

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

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

Employer,

and

GRADUATE WORKERS OF COLUMBIA -
GWA, UAW,

Petitioner.

Case No. 2-RC-143012

The above-entitled matter came on for hearing pursuant to Notice, before AUDREY EVEILLARD, Hearing Officer, at the Jacob Javits Federal Building, 26 Federal Plaza, New York, New York on Tuesday, May 12, 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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		<u>I N D E X</u>				<u>VOIR</u>
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>DIRE</u>
1						
2	Soulaymane Kachani	649	674	--	--	--
3	Patrick Bohan	701	--	--	--	710
4		710	--	--	--	712
5		713	--	--	--	716
6		--	718	--	--	--

	<u>EXHIBIT NUMBER</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
1		<u>E X H I B I T S</u>	
2	EMPLOYER'S		
3	E-20	--	734
4	E-21	--	734
5	E-86	654	656
6	E-87	654	656
7	E-88	654	656
8	E-89	705	706
9	E-90	706	707
10	E-91	709	710
11	E-92	711	711
12	E-93	711	713
13	E-94	711	713
14	E-95	711	713
15	E-96	711	713
16	E-97	715	717
17	PETITIONER'S		
18	P-35	676	677
19	P-36	677	677
20	P-37	680	681
21	P-38	690	692
22	P-39	692	693
23	P-40	697	697
24	P-41	697	698

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E X H I B I T S (continued)

	<u>EXHIBIT NUMBER</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
2	P-42	698	699
3	P-43	721	723
4	P-44	724	724
5	P-45	725	726
6	P-46	726	727
7	P-47	734	734
8	JOINT		
9	J-2	731	733
10	J-3	731	733
11	J-4	731	733
12	J-5	732	733
13	J-6	732	733
14	J-7	732	733
15	J-8	732	733
16	J-9	733	733
17	J-10 (a-b)	733	733
18			

1 DR. KACHANI: Yes.

2 (Whereupon,

3

SOULAYMANE KACHANI,

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

6 THE WITNESS: I do.

7 HEARING OFFICER EVEILLARD: Can you state your name and
8 spell your last name for the record?

9 THE WITNESS: Sure. Soulaymane Kachani. Last name K-A-C-
10 H-A-N-I.

11 HEARING OFFICER EVEILLARD: Can you spell your --

12 THE WITNESS: KACHANI.

13 MR. PLUM: Do you want to spell your first name, also.

14 THE WITNESS: First name S-O-U-L-A-Y-M-A-N-E.

15 HEARING OFFICER EVEILLARD: You may begin.

16 MR. PLUM: Okay, thank you.

17

DIRECT EXAMINATION

18 BY MR. PLUM:

19 Q Dr. Kachani, could you give us a brief description of your
20 educational background?

21 A I received my Bachelor of Science in Applied Mathematics
22 from École Centrale Paris in Paris, France. And I received a
23 Master's and a Ph.D. in Operations Research from MIT. I then
24 worked in consulting for McKinsey & Company and joined Columbia
25 in 2003.

1 I'm the vice Dean of the School of Engineering and Applied
2 Science in charge of academic programs. Also a professor in
3 the Department of Industrial Engineering and Operations
4 Research. And I also serve in the Provost's office as vice
5 provost.

6 Q And what are your responsibilities as vice provost?

7 A As vice provost I'm in charge of developing teaching and
8 learning strategies for the University, particularly in the
9 space of online education.

10 Q And who do you report to in your various capacities?

11 A As vice dean of the School of Engineering and Applied
12 Science I report Mary Boyce, the dean of the School of
13 Engineering and Applied Science. It's also called Foo
14 Foundation School of Engineering and Applied Science. And as
15 vice provost I report to the Provost of the University, John
16 Coatsworth.

17 Q Would you describe for us or give us a general description
18 of the School of Engineering and its mission?

19 A So the School of Engineering is a top engineering school
20 in the country. It is at the forefront of research and
21 teaching. We pride ourselves for educating innovative socially
22 responsible leaders in industry, government, and academia.

23 As a school, we are organized into nine departments:
24 applied physics; applied math; biomedical engineering; chemical
25 engineering; computer science; civil engineering and

1 engineering mechanics; electrical engineering; earth
2 environmental engineering; industrial engineering and
3 operations research; and mechanical engineering. We offer
4 undergraduates, Master's, and doctoral programs. And the
5 mission, in addition to our teaching mission is to advance
6 interdisciplinary research to solve grand challenges that are
7 faced by society.

8 Q And about how many full-time faculty are there at the
9 school?

10 A We have 175 full-time faculty in the School of Engineering
11 and Applied Science.

12 Q I'm sorry 1-7-5?

13 A One seventy-five.

14 Q And how many different undergraduate majors are there?

15 A Roughly 16 undergraduates majors.

16 Q And how many undergraduate students?

17 A About 1600 undergraduate students.

18 Q And what graduate degrees does the School of Engineering
19 offer?

20 A We offer Master of Science degrees, as well as doctoral
21 degrees.

22 Q And about how many graduate students are there in the
23 department?

24 A We have roughly 2800 graduate students. A little bit over
25 2,000 are Master of Science students. And a bit less than 800

1 are doctoral students.

2 Q Now, you said that you offered doctoral degrees. Is there
3 more than one doctoral degree that the school offers?

4 A We offer the Ph.D., although from a practical perspective,
5 all of the doctoral students are students of the School of
6 Engineering and Applied Science, they receive their diploma
7 from the Graduate School of Arts and Sciences. The School of
8 Engineering also offers the Doctor of Engineering Science, DES,
9 program, which is a small program.

10 Q And what's the difference between the Doctor of
11 Engineering Science and the Ph.D. program?

12 A In terms of requirements, they are very similar, with the
13 exception that for Doctor of Engineering Science there are less
14 residency requirements. And as a result, it's typically a
15 program where practicing engineers who are collaborating in
16 research in large corporations with the University, may want to
17 engage in those programs. But the number of students we have
18 in these programs is very small; we typically graduate less
19 than five Doctor of Engineering Science a year, versus we
20 graduate about 120 Ph.D.'s a year.

21 Q And so the Doctor of Engineering Science are typically
22 working professionals?

23 A Correct.

24 Q And what type of students are enrolled in the Ph.D.
25 program?

1 A We attract extremely talented students from around the
2 world who have outstanding academic training, and deep
3 knowledge of the discipline where they are interested in doing
4 research. Typically, these are students who are interested in
5 conducting research primarily to go to academia.

6 Q Can you describe for us what the application process is to
7 get into the doctoral programs?

8 A The application process consists of going online to our
9 online system that is hosted by the school. The applicants
10 fill an application form, submit transcripts both original
11 language and English languages if it's a -- if it's an
12 international applicant. Three letters of recommendations, a
13 statement of purpose, as well as standardized tests, the GRE
14 being the primary one, which is a typical standardized test for
15 graduate studies, as well as the TOFAL, which is for
16 international students, which is an English proficiency test.

17 Q Um-hmm. And what kinds of things are you looking for when
18 you admit students to the doctoral programs?

19 A Outstanding academic background, and proven -- proven
20 mastery of the discipline of the doctoral program they are
21 applying to.

22 Q And do you look for students with prior teaching
23 experience?

24 A No.

25 Q And do the students get -- I take it the students get an

1 admissions letter once they're accepted?

2 A Yes.

3 Q Okay.

4 MR. PLUM: What's our last exhibit number?

5 HEARING OFFICER EVEILLARD: I don't know.

6 MR. PLUM: Anyone know?

7 MS. ROTHGEB: 85, I think.

8 MR. PLUM: 85?

9 MS. ROTHGEB: That's what I have, yeah. This would be 86.

10 MR. PLUM: We're going to have 86, 87, and 88, how about
11 that?

12 MR. BRILL: I don't have an 85. I would have 85 as the
13 next one.

14 MS. ROTHGEB: Elliot Karen's (ph) admission packet was 85.

15 MR. BRILL: Okay, so we're on 86.

16 MR. PLUM: So this is 86.

17 (Employer's E-86 marked.)

18 HEARING OFFICER EVEILLARD: Adrien, is that the exhibits?

19 COURT REPORTER: (No audible response.)

20 MR. PLUM: Thank you. This is going to be 87.

21 (Employer's E-87 marked.)

22 MR. PLUM: There's one more.

23 MR. MEIKLEJOHN: This is 87.

24 MR. PLUM: This is 88.

25 (Employer's E-88 marked.)

1 MR. PLUM: Okay?

2 BY MR. PLUM:

3 Q Okay, Dr. Kachani, you have Exhibits 86, 87, and 88 in
4 front of you. Can you tell us what these are?

5 A These are admission letters to the doctoral program for
6 three different departments; the Department of Industrial
7 Engineering and Operations Research, that's 86.

8 Q Um-hmm.

9 A And that's my home department.

10 The Department of Electrical Engineering, and that's
11 Exhibit 87.

12 And then the Department of Mechanical Engineering, that's
13 Exhibit 88.

14 Q And --

15 MR. PLUM: And before we do that, I would like to move
16 these three exhibits into evidence.

17 HEARING OFFICER EVEILLARD: Any objections?

18 MR. MEIKLEJOHN: I have no objection to 86. Can I just
19 have a minute to read 87 and 88?

20 MR. PLUM: You want me to wait?

21 MR. MEIKLEJOHN: Pardon?

22 MR. PLUM: I'll wait. I'll wait for you. Go ahead.

23 HEARING OFFICER EVEILLARD: Go ahead.

24 (Pause.)

25 MR. MEIKLEJOHN: No.

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

2 (Employer's E-86 to E-88 received.)

3 DIRECT EXAMINATION (continued)

4 BY MR. PLUM:

5 Q Dr. Kachani, if you could just for a moment take a look at
6 Exhibit 87. And there's a sentence in the second paragraph,
7 which talks about the student -- the offer being made by a
8 particular profession, Ken Shepard. Can you explain that to
9 us, please, the significance of that?

10 A So in the application system, doctoral applicants select
11 one or a small number of areas of research that they want to
12 specialize in. And they also specify one or a small number of
13 faculty members who want to work with (*sic*). In this
14 particular case, the student who would be receiving this letter
15 would have selected Professor Ken Shepard as one of -- as the
16 faculty or one of two or three faculty that he or she wants to
17 work with in the research area that Professor Shepard conducts.
18 And as this student was admitted by the doctoral committee of
19 the Department of Electrical Engineering, he or she will be
20 working with Professor Ken Shepard.

21 Q And are students or applicants -- student applicants, are
22 they always admitted to a particular department?

23 A Doctoral students are admitted to a particular department.

24 Q Okay. Now, are doctoral students funded by the
25 University?

1 A Yes.

2 Q And can you describe how the doctoral students in the
3 School of Engineering are funded?

4 A Typically, the students are -- receive funding for four
5 years and that is continued if they are in good academic
6 standing. Typically in the School of Engineering they would
7 serve as teaching assistants primarily during the first year,
8 as they are taking course work. And then subsequently, they
9 would typically be appointed as research assistants, and funded
10 as research assistants.

11 Q So part of the funding that they get comes from serving as
12 a teaching assistant or a research assistant?

13 A That is correct.

14 Q And what are the other components of the funding?

15 A So the funding consists of full coverage of tuition.
16 That's around \$20,500 per semester. In addition to a monthly
17 stipend that currently stands around \$2800. And also they
18 receive medical coverage and partial coverage for a facilities
19 fee.

20 MR. MEIKLEJOHN: Partial coverage for what?

21 THE WITNESS: Facilities fee.

22 BY MR. PLUM:

23 Q You said that the students are typically funded for four
24 years or longer, depending on their academic standing. How
25 long can that go on?

1 A The doctoral program, which in engineering is typically
2 five to six years.

3 Q And do graduate students ever serve more than a year as a
4 TA?

5 A Yes, they do.

6 Q How often does that happen?

7 A It depends on the department. If you look at the whole
8 school, on average our doctoral students would serve an average
9 of probably less than two semesters.

10 Q Less than two semesters?

11 A Yeah. But there are departments where graduate students
12 do -- like, my home department, where typically doctoral
13 students would serve more than two semesters as teaching
14 assistants.

15 Q So let's talk about the progression of a doctoral
16 student's program -- academic program from the time they are
17 admitted. How many years of classwork are required?

18 A It depends whether the students come to the doctoral
19 program with or without a Master's degree. If they come
20 straight from undergrad to the doctoral program, they would be
21 asked to take two years of course work and they would earn the
22 Master of Science degree as they are progressing, typically
23 after one year. If they come to the doctoral program already
24 with a Master's, they would be asked to take course work for
25 one year.

1 Q And what happens when their coursework is completed?

2 A Again, we're talking typically they would take course
3 work, they would be teaching assistants the first year. At the
4 end of that first year, they would take a qualifier's exam.
5 Depending on the department, that qualifier's exam is either
6 written or written and oral. The written exam focuses on the
7 core doctoral courses that would be taken in the department.
8 The oral exam would be about the various advanced course work
9 they do in the doctoral program, as well as sometimes
10 presentation of early stages of their research.

11 Q And you say they take a comprehensive exam --

12 A Or a qualifier's exam.

13 Q Qualifying exam.

14 A Typically at the end of the first year.

15 Q At the end of the first year.

16 A Yes.

17 Q And that's irrespective of whether they come in with a
18 Master's or --

19 A That is correct.

20 Q And what happens after the qualifying exam, what's the
21 next step?

22 A After the qualifier's exam, they -- they start focusing on
23 their research, in collaboration with the faculty member; it's
24 usually one faculty member. And they learn the process of
25 doing research, writing papers, publishing papers, presenting

1 at conferences. And at some point when they have a clear idea
2 of what the key questions they want to address in their
3 doctoral degree, they do a thesis proposal to a committee of
4 faculty, where they get asked about those key questions and
5 literature -- existing literature in that area -- in that
6 specific area. And once that is approved, they continue to
7 conduct research up until they build a body of knowledge and --
8 and results that is worthy of a dissertation, a dissertation
9 defense. And once they defend their thesis, they receive the
10 doctoral degree.

11 Q And during this period, after the qualifying exams, while
12 they're working on their research and developing their
13 prospectus or their approach to their Ph.D., do the students
14 have an appointment?

15 A Yes, they do.

16 Q And that's as a research assistant?

17 A Typically as a research assistant.

18 Q Yes. And you said that during this period they are
19 working with a faculty member to develop their research and
20 thesis proposal. How are the students and faculty member
21 matched?

22 A Either they're matched at the moment when they apply to
23 the doctoral program, like we discussed a bit earlier in the
24 case of (Indiscernible), when we were looking at Exhibit 87, in
25 the case of Professor Ken Shepard. So when that matching

1 happens, they would start their doctoral program in -- and
2 start doing the research with the faculty. Although they are
3 welcome, and if they want to switch faculty they can do that.

4 Or they come to the doctoral program and in the course of
5 their first year, typically they would talk to various faculty.
6 They would attend research talks. They would talk to current
7 Ph.D. students, more senior Ph.D. students, and they narrow
8 down in terms of research interest, and then they would start
9 working with the specific faculty that they're interested in
10 collaborating with.

11 So giving you the example of my department, my department
12 is more the latter. So they come first to the department, and
13 then they select their advisor, or advisors, because we also
14 have several students who have -- who work with two or even
15 sometimes three faculty members in the course of their Ph.D.

16 Q And would it be fair to say that the students select
17 advisors in their area of interest and research?

18 A Absolutely.

19 Q Now, do these faculty advisors typically have grants that
20 support their research?

21 A Typically, yes.

22 Q And where do these grants come from?

23 A Primarily the National Science Foundation and the National
24 Institute of Health. Although, we also do receive grants from
25 the Department of Defense, Department of Energy, and other

1 funding agencies.

2 Q And how does the process work of, you know, applying for a
3 grant? A faculty member applying for a grant.

4 A It's an extremely competitive process. Faculty write a
5 grant proposal where they're outlying the key questions that
6 they want to address in their research. And the importance and
7 potential impact of the results of that research. They also
8 typically would also describe the methodology that they would
9 be using in the conduct of that research. And typically,
10 academic panels within the funding agencies decide which
11 proposals get funded. And once those proposals are selected,
12 the faculty who are selected receive funding.

13 Q And when the student -- when a graduate student, a
14 doctoral student is working with a faculty member, is the
15 graduate student also working on research related to the grant?

16 A Yes.

17 Q And how does that relate to the student's own development
18 and academic process? How does that research -- granted
19 related research relate the student's work and academic
20 progress?

21 A It's one and the same. They align. So the research that
22 the student conducts aligns with the research of the grant.
23 And so as they are working on the grant, they are developing
24 knowledge that will make it into the papers and the
25 dissertation that they would write.

1 Q Now, is there more than one type of graduate research
2 assistant?

3 A In the School of Engineering and Applied Science there are
4 two types; GRAs and DRAs. GRAs are research assistantships
5 that are funded from government grants. And DRAs are research
6 assistantships that are funded from University funds.

7 Q And is the relationship between the student and the
8 faculty member any different depending on the type of grant?

9 A No, it's the same.

10 Q Are doctoral students -- do they apply or are they
11 encouraged to apply for external fellowships?

12 A They do.

13 Q And why do they do that?

14 A Because they are extremely -- those fellowships are
15 extremely prestigious. And they -- when graduate students
16 receive such fellowships and probably the most common one is
17 the National Science Foundation Graduate Fellowship; that
18 actually is a great thing for the students as they are seeking
19 academic careers. It helps them when they are applying for
20 academic positions. So such fellowships like NSF, there are
21 also IEEE, who go -- now Google (ph) has some fellowships, they
22 are very prestigious, very competitive, and so it speaks to the
23 quality of the graduate students and the research they are
24 conducting when they receive such fellowships.

25 And it also, obviously when they get outside fellowship,

1 that's less funding that the school and the University has to
2 pay for these graduate students.

3 Q Do MS or undergraduate students have appointments as GRAs
4 or DRAs?

5 A No.

6 Q Now, I want to go back in time a little bit in the life of
7 a graduate student and talk about their work as a TA during the
8 first year. Could you describe the typical responsibilities of
9 a TA?

10 A A TA would assist the faculty with various aspects of the
11 course, including designing exams, homework assignments,
12 conducting office hours, typically one or two office hours a
13 week. Sometimes conducting a recitation once a week, typically
14 on a Friday, where they would walk the students through
15 homework problems and solve them. Answering e-mails of
16 students with regards to questions related to assignments or
17 exams. You know, so that's typically the duties of teaching
18 assistants.

19 Q Um-hmm. And how much time do TAs spend on average during
20 the week -- a week?

21 A In the School of Engineering and Applied Science typically
22 it's 8 to 12 hours a week.

23 Q And do the TAs receive any teacher training or anything
24 that prepares them to handle their responsibilities?

25 A We have a workshop that the School of Engineering and

1 Applied Science conducts jointly with the Graduate School of
2 Arts and Sciences for incoming doctoral students who are
3 serving as TAs. In addition, we look to faculty to mentor
4 and -- and supervise the students and provide them with
5 guidance on how to be effective TAs.

6 Q What's the relationship or how would you describe the
7 relationship between the graduate student's own students and
8 their serving as a TA?

9 A It ties at multiple levels. First, TAs are serving as
10 teaching assistants of courses in the same department, the same
11 discipline, and that enhances the learning of these students.
12 They're also an important component of really earning a
13 doctorate, is the ability to communicate very technical, very
14 advanced knowledge to individuals who are not as well prepared
15 academically and be able to explain complex concepts in an
16 easier way. And that is achieved by doctoral students both
17 through serving as teaching assistants, but also through
18 attending conferences and presenting at conferences.

19 And also, an important element of really serving as a TA,
20 is explaining to others these concepts, and you really never --
21 and know for sure that you -- you know a topic up until you try
22 to teach it to somebody else, and that's really when you
23 understand the gaps in your understanding of various concepts,
24 and that's when you actually try to remedy and fill those gaps.

25 Q And are doctoral students required to serve as a TA in

1 order to receive their degree?

2 A In two of the nine departments of the School of
3 Engineering and Applied Science, they are required. Those are
4 the departments of computer science and biomedical engineering.
5 In the other departments, they are very strongly encouraged to
6 serve as teaching assistants before they graduate. And
7 typically, over 95 percent of our Ph.D.'s serve as teaching
8 assistants before they graduate.

9 Q I want to turn our attention now to the MS students. And
10 if you would, could you just start by giving us a general
11 description of that degree and who the typical candidates are?

12 A The typical candidates are outstanding undergraduate
13 students who are interested in advanced course work beyond the
14 undergraduate degree. They're also interested typically in --
15 in working in industry. So they're interested in professional
16 studies, on top of the undergrad student; so more advanced
17 course work.

18 Q And how many MS students are admitted each year?

19 A We admit around 1100 Master of Science students a year to
20 the School of Engineering and Applied Science. Or I would say
21 we enroll roughly 1100 MS students into the MS programs within
22 the school.

23 Q And how long does it typically take for a student to
24 achieve an MS degree?

25 A Typically three semesters, so 15 to 16 months, yeah.

1 Q And are these MS students funded?

2 A They're not funded.

3 Q Not at all?

4 A No.

5 Q Now, are there appointments or positions that are made
6 available to MS students?

7 A There are positions that are made available to Master's
8 students that are course assistantships and grader positions.

9 Q And are there also undergraduates who serve as course
10 assistants or graders?

11 A Correct. Yes, there are.

12 Q And how are the Master's students chosen for the course
13 assistant and grader positions?

14 A For typically course assistants and graders, are either
15 Master's students or undergraduate students who took the course
16 and performed very well in the course, either the semester
17 before or the year before.

18 Q And are these -- either of them, course assistants or
19 graders, are they academic appointments?

20 A To the best of my understanding, they are not.

21 Q And starting with the course assistants, could you tell us
22 what the responsibilities of the position are?

23 A Course assistants do not instruct, and there's a clear
24 separation between course assistants and TAs. They -- at the
25 School of Engineering and Applied Science, they are in charge

1 of various facets of administration of the course, and that
2 typically consists of helping or -- with homework assignments,
3 printing homeworks, collecting homeworks, helping with the
4 grading of the homeworks, answering e-mail questions from
5 students. Mostly process questions, when the homework is due,
6 where should I submit it, et cetera. But also questions
7 related to the understanding of the material, to the extent
8 that they can help. And they also are involved in -- in
9 proctoring exams.

10 Q And how long are these appointments as course assistants?

11 A Course assistantships are one-semester appointments.
12 Students are appointed as course assistants either once or
13 twice, but never more than twice.

14 Q And what -- about how many hours a week do people spend as
15 course assistants?

16 A Typically between 8 to 15 hours a week.

17 Q And are they supervised by faculty?

18 A Yes, they are.

19 Q And what kind of support or stipend do people get as a
20 course assistant?

21 A They get compensation, a stipend for the semester, that
22 typically varies between 1800 and 2500 dollars for the
23 semester.

24 Q Now, you had said that there were also graders, that MS
25 and undergraduates could also serve as graders.

1 A Correct.

2 Q What -- and are these also typically students who recently
3 took the course and excelled?

4 A Typically they took the course and they did well in the
5 course.

6 Q And what are the responsibilities of a grader?

7 A They grade assignments. And they may help in grading the
8 exams.

9 Q And how long is the -- how long do these students serve as
10 graders?

11 A The appointment is for one semester. And again, some
12 students may be appointed for two semesters, but no more than
13 two semesters.

14 Q And about how much time a week is spent by a student as a
15 grader?

16 A Typically again 8 to 15 hours a week.

17 Q Are you familiar with the term "teaching assistant III"?

18 A Yes.

19 Q And can you tell us what that is?

20 A That is a code in the system for a fairly small number of
21 students, undergraduate students, in the school typically in
22 computer science, large undergraduate courses. These are
23 students who do extremely well in some of these -- courses, in
24 computer science, mainly the programming courses, Intro to
25 Java, Intro to C++, Intro to Python. Those students do

1 exceptionally well when they take the course, and then they
2 have an interest in helping fellow students develop competency
3 in programming, and they are groomed by faculty to serve as TA
4 3's for multiple semesters, typically that could go to more
5 than two semesters, could be up to two or even more years, two
6 to three years, but probably the expectation is, you know,
7 anywhere between one and two years. And those are -- students
8 also who typically are groomed to go to Graduate School after
9 they graduate from the undergraduate studies.

10 And the largest number of such students is in the
11 Department of Computer Science. Although, overall the number
12 of TA 3's of students who serve in -- as TA 3's, is fairly
13 small. It's probably less than 30 students in the School of
14 Engineering.

15 Q And I'm not sure whether we described the responsibilities
16 of those TA 3's. Could you do that?

17 A I think it's fair to say that those students really serve
18 similar to teaching assistants. So they are involved in
19 instruction and in really helping other students in the class
20 develop competencies in these courses, as I mentioned
21 particularly in the Department of Computer Science.

22 Q And about how many hours a week do TA 3's spend doing
23 their -- performing their responsibilities?

24 A Probably 8 to 15 hours a week.

25 Q Okay. And how -- and what kind of stipend or payment do

1 the TA 3's get?

2 A They do get a stipend, I'm not sure what the level of
3 stipend for TA 3's is. I would have to check.

4 Q Okay.

5 A I know for the Department of -- my department, that we
6 would probably have less than a handful, and they're typically
7 compensated similarly to course assistants. But in my
8 department it's very small, it's -- we have the large --

9 Q Similarly to course assistants?

10 A Yes. But we are the largest department in the School of
11 Engineering. Again, at the graduate and Master's level, and so
12 they're typically compensated in a similar fashion to course
13 assistants. In computer science I would have to check how they
14 are compensated, but it's a stipend. I just don't know what
15 the amount of that stipend is.

16 MR. PLUM: I want to direct the Witness's attention to our
17 Exhibit 3.

18 HEARING OFFICER EVEILLARD: Do you have it, Adrien?

19 MR. MEIKLEJOHN: We have it. Maybe not.

20 MR. PLUM: Do you have it?

21 MR. MEIKLEJOHN: What's this book down here?

22 MR. PLUM: You're better organized than we are.

23 MR. MEIKLEJOHN: She's an organizer.

24 MR. PLUM: That kind of organizer?

25 MR. MEIKLEJOHN: Can I be excused for a minute while

1 you're looking for that?

2 HEARING OFFICER EVEILLARD: Yeah, off the record.

3 (Whereupon, a brief recess was taken.)

4 HEARING OFFICER EVEILLARD: Back on the record.

5 MR. PLUM: Okay, so this was Exhibit 3, right?

6 HEARING OFFICER EVEILLARD: Um-hmm.

7 DIRECT EXAMINATION (continued)

8 BY MR. PLUM:

9 Q Dr. Kachani, could you take a look at Page 2 of this
10 exhibit and I direct your attention to the columns in the
11 middle labeled "Instructional Officers - Teaching."

12 A Yeah.

13 Q And if you follow down on the left hand side where it says
14 "Engineering Subtotal," under "TA 3's" it shows 79.

15 A Yes.

16 Q Is that number correct?

17 A No, it's not. I mean --

18 Q Can you explain that?

19 A Yes. So the positions as I described, in -- course
20 assistants, graders, and TA 3's. Those positions correspond to
21 set of responsibilities. The way the administrative staff of
22 the department codes these students varies by department as we
23 realized, and is not necessarily consistent with the position
24 they are holding. So our Committee on Instruction has looked
25 at this to one, make sure that there is no miscoding in the

1 system of the students, and two, to try to see if we can have a
2 uniform way of coding students in these positions uniformly
3 across the school. And starting this fall we will have a
4 uniform way of coding them. But the instruction of the
5 Committee of Instruction of the school to the departments is to
6 make sure that we don't code CAs as TA 3's, because that's
7 really what's happening in your sheet with the -- with regards
8 to the Department of Computer Science. We don't have 68 TA 3's
9 in the Department of Computer Science, we have a much smaller
10 number. And so it's probably very easy for the administrative
11 staff to just code them the same. They're undergrads, they
12 serve as TA 3's and course assistants, let's just code them as
13 course assistants -- sorry, as TA 3's, and so what we have done
14 within the Committee of Instruction is tell the departments to
15 correct that. Make sure we are coding in the system students
16 the right way, and we are doing it in a uniform way. So that
17 "68" number is probably a number that's around 20, which would
18 bring the total to below 30.

19 The same way, what we observed in looking at how our
20 departmental staff are coding students in those position, we
21 saw that majority of course assistants and graders are coded as
22 "casuals," and that does not appear in this sheet. And for
23 some reason, some departments are coding these course
24 assistants and graders as "readers." We shouldn't have anybody
25 coded as readers. That whole -- that "115" should be "0." And

1 so starting this fall, course assistants and graders in the
2 School of Engineering and Applied Science will be coded as
3 casuals and students who are in TA 3 positions will be coded as
4 TA 3's.

5 Q And to be clear, the course assistants and graders are on
6 the casual payroll?

7 A That is correct.

8 MR. PLUM: Okay, nothing further for Dr. Kachani. Thank
9 you.

10 HEARING OFFICER EVEILLARD: Okay. Do you want to take a
11 short recess?

12 MR. MEIKLEJOHN: Yes.

13 HEARING OFFICER EVEILLARD: Off the record.

14 (Whereupon, a brief recess was taken.)

15 HEARING OFFICER EVEILLARD: Back on the record.

16 Mr. Meiklejohn.

17 CROSS-EXAMINATION

18 BY MR. MEIKLEJOHN:

19 Q Good morning, Professor.

20 A Good morning.

21 Q Professor or Dean or you -- all those titles are good?

22 A Yes.

23 Q You described the process of obtaining admissions to the
24 Engineering School. Is there also an application process that
25 student officers have to go through to be appointed either TAs

1 or RAs?

2 A There is no formal application process for them to be
3 appointed as TAs and RAs. Although for TA positions, when they
4 are serving as TAs, some departments -- actually all
5 departments request from doctoral students to express in which
6 courses they are interested in TA'ing.

7 Q And how are the TAs selected for particular courses? One
8 of the factors would be the interest of the students?

9 A Yes.

10 Q What other factors go into it?

11 A Probably whether the student -- I think people would like
12 to check that the student already has done the course work of
13 that course, if possible.

14 Q So that they are familiar with the material?

15 A Absolutely.

16 Q So there would be better teachers for the class?

17 A Correct.

18 Q So that the undergraduates would benefit from their
19 assistants in the class?

20 A Correct.

21 Q And that is one of the functions of a TA, is to assist in
22 the education of the students who take the classes; correct?

23 A That is correct.

24 Q Okay. And I think you said that teaching is one of the
25 two missions of the University?

1 A Yes.

2 Q So that the TAs help to fulfill the mission of the
3 University?

4 A Yes.

5 Q And they get paid for that; correct?

6 A Yes.

7 MR. MEIKLEJOHN: Now, I would like document marked for
8 identification as Petitioner's Exhibit 35.

9 (Petitioner's P-35 marked.)

10 HEARING OFFICER EVEILLARD: Petitioner what? What number?

11 MS. ROTHGEB: 35.

12 MR. MEIKLEJOHN: Petitioner's 35.

13 BY MR. MEIKLEJOHN:

14 Q Have you had an opportunity to review Petitioner's Exhibit
15 35?

16 A Yes.

17 Q Do you recognize this as information regarding the
18 application process for TAs in the computer science school and
19 the Engineering School?

20 A From the page, this seems to be a webpage on the website
21 of the computer science department related to TA employment
22 process.

23 MR. MEIKLEJOHN: I'll also note that this was a document
24 that was produced in response to subpoena this morning -- or
25 last night, and I move the admission of Petitioner's 35.

1 MR. PLUM: No objection.

2 HEARING OFFICER EVEILLARD: It's admitted.

3 (Petitioner's P-35 received.)

4 MR. MEIKLEJOHN: And I would also like this document
5 marked and, I guess, received into evidence as Petitioner's 36.

6 (Petitioner's P-36 marked.)

7 HEARING OFFICER EVEILLARD: Let us know when you're ready.

8 (Witness examined the document.)

9 THE WITNESS: I am ready.

10 BY MR. MEIKLEJOHN:

11 Q You're ready?

12 A Yes.

13 Q Have you had an opportunity to review Petitioner's 36?

14 A Yes.

15 Q And is that a page from the computer science webpage?

16 A Yeah.

17 MR. MEIKLEJOHN: And noting -- well, I move the admission
18 of Petitioner's 36.

19 MR. PLUM: No objection.

20 HEARING OFFICER EVEILLARD: It's admitted.

21 (Petitioner's P-36 received.)

22 BY INVESTIGATOR ARONOFF:

23 Q And I would draw your attention to the second -- well,
24 actually, beginning at the bottom of the first page it says,
25 "TA duties vary depending on the course level and the

1 instructor duties consist of one or more of the following
2 tasks." Then there are a series of tasks listed at the top of
3 Page 2. Do you see that?

4 A Yes.

5 Q Are those duties that are typical of TAs throughout the
6 Engineering School?

7 A Yes.

8 Q Thank you.

9 And if you could continue down to the paragraph marked
10 "How are TAs assigned?"

11 HEARING OFFICER EVEILLARD: Yes?

12 BY INVESTIGATOR ARONOFF:

13 Q Do you see that?

14 A Yes.

15 Q It says, "The TAs are assigned based on preferences of the
16 instructor."

17 A Yes.

18 Q Is that true throughout the Engineering School?

19 A It is true that TAs are assigned based on the preference
20 of the instructors and the students.

21 Q And the student's preferences are also taken into
22 consideration?

23 A Yes. Yes.

24 Q Okay. And in selecting the TAs, do the faculty members
25 typically consider which students are well qualified to assist

1 in teaching the class?

2 A That is correct.

3 Q This may be more than we need, but if you move on to the
4 third page, there's a description of an application process
5 that requires opening a MICE account, M-I-C-E. Can you
6 explain, if you know, what a MICE account is?

7 A Computer science, because it's -- they're in the field of
8 IT. They have a good IT system to manage a whole host of
9 aspects of student related files, including advising. So
10 students in the computer science department have MICE accounts.
11 "MICE" is the name of the homegrown IT system that was built by
12 the Department of Computer Science. And that's --

13 Q It's --

14 A -- and that's the system they use to select advising slots
15 with faculty to do a number of things. And it seems from this
16 page that they use it to apply to TA course and state their
17 preferences of which courses.

18 Q So it's a system that is unique to the computer science
19 department?

20 A It is unique to the computer science department.

21 Q Okay.

22 A Although they allow some faculty in electrical engineering
23 who are affiliated with the computer science department to also
24 use it. But that's the only exception.

25 Q Who else is allowed to use it? Electrical?

1 A Some faculty in electrical engineering who have an
2 affiliation with the Department of Computer Science.

3 Q They -- they're computer skills are good enough that the
4 department trusts them?

5 A They have a joint program, which is called computer
6 engineering, and that is run between computer science and
7 electrical engineering.

8 Q Okay, I understand.

9 HEARING OFFICER EVEILLARD: Can I have this marked as
10 Petitioner's 37, please?

11 (Petitioner's P-37 marked.)

12 BY MR. MEIKLEJOHN:

13 Q And I would ask --

14 MR. MEIKLEJOHN: Is it okay for me to talk while he's
15 marking the exhibits?

16 HEARING OFFICER EVEILLARD: Well, he's looking at it. The
17 Witness is reviewing the Petitioner's 37.

18 MR. MEIKLEJOHN: Yeah, and while you're reviewing the
19 exhibit, I would ask you to pay particular attention to the
20 portion -- to the box that's labeled "Important message."

21 HEARING OFFICER EVEILLARD: To "Teaching Assistants"?

22 MR. MEIKLEJOHN: Yes.

23 THE WITNESS: Yeah.

24 MR. MEIKLEJOHN: Three exclamation points.

25 (Witness examined the document.)

1 HEARING OFFICER EVEILLARD: Okay.

2 MR. MEIKLEJOHN: I'm sorry, I was looking at this.

3 BY MR. MEIKLEJOHN:

4 Q Have you looked at -- had a chance to review Petitioner's
5 Exhibit 37?

6 A Yes.

7 Q And does this also appear to be a page from the computer
8 science webpage?

9 A That is correct.

10 Q Regarding teaching assistants?

11 A Yes.

12 MR. MEIKLEJOHN: I move Petitioner's 37.

13 MR. PLUM: No objection.

14 HEARING OFFICER EVEILLARD: It's admitted.

15 (Petitioner's P-37 received.)

16 BY MR. MEIKLEJOHN:

17 Q Now, the information in the -- particularly in the first
18 paragraph under "Important message to teaching assistants,"
19 does that information apply to all teaching assistants in the
20 Engineering School? Other than the part about entering the
21 data in MICE.

22 A And the specific person.

23 Q Cyndi Walters is the -- is the contact person for the
24 computer science department?

25 A Correct.

1 Q Okay. So there would be a different person in each of the
2 other departments?

3 A Likely.

4 Q Okay. And you mentioned that -- with respect to
5 Employer's Exhibit 87, that's the admission letter from the
6 Department of Electrical Engineering.

7 A Yes.

8 Q As you pointed out, the underlying sentence indicates that
9 the offer was being made by Professor Ken Shepard, that it is
10 unusual for -- in some departments anyway, for a particular
11 faculty member to sponsor an offer to a particular Ph.D.
12 candidate?

13 A Provided the Ph.D. candidate has expressed interest in
14 working with that -- the said professor, yes.

15 Q But you're not going to drag somebody into the school
16 against their will?

17 A Correct.

18 Q Okay. What factors do the, if you know, do you the
19 faculty members, such as Professor Shepard, look to in
20 selecting students that they want to work with?

21 A Maybe let me just say that the admission to the doctoral
22 program is not done by individual faculty, it is done by
23 graduate committees of the department. Provided that the
24 student is admitted to the doctoral program, the selection by
25 the individual faculty is based on the academic training of the

1 student, as well as the stated research interest of the
2 students.

3 Q So the faculty member is looking for someone who has the
4 academic training and the interest that would enable that
5 student to help or work with successfully with the professor in
6 that professor's research?

7 A That is correct.

8 Q And to further the research objectives of that faculty
9 member?

10 A Yes.

11 Q And also hopefully the student would be able to generate
12 some original research of his or her own?

13 A That is correct.

14 Q And that goes towards fulfilling the other mission of the
15 University, which is to produce original research?

16 A That is correct. Although, I would say that this is a
17 dual-mission. We don't think of them necessarily separately.

18 Q At least in the -- you're saying that the student would
19 both learn and produce original research at the same time?

20 A Yes.

21 Q Okay. Is that a process that continues after a student
22 obtains their Ph.D.? That is when someone becomes a post-
23 doctoral fellow or is fortunate enough to get a tenure track
24 position, they continue to both conduct addition -- original
25 research and learn as their career progresses?

1 A Hopefully, yes.

2 Q Okay. You would hope that the members of your faculty are
3 continuing to learn themselves?

4 A Yes. Absolutely.

5 Q Now, with respect to the research grants, if a graduate
6 student is appointed as a research assistant to work on a
7 funded grant, then government funds are used to pay, at least
8 in part, the stipend for that research assistant; correct?

9 A Yes.

10 Q And it is a condition of the grant that the student's work
11 as a research assistant actually further the goals of the
12 grant; correct?

13 A Can you rephrase the question?

14 Q I'm -- yes. When a grant is awarded by one of these
15 government agencies, one of the conditions of awarding the
16 grant is that whatever work their paying for must further the
17 grant proposal; correct?

18 A I'm not sure what you mean by "the work they're paying
19 for."

20 Q Well, the grant -- when a grant is awarded, the funds go
21 to Columbia University; correct?

22 A That is correct.

23 Q But Columbia University has an obligation to use those
24 funds to see that those funds are used for the purpose
25 described in the grant; is that correct?

1 A That is correct.

2 Q And each grant would have someone who's referred to as a
3 "PI" or principle investigator; correct?

4 A Yes.

5 Q Normally, that would be a faculty member or more than one
6 faculty member?

7 A Yes.

8 Q And it's the faculty member's job to ensure that the
9 people whose salaries are funded by the grant are actually
10 working to fulfill the stated purpose of the grant?

11 A Correct.

12 Q And that would include the work done by the graduate
13 research assistants?

14 A Correct.

15 Q Now, these -- the grants that the University receives from
16 these government agencies, also include funding for -- they
17 receiving funding for the indirect costs of the University?

18 A Yes.

19 Q What is the term? I'm drawing a blank on it.

20 A ICR.

21 Q ICR?

22 A ICR, yes.

23 Q Do you know what that stands for?

24 A Indirect cost recovery.

25 Q Okay. And there's a -- since it's the government, there's

1 a formula for calculating ICR; correct?

2 A Yes.

3 Q And do you know what percentage Columbia University's --
4 do you know what Columbia's ICR factor is?

5 MR. PLUM: I'm going to object to that. I don't know what
6 the relevance of it is. And it's -- the University treats this
7 as confidential information.

8 MR. MEIKLEJOHN: The amount of the -- the percentage?

9 MR. PLUM: Yes.

10 MR. MEIKLEJOHN: All right. I won't ask what the
11 percentage is.

12 BY MR. MEIKLEJOHN:

13 Q But there's a certain cost -- I mean, I don't think --
14 certain costs -- the ICR is calculated based upon a percentage
15 factor multiplied by certain of the direct costs; correct?

16 A Correct.

17 Q And the direct costs that go into the formula would
18 include the salaries of people working on the grant; correct?

19 A Correct.

20 Q So that just picking a number that's easy to work with, if
21 the ICR factor is 50 percent, .5, and you have \$10,000 in
22 salaries that are eligible for reimbursement under this grant,
23 then you would get \$5,000 in indirect cost recovery; correct?

24 A Hypothetically, yes.

25 Q Yeah. I'm -- this is -- right. We've got an objection to

1 knowing what the actual number is, I'm using hypothetical
2 numbers.

3 A Yeah.

4 Q And so that -- if there was \$10,000 being paid for a
5 stipend to graduate assistants -- research assistants working
6 on this project, then the University would \$5,000 under this
7 hypothetical formula towards ICRs?

8 A Yes.

9 Q And the University can use those funds for any purpose
10 that it chooses related to the overhead of the University;
11 correct?

12 A My understanding is it goes to the research mission, so
13 it's equipment, labs, startup salaries for faculty, those kind
14 of costs.

15 Q This is the way the University allocates the funds?

16 A This is my understanding of how the School of Engineering
17 and Applied Science does it.

18 Q How the?

19 A School of Engineering and Applied Science.

20 Q Okay.

21 A Can I add something?

22 Q I always like to say "no" and be mean to the witnesses,
23 but go ahead. You can.

24 A Yeah, so I would just probably say that doing research in
25 engineering and applied science is extremely costly, and those

1 indirect costs are not covering the costs of research. Doing
2 cutting edge interdisciplinary research has an inflation cost
3 that far exceeds inflation, and so hiring faculty and
4 purchasing the latest equipment to perform the research is very
5 expensive, particularly when you're talking about cross-
6 disciplinary research. And so I think thinking of research as
7 a potential revenue generator is -- doesn't make any sense. It
8 is a cost center --

9 Q Well, the University --

10 A -- for the University, however you count it. If you add
11 direct -- indirect costs recovery, add whatever you want, it's
12 still a cost center.

13 HEARING OFFICER EVEILLARD: It's a cost what?

14 THE WITNESS: A cost center.

15 BY MR. MEIKLEJOHN:

16 Q Well, Columbia is a non-profit institution; correct?

17 A That is correct.

18 Q So its reason for being, in addition to teaching, is
19 conduct research; correct?

20 A That is correct.

21 Q And so the -- the Engineering School has to receive funds
22 from a variety of sources in order to pay for the research
23 grant?

24 A That is correct.

25 Q And what other sources does it look to, besides these

1 grants, in order to fund the research?

2 A Tuition, alumni giving, and investment returns from the
3 endowment. As well as patents and licenses.

4 Q Okay. That's -- but research grants from the government
5 and from private industry are one of the sources that the
6 University relies upon to fund its research; correct?

7 A Absolutely.

8 Q Okay.

9 A My only point is that if you take those --

10 Q It's not enough?

11 A -- and you do a net of the cost, it's a negative number.

12 Q You mentioned patents. Are people performing research at
13 Columbia required to sign a form assigning the results of their
14 research to the University? Or any patents -- I'm sorry, any
15 patents resulting -- any intellectual property resulting from
16 their research to the University?

17 A I'm not sure what the answer to your -- the way you
18 phrased the question.

19 Q Okay. Any research that is generated by the Engineering
20 School, any -- strike that.

21 Any intellectual property that results from the research
22 from the Engineering School belongs to Columbia University;
23 correct?

24 A I'm not sure if it's solely to Columbia University and
25 doesn't include the faculty and the researchers.

1 HEARING OFFICER EVEILLARD: Now let's see if he recognizes
2 this document or not. This would be -- could I have this
3 marked as Petitioner's 38?

4 (Petitioner's P-38 marked.)

5 MR. PLUM: Could you just give us a sec?

6 HEARING OFFICER EVEILLARD: Sure.

7 (Pause.)

8 THE WITNESS: I read this.

9 BY MR. MEIKLEJOHN:

10 Q You've had an opportunity to read Petitioner's 38. Do you
11 recognize this --

12 A Yes.

13 Q -- as a document that officers of the University are
14 required to sign when they receive their appointments?

15 A Yes.

16 Q And does that include research assistants?

17 A I am not sure.

18 Q You're understanding is that officers are required to sign
19 it when they are hired?

20 A I think faculty are required to sign this. And my only
21 point is regarding the last sentence.

22 Q Right. No, I understand.

23 A That it says that --

24 Q That you retain some rights.

25 A That, you know, the University will share revenues.

1 MR. MEIKLEJOHN: I'm going to move the admission of
2 Petitioner's 38.

3 MR. PLUM: Yeah, I'm going to object because we don't --
4 we don't know that there's any relevance because there's no
5 testimony or evidence that graduate students are required to
6 sign this.

7 HEARING OFFICER EVEILLARD: He only talked about faculty
8 members.

9 MR. MEIKLEJOHN: Well, so far he's testified that faculty
10 members are required to sign this. We can establish that
11 student employees are required to sign it, as well.

12 MR. PLUM: So when we do I won't object.

13 MR. MEIKLEJOHN: I think there's a -- I mean, it's
14 ultimate relevance will depend on tying it in that way. But I
15 would submit that it's been sufficiently identified that it
16 was -- it's an exhibit and --

17 MR. PLUM: It's been identified, but it's not relevant. No
18 relevance has been established. If this is not --

19 HEARING OFFICER EVEILLARD: Well, I'm going to admit it
20 subject to connection. But you know, obviously at this point
21 the weight that's going to be given, you need more testimony to
22 develop it.

23 MR. MEIKLEJOHN: Thanks.

24 HEARING OFFICER EVEILLARD: Okay, it's admitted subject to
25 connection.

1 (Petitioner's P-38 received.)

2 BY MR. MEIKLEJOHN:

3 Q Now, do you know whether it is in fact also the case that
4 research -- I'm sorry, that intellectual property of patents
5 that results from the work of research assistants would also
6 belong to Columbia University on terms similar to this?

7 A There are colleagues at the University who can -- who are
8 better positioned to answer this question.

9 Q Okay. You don't know?

10 A I don't know the answer.

11 Q Okay. Are you --

12 MR. MEIKLEJOHN: Could I have this marked as Petitioner's
13 39, please?

14 (Petitioner's P-39 marked.)

15 BY MR. MEIKLEJOHN:

16 Q You've had an opportunity to review Petitioner's 39?

17 A (No audible response.)

18 Q You have to answer.

19 A Yes.

20 Q And do you recognize -- or is this a page from the
21 chemical engineering department webpage in the School of
22 Engineering and Applied Science?

23 A Yeah, that looks like it.

24 MR. MEIKLEJOHN: I move Petitioner's 39.

25 MR. PLUM: No objection.

1 HEARING OFFICER EVEILLARD: It's admitted.

2 (Petitioner's P-39 received.)

3 BY MR. MEIKLEJOHN:

4 Q Now, it indicates on -- there's a description of the
5 grader function on the bottom of the page or the last thing on
6 the page?

7 A Yeah.

8 Q And I don't think you were asked this, graders throughout
9 the Engineering School, are they also paid by a stipend?

10 A Yes.

11 Q And does that description of grader worker apply generally
12 throughout the Engineering School?

13 A As I mentioned earlier, graders are typically grading
14 homework assignments. I think I mentioned that they spend
15 roughly 8 to 15 hours a week doing that.

16 Q Yeah. The number of hours varies depending on the
17 department?

18 A Yeah.

19 Q Ten fits in there?

20 A Yes.

21 Q Oh, I'm sorry, yes. In the electrical engineering
22 department, is there a position known as "laboratory
23 assistant"?

24 A Yes.

25 Q Can you describe what laboratory assistants do? Well,

1 strike.

2 Are laboratory assistants generally student appointees?

3 A I am not sure about the answer.

4 Q Do you know whether lab assistants have the job of helping
5 undergraduates during laboratory session of classes and grading
6 their lab work?

7 A I know there are students who help in the lab with what
8 you just said. It probably is lab assistant. I'm not sure
9 that that's the formal name that electrical engineering uses
10 for that position.

11 Q Do you know how they're categorized for payroll purposes?

12 A My assumption is it's casual.

13 Q And you made some reference earlier to the casual payroll.
14 What is the significance of someone being placed on the casual
15 payroll? Does that mean they don't have a officer appointment?

16 A The way I understand it is they are typically paid based
17 on an hourly rate, and a certain number of hours that they are
18 performing the work for the position.

19 Q I believe you indicated that, for example, course
20 assistants are paid a stipend, right?

21 A That is a calculation of an hourly rate times a number of
22 hours a week times a number of weeks a semester that they are
23 supposed to be working given the course and the number of
24 students in the course and how many other course assistants are
25 in the course.

1 Q So it's not --

2 A So there is a calculation that goes back to an hourly rate
3 times the number of hours.

4 Q But it's times the number of hours that are expected to
5 work or that's anticipated that they will work?

6 A Depending on the department. Some departments ask the
7 graders and the course assistants to fill time sheets, and for
8 other departments they just count what the expected number of
9 hours is, and they just pay the students that way.

10 Q Okay. So some employee -- some students on the casual
11 payroll are paid in a consistent semi-monthly stipend, and some
12 are paid in -- are actually paid hourly; is that right?

13 A I would have to check but I think, yes, there are -- there
14 is some variation how they are paid, yes. But it also goes
15 back to an hourly rate and a certain number of hours.

16 Now, I'm not sure it's a bi-weekly payment, it could be a
17 different frequency.

18 Q Okay. But if they're put on a stipend, then they're paid
19 the same frequency as other employees in the University or you
20 don't know?

21 A I don't think it's bi-weekly.

22 Q Okay. Do -- do the laboratory assistants provide
23 instructional services to the students taking the lab classes?

24 A No. To the best of my understanding, no.

25 Q What do they do?

1 A They assist -- my understanding, if we're talking about
2 the same thing, they assist students with conducting
3 experiments that are assigned to them potentially in their
4 courses. So you know, if it's chemical engineering, it's doing
5 chemical experiments. If it's electrical engineering, it's
6 using some equipment. And so they are assisting students in
7 these teaching labs to perform the work that is assigned to
8 them as part of a homework exercise, for example.

9 Q Or would it also be in a lab section of a class?

10 A Potentially, yes.

11 Q And they are supposed to help the undergraduate students
12 taking the class to do the experiments and learn how to conduct
13 the experiments?

14 A Yes.

15 Q And is this similar to the work of a TA assisting in a
16 recitation section?

17 A I don't think so because it's not really conceptual
18 learning, it's actually performing the experiment. But in my
19 department, we don't have such labs, that's why I'm not as
20 certain here as with other topics.

21 Q Do the lab -- okay. But it is a requirement in some
22 departments, including chemical and electrical engineering,
23 that students learn to conduct experiments?

24 A That is correct.

25 Q Okay. So this is part of the learning that is required of

1 the students in those -- undergraduate students in those
2 programs?

3 A That is correct.

4 Q Okay.

5 MR. MEIKLEJOHN: Can I have this marked as Petitioner's
6 Exhibit 40, please?

7 (Petitioner's P-40 marked.)

8 BY MR. MEIKLEJOHN:

9 Q Have you had a chance to go through the Petitioner's 40?

10 A Yes.

11 Q Are these excerpts of the webpage of the School of
12 Engineering and Applied Sciences?

13 A The Department of Industrial Engineering and Operations
14 Research.

15 Q I'm sorry, yes. That's your department?

16 A That is correct.

17 MR. MEIKLEJOHN: I move Petitioner's 40.

18 MR. PLUM: No objection.

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

20 (Petitioner's P-40 received.)

21 MR. MEIKLEJOHN: I would like this marked as Petitioner's
22 41.

23 (Petitioner's P-41 marked.)

24 BY MR. MEIKLEJOHN:

25 Q Do you recognize this as a description of the -- I'm

1 sorry; have you had a chance to review Petitioner's 41?

2 A Yes.

3 Q Is this a -- another excerpt from the -- your department's
4 webpage describing course assistantships?

5 A Correct.

6 MR. MEIKLEJOHN: I move Petitioner's 41.

7 MR. PLUM: No objection.

8 HEARING OFFICER EVEILLARD: It's admitted.

9 (Petitioner's P-41 received.)

10 MR. MEIKLEJOHN: Okay, I think this is the last document.

11 HEARING OFFICER EVEILLARD: Petitioner's 42?

12 MR. MEIKLEJOHN: Yes. I'm sorry. I note for the record
13 that Petitioner's Exhibit 42 is a two-sided document.

14 (Petitioner's P-42 marked.)

15 BY MR. MEIKLEJOHN:

16 Q Have you had a chance to review Petitioner's Exhibit 42?

17 A Yes.

18 Q And do you know whether this is a form that course
19 assistants -- or that individuals applying for course
20 assistantships are expected to fill out when applying for such
21 positions?

22 A It's an online form, yes.

23 MR. MEIKLEJOHN: I move Petitioner's 42.

24 MR. PLUM: No objection.

25 HEARING OFFICER EVEILLARD: It's admitted.

1 (Petitioner's P-42 received.)

2 BY MR. MEIKLEJOHN:

3 Q And if you look back at Petitioner's 41.

4 A Yes.

5 Q There's number one, about halfway down the page?

6 A Yeah.

7 Q Okay. I'm sorry, it's about a quarter of the way down the
8 page, there's a paragraph that begins, "If you would like to
9 apply for a course assistantship position, please apply here."

10 A Yes.

11 Q And is this -- and then there's -- the link; is this the
12 link?

13 A Yeah.

14 Q Okay.

15 MR. MEIKLEJOHN: I think that's all I have. Can I have
16 just a moment?

17 HEARING OFFICER EVEILLARD: Sure.

18 (Pause.)

19 MR. MEIKLEJOHN: No further questions.

20 HEARING OFFICER EVEILLARD: Mr. Plum?

21 MR. PLUM: We're just going to take a brief break.

22 HEARING OFFICER EVEILLARD: Off the break. I mean, off
23 the record.

24 (Whereupon, a brief recess was taken.)

25 HEARING OFFICER EVEILLARD: Back on the record.

1 MR. PLUM: We have no further questions.

2 HEARING OFFICER EVEILLARD: Well, Doctor, you are excused.

3 Thank you so much.

4 THE WITNESS: Thank you.

5 HEARING OFFICER EVEILLARD: You can leave those documents

6 there.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 HEARING OFFICER EVEILLARD: Okay, we'll take a lunch

10 recess. We'll be back at 1:00. Okay, thank you. Off the

11 record.

12 (Whereupon, at 12:08 p.m., a luncheon recess was taken.)

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

(Time Noted: 1:28 p.m.)

HEARING OFFICER EVEILLARD: Back on the record.

Mr. Brill, are you going to call your next witness?

MR. BRILL: Yes, Columbia calls Mr. Patrick Bohan.

HEARING OFFICER EVEILLARD: Mr. Bohan.

MR. BOHAN: Not the best chair I've ever been in.

HEARING OFFICER EVEILLARD: Sorry.

MR. MEIKLEJOHN: It's better than the benches.

MR. BOHAN: 50/50.

HEARING OFFICER EVEILLARD: Please raise your right hand.

(Whereupon,

PATRICK BOHAN,

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

THE WITNESS: I do.

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

THE WITNESS: Patrick Bohan, B-O-H-A-N.

HEARING OFFICER EVEILLARD: Okay.

DIRECT EXAMINATION

BY MR. BRILL:

Q Good afternoon, Mr. Bohan. Are you currently employed by Columbia?

A I am, yes.

1 Q In what position?

2 A I'm the Associate Dean for Finance and Administration at
3 the School of International Public Affairs at Columbia
4 University.

5 Q Thank you.

6 And how long have you held that position?

7 A I've been in this position since 1990, so 15 years.

8 Q And have you had other positions with Columbia?

9 A I've been at Columbia since 1989.

10 Q And what is the School of International Public Affairs?

11 A The School of International Public Affairs is a
12 professional school at Columbia University. It offers two
13 degrees; the Master of International Affairs and the Master of
14 Public Administration. The school was founded in 1946. It has
15 approximately 70 full-time faculty, 1100 students, and
16 approximately 95 staff.

17 Q And well you saved me my next few questions.

18 A I'm sorry.

19 Q And what is your -- what are your responsibilities?

20 A My specific responsibilities are HR and finance, including
21 financial aid administration.

22 Q And where does the school fit in within the academic and
23 administrative structure of the University?

24 A We're a school on the Morningside Heights campus. We are,
25 until some five years ago, we were a member school of the

1 University Arts and Sciences Construct, however in the last --
2 since 2009, we've been a fully independent professional school.

3 Q And you report to whom?

4 A I report to the Dean of SIPA. The dean of SIPA reports to
5 the Provost of the University.

6 Q You mentioned, I think, two Master's programs?

7 A Yes.

8 Q Is there also a Ph.D. program in the school?

9 A The school is a department for Sustainable Development
10 Ph.D. program. However, the students are enrolled in the
11 Graduate School of Arts and Sciences.

12 Q And can you describe the, just in general, how long are
13 the Master's programs?

14 A The standard program is a two-year program, four
15 semesters. However, we do have some accelerated versions where
16 students can graduate in three semesters; a summer, fall and
17 spring term. We also have an executive program, which is
18 nights and weekends, students can graduate in two years or
19 three years.

20 Q Now, with respect to the Ph.D. program that you mentioned,
21 does that -- how does that program fall within the -- let me
22 ask it differently.

23 Are the rules and regulations of GSAS with respect to the
24 arts and sciences Ph.D. programs applicable to the students in
25 the Ph.D. program in SIPA?

1 A Yes. The students receive exactly the same compensation,
2 scholarship support, opportunities as far as classes, as
3 students in the other GSAS programs.

4 Q And how many students are admitted into that program each
5 year?

6 A It's a 5 percent cohort.

7 Q Now, I'm going to focus on the Master's programs. What is
8 the typically profiles of students who apply to the various
9 Master's programs?

10 A Our average student is 27 years old when they enroll.
11 They have had two or three years of work experience.
12 Approximately half are international students at this time. We
13 do recruit students -- we have students currently enrolled from
14 about 95 countries around the world at this time. The school
15 is about 60 percent female. I don't know if that's complete
16 enough.

17 Q And what -- what types of careers are students pursuing
18 after they receive the different Master's degrees?

19 A Sure. Our students pursue a number of different careers
20 in all sectors. The private sector probably is the largest,
21 about 40 percent. Public sector is about a third. And the
22 remainder go into non-profits, NGOs, other types of
23 international organizations.

24 Q What is the tuition currently for the Master's students?

25 A \$48,954.

1 Q Approximately?

2 A Approximately. That's the current tuition.

3 Q That's for?

4 A One year.

5 Q One year, two -- for two semesters?

6 A Two semesters, yes.

7 Q And what financial aid is available to the SIPA students?

8 A The school --

9 Q And I'm talking about the Master's students.

10 A Sure. The school offers a variety of programs.

11 Scholarship support, which is generally merit based. We also

12 offer assistantships to second year students, which are a

13 variety of types of positions.

14 MR. BRILL: Is 89 the next exhibit?

15 HEARING OFFICER EVEILLARD: Yeah.

16 MR. BRILL: I would like to mark as Exhibit 89 a document

17 entitled "SIPA and Columbia University Funding."

18 (Employer's E-89 marked.)

19 BY MR. BRILL:

20 Q Can you identify Exhibit 89?

21 A Yes, I can. This is the -- what we publish on our website

22 as information for students.

23 Q This describes the funding for the SIPA Master's students?

24 A Yes. It describes scholarships and assistantships.

25 MR. BRILL: I offer Exhibit 89.

1 HEARING OFFICER EVEILLARD: No objection?

2 MR. MEIKLEJOHN: No objection.

3 HEARING OFFICER EVEILLARD: It's admitted.

4 (Employer's E-89 received.)

5 BY MR. BRILL:

6 Q Now, you talked about assistantships. Can you tell us
7 what types of assistantships are available to the Master's
8 students?

9 A Sure. We have structural assistantships, which could
10 consist of a teaching assistant or a program research
11 assistant, basically to support faculty in teaching or research
12 in different ways. We also have program assistantships, which
13 are administrative functions that we also hire students to
14 support us in some of our key administrative affairs.

15 MR. BRILL: I'm going to mark as Exhibit 90 a document
16 entitled "Guide to SIPA Assistantships Academic Year 2015-
17 2016."

18 (Employer's E-90 marked.)

19 BY MR. BRILL:

20 Q Mr. Bohan, just take a minute to look at this document and
21 tell us if you can identify it?

22 (Witness examined the document.)

23 THE WITNESS: Yes, this is our guide to SIPA
24 assistantships, which we give to students so that they know
25 what opportunities they have.

1 BY MR. BRILL:

2 Q And this is in effect for the academic year 2015-2016?

3 A Yes.

4 Q Is there any substantive difference in this document,
5 compared to the one that was in effect for the current 2014-
6 2015 academic year?

7 A No.

8 MR. BRILL: I offer Exhibit 90.

9 MR. MEIKLEJOHN: No objection.

10 HEARING OFFICER EVEILLARD: It's admitted.

11 (Employer's E-90 received.)

12 BY MR. BRILL:

13 Q Now, could you just take us through the different
14 categories that are described here, and for each one indicate
15 who -- what students would be eligible for each of appointment
16 and in general what the -- what the position would entail?

17 A Sure. First, there's an expectation of solid academic
18 performance, so in order to be eligible for assistantships,
19 students have to have completed their first year with a 3.4
20 GPA. And then students are given the opportunity to apply for
21 some of the opportunities represented there. The teaching
22 assistantships, TAs. The departmental research assistants,
23 which can use -- serve for a particular course or in one of our
24 concentrations or specializations. The third opportunity
25 described is that of a reader, which is an additional type of

1 support, and at a fairly modest level. And the fourth
2 describes our program assistantships, which are, as I said, are
3 the administrative functions that we support.

4 Q And each one of these positions carries the compensation
5 that's indicated on Pages 3 and 4?

6 A Yes. Each contains both a salary, which is paid either on
7 a bi-monthly or a bi-weekly basis, and a tuition credit. And
8 these are each described, the package for the semester.

9 Q And just to be -- so the record is clear, then on Pages 4
10 and 5, this is a list of courses that require or expected to
11 require TAs and the courses where there's an expectation for a
12 departmental research assistant; is that correct?

13 A Yes.

14 Q And then you mentioned concentrations. There's a list of
15 DRA assistants for concentrations, specializations, institutes,
16 and programs at the bottom of 5 and the top of 6.

17 A Yes. So a concentration is like a major at SIPA. A
18 specialization is like a minor. And then the listing is of
19 some of our research centers that have support -- have student
20 support.

21 Q And then on Pages 8 and 9 there's a description of the
22 administrative positions for the program assistants?

23 A Yes.

24 Q I guess and 10 -- 10 and 11, as well.

25 A Yes.

1 Q Can you describe what the application process is?

2 A Sure. For assistantships?

3 Q Yeah.

4 A At the beginning of the spring term this year we began
5 with a session with which the opportunities were presented to
6 the students, and they were advised as to what the eligibility
7 was in terms of GPA and other opportunities. They were then
8 given the opportunity to apply for positions, and we rank
9 ordered their preferences. We then submitted those
10 preference -- reviewed those lists, submitted those to the
11 appropriate faculty or administrative office for review. And
12 we're currently in the middle of the selection process.

13 Q And who makes the selection?

14 A In the case of instructional appointment, it's the faculty
15 member who is supervising the work. In the case of an
16 administrative appointment, it is the administrative office or
17 unit that's supervising the work.

18 MR. BRILL: I would like to mark as Exhibit 91 a, looks
19 like a PowerPoint printout titled "Information Session on
20 Funding Opportunities for SIPA Students, January 30, 2015."

21 (Employer's E-91 marked.)

22 BY MR. BRILL:

23 Q Can you identify Exhibit 91?

24 A I can. This is the PowerPoint that was prepared to
25 present to the students. Our January 30th presentation.

1 MR. BRILL: I offer it into evidence.

2 MR. MEIKLEJOHN: Just one quick clarification.

3 VOIR DIRE EXAMINATION

4 BY MR. MEIKLEJOHN:

5 Q You said you were prepared to present or you did present?

6 A I don't know if I understand the question.

7 Q Well, it's probably because you can't hear me. Did you
8 make this presentation?

9 A I did not. The members of the school staff did. I did
10 not.

11 Q Okay. I'm sorry; you prepared this, is that --

12 A No, it was prepared by my staff.

13 Q Okay.

14 MR. MEIKLEJOHN: I have no objection.

15 HEARING OFFICER EVEILLARD: It's admitted.

16 (Employer's E-91 received.)

17 CONTINUED DIRECT EXAMINATION

18 BY MR. BRILL:

19 Q And you mentioned an application; is there an application
20 form that the students actually fill out?

21 A Yes, there is.

22 Q Is that an online form?

23 A Yes.

24 MR. BRILL: I would like this Exhibit 92, a copy of the
25 online application form for SIPA.

1 (Employer's E-92 marked.)

2 BY MR. BRILL:

3 Q Can you identify the form?

4 A This is our application for assistantships.

5 MR. BRILL: I offer it into evidence.

6 MR. MEIKLEJOHN: No objection.

7 HEARING OFFICER EVEILLARD: It's admitted.

8 (Employer's E-92 received.)

9 BY MR. BRILL:

10 Q Once a selection is made of the students for the various
11 positions, how are they notified?

12 A They're notified by e-mail, and they receive an award
13 letter, and a contract.

14 Q Okay.

15 MR. BRILL: I would like to mark this 93.

16 HEARING OFFICER EVEILLARD: 93.

17 MR. BRILL: 93 to 96; copies of award letters for students
18 for teaching assistant position, departmental research
19 assistantship position, program assistantship position, and
20 readership position, respectively.

21 (Employer's E-93 to E-96 marked.)

22 MR. BRILL: 93 is the teaching assistantship. 94 is the
23 departmental research assistantship. 95 is the program
24 assistantship. And 96 is a reader -- readership.

25 (Witness examined the document.)

1 BY MR. BRILL:

2 Q Have you had a chance to review these documents?

3 A I have.

4 Q And can you identify them?

5 A These are award letters and contracts for our respective
6 positions.

7 MR. BRILL: I offer them in evidence.

8 HEARING OFFICER EVEILLARD: Any objections?

9 MR. MEIKLEJOHN: Just one quick question.

10 VOIR DIRE EXAMINATION

11 BY MR. MEIKLEJOHN:

12 Q If you could take Exhibit 93, for example, turn to the
13 second page. The second page is the contract that's referred
14 to on the first page?

15 A Yes.

16 Q And then at the bottom it says, "Click here to accept or
17 decline."

18 A Yes.

19 Q And if this was online you would click on -- your mouse on
20 that spot, your cursor, and it would lead you to some place
21 where you could do some kind of electronic signature?

22 A I don't know the specifics of that. I know that the next
23 step from here, once you accept this, is to begin the hire
24 process.

25 Q Okay.

1 A So I don't know if there's a specific signature
2 authorization or if they accept to click.

3 MR. MEIKLEJOHN: Okay, no objection.

4 HEARING OFFICER EVEILLARD: Okay, they're all admitted.

5 (Employer's E-93 to E-96 received.)

6 CONTINUED DIRECT EXAMINATION

7 BY MR. BRILL:

8 Q Now, how long does each of these appointments go for?

9 A One semester. Although, in some cases they are --
10 they're -- can be renewed for a second semester.

11 Q It's possible for a student to serve a second semester?

12 A Some specific courses prefer to have one TA, for example,
13 for the entire semester or one DRA for the entire academic
14 year. And in those cases, we generally try to hire the same
15 person both terms.

16 Q Okay. Now, each of these exhibits has a description of
17 what the responsibilities are. For example, 93, with respect
18 to teaching assistant, on the second page, the so-called
19 teaching assistantship contract indicates, I don't know, eight
20 or nine bullet points with specific responsibilities. Are
21 those -- is that an indication of what the responsibilities of
22 the teaching assistant would be for that term?

23 A Yes.

24 Q And similarly for each of the other positions, the
25 departmental research assistant and the program assistant and

1 the reader?

2 A Yes.

3 Q Now, the program assistantship is the only one, I think,
4 that requires the students to submit a time sheet; is that
5 correct?

6 A Yes. The instructional appointments are student officers.
7 The program assistantships are either student casual
8 appointments or college work-study appointments.

9 Q And do the -- do those -- the documents that we just
10 marked, Exhibits 93 through 96, they also provide an
11 expectation of the number of hours for each of the positions.
12 Would those also be an accurate representation of how many
13 hours students are expected to put in on a weekly basis or its
14 term basis?

15 A Yes.

16 Q Now, you testified that students could be in any of these
17 positions for either one or two semesters.

18 A Yes.

19 Q Is that correct, because these are second year students?

20 A Yes.

21 Q And it's a two-year program?

22 A Yes.

23 Q Did you or your office -- did you have your office conduct
24 a study of how many semesters these students were at each of
25 these appointments over the last two years?

1 A Yes, I did.

2 MR. BRILL: Mark this as Exhibit 97.

3 (Employer's E-97 marked.)

4 BY MR. BRILL:

5 Q I've marked as Exhibit 97 a document with a heading in the
6 upper left "SIPA Student Appointments, April 30, 2015." Is
7 this the study that you --

8 A Yes, it is.

9 Q -- had done?

10 And before we offer it into evidence, could you just
11 describe what the study shows?

12 A Certainly. Left hand columns represent the instructional
13 appointments in three categories; teaching assistants,
14 departmental research assistants, and readers. And the right
15 hand columns describe our administrative or represent our
16 administrative program assistants. And academic year '13-'14,
17 last year, and academic year '14-'15, which is this year. It
18 looks at the number of positions that were one term and those
19 that were two terms, and does that for two years. And then
20 has -- some two-year totals.

21 Q So, for example, going to the very bottom, so the two year
22 total for all of the instructional positions, 65 percent of
23 them were one term only and 35 percent were two terms?

24 A Yes, correct.

25 Q And then under the administrative positions, 27 percent

1 were one term and 73 percent were two terms?

2 A Yes.

3 MR. BRILL: I offer Exhibit 97.

4 MR. MEIKLEJOHN: Could I have just -- Voir Dire to try to
5 clarify this? One or two things about this.

6 VOIR DIRE EXAMINATION

7 BY MR. MEIKLEJOHN:

8 Q If a -- if an individual received an appointment as a
9 teaching assistant in one class in a given semester, and then a
10 different class in a second semester, how would that person be
11 reflected on this chart?

12 A In two different classes?

13 Q Right.

14 A They would be reflected as two different positions.

15 Q So they would be -- they would show up as a one semester?

16 A Right.

17 Q So this only refers to the length of the initial
18 appointment?

19 A No, the two-term appointments -- I mentioned earlier that
20 there were a number of positions where the -- either the -- in
21 most cases it's an administrative position. Where, for
22 example, in our office of admissions, the preference is really
23 for a student who will be there for the entire academic year,
24 not just for one term and then switching out with somebody
25 else. So there are a number of positions where we really look

1 for that.

2 Where we do see some multiple appointments, is sometimes a
3 person will be a teaching assistant one semester, and then a
4 program assistant a different semester, so it's a different
5 position and that there's a different amount of hours.

6 Q Or it could be a teaching assistant in two different
7 classes?

8 A I would have to look. I am not familiar with that coming
9 up at all, but it's possible.

10 Q Or somebody who is a teaching assistant in one year and a
11 program assistant in a different year, that would show up as --

12 A You mean a semester?

13 Q -- a different -- yes.

14 A Yes, that was -- that's possible. But those are different
15 appointments, different times, different hours, different
16 expectations.

17 MR. MEIKLEJOHN: I mean, I would object that the document
18 is misleading in that it excludes people who get -- or it
19 treats people who have been appointed to more than one position
20 as having only been employed by -- for one semester.

21 HEARING OFFICER EVEILLARD: Noted. Overruled. It's
22 admitted.

23 (Employer's E-97 received.)

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

25 HEARING OFFICER EVEILLARD: No further questions, okay.

1 Mr. Meiklejohn?

2 MR. MEIKLEJOHN: That was it? Well, we certainly could
3 have squeezed in the student witness. Well, you made it sound
4 like it was going to be a full day.

5 MR. BRILL: That wasn't -- I don't know.

6 HEARING OFFICER EVEILLARD: Do you need a minute, to go
7 off the record for a minute or are you ready to jump in?

8 MR. MEIKLEJOHN: Off the record.

9 HEARING OFFICER EVEILLARD: Off the record.

10 (Whereupon, a brief recess was taken.)

11 HEARING OFFICER EVEILLARD: Back on the record.

12 CROSS-EXAMINATION

13 BY MR. MEIKLEJOHN:

14 Q So Mr. Bohan -- no, Bowan, right?

15 A Bohan.

16 MR. BRILL: Excuse me, do you mind if I close that door?

17 BY MR. MEIKLEJOHN:

18 Q But the University provides funding, maybe this was your
19 testimony, in the form of scholarships and fellowships to some
20 of the students at SIPA; is that right?

21 A SIPA is an independent professional school. SIPA provides
22 scholarships and assistantships to its students.

23 Q Okay. And you also provide these teaching assistants and
24 other opportunities that you've described; correct?

25 A I don't know if I understand the question.

1 Q All right. You also provide these assistantships that
2 you've testified about. That's also provided by SIPA; correct?

3 A SIPA students who meet our eligibility requirements are
4 eligible to apply to assistantships. All SIPA students.

5 Q All students are eligible to apply if they have the 3.4
6 grade point average?

7 A All SIPA students.

8 Q Right. Okay, and the difference between an assistantship
9 and a scholarship or a fellowship is that in order to
10 receive -- or a difference, in order to receive the funding
11 that students on assistantships receive, those students have to
12 perform work in order to get the money; correct?

13 A There's a service requirement for assistantships, yes.

14 Q They have to perform duties that help to carry out the
15 mission of SIPA; correct?

16 A Yes.

17 Q And that is, in terms of educating students primarily --
18 other students; correct?

19 A For teaching assistantships and course assistantships,
20 yes. For DRAships, it's often individual faculty support. So
21 they're research objectives perhaps more than teaching or
22 instructional objectives.

23 Q Okay. So the DRAs can support the research work of the
24 faculty?

25 A Faculty centers, yes.

1 Q Okay. And these assistantships are generally referred to
2 within the organization as jobs; correct?

3 MR. BRILL: Well, I object. I mean, I don't know how he
4 could answer that.

5 HEARING OFFICER EVEILLARD: Well, if he knows.

6 If you don't, you don't.

7 THE WITNESS: I call them assistantships. That's how we
8 describe them. I -- I don't know how they're described
9 elsewhere.

10 BY MR. MEIKLEJOHN:

11 Q Well, there are a number of documents that refer to -- I'm
12 sorry; the services that are performed by the students who get
13 these assistantships, those services are referred as "work" by
14 people in the organization; correct?

15 A Yes.

16 Q And the relationship between the SIPA and the student with
17 the assistantship is considered an employment relationship;
18 correct?

19 A Yes. They are student officers in the University.

20 Q And the duties that they perform, for example, the duties
21 that a teaching assistant performs include attending class
22 lectures?

23 A Yes.

24 Q These are similar to the duties performed by teaching
25 assistants elsewhere at Columbia University?

1 A I don't know.

2 Q Okay.

3 A I -- I don't have that experience outside of SIPA.

4 Q All right. But the documents that you've introduced do
5 accurately describe the duties that the individuals with these
6 assistantships are expected to perform?

7 A Yes.

8 Q Okay.

9 HEARING OFFICER EVEILLARD: And I would just like to put
10 some additional documents into the record from the SIPA
11 website. I would like this marked as Petitioner's Exhibit 43.

12 (Petitioner's P-43 marked.)

13 (Witness examined the document.)

14 BY MR. MEIKLEJOHN:

15 Q Have you had an -- no, still haven't?

16 A I'm still --

17 Q Take your time.

18 (Witness examined the document.)

19 THE WITNESS: Okay.

20 BY MR. MEIKLEJOHN:

21 Q Have you had an opportunity to review Petitioner's Exhibit
22 43?

23 A I have.

24 Q And do you recognize this as excerpts of the "Teaching at
25 SIPA Faculty Guide," which is available on the SIPA website?

1 A That is what it appears to be. I haven't looked at that
2 document in a while, so I don't know if this is entirely
3 accurate or not.

4 Q Well, let me ask you -- draw your attention to what's
5 numbered as Page 15.

6 A Okay.

7 Q Where it says, "Working with Student Officers," is it in
8 fact the case that the officer -- office of student affairs
9 assigns student teaching assistants, departmental research
10 assistants, and readers to large core courses? Is that the
11 general practice?

12 A That is the general practice.

13 Q Okay. And is it -- is the selection process done six
14 months to a year in advance through a competitive process?

15 A Yes, it is.

16 Q If you read -- if you continue down there, the -- not the
17 next sentence, but the one after it that says, "Faculty members
18 cannot appoint students to serve in these roles outside of
19 normal student affairs fellowship procedures. Faculty members
20 also cannot ask students to volunteer to serve as assistants
21 for their classes." Are those rules still in effect?

22 A Those are certainly our policies. I don't know if they
23 are rules that are in effect, but these are our operating
24 policies.

25 Q "Rules" is the wrong word, I apologize. But those

1 policies are in effect?

2 A Yes.

3 Q And why do you have a policy against asking -- against
4 faculty members asking students to volunteer to serve as an
5 assistant?

6 A Well, it's not that we don't want them to volunteer, it's
7 just that we have a process to make sure that they meet the
8 minimum eligibility requirements, which is a 3.4. And that
9 they -- that all students have the opportunity to apply for
10 every opportunity that we have.

11 Q "Volunteer" in that context doesn't mean working for free?

12 A No.

13 Q Oh, okay.

14 A No.

15 Q It means centralized control of the application process?

16 A I would speculate -- I probably shouldn't speculate.

17 HEARING OFFICER EVEILLARD: Probably no.

18 MR. MEIKLEJOHN: I would represent that this was taken
19 directly from the SIPA website and would move the admission of
20 Petitioner's 43.

21 MR. BRILL: I have no objection subject to confirming that
22 this is the current document.

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

24 (Petitioner's P-43 received.)

25 BY MR. MEIKLEJOHN:

1 Q And your responsibility includes human resources; is that
2 right?

3 A It does.

4 Q And does the -- well, strike that.

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

7 HEARING OFFICER EVEILLARD: 44.

8 MR. MEIKLEJOHN: -- 44.

9 (Petitioner's P-44 marked.)

10 (Witness examined the document.)

11 BY MR. MEIKLEJOHN:

12 Q Have you had a chance to review Petitioner's Exhibit 44?

13 A I have.

14 Q And does this document accurately describe the
15 organization of the human resource -- function of the human
16 resources at SIPA?

17 A Yes.

18 MR. MEIKLEJOHN: Move Petitioner's 44.

19 MR. BRILL: No objection.

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

21 (Petitioner's P-44 received.)

22 (Witness examined the document.)

23 BY MR. MEIKLEJOHN:

24 Q And when it refers to "salary administration" in that
25 little paragraph that's there, that includes the salary of

1 student office -- salaries of student officers; correct?

2 A Yes.

3 Q And does it include the -- the pay of other student
4 employees, as well?

5 A It includes student officers, student casual hires. It
6 does not include college work-study.

7 Q Okay. And of the assistantships that you described, are
8 any of those considered casual hires?

9 A Program assistantships.

10 Q Okay.

11 MR. MEIKLEJOHN: I would like this document marked for
12 identification as Petitioner's Exhibit 45, please.

13 (Petitioner's P-45 marked.)

14 (Witness examined the document.)

15 HEARING OFFICER EVEILLARD: Mr. Meiklejohn?

16 BY MR. MEIKLEJOHN:

17 Q Have you had a chance to review Petitioner's 45?

18 A Yes.

19 Q Do you recognize this document?

20 A I do.

21 Q What is this?

22 A This is a printout of our webpage, titled "Financing of
23 SIPA Education."

24 MR. MEIKLEJOHN: I move the admission of Petitioner's 45.

25 MR. BRILL: No objection.

1 HEARING OFFICER EVEILLARD: It's admitted.

2 (Petitioner's P-45 received.)

3 MR. MEIKLEJOHN: So I think this would be the last one.

4 HEARING OFFICER EVEILLARD: 46.

5 MR. MEIKLEJOHN: Petitioner's Exhibit 46.

6 (Petitioner's P-46 marked.)

7 (Witness examined the document.)

8 HEARING OFFICER EVEILLARD: Ready?

9 THE WITNESS: Yes.

10 HEARING OFFICER EVEILLARD: Go ahead.

11 BY MR. MEIKLEJOHN:

12 Q Have you had an opportunity to review Petitioner's Exhibit
13 46?

14 A I have.

15 Q Is this the current SIPA Student Funding Handbook?

16 A It certainly looks like it. I would have to go through
17 this line for line to make sure it's the most recent version.

18 Q Well, it's dated January of 2015. Has it been updated
19 since then?

20 A I would have to look. I don't -- I expect -- I believe it
21 is, but I can't say that I have looked at every word here and
22 compared it to what's current.

23 Q Okay.

24 HEARING OFFICER EVEILLARD: Well, I won't -- and as much
25 as I'm tempted to ask you to do that, I won't, and I'll move

1 the admission of Petitioner's Exhibit --

2 Oh, I'm sorry. We actually were provided with a copy of
3 this in response to subpoena, also.

4 HEARING OFFICER EVEILLARD: Any objection?

5 MR. BRILL: Well, why don't we use the copy --

6 MS. ROTHGEB: Because we don't have four copies of it.

7 MR. BRILL: Well, we'll give the copy that was provided in
8 response.

9 MS. ROTHGEB: It's the same document.

10 MR. MEIKLEJOHN: 'll move the admission of Petitioner's
11 46.

12 MR. BRILL: Well, subject to confirmation it's the same
13 document, I have no objection.

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

15 (Petitioner's P-46 received.)

16 BY MR. MEIKLEJOHN:

17 Q Of the positions you've described -- I'm sorry, I don't
18 have -- I'm just putting these documents in. I'm not going to
19 ask you -- I don't think I'm going to ask you a lot of
20 questions about them, but which of the positions that you
21 testified about are considered instructional?

22 A So teaching assistants, departmental research assistants
23 both for courses and concentrations, and readers.

24 Q Okay. And what are the program assistants considered?

25 A Administrative.

1 Q Okay. Do the program assistants assist with research
2 functions at all?

3 A No.

4 Q They're -- you consider those -- they perform -- what kind
5 of duties do the program assistants perform?

6 A They support a number of our offices; admissions,
7 financial aid, student affairs, IT. They provide service --
8 clerical. They run information sessions talking about SIPA to
9 prospective candidates. Answer the phone. They support the
10 general operations of the office.

11 Q Do they -- okay. Do they support any research work in any
12 way?

13 A No. They generally report to people like me who don't
14 have a research profile.

15 Q Okay.

16 MR. MEIKLEJOHN: I have no further questions for the
17 Witness.

18 HEARING OFFICER EVEILLARD: Mr. Brill, do you have any?

19 MR. BRILL: No, nothing further.

20 HEARING OFFICER EVEILLARD: Okay. Well, thank you, Mr.
21 Bohan. You're excused. You can just leave those there.
22 (Witness excused.)

23 MR. MEIKLEJOHN: So I would like to state for the record
24 that we are seeking inclusion of the teaching assistants, the
25 departmental research assistants, and the readers. And we are

1 taking no position on whether the program assistants should be
2 included.

3 HEARING OFFICER EVEILLARD: You got that?

4 Okay, my understanding is there's no further business for
5 today.

6 MR. MEIKLEJOHN: Yes, there's business.

7 HEARING OFFICER EVEILLARD: No witnesses.

8 MR. BRILL: There's no further witness --

9 HEARING OFFICER EVEILLARD: But there's still business.

10 MR. BRILL: -- but we do have some documents to put in.

11 HEARING OFFICER EVEILLARD: Okay. Let's go for it.

12 MR. BRILL: I have --

13 HEARING OFFICER EVEILLARD: These are stipulated
14 documents?

15 MR. BRILL: Yeah.

16 HEARING OFFICER EVEILLARD: Okay. Are they, like, Joint
17 exhibits or?

18 MR. MEIKLEJOHN: So --

19 MR. BRILL: Yeah. Are we on the record?

20 HEARING OFFICER EVEILLARD: Yes, we are. Do you want to
21 go off?

22 MR. BRILL: Maybe we should go off for just a minute.

23 HEARING OFFICER EVEILLARD: Let's go off the record.

24 (Whereupon, a brief recess was taken.)

25 HEARING OFFICER EVEILLARD: Back on the record.

1 MR. BRILL: Okay, so the Hearing Officer may recall that
2 earlier in the hearing, the University offered Exhibits 20 and
3 21, which were documents, actually copies of two reports by the
4 faculty committees at NYU that were admitted into evidence in
5 the NYU proceeding that took place in, I think it was 2010.

6 HEARING OFFICER EVEILLARD: 2010.

7 MR. BRILL: And the Union had originally objected to those
8 documents, and then the parties agreed that they would attempt
9 to work out a stipulation, and we have done so.

10 HEARING OFFICER EVEILLARD: Yes.

11 MR. BRILL: So as part of that stipulation, the Union is
12 withdrawing its objection to the introduction of Employer
13 Exhibit 20 and 21.

14 MR. MEIKLEJOHN: That's correct.

15 MR. BRILL: And we've agreed to the introduction of a
16 number of Joint exhibits. Also documents and transcript from
17 the NYU hearing, that we will put into this record as Joint
18 exhibits. And then there's one additional document that would
19 be offered as a Petitioner exhibit.

20 So we've pre-marked the documents, and let me just
21 describe what they are --

22 HEARING OFFICER EVEILLARD: Okay.

23 MR. BRILL: -- for the record. So Joint Exhibit 2 was
24 Petitioner's Exhibit 5. I might just want to describe what
25 they are. Petitioner's Exhibit Number 5 from the NYU case, for

1 the record, this was a letter dated March 1, 2001 from a number
2 of union officials to Mr. Terrance Nolan at NYU.

3 (Joint's J-2 marked.)

4 MR. BRILL: I also note just for the record that a number
5 of these documents bear exhibit numbers and -- usually in the
6 upper right hand corner, which are typically the exhibit
7 numbers from the NYU case, not the original stamped exhibit,
8 but manually transcribed exhibit numbers.

9 Joint Exhibit 3 is -- was Petitioner's Exhibit 6 from the
10 NYU case, which is the collective bargaining agreement between
11 NYU and the UAW Local -- the International Union UAW and Local
12 2110, effective September 1, 2001 to August 31, 2005.

13 (Joint's J-3 marked.)

14 MR. BRILL: Joint Exhibit 4 was the Petitioner's Exhibit 7
15 from the NYU case, which was a draft memorandum dated January
16 29, 2002 to the university community from Robert Berne, NYU's
17 vice president at that time for academic and health affairs,
18 re: tentative agreement with the graduate assistants
19 represented by the UAW.

20 (Joint's J-4 marked.)

21 MR. BRILL: Exhibit -- Joint Exhibit --

22 HEARING OFFICER EVEILLARD: 5.

23 MR. BRILL: -- 5 was Petitioner's Exhibit 29 from the NYU
24 case, which was a memo to the community from Cheryl Mills and
25 Terrance Nolan. Cheryl Mills at that time was the senior vice

1 president of the university.

2 (Joint's J-5 marked.)

3 MR. BRILL: Joint Exhibit 6 is a -- was Petitioner's
4 Exhibit 30 in the NYU case, was a memo to the community from
5 Jacob Lew, L-E-W, who at that time was executive vice
6 president, and I believe is now the United States Secretary of
7 the Treasury, and NYU Provost David Laughlin, subject, "The
8 relationship between graduate students and the University,"
9 dated June 16, 2005.

10 (Joint's J-6 marked.)

11 MR. BRILL: Joint Exhibit 7 was Employer Exhibit 40 in the
12 NYU case, which was a copy of an arbitration award --

13 MS. ROTHGEB: Arbitrator Scheinman.

14 MR. BRILL: -- by Arbitrator Martin F. Scheinman. I don't
15 think we need further identification.

16 HEARING OFFICER EVEILLARD: No, we don't.

17 (Joint's J-7 marked.)

18 MR. BRILL: And Joint Exhibit 8 was another arbitration
19 award, this one by Arbitrator Ernest Weiss. And that was
20 Exhibit 41 in the NYU case.

21 (Joint's J-8 marked.)

22 MR. BRILL: And then we have some transcripts -- excerpts
23 from the NYU case. And I will note that a number of the
24 exhibits that we've just identified are referenced and are the
25 subject of testimony in these transcript excerpts.

1 MR. BRILL: Well, it's stipulated. We agreed to it.

2 MR. MEIKLEJOHN: Okay.

3 HEARING OFFICER EVEILLARD: Okay, so it's a stipulation,
4 Petitioner's 47 is admitted into evidence.

5 (Petitioner's P-47 marked and received.)

6 HEARING OFFICER EVEILLARD: So --

7 MR. MEIKLEJOHN: We probably need to say that 20 and 21 --
8 or maybe they are in?

9 MR. BRILL: You said 20 and 21 are accepted, right?

10 MS. ROTHGEB: You withdrew the exhibit.

11 HEARING OFFICER EVEILLARD: 20 and 21 are admitted into
12 evidence.

13 (Employer's E-20 and E-21 received.)

14 HEARING OFFICER EVEILLARD: That was Petitioner's 20 and
15 21.

16 MR. MEIKLEJOHN: No, that was --

17 MR. BRILL: That was Employer.

18 HEARING OFFICER EVEILLARD: I'm sorry, Employer's Exhibit
19 20 and 21 are admitted into evidence.

20 Any further business for today?

21 MR. MEIKLEJOHN: She's going to tell me. I don't think
22 so.

23 (Pause.)

24 MR. BRILL: Okay, off the record?

25 HEARING OFFICER EVEILLARD: Did you say?

1 MR. MEIKLEJOHN: No, there's nothing else.

2 MR. BRILL: No, nothing else.

3 HEARING OFFICER EVEILLARD: Okay.

4 MR. MEIKLEJOHN: Other than scheduling talks.

5 HEARING OFFICER EVEILLARD: Okay. Since there's no
6 further business for today, we'll be adjourned till tomorrow at
7 9:30. Thank you. Off the record.

8 (Whereupon, at 2:42 p.m., the hearing in the above-entitled
9 matter was adjourned until May 13, 2015 at 9:30 a.m.)

C E R T I F I C A T E

This is to certify that the attached proceedings done before
the NATIONAL LABOR RELATIONS BOARD REGION TWO

In the Matter of:

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

Employer,

and

GRADUATE WORKERS OF COLUMBIA -GWA, UAW,

Petitioner.

Case No.: 2-RC-143012

Date: May 12, 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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