it. Seventy-one is the report?

11 Q Correct, the fall of 2014.

12 Let's start with the last page which shows attendance --

13 I think it's just easier to see on this. In some of these --

14 these are people who attended workshops or events conducted by

15 Lead Teaching Fellows?

16 A Correct.

17 Q And just -- in some of the departments, there were two

18 Lead Teaching Fellows who each ran an event; correct?

19 A Correct.

20 Q And there's no way to tell from these numbers whether

21 the attendees at the event in the second column were the same

22 or different from the attendees that you have in the events in

23 the first column?

24 A That's correct.

25 Q So just to be clear, the first line, the Lead Teaching

1 Fellow was Madeline Bish, and she -- and 11 of her -- 11
2 graduate students attended her event?

3 A That's what she reported; yes.

4 Q Well, assuming that they reported accurately; and
5 Victoria Gross also ran an event, and 11 individuals --

6 A Yes.

7 Q -- attended that?

8 A Yes.

9 Q So that could have been the same 11 individuals, or it
10 could have been the total of 22, as is indicated in the right-
11 hand column?

12 A Correct. This is just a gate count here.

13 Q And with respect to the other numbers recorded on the
14 sheet's previous pages, there's again no way of knowing whether
15 the numbers reported unique and different individuals or the
16 same individuals; is that correct?

17 A That's correct. This is also a gate count. Any time
18 anybody from a department came to an event; yes.

19 Q You presented evidence about a variety of resources and
20 programs that are made available to graduate students who teach
21 at Columbia. Do you -- first of all, do -- does every student
22 who teaches at Columbia attend at least one of these projects?

23 A I don't think so. There is nothing that is mandatory
24 for every student who teaches at Columbia.

25 Q You think it would be a good idea for everybody to

1 attend; right?

2 A I'm always happy when people attend. I don't know -- I
3 don't know about the specter of mandatory attendance.

4 Q You introduced a couple of copies of certifications --
5 Letters of Certification that were provided to Teagle Summer
6 Institute attendees. How many PhD students -- strike that.

7 These all go to PhD students; correct?

8 A Correct.

9 Q And how many PhD in a year would receive a certificate
10 of this sort?

11 A We have certified 53 or 54 per summer.

12 Q The Lead Teaching Fellows, do they receive -- they
13 receive an additional stipend of \$2,000 per semester; is that
14 correct?

15 A No; \$2,000 for the academic year; \$1,000 per semester.

16 Q Sorry.

17 MR. MEIKLEJOHN: Could we go off the record for just a
18 second?

19 HEARING OFFICER EVELLARD: Yes. Off the record.

20 (Whereupon, a brief recess was taken.)

21 MR. MEIKLEJOHN: You know what, I'll just continue.

22 MR. BRILL: Okay.

23 MR. MEIKLEJOHN: But I will make it clear for the record
24 that we do not contend that these Teaching Fellows are
25 Supervisors and would not seek their exclusion on that basis.

1 HEARING OFFICER EVELLARD: Okay.

2 CROSS-EXAMINATION (cont.)

3 BY MR. MEIKLEJOHN:

4 Q Do you have Exhibit 74 still in front of you?

5 A I do.

6 Q And there are documents that are -- I'm sorry -- there
7 are departments that are not listed in this document; is that
8 correct?

9 A That is correct.

10 Q And that's because either those departments don't offer
11 any additional training; or if they do, your survey didn't
12 uncover that information?

13 A Yes; that's fair to say.

14 Q And you testified that this report -- or this summary --
15 was taken from a larger, an earlier Teaching Fellow survey
16 conducted about a year ago?

17 A That's correct.

18 MR. MEIKLEJOHN: And I would like this marked for
19 identification as Petitioner's Exhibit 21.

20 BY MR. MEIKLEJOHN:

21 Q Do you need some time to review that, or do you
22 recognize it?

23 A Oh, I recognize it.

24 Q Okay. And is that the earlier --

25 MR. BRILL: I'm sorry; could you just give me a second,

1 please.

2 Okay.

3 MR. MEIKLEJOHN: Are you ready?

4 MR. BRILL: Yes.

5 MR. MEIKLEJOHN: Okay.

6 BY MR. MEIKLEJOHN:

7 Q Mr. Phillipson, is this your report -- the survey -- is
8 this a report of that earlier survey that you --

9 A Yes; this is a summary report that we wrote about the
10 survey that was conducted of GSS Departments.

11 (P-21 identified.)

12 MR. MEIKLEJOHN: I move the admission of Petitioner's
13 Exhibit 21.

14 MR. BRILL: No objection.

15 HEARING OFFICER EVELLARD: It's admitted.

16 (P-21 received.)

17 BY MR. MEIKLEJOHN:

18 Q There were appendices submitted to this report that
19 apparently are not available online. Do you know what's become
20 of those appendices?

21 A We have them, but we only put the summary report online.
22 We gave departments individual reports of their reported
23 activities versus others. I would emphasize that this
24 information that was collected by some member of -- some
25 representative of the department who answered my e-mails -- who

1 answered my calls -- and with little thought that these court
2 documents are a full representative of everything that's going
3 on.

4 Q Was Employer Exhibit 74 intended to be a full
5 representation of everything that was going on?

6 A No; these are -- these are activities in support --
7 means that we found happening at Columbia as we tried to do a
8 scan of the environment to figure out what is being done in the
9 local departments. Options, and pedagogical support in local
10 departments is more interesting and more pertinent for pedagogy
11 than a generalized discussion of teaching.

12 So we tried to figure out what was going on in
13 departments and what the centralized Teaching Center could fill
14 in or complement or extend.

15 Q In the -- on Page 1, there's a description of the
16 appendices about two-thirds of the way down the page.

17 A Yes?

18 Q Under (b), there's a reference -- is it pronounced the
19 Likert Scale?

20 A Yes.

21 Q What is the Likert Scale?

22 A The Likert Scale is a survey instrument. As part of the
23 survey, we lifted out a lot of different kinds of plausible
24 activities that Teaching Fellows might do; and we asked the
25 department representatives who responded to the survey to, to

1 the best of his or her ability, indicate whether Teaching
2 Fellows in that department never, rarely, sometimes, often or
3 always did these events -- or these activities; and those
4 activities could range from holding office hours or grading or
5 using the Course Management System -- a variety of typical
6 instructional activities.

7 Q Is the Likert Scale a social science tool that -- or a
8 survey tool that's widely used in the Social Sciences?

9 A It's often used.

10 Q And do you know what purpose it's used for?

11 A I know what purposes we were trying -- we were just
12 trying to unearth information about, you know, what kinds of
13 activities Teaching Fellows were undertaking across the
14 landscape of various departments.

15 Q And this report accurately describes the information
16 that you -- your department -- obtained from those surveys?

17 A Yes. I'd say it's an accurate representation of the
18 information we gained. It is not meant to be an authoritative
19 Representation of all Teaching Fellow activities at Columbia.

20 Q Could you take a look at Employer Exhibit 76, please.

21 A Got it.

22 Q Could you turn to Page 2, Section Number One.

23 A Yes?

24 Q I was going to draw your attention to the first sentence
25 under Section One, which reads, "Teaching Fellows playing a

1 central role in undergraduate education at Columbia."

2 Could you elaborate on that, please.

3 A Well, I didn't write the sentence, but I think it's
4 fairly straightforward. Teaching Fellows often are an
5 important part of the instruction that happens and have contact
6 with undergraduates and help undergraduates learn.

7 Q If you could go to Table 3, under "Working With
8 Students." It states that, "One of your responsibilities as an
9 Instructor is to be accessible to students."

10 A It does say that; yes.

11 Q And do you agree with that statement?

12 A Yes; I mean again in the context of what you are doing
13 defines the amount of your accessibility and your role there.
14 I mean if you're leading a discussion session, you obviously
15 have to be there in person and talking and give pathways to
16 students to find you outside of that as well.

17 If you're just grading, that's a different kind of
18 access; but if you are within the construct of a course -- if
19 you are working with undergraduates, I think it is important to
20 have lines of accessibility.

21 Q Why is it important if you're working with
22 undergraduates to be accessible?

23 A To me that's fairly obvious. You need to be able to
24 reach the people who are -- it's part of your instructional
25 support.

1 Q The nature of their learning?

2 A Sure; or answer any questions about procedures in the
3 course or flagging any problems you might be having within the
4 process of learning in the course.

5 Q Now in the course of conducting the survey, you gathered
6 -- or your department gathered examples of teaching manuals
7 from various departments?

8 A Correct.

9 Q You introduced the one from Biology Department?

10 A I didn't introduce it; but yes, sir.

11 Q You identified it.

12 A I recognized it.

13 Q Did you also get one from the Political Science
14 Department?

15 A I believe so. The ones that we got and we were given
16 permission to share openly on our survey report page are up
17 there.

18 MR. MEIKLEJOHN: I'd like this marked as Petitioner's
19 Exhibit 22, please.

20 Did I move the admission of Petitioner's 21?

21 I move the admission of Petitioners 21.

22 HEARING OFFICER EVELLARD: Any objection?

23 MR. BRILL: No objection.

24 HEARING OFFICER EVELLARD: It's admitted.

25 (P-21 received.)

1 BY MR. MEIKLEJOHN:

2 Q Do you have Petitioner's 22 in front of you?

3 A I do.

4 Q And is this the copy of the Political Science teaching
5 materials that were made available to your program by the
6 Political Science Department?

7 A I would be willing to believe that it is. I didn't
8 check all those materials.

9 (P-22 identified.)

10 Q I would -- noting that this was provided to us in
11 response to a subpoena for teaching handbooks, I would move the
12 admission of Petitioner's 22.

13 MR. BRILL: Well, first of all, this wasn't provided to
14 you in responses to a subpoena, because we date stamped all the
15 documents that we provided to you.

16 MR. MEIKLEJOHN: All right. Well actually, we made the
17 copies --

18 MR. BRILL: Oh; sure. If this was provided pursuant to
19 subpoena, then we have no objection.

20 HEARING OFFICER EVELLARD: Okay. It's admitted.

21 (P-22 received.)

22 MR. MEIKLEJOHN: Oh, I don't have -- let me see if I
23 have -- I don't think I have --

24 MR. BRILL: It doesn't matter for purposes of the
25 exhibit as long as -- if this is the document that was

1 provided, then we have no objection.

2 MR. MEIKLEJOHN: Could I have this marked Exhibit 23,
3 please.

4 BY MR. MEIKLEJOHN:

5 Q Have you had opportunity to review Petitioner's
6 Exhibit 23?

7 A Yes.

8 Q And is this a set of teaching guidelines that are
9 available on the Psychology Department website?

10 A If it's that witness.

11 MR. MEIKLEJOHN: I move Petitioner's 23.

12 MR. BRILL: Well, I'm not sure if this witness -- can
13 you identify it, or are you saying it definitely looks like?

14 THE WITNESS: Definitely looks like. I am not sure
15 what's on the Psychology Department website. I'd have to look.

16 MR. BRILL: I mean unless it's on the GSAS Teaching
17 Center website, --

18 HEARING OFFICER EVELLARD: Is it on the GSA website?

19 MR. BRILL: No; it's on the departmental website, which
20 is --

21 HEARING OFFICER EVELLARD: The Psychology Departmental
22 website?

23 MR. BRILL: You get to it through a different bunch of
24 clicks.

25 MS. ROTHGEB: It's right on the bottom of the page.

1 MR. MEIKLEJOHN: It's where everybody's copy has the --

2 MS. ROTHGEB: It's indicated on the left side --

3 MR. BRILL: I'm sorry, I didn't hear what you said.

4 MS. ROTHGEB: I said based on the link at the bottom, it
5 shows that it came from the Columbia Psychology Department Grad
6 School -- graduate school.

7 MR. BRILL: That's what appears, but this witness
8 doesn't -- is not able to identify it.

9 MS. ROTHGEB: Well, he doesn't deny it.

10 MR. MEIKLEJOHN: Well, let me try to follow up.

11 BY MR. MEIKLEJOHN:

12 Q Could you take a look at Employer's Exhibit 74, please.

13 A Seventy-four. Yes.

14 Q Under Training Initiatives, you'll notice that at the
15 very bottom of the first page, it states: "Psychology teaching
16 orientations and a practicum on the teaching of psychology each
17 fall"?

18 A That's right.

19 Q Now how do you know that the Psychology Department
20 offers teaching orientations and a practicum on the teaching of
21 psychology each fall?

22 A Because on that survey, when I contacted the
23 departmental representative and asked them for support that
24 they gave Teaching Fellows, they told me about this.

25 Q So this is all -- this is based upon verbal reports?

1 A This is based upon them filling out the survey.

2 Q Now if you could take a look at Petitioner's Exhibit 21.

3 A Yes.

4 Q On the first page, under (a), it says that the
5 department provided -- that you have available as an appendix,
6 the department's responses to the questions on the survey?

7 A Right.

8 Q And that would contain this information?

9 A Yes.

10 MR. MEIKLEJOHN: I would request that the appendices for
11 this report be made available?

12 MR. BRILL: We'll look into that and give you our
13 response.

14 MR. MEIKLEJOHN: I have a document that we have not made
15 copies of because we didn't anticipate that this would be
16 controversial. I would like to have the witness identify the
17 document. This is the Teaching Center document, and I'd like
18 to have the witness identify the document; and then we can make
19 copies at a later date.

20 HEARING OFFICER EVELLARD: Sure.

21 MR. MEIKLEJOHN: It has some highlighting on it but no
22 actual notations. You might have that.

23 MS. ROTHGEB: Do you want me to make a copy now?

24 MR. MEIKLEJOHN: It's a one-page document --

25 THE WITNESS: It's actually two pages.

1 MR. MEIKLEJOHN: Two pages; I'm sorry.

2 Could I have this marked as Petitioner's 24, please.

3 BY MR. MEIKLEJOHN:

4 Q Do you recognize Petitioner's 24 as a page from -- or as
5 a photographic copy of a page from the Teaching Center website?

6 A Yes.

7 (P-24 identified.)

8 MR. MEIKLEJOHN: I move the admission of
9 Petitioner's 24.

10 MR. BRILL: No objection.

11 HEARING OFFICER EVELLARD: No objection?

12 MR. BRILL: I have no objection provided we substitute
13 an undelineated copy.

14 HEARING OFFICER EVELLARD: Sure. It's admitted.

15 (P-24 received.)

16 MR. MEIKLEJOHN: May I approach the witness?

17 HEARING OFFICER EVELLARD: Yes.

18 BY MR. MEIKLEJOHN:

19 Q If you will look at the back of the page -- this is the
20 second page of the exhibit -- about four lines down, there is a
21 -- the word "Psychology" with a line underneath it?

22 A Yes.

23 Q And that indicates that there's a link --

24 A Yes.

25 Q -- from your webpage to some document on the -- there's

1 a document in the Psychology Department's website?

2 A Yes. Either it's that, or they gave me a copy of some
3 training materials that are on our website and linked there. I
4 would have to go to the link to click it to see whether it's an
5 external link or an internal link.

6 Q Having reviewed that, I ask you if that helps you to
7 remember that Petitioner's Exhibit 23 is a document that's
8 available by following a link from your website?

9 A It is possible. I honestly don't remember. I didn't
10 revisit all these links yesterday, so I don't remember exactly
11 what they link to.

12 MR. BRILL: If you're representing that this is
13 available through a link on the website, then I'm not going to
14 object to it.

15 MR. MEIKLEJOHN: Now that I've followed all these steps,
16 I'm 99 percent sure that's how we found it, was by following
17 that link; yes.

18 MR. BRILL: Well, maybe we could admit it subject to
19 verification that that's what it is. It's not some other
20 document that's available on the link.

21 MR. MEIKLEJOHN: Okay. If there turns out to be a
22 dispute; there are questions, I'm sure that Mr. Phillipson can
23 be available to come back and answer the questions; but if I
24 understand Counsel to be saying that they will check; and if
25 there's an issue, you would move to have it taken out of the

1 record?

2 MR. BRILL: We'll check and see. I mean I'm admitting
3 it. I'm not objecting, based on your representation that this
4 appears to be the document that's linked on the Teaching Center
5 website; and if it's not, then we'll deal with it at that time.

6 (P-23 identified.)

7 HEARING OFFICER EVELLARD: All right. Petitioner's
8 Number 23 is admitted.

9 (P-23 received.)

10 MR. MEIKLEJOHN: I think this is the last one.

11 BY MR. MEIKLEJOHN:

12 Q You have a document that's been marked for
13 identification as Petitioner's Exhibit 25?

14 A (No audible response.)

15 Q Have you had a chance to look at Petitioner's Exhibit
16 25?

17 A Yes.

18 Q And do you represent -- do you recognize this also as
19 being a webpage from the Teaching Center?

20 A Yes.

21 (P-25 identified.)

22

23 MR. MEIKLEJOHN: I move Petitioner's 25.

24 MR. BRILL: No objection.

25 HEARING OFFICER EVELLARD: It's admitted.

1 (P-25 received.)

2 MR. BRILL: Let's go back to 23 for a minute. We
3 actually do have Internet access for some reason today in the
4 hearing room and checked; and although this document is not
5 linked directly on the Teaching Center website, there's another
6 link that takes you to this document. So it does appear to be
7 indirectly linked.

8 HEARING OFFICER EVELLARD: Okay.

9 MR. BRILL: So we have no objection.

10 HEARING OFFICER EVELLARD: No objection to Number 23
11 which is linked; right?

12 Did we admit P-25?

13 MR. MEIKLEJOHN: I believe so.

14 HEARING OFFICER EVELLARD: No; I think we were up to the
15 objection part. Any objection?

16 MR. BRILL: No objection to 25.

17 HEARING OFFICER EVELLARD: Okay. It's admitted.

18 (P-25 previously admitted.)

19 BY MR. MEIKLEJOHN:

20 Q Could you just look at Paragraph 12 on the second page
21 of Petitioner's 25.

22 A (No audible response.)

23 Q It says that if a student is awarded a dissertation
24 scholarship, he or she may not be asked to give it up to teach
25 unless the Fellowship can be deferred.

1 Can you explain -- do you know what -- that is the
2 policy of the University; is that correct?

3 A This policy obviously pre-dates me, and it comes from
4 the Graduate School of Arts and Sciences, the Central
5 Administration; so you would have to ask them about that
6 policy.

7 Q So the answer is no; you don't know?

8 A Right.

9 Q And I have some questions about Employer Exhibit 78.

10 A Okay. You can ask questions.

11 Q Is this -- is the information on here information that
12 you're familiar with?

13 A Yes.

14 Q Were you involved in preparing this information out of
15 the website?

16 A Yes.

17 Q And these are discussion -- answers to questions that
18 may arise as to how to deal with problems that the Teaching
19 Fellows might have with students in their classes?

20 A Correct.

21 Q And these policies and these ways of dealing with
22 problems would apply to -- or be appropriate for other teachers
23 -- other people teaching classes at -- other graduate classes
24 at Columbia?

25 A Some of them certainly could apply; sure.

1 Q Well if you look, for example, on the second page at the
2 last bold question -- well, the second to the last question and
3 answer regarding romantic relationships.

4 A Yes.

5 Q The answer to the question is quotes from the Equal
6 Opportunity and Affirmative Action Policies of the University
7 that apply to faculty; correct?

8 A That's correct.

9 Q And those same policies would apply to Teaching Fellows;
10 correct?

11 A I don't know. You would have to ask -- I don't set
12 those policies.

13 Q You're instructing -- by putting this on the website,
14 you're instructing Teaching Fellows to follow that policy;
15 correct?

16 A We're showing practices at Columbia University.

17 Q That you expect them to follow?

18 MR. BRILL: Why don't you give the witness an
19 opportunity to read the entire policy if you're going to ask
20 him about the policy.

21 THE WITNESS: The policy applies to all offices of
22 instruction, Research and the Libraries, including student
23 offices of instruction; Research and Graduate and Undergraduate
24 Teaching Assistants.

25 BY MR. MEIKLEJOHN:

1 Q So it does apply to Teaching Assistants?

2 A It looks like it does; yes.

3 MR. MEIKLEJOHN: No further questions.

4 HEARING OFFICER EVELLARD: Mr. Brill, any other
5 questions?

6 MR. BRILL: Just a few.

7 HEARING OFFICER EVELLARD: Do you need a minute or --

8 MR. BRILL: Pardon me?

9 HEARING OFFICER EVELLARD: Do you need a moment?

10 MR. BRILL: I can't hear you.

11 HEARING OFFICER EVELLARD: I'm sorry; do you need a
12 moment?

13 MR. BRILL: No. I may need a moment, but I don't need a
14 break. Thank you.

15 REDIRECT EXAMINATION

16 BY MR. BRILL:

17 Q You were answering questions about the Teagle Summer
18 Program and whether students would have the opportunity to use
19 the ideas they developed during the summer program in courses
20 that they were teaching or assisting in teaching at Columbia.

21 A Correct.

22 Q Is there any -- in your view, is there any value to what
23 the graduate students are learning and developing in the Teagle
24 Summer Program even if they're not able to put that into effect
25 while they're at Columbia?

1 A Oh, yes.

2 Q What would that be?

3 A Well, for many of the participants in the Summer
4 Institute, because they don't have teaching assigned to them
5 following the Institute, or they are in a situation where they
6 don't have the latitude and the ability to shape a curriculum
7 that these ambitious assignments require; so we emphasize at
8 the Summer Institute that this is part of their professional
9 development; that they are gaining experience and will be able
10 to talk to future employers about their visions and their
11 priorities as teachers, even if they don't get the chance to
12 directly run the assignment at Columbia.

13 Q You were also asked -- I think -- I just want to clarify
14 something.

15 You were asked whether the variety of programs and
16 services that you testified to were mandatory for graduate
17 students, and you said they were not. Were you referring to
18 the activities in programs at the Teaching Center?

19 A That's correct.

20 Q Might there be departmental programs that are mandatory
21 in different departments?

22 A There might be; and when it comes to orientations for
23 first-time Teaching Fellows, departments might have their own
24 policies about whether or not they need to attend our program.
25 The mandate does not issue forth from the Teaching Center.

1 Q I also wanted to ask you a question or two about Exhibit
2 -- Petitioner's Exhibit 23, which is the Psychology Department
3 --

4 A Yes.

5 Q -- guidelines. On Page 2, under Guidance and Training,
6 there's a discussion of something called Teaching Practicum
7 G-6200. Do you know what that is?

8 A That is a course in pedagogy that the Department of
9 Psychology offers. It says, "In alternate years" here. I
10 don't run that course, and I'm not involved with it.

11 Q You're the --

12 A We're the fabric; yes.

13 Q And then in the next paragraph, under Evaluation, it
14 says in the first bullet point, "All Teaching Fellows are
15 evaluated by faculty in an annual meeting in which students
16 teaching is discussed individually. Faculty evaluate Teaching
17 Fellows assigned to their courses by means of an online form.
18 In addition, all Teaching Fellows register for supervised
19 teaching G-6500 and are graded by the supervising faculty
20 member."

21 Are you familiar at all with the course G-6500,
22 Supervised Teaching?

23 A I'm not. I don't run that course, but --

24 Q You don't; okay.

25 A -- glad that the Psychology Department does.

1 Q Do you know of any courses that -- do you have any
2 departments that provide credit for service as a Teaching
3 Fellows?

4 A Course credit?

5 Q Course credit for service as a Teaching Fellows?

6 A I don't know that.

7 Q You don't know? Okay.

8 A (No audible response.)

9 MR. BRILL: I have nothing further.

10 HEARING OFFICER EVELLARD: Mr. Meiklejohn?

11 MR. MEIKLEJOHN: No; no further questions.

12 HEARING OFFICER EVELLARD: Thank you. You are excused.

13 THE WITNESS: Thank you.

14 (Witness excused.)

15 HEARING OFFICER EVELLARD: Off the record.

16 (Whereupon, a brief recess was taken.)

17 HEARING OFFICER EVELLARD: Mr. Brill, call your next
18 witness.

19 MR. BRILL: Call Professor Henry Farber.

20 Whereupon,

21 HENRY S. FARBER

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

24 HEARING OFFICER EVELLARD: Could you please state your
25 name and spell your last name for the record.

1 THE WITNESS: Henry S. Farber, F - A - R - B - E - R.

2 HEARING OFFICER EVELLARD: You may begin.

3 DIRECT EXAMINATION

4 BY MR. BRILL:

5 Q Good afternoon, Professor Barber. By whom are you
6 currently employed?

7 A Princeton University.

8 Q And in what capacity?

9 A I'm a Professor of Economics.

10 Q Is there any particular field of Economics that you
11 specialize in?

12 A Yes; I'm a Labor Economist.

13 Q Can you just briefly give us your educational employment
14 background.

15 A Yes; I did my undergraduate work at Rensselaer
16 Polytechnic Institute in Troy, New York. I have a Master's
17 Degree in Industrial and Labor Relations from Cornell
18 University, and I have a PhD in Economics from Princeton.

19 Subsequent to my receiving my PhD, I rose through the
20 ranks to Professor of Economics at the Massachusetts Institute
21 of Technology. I was employed there for about 14 years, and I
22 then moved to Princeton in 1991; and I've been a Professor at
23 Princeton ever since.

24 MR. BRILL: I'm going to mark as Exhibit 80 a copy of
25 Mr. Farber's CV.

1 BY MR. BRILL:

2 Q Is Exhibit 80 a copy of your current CV?

3 A Yes.

4 (E-80 identified.)

5 MR. BRILL: I offer it into evidence.

6 MR. MEIKLEJOHN: No objection.

7 HEARING OFFICER EVELLARD: It's admitted.

8 (E-80 received.)

9 BY MR. BRILL:

10 Q Have you testified as an expert witness in other
11 proceedings?

12 A Yes; I have.

13 Q Can you give us an example of the proceedings that
14 you've testified in in the last five years?

15 A Yes. I recently testified for the Plaintiffs in the
16 case alleging sex discrimination in pay where the Defendant was
17 Goldman and Sachs. That's one example.

18 By testified, do you mean at trial or --

19 Q Or giving a deposition.

20 A Yes; I was an expert retained by a group of former
21 pilots of Trans World Airlines who were suing their Union for
22 Failure of Duty -- Fair Representation, in the damages phase of
23 that proceeding.

24 I was -- I have to think about depositions. There was
25 more than that.

1 Q Did you also testify in a matter before the National
2 Labor Relations Board involving New York University and the
3 United Auto Workers Union?

4 A Yes; I wasn't sure that was within the last three years.
5 It was probably four years ago. Yes; I testified, I think,
6 right in this room before the ALJ.

7 HEARING OFFICER EVELLARD: Hearing Officer. I like the
8 sound of the ALJ, though.

9 THE WITNESS: Yes; in a case involving I believe the
10 same Union and NYU.

11 BY MR. BRILL:

12 Q Would it be fair to say that in your career, you've been
13 retained by both employers on the one hand, and also Unions and
14 employees on the other hand?

15 A Yes; in fact I was employed Building Trade Unions in New
16 York at one point; yes.

17 Q Now were you retained by Columbia University to testify
18 in this matter as an expert witness?

19 A Yes; I was.

20 Q And were you asked to review certain articles on the
21 studying the effects of graduate student unionization on your
22 faculty attitudes or faculty/student relations?

23 A Yes; I was.

24 Q I'm going to show you first an article --

25 MR. BRILL: I'd like to mark as Exhibit 81 a copy of an

1 article entitled "Effects of Unionization on Graduate Student
2 Employees, Faculty/Student Relations; Academic Freedom of Pay,"
3 April 15, 2003, in the Cornell University ILR Review.

4 MR. MEIKLEJOHN: Just to clarify, it's 2013, not 2003.

5 MR. BRILL: Oh, I'm sorry. I misspoke, yes. I was
6 hoping that it was. This is to be marked first. You've got
7 the official copy.

8 MR. MEIKLEJOHN: Okay.

9 BY MR. BRILL:

10 Q Is 81 one of the articles that you reviewed?

11 A Yes; it is.

12 (E-81 identified.)

13 Q Now the article on Page 488, in the first paragraph,
14 says that the authors are examining the impact of collective
15 bargaining on the quality of student/teacher relationships and
16 on academic freedom in light of this new empirical evidence; do
17 you see that?

18 A I'm not sure exactly where you're referring -- on Page
19 488?

20 A Page 488.

21 HEARING OFFICER EVELLARD: Here.

22 THE WITNESS: Okay. Yes; I see that. Thank you.

23 BY MR. BRILL:

24 Q The article states that they are examining the impact of
25 collective bargaining on the quality of student/teacher

1 relationships and on academic freedom in light of this need for
2 empirical evidence.

3 A Yes.

4 Q And actually, if you go back to the previous page and
5 put it in context, the authors refer to the Brown University
6 Decision of the National Labor Relations Board?

7 A Yes.

8 Q And they refer to a statement by the majority in the
9 Brown Decision that extending collective bargaining rights to
10 graduate student assistants would threaten the quality of
11 student/teacher relationships and infringe upon traditional
12 academic freedoms. Do you see that?

13 A Yes; I do.

14 Q And did you understand that the study was intended to
15 examine whether there was empirical support for those
16 assertions in the Brown University Decision?

17 A Yes; I did.

18 Q Before asking about the specific findings in the study,
19 can you describe very briefly what the methodology of the study
20 was -- how the authors went around performing this study?

21 A Yes. They -- I'm not sure how much detail you want me
22 to go into. What they did was: They selected four public
23 universities that were -- here the graduate students were
24 unionized and had been unionized for quite a while. These were
25 all larger universities with a substantial research operation.

1 They then found -- for each one of those, they found
2 what they would call a matching -- a matched university that
3 where the graduate students were not unionized, also a public
4 university; and then within each of those universities, they
5 targeted five departments -- academic departments -- the same
6 five departments across the schools -- I'm trying to remember
7 which ones they were -- I think English, History, Business,
8 Computer Science and Sociology -- I think I've got that right.
9 I might not have them all --

10 Q We can look at that.

11 A We can look at that. It's in the paper.

12 They then surveyed graduate students in each of those
13 five departments at each of those eight universities -- they
14 attempted to survey them -- meaning they administered the
15 survey to them -- and the survey was meant to ask about their
16 feelings and attitudes toward labor unions in terms of what
17 labor unions did to student/faculty relationships, to academic
18 freedom as they defined in it, and had a little information on
19 pay and other conditions of employment.

20 So asking individuals their subjective responses to a
21 battery of questions; and then for those who responded to the
22 survey, they analyzed the responses in an effort to determine
23 whether there differences in the responses between those who
24 were graduate students at universities where the graduate
25 students were unionized as compared to those who were graduate

1 students at universities where they were not unionized.

2 Q Incidentally, if you would look briefly at Page 497 of
3 the article, it appears that the fifth department was
4 Psychology.

5 A And not Sociology.

6 Q Yes; if you look three lines from the bottom.

7 A Oh, thank you very much. I stand corrected.

8 Q Okay. Now if you look at the conclusion -- it begins
9 with a conclusion about the survey on Page 507; could you turn
10 to that page?

11 A Yes.

12 Q In the first paragraph, they again repeat the focus of
13 the study on examining the impact of graduate student employee
14 unionization on three sets of outcomes: faculty/student
15 relationships, academic freedom and pay. Do you see that in
16 the first sentence?

17 A I do.

18 Q I'm not going to ask you about anything related to their
19 conclusions about pay; but at the end of the first paragraph,
20 the authors state, "We find no support for the NLRB's
21 contention in the Brown Decision that union representation
22 would harm the faculty/student relationship." Do you see that
23 statement?

24 A Yes; I do.

25 Q And then there's a similar conclusion at the end of the

1 second paragraph stating again, "No support was found for the
2 NLRB's contention in Brown that GSA unionization would diminish
3 academic freedom." Do you see that sentence?

4 A I do.

5 Q Do you agree that those conclusions represent the
6 results of the study? In other words, do those statements
7 accurately reflect what the authors found in each case?

8 A Well, with regard to faculty/student relationship, they
9 do not find evidence that's suggesting that representation
10 would harm faculty/student relationship. With regard to the
11 second, they also -- as they define academic freedom, they did
12 not find evidence that unions would diminish academic freedom.

13 Q I'm going to come back to their definition of academic
14 freedom in a minute; but in each of those two areas, in your
15 view, did the study rule out the possibility that union
16 representation would harm the faculty/student relationship or
17 would harm or diminish academic freedom?

18 A I don't think the study provides evidence at all that
19 could rule out harm or benefit for that matter -- but harm,
20 certainly, to the faculty/student relationship or academic
21 freedom.

22 Q When you say, "rule out," can you explain what you mean
23 by "not ruling something out"?

24 A Well, when you're doing a statistical analysis, you
25 never can 100 percent guarantee that you rule out something.

1 You can't -- but you can find statistical evidence which would
2 make it extremely unlikely that you see one thing or the other;
3 and in their study, it's reasonably likely that it could have
4 harmed the relationship; and it's reasonably likely that
5 collective bargaining could help the relationship. The study
6 just can't distinguish.

7 Q Can you -- in broad terms -- can you tell us the reasons
8 why you reached the conclusion that the study can't make that
9 distinction?

10 A Well, there are several levels. On one level, the
11 sample of students who actually responded to the survey is
12 relatively small; and as a result, what we would call the
13 margins of error in the survey -- in looking at the data -- are
14 sufficiently large that you can't rule out a range of outcomes
15 going from yes; this hurts the relationship to no; it does not
16 hurt the relationship; to yes; it helps the relationship.

17 You just can't rule it out; and indeed, to a certain
18 extent, because they're looking at so many different measures,
19 they have what's called the multiple comparisons problem; and
20 they need to apply a tighter standard than they do in order to
21 determine what we call statistical significance; whether the
22 relationship could have occurred by chance, which is
23 essentially what we need.

24 When we statistically rule something out, we say, "This
25 was very unlikely to have a reason by chance." And basically,

1 the statistical analysis here just -- virtually no cases in
2 which you can make a statement that definitively from this
3 analysis.

4 The second level of criticism is in many ways more
5 fundamental and wouldn't even be resolved with a much larger
6 sample; which is that the schools -- this has two levels. On
7 the one level, taking the sample that they have, the schools
8 that are unionized -- where the graduate students are unionized
9 -- those students are unionized for a reason. They're not just
10 -- they're not necessarily just like the schools that are not
11 unionized, except they're unionized; they're unionized maybe
12 because there was some issue that got raised, and the Union
13 came in and did something and maybe things got better, and
14 maybe things got worse.

15 You kind of rather look at -- it would have been best to
16 see the school before it was unionized and then observe what
17 happened after unionization; look at the change, and then
18 compare that change to schools which didn't unionize over the
19 same period of time.

20 This is a common approach in applied economics -- is to
21 view -- this is what we call a difference analysis; and
22 ideally, we would like that change to come about -- the school
23 that got unionized, it had nothing to do with what was going on
24 in the school. We'd like it to be a state-level rules change,
25 for example.

1 So I don't say this lightly, but what's gone on in
2 Wisconsin in the public sector in the last couple of years with
3 Governor Walker has made it much harder for unions in the
4 public sector -- having nothing to do with what's going on in
5 the workplace; so we could observe as unions begin to fail in
6 Wisconsin and workers move from union to non-union, we could
7 observe what happened to those workers as they became non-union
8 through nothing having to do with their own preferences, but
9 simply for a change in the legal environment.

10 But in this study, we have nothing like that going on,
11 so we don't have -- the term of art in Labor Economics or in
12 Applied Economics is called the natural experiment. We're
13 trying to mimic what goes on in the lab sciences where you
14 actually randomly separate your rats into two groups and give
15 one group of rats a medication and the other group of rats you
16 don't give; and you observe their change in their outcomes and
17 compare them.

18 You want a control group that didn't get the treatment
19 and a treatment group that did get the treatment. The
20 treatment in this case being the union. There's nothing
21 approximating that in this study.

22 I could give you a detailed example of a study in Labor
23 Economics that does this very well if you'd like. You'll ask
24 me, and I'll do that.

25 Q Why don't we come back to that --

1 A All right.

2 Q -- point; but you -- so you mentioned the statistical
3 problem?

4 A So there's the statistical problem, then there's this
5 problem of the union didn't come in randomly to some schools
6 and not to other schools. So to make up a causal inference
7 that the difference between these two groups is because the
8 union is in one and not in the other; it might be that the --
9 what causes any difference between the two groups is the same
10 thing that caused the union to come, but it's not a result of
11 unionization itself.

12 Or, alternatively, even the lack of a finding -- for
13 example, It's possible -- I'm not suggesting this is the case
14 -- but it would be possible that in the schools that are union,
15 relationships were better; and the union came in and made
16 relationships worse, and now they look just like the non-union
17 schools.

18 So you don't find a difference, which is essentially,
19 you know, essentially what they found.

20 Q So going back to the statistical analysis for a minute,
21 there are several tables in the study.

22 A Yes.

23 Q I think the principle analyses appear in Tables Three
24 and Four. Would that be --

25 A Yes.

1 Q -- correct?

2 A Yes.

3 Q And you were explaining your comment about the typical
4 conclusion of the study not supporting, or not ruling out,
5 negative consequences of unionization on these relationships by
6 looking at the tables.

7 First, let's look at Table 3.

8 A Okay. Table 3 --

9 Q Are these the questions that the survey asked that's
10 reflected here on Table 3?

11 A Yes. Basically what's going on here is -- think of this
12 as a complete listing of the questions they asked the students;
13 and the question would be -- pick the first one: "My primary
14 advisor is someone I can confide in."

15 And I think I heard this earlier in this room that
16 allowed responses are on the Likert Scale; and they go from the
17 answers "Surely not; maybe; probably and for sure." You know,
18 I'm paraphrasing. It's just an ordered scale of subjective
19 responses; and so a higher number means the primary advisor --
20 the relationship is better on that particular dimension.

21 And what this is doing is saying, on the first row --
22 not the first bulleted row, but the first row below that --
23 there were 231 union responses, and the average was 3.82, which
24 is pretty close to a top score of 5; and for the 252 non-union
25 responders, the average score was 3.71; and the NF in the last

1 column implies that the difference in union and non-union is
2 not statistically significant at conventional levels.

3 Q Before going on, actually, let me just stop you there.

4 In the irrigant labor economics, is there any issue
5 about asking about people's attitudes when there are two
6 different systems, such as a union system and a non-union
7 system?

8 A Well, Economists are generally quite reluctant to
9 compare across settings. These kinds -- we're happy to compare
10 pay across settings because it has a cardinal interpretation;
11 but --

12 Q Why would there be that reluctance?

13 A Well the reluctance occurs because when you're asking
14 how people feel about things -- there's a ligature of
15 psychology on this -- that it's very context-specific. So, for
16 example, if I ask Mr. Brill what it's like to work at a law
17 firm -- how happy are you from one to five, he might say, "Oh,
18 it's a four."

19 And if you ask someone who works at Google, where they
20 have free food all day and a nap room and all that stuff, how
21 happy at work? They'll say, "Oh, it's a four," because they
22 know there's a guy in the next room who's making a little more
23 money than he is; but they're making more money than most or
24 they don't have enough time off.

25 So your responses to these subjective questions, very

1 context specific, so to say, "Oh, the Google guy is equally as
2 happy as Mr. Brill," it is not clear what that means. You
3 don't know really how to make that comparison. In fact, if I
4 went to the Google guy and gave him the same working conditions
5 as Mr. Brill, he might be less happy.

6 MR. BRILL: He'd probably quit.

7 THE WITNESS: And Mr. Brill wouldn't know what to do
8 with himself if we gave him the Google benefits.

9 But the whole point is: When you look at different
10 settings and try to compare subjective responses, it's quite
11 ambiguous; partly because there's a concept in Psychology --
12 and I'm not claiming to be an expert in Psychology, but I've
13 read a little bit about this -- called cognitive dissonance,
14 which essentially means that a healthy human psyche when
15 they're in a situation figures out a way to be okay with it.
16 Otherwise, you don't get on with your life.

17 And as a result, when you ask people these kinds of
18 Likert Scales, you ask them, "How happy are you with life?"
19 Most people say they're pretty happy, and rich people don't say
20 they're much happier at all than people of modest but
21 reasonable income. I'm not going to go down and talk about
22 really poor people, but it's -- so that it becomes quite a
23 dilemma to interpret differences in subjective responses
24 regarding something like a relationship or wellbeing or
25 something like that and compare them across groups.

1 It's also true that you're interpreting them within the
2 specific context in which you're living. The schools that are
3 unionized in their survey have been unionized for decades. I
4 think at least since 1983 if I recall correctly. And as a
5 result the graduate students there, and the faculty there, have
6 adapted. They don't know any different. Same thing in the
7 non-union sector. They've presumably never been unionized, and
8 they're interpreting it in that context.

9 So it's not terrible surprising to me we're not finding
10 many differences; but neither is it informative about what
11 unions do in a dynamic context to a relationship. To do that,
12 you'd have to look before and after; hopefully with a control
13 group, and you'd also like the union to be -- have come into
14 existence for -- as I stated before -- for a reason that's not
15 related to the preferences of the individual.

16 Q So when I interrupted you, you were talking about the
17 typical analysis on Table 3; so --

18 A Oh, yes.

19 Q -- would the same be true, what you described under the
20 Personal Support category under Professional Support, in terms
21 of lack of statistical significance in the result?

22 A Well, the lack of statistical significance is a slightly
23 different issue. What I was saying was regardless of
24 statistical significance, I don't know how to interpret this
25 comparison.

1 Q And I understand that, but I was going -- I interrupted
2 you and got you onto that track, but I just wanted to go back
3 to the statistical significance.

4 A Okay. And I want to get back on the --

5 Q So Table 3 is just a mean -- an average of --

6 A That's correct, and what they're showing, you know, the
7 daggers and the stars suggest that for those few measures where
8 there are daggers or stars, that at various significance
9 levels, the difference is what we call statistically
10 significant; meaning it's relatively unlikely to have arisen by
11 chance.

12 Now the standard that the courts use -- the courts tend
13 to accept as a statistical difference -- is what they call the
14 five percent level, which means: This difference, if they're
15 in fact no difference, we see a difference this large in a
16 sample less than five percent of the time.

17 They might ask why, if there's no difference in the real
18 world, why would you see any difference at all? Well, in a
19 small sample, anything can happen. I can take a coin out of my
20 pocket that's a perfectly fair coin, flip it three times, and
21 you wouldn't be surprised that every once in a while -- I can
22 tell you what fraction of the time, you'd get three heads.
23 That's going to happen an eighth of the time, you're going to
24 get three heads and an eighth of the time, you're going to get
25 three tails.

1 That doesn't mean the coin is unfair. It simply means
2 that in a smaller sample, because there's what we call sampling
3 variability, you can see a difference when there really -- if
4 you got a big enough sample, you would see there is no
5 difference.

6 If I flip a coin a thousand times and got a thousand
7 heads, you'd agree with me this coin is -- I did this in my
8 son's middle school class once. I took a two-headed nickel and
9 started flipping it, and the kids were really quiet. So I got
10 to five heads in a row, and then the kids said, "Let me see
11 that coin."

12 And interestingly for the courts, five heads in a row is
13 the first time the probability is less than five percent. It's
14 sort of -- I don't think that's where the courts got it from,
15 but it's interesting.

16 So by that standard, by the five percent standard, only
17 two stars or three stars are statistically significant. One
18 star -- oh, I'm sorry. I apologize. One star, two stars,
19 three stars -- but there's a related problem here. It goes
20 along with my coin-flipping example.

21 Because we're doing this over and over again, because of
22 all these different measures, sometimes you're going to find
23 specifically significance difference when overall there really
24 isn't one. And that's called the problem of multiple
25 comparisons, and it means you have to apply a tougher standard

1 than .05 -- than five percent.

2 I can't tell you exactly what standard to apply, except
3 that with this many comparisons, it's going to be much, much
4 more stringent; and the only ones that might survive that maybe
5 are the two at the bottom with three stars that all have to do
6 with things we're not interested in here today -- having to do
7 with pay -- so I read this table as showing: In a comparison
8 of means, there's really nothing that's statistically
9 significant as a difference between the union and non-union
10 sector; and this takes us back to my view that you can't really
11 learn whether unions help or unions hurt through this.

12 Q Before going on to Table 4, under the Teaching-related
13 Academic Freedom and Academic Freedom Climate, there's four
14 questions that were asked apparently of the graduate students
15 in the survey.

16 Do you see that?

17 A Yes.

18 Q I just want you to look at those questions, and I want
19 to mark as the next exhibit 82 -- I'm sorry -- you know, I'm
20 going to offer 80 only because -- I'm going to offer 81 only
21 because I'm asking the witness questions about the study.

22 MR. MEIKLEJOHN: No objection.

23 HEARING OFFICER EVELLARD: It's admitted.

24 (E-81 received.)

25 MR. BRILL: But I'm offering 82 for the convenience of

1 the witness -- actually, I could just show it to him, so I'll
2 mark it for the record, but it's an excerpt from the Brown
3 decision, which I will if knowledge bears my underlining, --
4 (E-82 identified.)

5 HEARING OFFICER EVELLARD: Thank you.

6 BY MR. BRILL:

7 Q Professor Farber, I'm showing you a document that I've
8 marked as Exhibit 82, which I will represent is a copy of Page
9 490 of the NLRB Decision in the Brown University case that was
10 the subject of the study done by Mr. Rogers and Professors
11 Eaton and Voos that you've been testifying about; and I've
12 underlined a certain passage here that has to do with the
13 Board's concern about potential infringement on academic
14 freedom, were graduate students permitted to unionize.

15 I just ask you to take a minute to review those portions
16 of the Decision.

17 A Yes.

18 Q And have you looked at the questions that were asked in
19 the study --

20 A Yes.

21 Q Under Academic Freedom?

22 A Yes.

23 Q Do those questions relate to the concerns that the Board
24 was expressing on Page 490?

25 MR. MEIKLEJOHN: Objection. I don't know -- the witness

1 has not been formally qualified as an expert, but I do
2 acknowledge his expertise in his field. Whether his field is
3 relevant in the first line of questions is something that the
4 decision maker can address.

5 But now we're moving into the area of interpreting the
6 relationship between Sociology questions to a legal
7 interpretation, and I don't think that the witness has any
8 expertise that's relevant to that; so I would object to the
9 witness being questioned -- essentially to interpret Brown.

10 MR. BRILL: I'm not asking to interpret Brown. I'm
11 asking him whether the questions that were asked have any
12 relevance to the issue the alleged deleterious effect on
13 overall educational decisions by the Brown faculty
14 administration, including things such as class size, time,
15 length and location; as well as issues over Graduate
16 Assistant's duties, hours and stipends.

17 MR. MEIKLEJOHN: I mean the witness has testified he's a
18 Labor Economist; and in fact, he testified that these are not
19 the types of questions he deals with in his field; so I don't
20 think he has any qualifications to discuss the relationship
21 between these questions and the matters cited on Page 490 of
22 the Brown Decision, which is what Exhibit 82 is.

23 MR. BRILL: Well first of all, I don't know where he
24 testified that these aren't the types of questions he deals
25 with, and I believe Professor Eaton and Professor Voos are

1 Labor Economists; and the other author, Sean Rogers, is a PhD
2 in the School of Management and Labor Relations at Rutgers. So
3 this is exactly the area that he --

4 HEARING OFFICER EVELLARD: I'm going to allow it.

5 MR. BRILL: Thank you.

6 THE WITNESS: Okay. You were asking -- let me restate
7 the question, and you can confirm -- whether the questions in
8 the survey on academic freedom relate to the kinds of -- the
9 concerns about academic freedom and academic decisions in the
10 Brown Decision on Page 490.

11 The answer is: At least the first two of them relate to
12 a tiny corner of what's in the Brown Decision. What is true is
13 that you have to remember that these questions in the survey
14 are only asked of the graduate students; and it may not be
15 true. And now I'm drawing on my experience employing Teaching
16 Assistants in my courses, which I've done a lot of.

17 Question 1. As long as I restrict myself to subject
18 matter of the course, I am free to choose what I say or discuss
19 with my students in my courses.

20 From a faculty perspective -- at least this faculty
21 perspective, that's not true. In other words, when I have a
22 Teaching Assistant, I expect them to cover certain materials in
23 certain ways. Yes; they have some freedom around the edges in
24 how they present, and they can go a little further or not quite
25 as far; but I have material I need covered, and, you know, so

1 that the question in that regard, what student says is his
2 opinion; even on that part of it, that is related to a corner
3 of the Brown Decision, is not determinative of whether there is
4 academic freedom or not; but there's -- on top of that, there
5 are just many dimensions of academic freedom concerns as
6 defined in the Brown Decision that are simply not approached
7 within a hundred miles by this small set of questions on the
8 survey.

9 Q Actually, I can cut through this a little bit if you
10 look at Page 495, the very last -- the last paragraph before
11 the heading of Impact on Pay and Benefits.

12 A Yes.

13 Q And the last sentence says, "In this study, we will
14 explore the impact on the academic freedom of graduate students
15 themselves and on their perception of overall academic freedom
16 in institution; but not specifically the academic freedom of
17 faculty to work with them or the institution in which they
18 work."

19 A They're sort of making my point.

20 Q That's what you were saying?

21 A Exactly; yes. The authors appear well aware of the
22 limitations of their study. What I'm essentially saying is
23 exactly that sentence; but it's not about the academic freedom
24 of faculty with them or the institution, and those are exactly
25 what the Brown Decision -- my reading of these two paragraphs

1 suggests Brown is about.

2 Q Now would you go back to Table 4. Can you describe the
3 difference between Table 3 and Table 4?

4 A Yes. Table 4 is what's called the multivariate
5 regression analysis which essentially -- one can think of it as
6 recalculating the difference in means in the responses to the
7 questions we saw in Table 3 between -- difference in means
8 between the union and non-union respondents controlling what we
9 call -- accounting for differences across the respondents in
10 important characteristics; age, sex, race, what department
11 they're in primarily.

12 Let me see what else is in here. What region of the
13 country they're in; whether they're a TA or a RA or whether
14 they're both; and whether the student is an international
15 student or an American; and how long they've been in the
16 program.

17 So basically what it does is it responds to a potential
18 criticism of Table 3, which I believe I made the last time I
19 was here, that there are many differences across individuals
20 that are not accounted for here and many differences in their
21 situation; and Table 4 is an attempt to get at that by
22 controlling for the other -- accounting for the other
23 characteristics of the individuals.

24 Q And looking at Table 4, have you had a chance to study
25 Table 4?

1 A I have, yes.

2 Q And does that affect the conclusion you expressed
3 earlier in terms of what -- what the statistical validity of
4 the study is with respect to potential adverse effects of the
5 organization of graduate students, faculty/student relations or
6 academic freedom?

7 A No. I would say that the analysis still shows no -- now
8 first of all, look. When I use -- if you use the word
9 "affect," that's about causality. Did unionization cause a
10 difference? I maintain, for reasons that I outlined before,
11 that we can't get this design of a study -- no matter how you
12 do the statistical analysis -- can't get at a causal -- can't
13 get you to a causal inference that unions caused the difference
14 or didn't cause the difference; because the study is not
15 designed to do that.

16 We can simply say: Is there a difference between the
17 union jobs and the non-union jobs -- the attitudes of the
18 students in union who are unionized and the attitudes of
19 students who are not.

20 And you can do it in as complicated a regression
21 analysis as you want, but you're not going to solve that
22 fundamental design problem in the study.

23 Statistically, though, what it does show is that again
24 there's I would say, taking this multiple comparisons issue and
25 applying the somewhat tougher standard that I was suggesting

1 that we need to do, is there is weak evidence that the
2 perception of personal faculty support is slightly larger in
3 the union -- at the union schools than in the non-union
4 schools. At the same time, you can't rule out the possibility
5 that it's worse.

6 For the other three categories that we're looking at,
7 Professional Support, Teaching-related and Climate, there's
8 quite a substantial probability remaining even after this study
9 that perceptions are worse in the union jobs than in the non-
10 union jobs; or they might be better as well. I'm not
11 suggesting that there's evidence that they're worse.

12 I find no evidence that relations are worse; at best,
13 very weak evidence that they're better. But again, I emphasize
14 this is not a causal -- I'm not -- I would never conclude that
15 you have to -- the unions affected things this way.

16 Q Now does --

17 A Can I add something to this?

18 Q Yes; of course.

19 A The other thing that is going on here -- and I think
20 this is important -- is it assumes that the difference between
21 union and non-union in any of the columns in this table -- in
22 any of the measures -- is the same across disciplines and is
23 the same for TA's and RA's.

24 And it may well be that your perceptions of what -- of
25 how things are and how that difference between union and non-

1 union can differ between RA's and TA's because they're playing
2 a different role. RA's and TA's play a fundamentally different
3 role. Similarly, in different academic disciplines, the role
4 of an RA is different; the role of a TA is different, and you
5 want to look at the effect of union. I don't want to use the
6 word effect, as the study can't do that; but you want to look
7 at union and non-union differences separately for those sub-
8 groups.

9 And they don't do that, and I'm sympathetic to why they
10 don't, because their samples already small would be made even
11 smaller; and they'd be able to probably conclude even less than
12 they do.

13 Q In fact, if you look at Pages 507 to 509 of the study,
14 does -- do the authors provide for any caveats or limitations
15 on their conclusions?

16 A Yes.

17 Q Would you describe how you understand the caveats that
18 they're indicating.

19 A It's actually -- it's a very nice discussion where they
20 clearly recognize the weaknesses. Let me -- I should -- give
21 me a minute to -- so the caveats which basically start on Page
22 508 has to do with what you -- use what you learn by comparing
23 union and non-union workers -- graduate students in public
24 universities -- is that relevant to what would happen if you
25 unionized a private university, which is at issue here.

1 And they point out that the scope of bargaining is often
2 much more limited in the public sector than in the private
3 sector, so different aspects of the relationship could be
4 effected in the private sector. Private sector -- the
5 financial situation in the private sector, depending on the
6 university, is often very different than in the public sector,
7 so it's not all clear that what would happen at, for example,
8 Washington State University would be relevant to what would
9 happen at a Columbia or an NYU if a union came in.

10 The second thing that they recognize is that an
11 important component -- this is implicit in what they're saying
12 -- an important component of how the faculty/student
13 relationship will be effected when a union comes in will depend
14 on the attitude of the faculty toward collective bargaining.
15 And they point out here that at least two of the four unionized
16 school with unionized graduate students also have a unionized
17 faculty, and unionized faculty may have a different view than
18 non-unionized faculty; and that could affect what would happen
19 if you introduced unions.

20 I don't believe Columbia has a unionized faculty. I
21 don't know which way that would cut, but the point is it's
22 another reason why what's going on here might not be directly
23 applicable; because that's not something they control for in
24 their analysis.

25 Okay. The third thing which I found particularly

1 interesting is related to my comment before, that they do not
2 allow for separate union differences by academic discipline.
3 The fact of the matter is, they didn't go into these schools
4 and choose a random set of graduate students, which would then
5 span all of the departments. They chose five departments, and
6 what they -- let's see if we can say -- we get them.

7 We've got English, History, Computer Science, English
8 and Psychology. What's conspicuously absent from this list is
9 the Laboratory Sciences, which first of all have many graduate
10 students; and second of all, have a very different relationship
11 of graduate students with the faculty.

12 And the financial arrangements in the Laboratory
13 Sciences are often very different from say Departments in the
14 Liberal Arts, where in the Liberal Arts, it's all internally
15 funded by the University, the Laboratory Sciences are funded
16 through large grants that the Professors get, and they use that
17 to fund the graduate students and so on.

18 There's nothing in this study that can tell us anything
19 about how a unionization of graduate students in the Laboratory
20 Sciences, for example, would affect relationships or even show
21 up as differences. I just don't know the answer to that.

22 The union comes in and I while I know we're not talking
23 about pay, and negotiates higher pay, that might make that
24 school a bit less competitive for grants than they would
25 otherwise be. I just don't know.

1 And what Voos and Eaton and Rogers point out is that the
2 weakness of their study is that they just don't include this
3 class of departments in their analysis.

4 Q Professor Farber, given all the comments that you've
5 made about this study; at the end of the day, in your view,
6 what if anything can you learn from the study about what would
7 happen in a place like Columbia, were the graduate students to
8 move from being non-union to union?

9 A Frankly, while I found this paper very interesting to
10 read and found some interesting different, you know,
11 differences or lack thereof across the schools, I don't think I
12 can learn anything at all from this study one way or the other
13 -- good or bad -- about what would happen at Columbia were
14 graduate students to unionize.

15 Q Were you also asked to look at an article by Gordon J.
16 Hewick?

17 A Yes; I was.

18 Q And I'm going to mark this Exhibit 82, I think.

19 MR. MEIKLEJOHN: No; I think 82 was --

20 MR. BRILL: I did offer --

21 MS. ROTHGEB: I know.

22 MR. BRILL: -- 81; but that's just really for --

23 MR. MEIKLEJOHN: Eighty-two is the one that was not
24 offered.

25 MR. BRILL: Right. So 83 is the record entitled

1 Graduate Student Employee Collective Bargaining and the
2 Educational Relationship Faculty and Graduate Students by
3 Gordon J. Hewett in the Journal of Collective Negotiation
4 published in 2000.

5 BY MR. BRILL:

6 Q Professor Farber, is Exhibit 83 the article by Gordon
7 Hewett that you also looked at?

8 A Yes.

9 (E-83 identified.)

10 Q And in your opinion, what conclusions, if any, can be
11 drawn from the Hewett study as to the effects of unionization
12 of graduate students on faculty/student relationships?

13 A Nothing at all.

14 Q And why is that?

15 A Well first of all, it's simply asking faculty at -- I
16 think five campuses, four of which where the faculty are
17 unionized, and all of which where the graduate students are
18 unionized, asking them what their attitudes toward collective
19 bargaining is and whether they think they have good
20 relationships with their students or bad relationships with
21 their students, and simply saying, "Gee, it looks like they
22 have pretty good relationships, and things are going okay."

23 But it doesn't compare union and non-union; so it
24 doesn't even go as far as Rogers, Eaton and Voos in the sense
25 that it doesn't even try making a stab at comparing union and

1 non-union; it's simply again asking for these asking for these
2 same kinds of subjective responses and says, "Here you are;
3 you've been at a place that has been unionized for a -- where
4 the graduate students have been unionized for a long time. For
5 the most part, you're also unionized. How are things going?
6 And by the way, what's your attitude toward collective
7 bargaining?"

8 Or "Do you think collective bargaining helps or hurts
9 the relationships."

10 And you ask them -- they're sitting there -- they're
11 unionized; they've probably never been not unionized, and
12 they're saying, "Do you think this helps or hurts?"

13 They have no context in which -- at least that we can
14 know about -- there might be a few faculty moved from somewhere
15 else, but there's no way you can learn anything about what the
16 effect of unions is on that.

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

18 HEARING OFFICER EVELLARD: Okay. Off the record for a
19 minute.

20 (Whereupon, a brief recess was taken.)

21 HEARING OFFICER EVELLARD: Oh wait, are we moving this
22 in?

23 MR. BRILL: Yes; I'll move 83 in.

24 MR. MEIKLEJOHN: No objection.

25 HEARING OFFICER EVELLARD: No objection; it's admitted.

1 (E-83 received.)

2 MR. MEIKLEJOHN: Are we on the record?

3 HEARING OFFICER EVELLARD: Yes; we're on the record.

4 MR. MEIKLEJOHN: Okay.

5 CROSS-EXAMINATION

6 BY MR. MEIKLEJOHN:

7 Q Mr. Farber -- Dr. Farber -- sorry. How long have you
8 been -- how many times have you testified as an expert witness
9 called by Mr. Brill?

10 A As an expert with Mr. Brill?

11 Q Asking questions; yes.

12 A This is the third time.

13 Q And when was the last time you testified as an expert
14 witness on behalf of a union?

15 A On behalf of a union? Well, I guess if you count the
16 TWA Pilots who were suing their union, I guess I'm not working
17 for the union. It was a group of workers.

18 Q I don't think that the union would have regarded you as
19 working for them.

20 A Right. Well, there was a case where I testified on
21 behalf of the New York UFT, the Teacher's Union in New York
22 City at a -- I guess it's a fact-finding hearing.

23 Q How long ago was that?

24 A I couldn't tell you the exact date. It's probably seven
25 or eight years ago -- maybe nine years ago.

1 Q That was my question, "When was the last time?"

2 A Okay.

3 Q And you are being paid by Columbia University for your
4 testimony here today?

5 A I expect to be; yes.

6 Q Okay. And what are you charging?

7 A Seven Hundred and Thirty-five Dollars an hour.

8 Q You've gone up a little bit in the last few years?

9 A Yes. I should have looked at the transcript. I could
10 have asked for more.

11 Q It's gone up a little?

12 A Yes.

13 Q You -- your CV on Page 1 indicates that you were named a
14 Fellow of the Labor Employment Relations Association in 2009?

15 A Yes.

16 Q And I believe you indicated that you regarded that as an
17 honor?

18 A Yes.

19 Q And Professor Voos was a President of that organization;
20 is that correct?

21 A That's correct.

22 Q You also served on the Editorial Board of the Industrial
23 and Labor Relations Review for five -- six years?

24 A Yes; I did.

25 Q Is that the Cornell ILR Review?

1 A Yes.

2 Q That's the -- that's the Journal that published Employer
3 Exhibit 81?

4 A Yes.

5 Q And as a member of the Editorial Board of the ILR
6 Review, what was your function?

7 A There's essentially, I think four Editors; and there's
8 one Editor who is Chief Editor, and when new papers are
9 submitted, the Chief Editor, he or she, assigns the paper to
10 one of the four Editors. That Editor, then, is responsible for
11 the entire process of evaluation and decision making regarding
12 that paper -- choosing outside referees to evaluate the paper;
13 getting the responses; reading the paper; reading the
14 responses; making a judgment; and then telling the author no;
15 we won't publish this paper -- yes; we'll publish it -- or if
16 you do this, we will publish it.

17 And that's the role of an Editor.

18 Q So for the article, Exhibit 81, to have been published,
19 it would have had to go through that process; correct?

20 A Absolutely.

21 Q And apparently it passed?

22 A Yes.

23 Q And it was subjected to evaluation by peers?

24 A Yes.

25 Q Were you asked to participate in that process?

- 1 A No; I was not.
- 2 Q Do you know what Dr. Voos' academic background is?
- 3 A Yes.
- 4 Q What is her academic background?
- 5 A She has a PhD in Economics from Harvard University. In
6 fact, she took my Labor Economics class when I was teaching at
7 MIT.
- 8 Q Was she a good student?
- 9 A She was fine.
- 10 Q And --
- 11 A She was only auditing the class. She took her grades,
12 Labor Economics at Harvard.
- 13 Q And did -- do you know what Dr. Eaton's academic
14 background is?
- 15 A No; I don't.
- 16 Q Do you know whether she has training in the use of
17 Sociological Survey?
- 18 A I don't know.
- 19 Q If you flipped a coin 483 times, would you expect it to
20 reflect the -- whether the coin was an honest coin; that is, if
21 it was an honest coin, would the results a random result -- a
22 random probability.
- 23 A If I flipped a fair coin 483 times?
- 24 Q Yes.
- 25 A Whether I would judge whether it was fair would depend

1 on the outcome.

2 Q Right; but that would be enough samples to measure
3 whether it was random or not?

4 A Well, this has a little nuance to it. It would be
5 enough to tell whether it was -- but the difference was -- if
6 the two possibilities were a fair coin or 90 percent heads and
7 10 percent tails, I could surely tell the difference in 483
8 tosses.

9 But imagine the coin -- I'm trying to decide whether
10 it's 50/50 or 48/52 or 49/51, which is still unfair. Five
11 hundred may not be enough. You'd have to all sit here past
12 lunch for me to do that calculation.

13 Q Would you use the five percent conventional standard for
14 statistical significance?

15 A Yes; to do that single comparison, absolutely.

16 Q What is the reputation of the Cornell Industrial Labor
17 Relations Review amongst academics in the Industrial Labor
18 Relations field?

19 A Well in the Industrial Labor Relations field, it's
20 considered one of the top journals.

21 Q Are you aware of any empirical evidence that
22 Unionization has had any negative effects on faculty/student
23 relationships?

24 A No.

25 Q Are you aware of any empirical evidence that union

1 representation has damaged academic freedom?

2 A No.

3 MR. MEIKLEJOHN: No further questions.

4 HEARING OFFICER EVELLARD: Mr. Brill?

5 MR. BRILL: Nothing further.

6 HEARING OFFICER EVELLARD: Thank you; you are excused.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 HEARING OFFICER EVELLARD: And we will be adjourned
10 until tomorrow at 9:30.

11 Off the record.

12 (Whereupon at 1:21 p.m., the hearing was adjourned until
13 April 28, 2015, at 9:30 a.m.)
14

C E R T I F I C A T E1
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This is to certify that the attached proceedings done before
the NATIONAL LABOR RELATIONS BOARD REGION TWO

In the Matter of:

Columbia University,

Employer,

And

Graduate Workers of Columbia,
GWC, UAW

Petitioner.

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Case No.: 02-RC-1439012

Date: April 27, 2015

Place: New York, New York

Were held as therein appears, and that this is the original
transcript thereof for the files of the Board

Official Reporter

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