

BEFORE THE  
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

The New School,

Employer,

And

Student Employees at The New  
School - SENS, UAW

Petitioner.

Case No. 02-RC-143009

The above-entitled matter came on for hearing pursuant to Notice, before GREGORY B. DAVIS, Hearing Officer, at the National Labor Relations Board, Region 2, 26 Federal Plaza, Suite 3614, New York, NY 10278 on Tuesday, April 21, 2015, at 10:23 a.m.

A P P E A R A N C E S

1 On behalf of the Employer:

2

3 DOUGLAS P. CATALANO, ESQUIRE  
4 Norton, Rose, Fulbright USA LLP  
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6 New York, NY 10103

7

8 ROY MOSKOWITZ, ESQUIRE, Chief Legal Officer  
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10 The New School  
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15

16 On Behalf of the Petitioner:

17

18 THOMAS W. MEIKLEJOHN, ESQUIRE  
19 NICHOLE M. ROTHGEB, ESQUIRE  
20 Livingston, Adler, Pulda, Meiklejohn & Kelley, P.C.  
21 557 Prospect Avenue  
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1  
2I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
3						
4	Dr. Mary Bryna Sanger	39	94	130	132	50
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E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
Employer's		
E-1	41	41
E-2	48	49
E-3	49	52
E-4	55	55
E-5	57	57
E-6	58	64
E-7	69	75
Petitioner's:		
P-13	124	125



1 full name for the record?

2 THE WITNESS: Mary Bryna Sanger.

3 HEARING OFFICER DAVIS: How do you spell your middle name?

4 THE WITNESS: B - R - Y - N - A.

5 HEARING OFFICER DAVIS: Thank you.

6 THE WITNESS: And I'm known as Bryna.

7 HEARING OFFICER DAVIS: Thank you.

8 BY MR. CATALANO:

9 Q Okay. Dr. Sanger, please advise what your position is at  
10 The New School.

11 A I'm Deputy Provost and Senior Vice President for Academic  
12 Affairs.

13 Q How long have you been in that position?

14 A Six years, since Spring, 2009.

15 Q And as a general proposition, please advise the Hearing  
16 Officer what, generally speaking, your duties are and those of  
17 the Office of Academic Affairs and/or Provost.

18 A Well my duties, principally -- the Office of the Provost  
19 is the Provost himself -- is the Chief Academic Officer of the  
20 University; and as such, he's also, in effect, Dean of the  
21 Faculty.

22 I have general operational responsibilities in the office  
23 with special attention to the activities in faculty affairs,  
24 more generally. That would be hiring and reviews and searches;  
25 also policy, procedures, practices related to faculty affairs.

1 Q Okay. And just briefly tell the Hearing Officer what your  
2 educational background is.

3 A I have an AB from Vassar College and a PhD from Brandis  
4 University in Social Policy and Management from The Heller  
5 School.

6 Q Okay. And to your right, the Court Reporter has been  
7 gracious enough to afford you an opportunity to take a look at  
8 certain documents. In that regard, would you show her the  
9 current CV Number 1.

10 And can you identify for the record whether that's your  
11 Curriculum Vitae?

12 A It is.

13 (E-1 identified.)

14 MR. CATALANO: I offer it.

15 HEARING OFFICER DAVIS: Any objection?

16 MR. MEIKLEJOHN: No objection to Employer Exhibit 1.

17 HEARING OFFICER DAVIS: Employer Exhibit 1 is received.

18 (E-1 received.)

19 MR. CATALANO: Is that a standing "No objection" to all of  
20 these documents?

21 MR. MEIKLEJOHN: As long as they're called "Employer."

22 BY MR. CATALANO:

23 Q How long have you been at The New School, you said?

24 A Thirty-eight years.

25 Q Okay. And please advise Mr. Meiklejohn and the Hearing

1 Officer what other positions you've had at The New School,  
2 right from the inception, in some sort of chronological kind of  
3 order.

4 A Well, I started as an Assistant Professor, then an  
5 Associate Professor, a Full Professor With Tenure. I've been a  
6 Program Departments there and Urban Policy Analysis and  
7 Management; an Academic Dean at the Milano School, and then  
8 ultimately Dean at the Milano School; and now my present  
9 position for six years in the Provost Office.

10 Q Who, for the record, is the Provost, and how long has he  
11 enjoyed that role?

12 A Tim Marshall, who had previously been the Dean of the  
13 Parson School of Design; and he's been Provost I think since  
14 maybe March, 2009.

15 Q All right. As a general proposition, just for an  
16 indication of the school, what are the operating revenue or  
17 budgeted revenues, approximately, either on a fiscal or  
18 12-month basis of The New School?

19 A About three-hundred million.

20 Q Now with respect to faculty, advise us, if you would, what  
21 the Provost role is with respect to faculty.

22 A Well, as Chief Academic Officer and in effect Dean of the  
23 faculty, he represents the faculty and their interests. He  
24 sets policy, practices -- develops policies and practices,  
25 participates in a budget process which results in their



1 salaries and raises upon promotion and the like; and tenure,  
2 clearly; and promotion reviews.

3 Q What role does your office have with respect to academic  
4 policies and whether there are guidelines set forth in any  
5 handbooks and the like?

6 A Well as Chief Academic Officer, he's responsible for all  
7 academic policy. He sometimes delegates to the Deans and  
8 faculty in the divisions around particular programs; but in  
9 general, he's responsible; and he's responsible based on what  
10 our regulatory agencies require -- what the -- what the  
11 accreditation authorities require; and that varies quite a bit  
12 from program to program and from level to level.

13 The New York State Department of Education, Middle States  
14 is our accreditor; and there are different accrediting agencies  
15 for our Architecture Program, Public Policy Programs and the  
16 like -- certainly in Design, too.

17 Q All right. Generally speaking, are the faculty full-time  
18 or part-time or both; and if you have a demarcation line  
19 between number of full and part-time, that would be helpful.

20 A As of I would say this academic year in the fall when we  
21 take our census, there are about 420 full-time faculty; and as  
22 of the Fall, there were about 1700 part-time faculty; but I'd  
23 say over the course of the year, we'd probably have  
24 considerably more part-time faculty -- probably in the  
25 neighborhood of 2300.

1 Q Okay. And when you use the term, "part-time faculty," is  
2 that consistent with use of the term, "adjunct faculty" as used  
3 in other institutions?

4 A Yes.

5 Q Standards within the University and curriculum -- do you  
6 have any role with respect to curriculum and coordinating  
7 curriculum committees and the like? Tell us briefly what the  
8 role of the Provost Office is with respect to curriculum in  
9 establishing standards and measures that are going to be  
10 undertaken consistent with the program.

11 A Well broadly speaking, the Provost has responsibility for  
12 setting the standards. Again, as defined and required by these  
13 accrediting and regulatory bodies -- and also, I would say, by  
14 best practice and by emerging practices in different fields, he  
15 sometimes delegates that authority.

16 We have a University Curriculum Committee that's faculty-  
17 based, and most new curriculum development emanates from the  
18 faculty supported by Administrators and the Deans in the  
19 different divisions of the University.

20 Q Without an emphasis on the amount of effort expended by  
21 faculty versus administration, do the faculty members have a  
22 role in the curriculum that's not nominal?

23 A Oh, I think it's principal. It's managed and authorized  
24 by the Provost, but faculty are the principal architects of the  
25 curriculum, of new program development consistent with what

1 we're required to do by the State and other accrediting  
2 employees.

3 Q And you mentioned before that there is a curriculum -- and  
4 if I heard you correctly, can you describe what the University  
5 Curriculum Committee is and whether there's any subgroup, such  
6 as a shared capacity subgroup or otherwise?

7 A Absolutely. There's a Curriculum Committee that is --  
8 draws from faculty -- from the University as a whole -- and  
9 within that Curriculum Committee, there's also subcommittees  
10 that work on a variety of curricular issues and reviews of  
11 developments of new programs and practices.

12 Q All right; and as historical fact, please advise us when  
13 the new school began operating and in what context, and how did  
14 it come about; as far as the University ultimately.

15 A Well, it has a very distinguished intellectual history in  
16 the United States. It was founded after the sanctioning of two  
17 faculty members who left Columbia because they were sanctioned  
18 -- censured, actually, by the President in 1917 for their  
19 objection to the US entering the First World War; and by 1919,  
20 they joined together with a variety of distinguished and/or  
21 intellectuals including Charles Beard and Corseland Bergland  
22 and John Dewey to found a new institution, which was The New  
23 School. The New School, basically, was an effort to escape  
24 from the constraints of conventional universities and to open a  
25 university to the public and to adults, initially, principally.

1 Q Did it emerge later to what was going on in Europe?

2 A The first Director of The New School, Alvin Johnson,  
3 together with funding from a variety of donors and from the  
4 Rockefeller Foundation, actually, realized because of their  
5 relationships with European scholars, the danger that European  
6 intellectuals faced in the early 1930's; and by 1933, they had  
7 generated revenues to help in the escape of scholars and their  
8 families from the holocaust and from Nazi domination in Europe;  
9 brought them to the United States.

10 Many of them -- or a good number of them stayed at The New  
11 School in something which was called The University in Exile;  
12 and by 1934, the State of New York authorized The New School to  
13 offer Masters and PhD's in what was then called The Graduate  
14 Faculty. So that was the founding, essentially, of our  
15 graduate programs at The New School in 1934.

16 Q For many years, did -- and I'll use the Lakehurst's term,  
17 Continuing Ed -- within the school, provide continuing  
18 education, CE courses, to any number of individuals; and if so,  
19 please explain that and how over the years, there has been  
20 perhaps a different emphasis.

21 A The University had -- the University Excel, which became  
22 the graduate faculty -- but it also developed at The New School  
23 a division that was very civically engaged in the arts and  
24 politics of the time, for New Yorkers more generally; and  
25 brought intellectuals and -- public intellectuals, principally,

1 to The New School; and that became the basis of a division  
2 which provided -- probably it was one of the biggest in the  
3 country, initially, of continuing education courses for adults  
4 in New York.

5 It's now reduced significantly in scale, and most of The  
6 New School now -- in fact almost of all of it -- is represented  
7 by degree programs.

8 Q And how many students, approximately, in the year 2014 or  
9 '15, are there in both graduate and undergraduate --  
10 approximately?

11 A About 10,000; maybe a little more.

12 Q And what percentage, if you know approximately, are  
13 undergraduate versus graduate students?

14 A About 6700 undergrads and about 3400 graduate students.

15 Q Okay. Now I believe that there has been a recent change  
16 in name or perhaps emphasis, I'm not sure; but how many  
17 formerly-known divisions or schools were there, and how many  
18 are there today; and can you name them?

19 A There were as many as eight; but now, there are five.  
20 There is the Graduate Faculty, which is now called The New  
21 School for Social Research. There is a Liberal Arts College  
22 called the Eugene Lang College. There is a school called The  
23 New School for Public Engagement. There is the Parsons School  
24 of Design; and three programs, the Nanna School of Music, the  
25 Drama School and the Jazz school have merged into what is now a

1 Performing Arts School; so that makes five academic units.

2 Q Okay. And are there bulletins distributed to the public,  
3 either by e-mail or otherwise, that are available?

4 A Yes.

5 Q Now if you wouldn't mind, please take a look at -- I just  
6 brought a sampling of some of the bulletins. Take a look at  
7 what characterizes Public Engagement; and can you identify that  
8 and, generally speaking, what its constituent elements are in  
9 that document and whether it's representative of the bulletin  
10 for others?

11 A Yes; I mean it shares the academic calendar of the school,  
12 the programs of study. There are -- I think there are four  
13 units -- colleges -- within Public Engagement. They're  
14 represented here. The Bachelor Program for Adults and  
15 Transfers, the Milano School of International Affairs  
16 Management and Urban Policy, the School of Media Studies and  
17 the School of writing.

18 It also shares who the faculty are, what the academic  
19 policies and procedures are and so forth.

20 Q Okay. And is this representative of how the bulletins are  
21 prepared with the other four --

22 A They would all contain the same kind of information from  
23 each of the schools.

24 (E-2 identified.)

25 MR. CATALANO: I offer it.

1 MR. MEIKLEJOHN: No objection to Employer Exhibit 2.

2 HEARING OFFICER DAVIS: Thank you. Employer Exhibit 2 is  
3 admitted.

4 (E-2 received.)

5 BY MR. CATALANO:

6 Q Okay. Now you mentioned that there are undergraduate as  
7 well as graduate students at The New School; and are there a  
8 number of offerings which include both undergraduate degrees  
9 and graduate degrees?

10 A Yes. There are actually 152 courses of study, separate  
11 programs which would include undergraduate and graduate  
12 programs.

13 Q Okay. In that regard, I'd ask you to take a look at  
14 something that's been pre-marked as "3."

15 And can you detail for us what that is and what it  
16 represents?

17 A It's a listing of all the programs at The New School by  
18 division; whether they are a credit or not credit; whether they  
19 are dual or not dual; whether all of those are active on the  
20 basis of the basis of the New York State Department of  
21 Education.

22 (E-3 identified.)

23 MR. CATALANO: Okay. I offer it.

24 MR. MEIKLEJOHN: Can I have voir dire on this one?

25 HEARING OFFICER DAVIS: Sure.

1 VOIR DIRE EXAMINATION

2 BY MR. MEIKLEJOHN:

3 Q First, I notice this appears to actually be a collection  
4 of a series of different documents; is that correct?

5 A (No audible response.)

6 Q Maybe I'm wrong. Let me draw your attention to the lower,  
7 right-hand corner of the first page.

8 A Yes?

9 Q It says, "As of July 9 -- as of 7/9/13 -- I assume that  
10 means July 9th?"

11 A (No audible response.)

12 Q And then the next page is as of 6/21/12?

13 A Yes.

14 Q Do you know why -- and then -- if you flip through it,  
15 you'll see after a while it continues to January 5, 2012; and  
16 then it goes back to August of 2011 before --

17 A Well I guess those were the programs as of those dates,  
18 and then it was updated.

19 Q So do you know where this collection of pages comes from?

20 A Well, it was compiled by the Vice Provost for Curriculum  
21 and Learning.

22 Q Was it compiled for purposes of this hearing, or was it  
23 compiled previously and was existing in some place for some  
24 other reason, if you know?

25 A I'm not certain, but I assume it existed and was produced



1 for me when I asked for it.

2 Q Okay. So you asked somebody for this?

3 A Yes.

4 Q And it was presented to you as representing the situation  
5 as it exists today?

6 MR. CATALANO: Yes; it is -- if I may Mr. Meiklejohn, in  
7 preparing for this hearing, I believe that "It was prepared for  
8 purposes of this hearing" but with actual data from the various  
9 programs and compiled for ease in the facility of the parties  
10 in this hearing so as to enable everyone to see in summary  
11 fashion what the programs are.

12 Is that accurate?

13 THE WITNESS: Yes.

14 BY MR. MEIKLEJOHN:

15 Q Let me just -- one more -- do you know why there are a  
16 series of different dates for different segments?

17 A I can't say I do.

18 Q Okay. But it was provided to you as represent current --  
19 current information or accurate information as of the -- do you  
20 know whether the information is current or --

21 A It was told to me that it was current and accurate.

22 Q Okay. But you're not sure whether it's -- in all cases,  
23 it's current; but it's -- well, whatever.

24 MR. MEIKLEJOHN: I will -- I will not object at this time.

25 HEARING OFFICER DAVIS: Thank you. Employer Exhibit 3 is

1 admitted.

2

(E-3 received.)

3

DIRECT EXAMINATION (cont.)

4 BY MR. CATALANO:

5 Q Okay. And inasmuch as that document is in evidence, take  
6 a look at it and just generally detail the various disciplines,  
7 in general terms, in summary fashion, what kind of areas of  
8 study are engaged in at The New School?

9 A Well for undergraduates, we offer a wide variety of  
10 degrees, including what we call AAS, EADS, -- the AAS would be  
11 in Design; the EADS might be in Liberal Arts, the Humanities,  
12 Social Sciences, Music --

13 Q BFA and BNA.

14 A We have a BFA in Design; and in the Performing Arts and in  
15 Music, we have -- would that be BM?

16 A A BM is a Bachelor's in Music; it's not a BFA in Music.  
17 It's a different degree.

18 HEARING OFFICER DAVIS: Before we move on, I know the  
19 acronyms are familiar to you but probably not to the rest of  
20 us, so AAS? What is that?

21 THE WITNESS: It's an Associate's Degree, and it's for  
22 career changers, actually, in the Fashion.

23 HEARING OFFICER DAVIS: Okay. You said BABS; is that  
24 Bachelor's?

25 THE WITNESS: Bachelor of Arts and Bachelor of Science,

1 which apply to different programs.

2 HEARING OFFICER DAVIS: Okay. And the last one, BFF?

3 THE WITNESS: Bachelor of Fine Arts.

4 HEARING OFFICER DAVIS: Thank you.

5 BY MR. CATALANO:

6 Q Okay. We've talked about BM --

7 A Bachelor of Music.

8 Q And is there a BBA?

9 A BBA in Management -- in Design Management.

10 Q Thank you. Now when did -- for the first time  
11 approximately, did The New School begin to offer graduate  
12 programs?

13 A Well, in 1934.

14 Q Okay. And were they both MA and PhD granting at the time?

15 A At the time; yes. But I would say the professional degree  
16 programs -- the graduate programs -- were started -- I think  
17 the first ones were started in the late '60's.

18 Q Fast forwarding to today just for geography purposes,  
19 where does The New School engage in providing educational  
20 services generally? Is it here in New York or otherwise, if  
21 that's the case; and in what fashion?

22 A Well the campus is in Greenwich Village. We have a  
23 satellite Parsons Paris in Paris, which is its own entity; but  
24 it's a satellite campus from on campus; and we have  
25 partnerships with different entities in Mumbai and Shanghai.

1 Q Okay. And we're not talking about legal structure --

2 A No.

3 Q -- you're just talking about offerings or activities that  
4 are related to The New School, irrespective of the legal --

5 A Right.

6 Q -- components.

7 Okay. Now you mentioned undergraduate degrees -- and Ms.  
8 Davis helped us out in finding the acronym -- and graduate  
9 degrees are offered, and cognizant that we're all lay persons  
10 here and not academic; please tell us what they stand for,  
11 those initials.

12 A There's a Master of Arts, an MA; and a Master of Science,  
13 MS; and those would be in different fields of study from  
14 Humanities, Social Science and professional degrees in  
15 Management and Policy and also, I think, in Design Studies --  
16 has an MS degree program.

17 There's an MFA, which is a Master of Fine Arts in, again,  
18 the Performing Arts and Design; in Fine Arts.

19 Q In the Music area?

20 A There's a Master of Music, an MM; and there are PhD's in  
21 the Humanities and Social Sciences and Philosophy?

22 Q Do you have an Architectural Program?

23 A We have a Master's Degree in Architecture as well.

24 Q Okay. Which divisions -- or pardon me -- I think the term  
25 is Taliqua of the five -- where are graduate degrees offered?

1 A In all but the Lang Liberal Arts College, B. G. Lang  
2 Liberal Arts College.

3 Q Okay. And as a general proposition, is there an  
4 organizational structure -- an administrative organizational  
5 structure that The New School has?

6 A Yes; there is.

7 Q Okay. And with respect to that answer, would you mind  
8 looking at Number 4 and identify that if you can; which I'm  
9 sure you will and can.

10 A This is the Senior Leadership Organizational structure as  
11 of this Fall.

12 (E-4 identified.)

13 MR. CATALANO: I offer it.

14 MR. MEIKLEJOHN: No objection.

15 HEARING OFFICER DAVIS: Employer 4 is admitted.

16 (E-4 received.)

17 MR. CATALANO: Okay. At the appropriate time, Mr. Davis,  
18 we've had her for long. We have another hour or so. I'm  
19 probably half-way through. The question is: What's your  
20 inclination along with Mr. Meiklejohn about taking breaks and  
21 all? I'm good to go for as long as you are?

22 HEARING OFFICER DAVIS: Let's go off the record.

23 (Whereupon, a brief recess was taken.)

24 HEARING OFFICER DAVIS: I'm fine, Counsellor.

25 BY MR. CATALANO:

1 Q Now does the University have a Board of Trustees; and,  
2 generally speaking, what is its role?

3 A Well the Board of Trustees is the principle fiduciary of  
4 all sort of institutional affairs at The New School, in  
5 accordance with their Charter and also what they're required to  
6 do under the law.

7 They also oversee the University, based on our shared  
8 mission and what our intentions are in moving forward. So they  
9 are pretty much involved in all of the institutional affairs in  
10 an oversight capacity.

11 Q Okay. Now at various times throughout this process or  
12 proceeding, there are terms used such as Research Institutions  
13 or otherwise; and I'm going to refer to a document that has  
14 been created as an aid, conceivably, but to give us some facts  
15 and data relating to what role is assumed by The New School in  
16 this milieu.

17 Now first, however, would you look at Number 5 and  
18 identify that document.

19 A Well this document was put together by the Registrar and  
20 identifies for us all the degrees, the majors within the  
21 degrees and the required credits to graduate. It also  
22 identifies what the grade point average that a student must  
23 have for graduation.

24 It also includes in the back, by program, the enrollment  
25 in each of them.

1 (E-5 identified.)

2 MR. CATALANO: Okay. I offer it.

3 HEARING OFFICER DAVIS: Any objection?

4 MR. MEIKLEJOHN: No objection.

5 HEARING OFFICER DAVIS: Okay. Employer Exhibit 5 is  
6 admitted.

7 (E-5 received.)

8 BY MR. CATALANO:

9 Q Okay. Now inasmuch as you have detailed the fact that PhD  
10 programs are available and are offered by The New School, and  
11 averting to the term I just used -- a Research Institution --  
12 there is a document that I think is pre-marked as Number 4  
13 which again has been used or drafted as an aid; but tell the  
14 Hearing Officer and Counselor what Number 4 represents, and how  
15 does it align with how The New School is viewed compared to  
16 others such as the large "Research Institutions"?

17 A Six or four?

18 HEARING OFFICER DAVIS: Four is the Organizational Chart.

19 MR. CATALANO: Six; pardon me; pardon me.

20 HEARING OFFICER DAVIS: Okay.

21 MR. CATALANO: I gave Mr. Meiklejohn my copy, but --

22 THE WITNESS: Well this document shares --

23 MR. CATALANO: Well, before she starts referring to it,  
24 and I mentioned how it was drafted; and in an off-the-record  
25 conversation with Counsel, tell the Hearing Officer and Mr.

1 Meiklejohn, how was this created, and what does it refer to?

2 THE WITNESS: It was created in the Provost Office to  
3 compare and compress the classification which is applied to The  
4 New School in comparison with peers.

5 The Carnegie Classification which is developed by the  
6 Carnegie Foundation distinguishes between higher Ed  
7 institutions of different sorts; so The New School is  
8 characterized as a Doctoral Research Institution, but there are  
9 institutions -- like Columbia or NYU, for example, which are  
10 considered to be Research Institutions with very high research  
11 productivity; and they're distinguished from The New School in  
12 a variety of ways.

13 We don't meet the test of a very high research university  
14 because we don't grant -- we don't have enough doctoral  
15 students. We aren't a comprehensive university and therefore  
16 do not have sciences and medicine, which are typical of  
17 research universities. We aren't principally a graduate  
18 institution as we shared before where we have more  
19 undergraduates than graduates, which are different from NYU,  
20 for example, and The New School.

21 This document makes clear what the implications are of  
22 those distinctions.

23 (E-6 identified.)

24 MR. CATALANO: I would offer it.

25 MR. MEIKLEJOHN: For the time being, I'm going to object.



1 This is sort of an -- it's clear that this is being offered by  
2 as an expository document reflecting the explanation of the  
3 nature of the University created by unidentified individuals.

4 Having raised my objection, what I'd really like to do is  
5 have some time to study this and figure out whether --

6 MR. CATALANO: I would withdraw the offer now, and I can  
7 do this in one of two ways. Counsel can review it, and I can  
8 renew my effort to introduce it into evidence; or conversely, I  
9 can ask Dr. Sanger any number of questions about the document  
10 itself in form of -- not without admitting it, but just compare  
11 yourself to a Columbia or an NYU as a traditional -- well, as  
12 far as more facts.

13 I just want the record to be clear, to the extent the  
14 Hearing Officer agrees, that there are differences between a  
15 Columbia, NYU, a Harvard and The New School; and at the same  
16 time, there are some trappings and features of both that are  
17 consistent.

18 HEARING OFFICER DAVIS: Well, I think -- I would  
19 appreciate it if you ask more foundational questions about how  
20 the document was comprised; who did it, et cetera, et cetera.

21 MR. CATALANO: Yes.

22 HEARING OFFICER DAVIS: And then we might take a break so  
23 Mr. Meiklejohn can actually read the document, since it's  
24 several pages.

25 MR. CATALANO: Fair enough.

1 BY MR. CATALANO:

2 Q Okay, Dr. Sanger, please advise us how this came about,  
3 where the data came from, whether there are in it any  
4 editorials in the document that were set forth by your  
5 colleagues and the light; just so we have an understanding that  
6 the reader of the record someday looking at it can understand  
7 where does it come from, rather than just the website or  
8 whether it was in part prepared by your office.

9 A It came from the website, and then it came from a  
10 discussion that was provided on the first page by our Associate  
11 Provost for budget in the Provost Office.

12 Q Identify both. You said, "The website," and who was that  
13 individual?

14 A See the Carnegie -- there's a link here in the document  
15 which is [http://carnegie\\_classification\\_iue\\_du\\_methodology\\_basic](http://carnegie_classification_iue_du_methodology_basic),  
16 which was pulled from the Carnegie classification website.

17 Q One -- just a minor caveat as far as your response, which  
18 is more than great -- and in the old days, there used to be  
19 somebody taking it down literally with a court reporting  
20 instrument, so I'm not sure if she's speaking too quickly or  
21 otherwise, but you're all good, Ms. Court Reporter?

22 (No audible response.)

23 MR. CATALANO: Okay. I just want to make sure that the  
24 record is clear so that we don't have to revisit something that  
25 may have been lost in a quick response.

1 BY MR. CATALANO:

2 Q All right. So who were the individuals who worked with  
3 this data to provide with this --

4 A Associate Provost, Ray Barkley.

5 Q Okay. And did you review it before you came in here  
6 today?

7 A Briefly; yes.

8 Q And is it accurate to the extent of your own personal  
9 knowledge and based upon your experience and your review of  
10 these materials?

11 A Well I think the -- I -- the data comes from the Carnegie  
12 Classification website in which they array the characteristics  
13 of these various institutions, including our own. So on the  
14 basis of the website, it's accurate to the best of my  
15 knowledge.

16 MR. CATALANO: And if chosen to be the course by Counsel,  
17 we could eliminate and redact any kind of editorial and just  
18 keep the data in the record; if that works for you Mr.  
19 Meiklejohn. I'd be happy to do that.

20 MR. MEIKLEJOHN: I think I'm going to be okay with it  
21 then. There's a lot of stuff in here for me to absorb. Some  
22 of it's small type, and you know how that gets to me.

23 MR. CATALANO: So however you choose to review it --

24 MR. MEIKLEJOHN: I'd like to review it. I would ask the  
25 Hearing Officer to -- oh, you've withdrawn your offer

1 temporarily?

2 MR. CATALANO: Well, pending your --

3 MR. MEIKLEJOHN: I'd just ask the Hearing Officer to  
4 reserve ruling.

5 HEARING OFFICER DAVIS: I am going to reserve a ruling so  
6 we can move this along.

7 MR. CATALANO: Okay. And I think we just detailed how  
8 this came about. You had suggested that there may or may not  
9 be a five-minute break at this time; and if not, I'll go  
10 forward.

11 HEARING OFFICER DAVIS: No; this is a good time. Let's go  
12 off the record.

13 (Whereupon, a brief recess was taken.)

14 HEARING OFFICER DAVIS: Mr. Meiklejohn, this document, I  
15 believe is offered. Do you have questions or --

16 VOIR DIRE EXAMINATION

17 BY MR. MEIKLEJOHN:

18 Q If you know, is it accurate that the first two pages were  
19 prepared by Mr. Barkley; is that correct?

20 A Yes; Barkley, yes.

21 Q And then the second -- the last two pages, those are taken  
22 directly from the Carnegie system?

23 A Yes; that's my understanding. I wasn't standing with him  
24 when he prepared it, but that's my understanding.

25 Q I could object on the grounds that this is an inadequate

1 foundation because you weren't standing -- I'm not going to do  
2 that.

3 And your understanding, also, is that the data in the two  
4 charts on the second page regarding core revenues and core  
5 expenses -- that that date comes from the Carnegie website  
6 someplace?

7 A That's my understanding.

8 Q And --

9 A This was prepared for me.

10 Q I understand. And it's the kind of thing we do in  
11 representation cases to try to keep them from taking as long as  
12 they do in some instances.

13 My final question just goes to a definition of one of the  
14 terms in here -- or two of the terms, I guess. Core revenues  
15 and core expenses -- do you know what those terms mean?

16 A I can only surmise. I don't know for sure.

17 MR. MEIKLEJOHN: Well since the document is going to be in  
18 there with this data about core revenues, I think we need some  
19 kind of definition -- I have no problem with her surmising.

20 MR. CATALANO: We can also confirm this between now and  
21 the next meeting -- next hearing.

22 MR. MEIKLEJOHN: Right.

23 HEARING OFFICER DAVIS: Here is what I'm going to do. I'm  
24 going to admit the document noting that this website I think is  
25 still in existence, so if you want to compare any data on the

1 document to what's on the website, you're certainly free to do  
2 that. Secondly, if Counsel needs to cross-examine Mr. Barkley  
3 as to the first two pages of the document, I'll give you leeway  
4 to do that. So, for now, I'm going to admit Employer's  
5 Exhibit 6.

6 (E-6 received.)

7 MR. MEIKLEJOHN: I would like to avoid forcing Mr. Barkley  
8 to testify.

9 MR. CATALANO: Sure.

10 MR. MEIKLEJOHN: That's part of my objection. My position  
11 is that we should have some definition of the term "core  
12 revenue" and "core expenses" before the document is admitted,  
13 but I can save it for Cross.

14 MR. CATALANO: Are we good to go?

15 HEARING OFFICER DAVIS: Yes.

16 DIRECT EXAMINATION (cont.)

17 BY MR. CATALANO:

18 Q All right. Without editorial what are the big research  
19 institutions in the New York City area?

20 A NYU and Columbia University.

21 Q Okay. Now what's the difference between -- and let's not  
22 restrict it to NYU or Columbia -- what's the major difference,  
23 if any, between The New School and the so-called research  
24 institutions, such as a Harvard, Stamford, Yale, NYU, Columbia?

25 A I think it's the proportion of their revenues that are

1 generated from research activity and grants. A high research  
2 university has a large proportion of their revenues coming from  
3 grants; and I would say, more often than not, comprehensive  
4 universities -- research universities that have medicine and  
5 sciences, are the universities that have the largest proportion  
6 of their resources coming from grants.

7 The New School, by contrast, has most of its grant revenue  
8 coming from the social sciences and the humanities which are --  
9 tend to be smaller. It's a contrast from -- based on the  
10 resources that come in to faculty from these sources.

11 Q Okay. So when you said grants, who are the grantors in  
12 the main? Are we talking about states, governments,  
13 foundations -- where the monies are provided to the students?

14 A From all sources; but it can be from Federal Government  
15 grants; from State and Local grants occasionally -- less  
16 frequently, probably; from sponsored projects and research that  
17 comes from, for example, foundations.

18 I would say The New School would have more of those than  
19 it have the large Federal grants that come in medical schools  
20 and large physical science departments.

21 Q Okay. Now at the current time, approximately how many PhD  
22 students are enrolled at The New School?

23 A I think about -- guessing -- this is about right -- about  
24 550, maybe.

25 Q Okay. And where are the majority of those students

1 enrolled -- in which division?

2 A Well I'd say all but about 59 are at the -- what we were  
3 calling the graduate faculty, The New School for Social  
4 Research, the Social Science and Humanities PhD's.

5 Q Characterized by the acronym NSSR?

6 A Yes.

7 Q Okay. And what is, generally speaking, a fully-funded  
8 graduate student? What does that refer to, and are there any  
9 at The New School?

10 A We have very, very few fully-funded PhD's, which means  
11 that we would provide, in terms of financial aid, full tuition  
12 plus a stipend to live. In fact, last year, we accepted about  
13 212 PhD students; and of those, only two were what we just  
14 referred to as fully-funded. The only other fully-funded  
15 students we -- I believe there were three Master students that  
16 were fully funded last year.

17 Q So you're talking five in toto, or less than 10?

18 A Last year, yes.

19 Q Who are fully funded?

20 A That's right.

21 Q Okay. Now notwithstanding the size and perhaps the number  
22 of dollars expended on behalf of these programs, are there  
23 features that The New School utilizes in its PhD and Masters  
24 Programs that are similar to those of the large research  
25 institutions?



1 A Oh, I think we do precisely the same thing with regard to  
2 using as much resources as we have, which are much fewer, to  
3 try to support students for the completion of their degrees and  
4 for their training and professional development. So we have  
5 many different ways of doing that, but I would say that's what  
6 we would have in common with other institutions.

7 Q Now in the petition, Counsel -- or at least the Petitioner  
8 -- has signified that it chooses to represent six categories of  
9 alleged employees; Research Associates, Research Assistants,  
10 Teaching Associates, Teaching Fellows, Course Assistants and  
11 Tutors; and can you tell us whether The New School does have  
12 those titles leading to its graduate students?

13 A Well, we have Teaching Assistants and Teaching Fellows; we  
14 have Research Assistants and Research Associates; we have  
15 Tutors and Course Assistants.

16 Q Okay. Six in toto; that's correct?

17 A Yes; sorry.

18 Q Okay. Now in that regard, first, I can tell Mr.  
19 Meiklejohn, as if I were on the stand, was caused to be created  
20 by me. In gleaning certain information that I thought would be  
21 helpful to the process, I asked for it in a particular format.  
22 You'll see names, titles, who are Supervisors, so to speak,  
23 payroll, Summer and then six -- two years of -- two years of  
24 roles defining six categories.

25 I can also tell you and the Hearing Officer, before it's

1 admitted, that there are certain payments on here that may not  
2 relate to the services provided by that graduate student in  
3 that semester. In other words, graduate student Meiklejohn, in  
4 the Spring of 2014 may have provided some services as one of  
5 the six categories Research Assistant or Research Associate;  
6 but he or she may not have been receiving dollars until a  
7 subsequent period of time.

8 I can tell you in how many instances that occurs here. We  
9 have a pretty objective guess that it's not that often, but it  
10 could happen because there is a monolith of how many dollars go  
11 for certain -- to these students with respect to certain  
12 services performed.

13 HEARING OFFICER DAVIS: Does the witness have any  
14 knowledge of how this was compiled?

15 MR. CATALANO: Does who?

16 HEARING OFFICER DAVIS: The witness.

17 MR. CATALANO: Sure. I'm just representing to Mr.  
18 Meiklejohn how this came about and she's reviewed the document,  
19 and she can identify it for the Hearing Officer.

20 BY MR. CATALANO:

21 Q So have you seen this before, Dr. Sanger?

22 A I have.

23 Q Okay. And what does it represent?

24 A It represents all the students in the last two years that  
25 were in the roles that we just defined and what financial aid

1 they got for performing those roles.

2 (E-7 identified.)

3 Q Yes. Now in one of the divisions, Student Assistants or  
4 On-campus Student OCSE at Parsons; what does that refer to, in  
5 the main?

6 A Well, they were our Research Assistants for faculty.

7 Q Okay. And that's a different nomenclature used for them  
8 at Parsons?

9 A Yes.

10 MR. CATALANO: I offer this.

11 MR. MEIKLEJOHN: That was the title, Student Assistants,  
12 that you asked about?

13 MR. CATALANO: Yes.

14 MR. MEIKLEJOHN: Okay.

15 MR. CATALANO: And OCSE.

16 MR. MEIKLEJOHN: If --

17 HEARING OFFICER DAVIS: Do you need a minute?

18 MR. MEIKLEJOHN: No; no; no; I've seen the document.

19 MR. CATALANO: Yes; I have given it to --

20 MR. MEIKLEJOHN: We didn't look at it as quickly as we  
21 should because we had a concern about it, but can I just ask --  
22 if you don't mind, I'd like to ask some questions just to  
23 clarify some terminology.

24 HEARING OFFICER DAVIS: Absolutely; voir dire; right?

25 MR. MEIKLEJOHN: Yes.

1 HEARING OFFICER DAVIS: Okay.

2 VOIR DIRE EXAMINATION

3 BY MR. MEIKLEJOHN:

4 Q The first column lists Payment Budget Area?

5 A Yes.

6 Q And those correspond basically with the schools that you  
7 previously identified?

8 A But there are some activities of courses, for example,  
9 that students might be associated with that emanate from the  
10 Provost Office. We have some centrally-provided courses known  
11 as University Lecture Courses where students might -- it looks  
12 here -- it says Provost Office -- where the students might be  
13 part of that, and that's why it says Provost Office, even  
14 though they're not teaching -- they're not teaching in the  
15 division. They're teaching centrally.

16 Q Okay. Right.

17 A Or supporting Professors centrally.

18 Q Well you're getting a little ahead of me, but that's good.  
19 That's fine. So you're referring to -- I don't know -- it's  
20 about three-quarters of the way down the page, there's a  
21 listing for Asbro Kohn -- there are two listings, actually for  
22 that person.

23 A Yes.

24 Q That's what you were referring to?

25 A Right; because you asked if they were divisions of the

1 fiscal and --

2 Q By and large, that's the case?

3 A Yes.

4 Q But there are some that are doing jobs --

5 A That's right.

6 Q -- that are not associated --

7 A Not paid for --

8 Q -- are being paid for something they did. Thank you.

9 It's not any particular --

10 A That's right.

11 Q Okay. So if you turn to Page 23, for example, the third  
12 from the bottom makes it easier to find. Did you find Page 23?

13 A Yes.

14 Q Okay. There's somebody in the -- Sprinter Fangle is the  
15 individual being paid for doing something; right?

16 A Uh, huh.

17 Q That's a yes?

18 A Yes; sorry.

19 Q And his work was directly in the Provost Office for part  
20 of that time?

21 A Two research centers report to me in the Provost Office.  
22 One of them is the India China Institute, and they have ongoing  
23 research projects. That student was paid for -- to do work  
24 with faculty in the India China Institute, but their budget  
25 comes out of our office. That's why it says Provost Office.

- 1 Q Okay. So now to finish going through what the columns  
2 mean; the ID Number is the number assigned to the individual;  
3 correct?
- 4 A Exactly.
- 5 Q And then the Last Name, the First Name, is the person  
6 we're talking about?
- 7 A Right.
- 8 Q The Position Code that's in the fifth column --
- 9 A Yes?
- 10 Q Do you know what that signifies?
- 11 A It's what's used in our Enterprise System, in Banner.  
12 It's how students are coded with the position title of that  
13 code is clear from the position title.
- 14 Q Okay. That which is -- moving two to the right; let's  
15 say?
- 16 A Yes.
- 17 Q Position Title?
- 18 A Right.
- 19 Q And do you know what the Suffix means?
- 20 A I don't.
- 21 Q Okay. Before I left Payment Budget area, I just want to  
22 clarify Lang appears about half-a-dozen lines down.
- 23 A Yes.
- 24 Q That's referring to the Lang School, it's not Languages;  
25 is that correct?

1 A That's right. It's the Lang -- Eugene Lang Liberal Arts  
2 College.

3 Q Right. Okay. And then for Supervisor's Last Name and  
4 First Name, that, in most instances, reflects a faculty member;  
5 correct?

6 A Yes.

7 Q And if it says, "NA," do you know what that means? Does  
8 NA stand for "Not Applicable" or --

9 A I don't know what it means.

10 Q -- "Not Available"?

11 A Yes; I assume so.

12 Q All of these people are being supervised by somebody?

13 A Yes.

14 Q Okay. And then there's a Payroll Organization Code and a  
15 Payroll Organization Code Description. What -- I don't know --  
16 I guess the numbers probably aren't that important. What does  
17 the Payroll Organization Code Description refer to?

18 A I guess it's the portion of the division in which the role  
19 is where the role is paid from; so some of these would be  
20 departments. Most of them are departments or areas.

21 Q And then the rest of it indicates the amount of money that  
22 the individual actually received in the given quarter in  
23 exchange for whatever services they provided?

24 A Exactly; but I think as Mr. Catalano mentioned earlier, it  
25 doesn't -- I would say our data is not so good that when you

1 look at it in a particular time period, that we can assume  
2 always that that's the full amount they were being paid for  
3 that role. It may -- there could be lags in when the payment  
4 request 5050 was made, in terms of when they performed the  
5 services or assumed the role.

6 Q And there's paperwork that these people have to do in  
7 order to get paid; right?

8 A Exactly.

9 Q And sometime, shockingly enough, professionals don't get  
10 their paperwork done on time?

11 A That's right.

12 Q I'm sure that doesn't happen in the Provost Office.

13 A Oh, never.

14 Q So it could be that this is money that was paid in --  
15 let's say the \$255 that Muntha -- I shouldn't have picked this  
16 one -- Acquire Avalos received in the Summer of 2014? The 255  
17 is easy to find.

18 A Yes.

19 Q It's possible that this individual provided the services  
20 in the Spring of 2015 -- well in some different -- probably not  
21 in the Spring -- in the Spring of 2014 but didn't get the  
22 paperwork in until 2015?

23 A Or if it was they got some one time and the rest the other  
24 time. It didn't come in all at the same time.

25 MR. MEIKLEJOHN: I have no objection to Employer



1 Exhibit 7.

2 HEARING OFFICER DAVIS: Okay. I just have one quick  
3 question.

4 In the first page, there's a position titled Student  
5 Assistant 3. What does the 3 mean?

6 THE WITNESS: (No audible response.)

7 HEARING OFFICER DAVIS: For the first entry?

8 THE WITNESS: (No audible response.)

9 HEARING OFFICER DAVIS: Do you know what that means?

10 THE WITNESS: I'm not sure.

11 HEARING OFFICER DAVIS: Okay. Employer Exhibit 7 is  
12 admitted.

13 (E-7 received.)

14 MR. CATALANO: If your question, Mr. Davis, was Student  
15 Assistant 3, with reference to the 3, --

16 HEARING OFFICER DAVIS: Yes.

17 MR. CATALANO: As far as Student Assistant, though, I can  
18 tell you that -- and this was represented to Mr. Meiklejohn  
19 that it refers to Research Assistant.

20 HEARING OFFICER DAVIS: That part is helpful. I think she  
21 testified to that.

22 MR. CATALANO: She testified to that, but I didn't know  
23 whether you were emphasizing the number 3.

24 THE WITNESS: Three, and I don't know what --

25 MR. CATALANO: Student Assistant means Research Assistant.

1 HEARING OFFICER DAVIS: Right; I just don't remember the  
2 three.

3 MR. CATALANO: And we would at this point, if this is  
4 appropriate, move to amend the petition to include Student  
5 Assistant Department. I think that was clearly our intent.

6 HEARING OFFICER DAVIS: Is there any objection to this?

7 MR. MEIKLEJOHN: So long as they are referring to the same  
8 category, I have no objection; and that is to say Research  
9 Assistants. If Dr. Sanger can confirm that with me, then we  
10 have no objection because we're talking about one and the same.

11 HEARING OFFICER DAVIS: Are Research Assistants also known  
12 as Teaching Assistants?

13 MR. CATALANO: Student Assistants.

14 THE WITNESS: (No audible response.)

15 HEARING OFFICER DAVIS: The witness is nodding her head  
16 yes.

17 THE WITNESS: As far as I know.

18 HEARING OFFICER DAVIS: Okay. I'm going to grant the  
19 amendment to the petition.

20 MR. MEIKLEJOHN: I mean we would be referring to Student  
21 Assistants within the meaning of this document.

22 THE WITNESS: That's right.

23 HEARING OFFICER DAVIS: The amendment is granted.

24 DIRECT EXAMINATION (cont.)

25 BY MR. CATALANO:

1 Q Okay. Now that this document is in evidence and using  
2 interchangeably Student Assistant with Research Assistant,  
3 please advise the Hearing Officer and those of us in the room  
4 what each of these categories generally refers to as far as the  
5 student's role. Let's start with Teaching Assistant --  
6 generally speaking.

7 A Teaching Assistant is attendant to a course. A Teaching  
8 Assistant reports to the faculty member who teaches the course,  
9 and their roles within the course could be various. It's not  
10 necessarily the same with regard to every course.

11 They might support to faculty member in the classroom.  
12 They may do special sections to support a student who needs  
13 help outside the classroom. They may be prepare things for the  
14 faculty member, but they work closely in assisting, literally,  
15 the faculty member in the delivery of the course and the  
16 support of the students in the course.

17 Q And the same thing, please describe, generally speaking,  
18 Teaching Fellow.

19 A Teaching Fellows have a certain amount of independence.  
20 They work under the supervision of the faculty member or the  
21 Department Chair, but they teach the course themselves. We  
22 provide Teaching Fellows. It's a form of instruction and  
23 professional development for them.

24 We provide them with a seminar and with help in a pedagogy  
25 in syllabus development. They work closely with the faculty

1 member to ensure that the syllabus is consistent with whatever  
2 the department's intentions are; but they pretty much run the  
3 class themselves under a faculty member's supervision; and they  
4 grade the students.

5 They tend to be more senior students -- students with more  
6 expertise and experience. They're more often -- more likely to  
7 be PhD students whose career aspirations are academic; and  
8 therefore, this supports their training as academics.

9 Q Okay. Research Assistant and thereafter, Research  
10 Associate?

11 A Research Assistants work directly under the supervision of  
12 the faculty member or faculty members on a project which may  
13 include a number of faculty members. Again, their work for a  
14 faculty member is very variable. They work closely with the  
15 faculty member.

16 They might do data analysis; they might do literature  
17 reviews; they might -- they might do whatever the faculty  
18 member needs within the scope of the work for the project.

19 It's a mentoring relationship. It's an effort to engage  
20 students in their fields of interest and to support them in  
21 their own work, and they tend to be -- excuse me -- Research  
22 Assistants have several ways in which they assume their roles.

23 There are those that have their roles through a program  
24 that we've developed to support students. We give each faculty  
25 member a maximum of \$5100 a year where they can attract

1 research support from a student and more closely with them. So  
2 we have most of all our full-time faculty do engage students.

3 They have a considerable amount of independence about who  
4 they select to work with them. They mentor them; and generally  
5 speaking, those students are in the fields of interest that the  
6 faculty member is working in.

7 They also can be -- can work with a faculty member on  
8 externally-supported research grants, where the faculty member  
9 gets a government grant or a foundation grant where they have  
10 funding to provide some aid to students to work with them.

11 Q Research Associate?

12 A Research Associates, almost exclusively, relate to -- I  
13 would say -- more advanced PhD students and occasionally a  
14 Master student on their way to the PhD. More often than not,  
15 they are supported by externally-generated research grants that  
16 faculty bring them on in order to support them in their own  
17 research work, either through the sharing of methodological  
18 approaches -- sometimes it's sharing of data. Often a PhD  
19 student who is working in that capacity of a Teaching Fellow --  
20 as a Research Associate -- may develop their dissertation topic  
21 -- even the basis of their research -- from the work that they  
22 do under the supervision of that faculty member.

23 Q And the last two, Course Assistant and Tutor.

24 A Tutors generally refer to students who provide assistance.  
25 For example, we have a student learning center where students

1 can come who need help with writing. It often has to do with  
2 people who -- students who come to The New School with English  
3 as a second language, but often not; and those Tutors are often  
4 English -- could be in the creative writing program or in other  
5 graduate programs; and they support and help often  
6 undergraduate students in their writing.

7 We also have, I believe, some tutors at -- by upper-level  
8 students at Lang College for -- in the writing -- support for  
9 writing of Freshmen who are in a writing seminar.

10 Course Assistants are not, for the most part, providing  
11 teaching assistance, but more often than not, are supporting  
12 the course. They sometimes do grading; they sometimes provide  
13 presentation; help faculty members with presentations in the  
14 classroom and the like.

15 Q Okay. Now is that generally the foundational description  
16 for each of these five divisions, generally speaking?

17 A Yes.

18 Q Okay. Now there are Masters Degrees and PhD to be  
19 obtained at The New School. Please just describe the steps  
20 that a student would take in attempting to obtain a Master's  
21 Degree.

22 A Well, generally speaking, we have -- we have a lot of  
23 Masters Programs, and the requirements that Masters students  
24 have vary considerably. I think in this exhibit, you saw that  
25 the credits vary from as small as 30 credits to as high as 60

1 credits to obtain a Master's Degree. So those students might  
2 be spending two or three years. Someone with a 30 degree might  
3 be spending less.

4 So they have to take a prescribed course of study, Masters  
5 students; and the course of study is dictated often by the  
6 State and sometimes by accrediting agencies; like the Master  
7 of Architecture that has very strict rules, and Design schools,  
8 which is accredited by NASAT, which have rules and regulations  
9 about an appropriate curriculum.

10 And then in some cases, where we have a latitude by the  
11 faculty and Provost Office at The New School determining how  
12 many credits a student needs to take; and that would be their  
13 course work. Generally, that's supplemented by an expectation  
14 that they do some kind of capstone -- might be a research  
15 project; it might be a thesis; and in some cases, it might be  
16 some kind of practical application; and upon doing that, they  
17 would be eligible for graduation.

18 Q Okay. And then the same thing, please describe how a  
19 student who is attempting to obtain a PhD would do so, from the  
20 inception of his relationship; and what are the various steps,  
21 generally speaking?

22 A Well, they've obviously applied for admission; and most  
23 students come from already a Master's Program where they  
24 already have attained 30 credits. If not, they may come from  
25 within, from The New School, get their 30 Masters credits and

1 then transfer into the PhD Program.

2 For most of the PhD Programs, an additional 30 credits is  
3 required beyond the Master's Degree. In a few, it's more; it's  
4 90 all told for Clinical Psychology, and that's dictated again  
5 by the accrediting agencies for Clinical Psychology.

6 On the way to earning a PhD, they not only have the  
7 prescribed course of study, but they -- in most of the  
8 programs, they have either comprehensive exams or qualifying  
9 exams before they can move up to the dissertation; at which  
10 point, they would have to do a dissertation proposal that would  
11 have to be approved; and following the dissertation proposal,  
12 they would have to do a dissertation; and upon having that  
13 approved by a Doctoral Committee, they would be eligible for  
14 the conferring of the degree.

15 Q Generally speaking, if there is such a thing, how long is  
16 the Master's Degree -- and we're talking about duration of  
17 years -- attainment versus PhD? If they vary, please so state;  
18 but if you can give us a range of how many years to obtain  
19 either a Masters and/or a PhD?

20 A I would say, in general -- not all -- but in general, two  
21 to three years to obtain a Masters; and a PhD is very wide  
22 range and depending upon whether students come in with a  
23 Masters already and how quickly they move through; but I think  
24 -- I would say at least six or seven years, probably, to obtain  
25 a PhD, at the least.



1 Q Okay. Now in connection with the petition for categories  
2 by the Petitioner, the six categories; can you tell us whether  
3 there is any financial aid afforded to them or funding; and  
4 please describe it, if you can.

5 A Well, we consider these roles as our principal form of  
6 financial aid to the students. Are we talking about PhD  
7 students?

8 Q Well --

9 A Or Master students?

10 Q Segregate it as you will.

11 A Okay. Some students are eligible for tuition discounts,  
12 but not that many and not that great amount, because our  
13 resources are quite limited; and I think we talked earlier  
14 about how limited our fully-funded graduate students actually  
15 are; but some students are afforded scholarships or some  
16 discount on their tuition.

17 The principal form of financial aid that we use to try to  
18 support our students in completion of their degrees is to use  
19 these roles, which is -- we see as part of their education and  
20 professional development -- as a source of aid to help them  
21 through the completion of their degree and to attain  
22 professional development to get a job and to succeed in their  
23 fields.

24 Q Okay. And just as a general amount, per annum, as far as  
25 the stipends and/or dollars received in the form of financial

1 aid to these six categories, what's the aggregate amount,  
2 approximately, that is provided to all of these graduate  
3 students in the form of financial aid in assuming these roles?

4 A I would say it's from different sources and in different  
5 ways, but probably the aggregate total is about 4.9 million  
6 dollars a year toward these payments of financial aid.

7 Q Okay. Now if one were to assume the role of Teaching  
8 Assistant or Teaching Associate, is that role assumed for any  
9 specific duration of time; or is there a commitment that he or  
10 she will continue to receive that financial aid beyond the  
11 semester or academic year; and if there are variations, please  
12 so state.

13 A I would say for the most part, the duration of the role  
14 has to do with the particulars of a project or the particulars  
15 of a course. Generally speaking, a faculty member who has  
16 discretion to select a graduate student to assume one of these  
17 roles may engage them for some finite amount of time; and  
18 sometimes this is a portion of the semester. It could be a  
19 whole semester; occasionally a year, but rarely if there is a  
20 commitment that's made over a long period of time.

21 I would say each one is a new possible role that a student  
22 might take.

23 Q Is there any intent by The New School to, or not to, have  
24 as many students as is possible to receive this form of aid?

25 A You mean the goal -- the intention of these resources and

1 the forms of money as to spread it around as best we can to  
2 support our students as they go through toward completion of  
3 their degree; so I would say the objective is to get aid to as  
4 many students as we can, given the constraints we have on our  
5 resources.

6 Q Okay. And where are these 4.9 -- 5 million dollars in the  
7 average -- where is this source of financial aid obtained from?  
8 Can you give us if there is more than one source?

9 A Well, I'd say there's about six different places that  
10 these resources come from. The first is that there are some  
11 courses which we know pedagogically require the kind of support  
12 of a student -- a Teaching Assistant or a Teaching Fellow -- by  
13 their very nature.

14 These tend to be courses that have technical components  
15 where we need to help students progress through the courses.  
16 And so, generally speaking, we budget for either TA's or  
17 Teaching Fellows for these kinds of courses ahead of time; and  
18 so we know within the budgets of divisions of the University,  
19 they would budget separately for these kinds of resources which  
20 then go to students in the form of this kind of financial aid.  
21 So that's one source.

22 A second source is the Federal Government's grants work  
23 study for needy students, and The New School provides a  
24 supplement to that; and we know how many students are eligible,  
25 and we try to maximize the source of this to students. So

1 that's the second source would be Federal Aid.

2 I would say there's a third source of aid which comes  
3 through faculty members. I think I mentioned this program that  
4 we have where we give each faculty member an opportunity to  
5 write a proposal for students in their work for up to \$5100.

6 The Deans review those proposals to ensure that they have  
7 value to the student -- the nature of the work has value to the  
8 student. The selection of the students to work with the  
9 faculty members are done in different divisions in different  
10 ways. Sometimes they're posted, and then the faculty member  
11 would interview different students to see whether they could  
12 find a compatible student for the nature of the work who would  
13 benefit from that kind of mentorship and relationship.

14 But that means that virtually every faculty member has  
15 access to this money for students, and some have a good deal  
16 more from grant-related purposes; and that's another basis for  
17 resources -- Research Grants, which could come from the Federal  
18 Government; could come from foundations and a variety of other  
19 sources on research or sponsored projects where faculty can  
20 then engage students to work with them on that; and that's an  
21 additional set of external resources that go to students.

22 Finally, we have centrally-budgeted funds for -- I think I  
23 mentioned this earlier. We have a set of courses that are  
24 designed in order to bring students from across the University  
25 together in an interdisciplinary environment. They're called

1 ULEC Courses -- University Lecture Courses.

2 They're large courses. We tend to highlight our best  
3 faculty in them, our most senior faculty. They are  
4 interdisciplinary, so we're bringing music students together  
5 with performing arts students and social science students; and  
6 we engage graduate students to run recitations -- small  
7 recitations -- outside of the university lecture for these  
8 students.

9 So we budget directly for the ULEC Courses. I think we  
10 budget about \$250,000 for Teaching Assistants to help us in  
11 that.

12 And finally -- I think this is six. I don't know -- I  
13 hope I have all six.

14 MR. CATALANO: It is.

15 THE WITNESS: Finally, we have centrally-budgeted these  
16 Tutors that we have talked about in the University Writing  
17 Center and in other endeavors where we engage Tutors to help in  
18 writing and such things, centrally. So that's another of  
19 centrally-budgeted funds.

20 BY MR. CATALANO:

21 Q Okay. Briefly, how is the financial aid distributed  
22 between -- among divisions? Is there a process undertaken?

23 A Well, in part, it depends upon these different sources of  
24 funding. So some funding goes directly to the divisions -- the  
25 funding that I talked about, the \$5100 to the faculty members,

1 goes, in proportion, to the faculty in those divisions who  
2 apply for that. So that's Budgeted Divisional Budgets, which  
3 the Provost approves, might include additional resources within  
4 the divisional budget to supplement teaching of the sort that I  
5 talked about -- some of the technical courses that need  
6 additional support either from Teaching Assistants or Teaching  
7 Fellows that we know in advance, and we might budget for that  
8 within the divisions.

9 Q Is the financial aid available, both from The New School  
10 and from the United State Government or such other government,  
11 available to both PhD and Master students?

12 A Yes.

13 Q You touched upon it before.

14 Is there a particular way that a faculty member might  
15 choose to work with a Research Assistant or Research Associate  
16 graduate student? Is there a methodology, or is it incapable  
17 of being defined, in all respects?

18 A I would say the nature of those kinds of relationships  
19 are that they're very variable, and they depend upon the  
20 working approach of the faculty member; how they work with the  
21 students; what the nature of the project requires or demands.  
22 I think some faculty members work side-by-side with the  
23 student. Others may give a student an assignment to do for a  
24 project, and they meet with them once a week.

25 I would say the way in which a faculty member directs,

1 supports, mentors, develops the student is going to vary a  
2 great deal across different domains; and on the basis of how  
3 somebody works, and that's why, in some ways, the match between  
4 a faculty member and a student is so important -- that a  
5 student finds a faculty member with whom they can be mentored  
6 and work; and that that working relationship is suitable both  
7 to the faculty member and the student.

8 Q How do you respond to the claim of the Petitioner here  
9 that this is some form of employment between the University and  
10 the graduate students?

11 Is that your intent? And I'm not asking as a legal  
12 conclusion where Mr. Meiklejohn is looking over at me; but what  
13 is the intent of The New School with respect to whether this is  
14 part and parcel, or not, of the attainment of a degree -- this  
15 relationship or these six relationships?

16 A I think we're committed to providing our students with the  
17 maximum amount of support and mentoring; and in a  
18 research-oriented kind of degree, that's critical; but also in  
19 an applied part of a degree it is as well.

20 The application, the opportunity of a student to work with  
21 a professionally motivated faculty member and learn the way in  
22 which they work is critically important to their own  
23 experience, development, training. We try to get it to as many  
24 students as we can; and I think we do a pretty good job, given  
25 the limited resources we have.

1 Q If it were intended to be an employment circumstance,  
2 could The New School channel this in a different way or utilize  
3 other methods?

4 MR. MEIKLEJOHN: I object to that question. It's  
5 speculative, you know, and I do think that it is calling for a  
6 legal conclusion.

7 HEARING OFFICER DAVIS: Sustained. Rephrase the question.

8 BY MR. CATALANO:

9 Q Is this intended to be an employment relationship; and if  
10 not, why not?

11 A Well first of all, as you can imagine, there are an  
12 enormous amounts of transaction costs in distributing  
13 opportunities in this way to our students. If this were merely  
14 an employment situation, we could -- much more we could (a)  
15 hire people, many fewer people to do more things; and we  
16 wouldn't have to bear the transaction costs or the support  
17 mentoring that comes.

18 In other words, when you have a Teaching Fellow who you  
19 are trying to train professionally and whose career depends  
20 often upon having experience and demonstrated performance in  
21 teaching before they get a job -- when we look at dossiers of  
22 new faculty, their teaching experience in their doctoral  
23 programs, their demonstration of having developed syllabi, of  
24 having course evaluations and the like are important to us in  
25 assessing the quality of somebody's teaching.



1           So we think the Teaching Fellow role is of critical  
2 importance to the professional development of our doctoral  
3 students. But we could, in theory, replace them with part-time  
4 faculty members, easily.

5           We wouldn't want to do that. We don't do that. We want  
6 to get as much aid to students as we can, and so I would say  
7 no; we don't look upon this as an employment situation. If we  
8 did in a pure employment way, we would organize what we do  
9 quite differently.

10 Q       Were you ever a full-time faculty member; and if so, for  
11 how long?

12 A       Well, I've been back and forth between Administration and  
13 the faculty for 38 years; so the answer is yes; I've spent many  
14 years on the faculty.

15 Q       Did there ever come a time that in obtaining your PhD that  
16 you had a mentor or interactive with faculty; and conversely,  
17 while acting as a full-time faculty member, did you have any  
18 Research Assistants, Associates or otherwise; and if so,  
19 personalize your response to what your experience was.

20 A       Well my experience as a graduate student was that I had a  
21 advisor on whose Federal Grants I worked, from whom I was  
22 mentored and trained; and that training resulted in -- actually  
23 in employment when I got my PhD and when I finished; and I  
24 finished very quickly because of the support and relationship  
25 that I got from him.

1           In terms of my own mentorship of students -- first of all,  
2 as a faculty member working with students is what we do. So as  
3 Research Assistants -- and I've had many, many over a very long  
4 period of time -- of Research Assistants that have worked on  
5 grant-funded projects and otherwise -- whose training on those  
6 projects led to (a) relationships in the outside world, jobs;  
7 and I would say the development of certain kinds of expertise  
8 that advanced them through their program degrees and careers.

9           And I would say that I stay in touch with dozens of them  
10 to this day; so I think the relationship -- the mentoring  
11 relationship continues even beyond the classroom and  
12 graduation.

13 Q       And could you detail to us whether those roles assumed by  
14 the graduate students were helpful to their attainment of the  
15 degree?

16 A       I think it supported their training and their data  
17 analysis, methodology -- all of the kinds of things that you  
18 work with students on in an applied practical way -- helped  
19 them to develop their thesis topic; sometimes helped them  
20 develop relationships.

21           I was in an applied program, so in lieu of a thesis was an  
22 applied project; so work with me helped them get a client for  
23 their applied thesis project as well. So I think there is a  
24 symbiotic relationship between faculty and the student in the  
25 progress of their training, degree and thereafter in their

1 professional development and role.

2 Q Does there often come a time when the research or the  
3 interaction with a faculty member relates to a graduate  
4 students ultimate attainment of a PhD or the PhD dissertation?

5 A Yes.

6 Q How often does that occur?

7 A I don't think it's all the time. I think sometimes the  
8 experience with working with the faculty on a project, students  
9 become familiar and develop expertise and methodologies in data  
10 sources, in research questions.

11 Sometimes a research project is robust enough that the  
12 data in it could provide the data for a PhD dissertation in  
13 addition to what the initial project is. Often, though, it  
14 helps a student develop the question they want to ask in their  
15 own work, after completing the work with the faculty member.

16 MR. CATALANO: Okay. I have nothing else at this time.

17 MR. MEIKLEJOHN: Pardon me just for a second. I want to  
18 make sure I have something to work with.

19 HEARING OFFICER DAVIS: Sure.

20 MR. MEIKLEJOHN: Thank you.

21 (Whereupon, a brief recess was taken.)

22 HEARING OFFICER DAVIS: Okay. Let's go back on the  
23 record.

24 Mr. Catalano?

25 MR. CATALANO: Nothing else at this time, subject to

1 possible rebuttal.

2 HEARING OFFICER DAVIS: Okay. Thank you.

3 I have one question for the witness before Mr. Meiklejohn  
4 starts.

5 Employer's Exhibit 7, that long computerized list that --  
6 with respect to this exhibit, are there any of the Petition for  
7 Positions, meaning Teaching Assistants, Course Assistants,  
8 Teaching Fellows, Tutors, Research Assistants, -- I think I may  
9 have missed -- Teaching Assistants, Teaching Fellows, Research  
10 Assistants, Research Associates, Tutors or Course Assistants  
11 who did not receive any financial aid?

12 THE WITNESS: No.

13 HEARING OFFICER DAVIS: Okay. So all those persons would  
14 be reflected in Employer Exhibit 7?

15 THE WITNESS: Yes.

16 HEARING OFFICER DAVIS: Okay. That's my question.

17 Mr. Meiklejohn, would you like to start Cross now or is  
18 this a good time to take a break for lunch?

19 MR. MEIKLEJOHN: I'd just as soon start it.

20 HEARING OFFICER DAVIS: Okay.

21 MR. MEIKLEJOHN: If that's okay with you.

22 HEARING OFFICER DAVIS: Let's go off the record.

23 (Whereupon, a brief recess was taken.)

24 HEARING OFFICER DAVIS: Okay. Mr. Meiklejohn?

25 CROSS-EXAMINATION

1 BY MR. MEIKLEJOHN:

2 Q I was going to start with Employer Exhibit 1, which is the  
3 CV. Does the witness need a break?

4 A I'm good.

5 Q Okay. I guess, sort of commenting on this, I note that  
6 you completed your PhD in less time than you anticipate that  
7 students will today?

8 A Yes.

9 Q Is that -- I won't ask why -- whether that's changed.  
10 But after you received your PhD in 1976, I see that you  
11 next job was -- your next job in an academic institution was at  
12 The New School; is that right?

13 A No; I spent a year at a Social Policy Consulting Firm,  
14 Mathematical Policy Research --

15 Q Right, and do you consider that an academic job?

16 A I would say that most people -- it's a research job; so  
17 yes, in that sense. It's not an academic institution, but an  
18 academically-related job.

19 Q Okay. And while -- I'm going to try to avoid asking each  
20 job and the nature of the work that you were doing there, but  
21 while you were working there, were you continuing to increase  
22 your knowledge of your field?

23 A Yes.

24 Q Okay. So then where do we go from there? What's the next  
25 job? Is that at --

1 A The New School.

2 Q That's at The New School; and you progressed through the  
3 standard stages for a tenure-track faculty member at any --  
4 most academic institutions?

5 A Yes.

6 Q And as you progressed through the stages of Assistant and  
7 Associate Professor to Full Professor, did you continue to  
8 increase your knowledge of your field?

9 A I did.

10 Q And your expertise in the field?

11 A I did.

12 Q And even though you now have a largely administrative  
13 function, do you feel you're learning and increasing your  
14 knowledge of the field?

15 A Yes.

16 Q And, in fact, is it -- it is, in fact, one of, or part of  
17 the philosophy of The New School that learning is a life-long  
18 activity?

19 A That's right.

20 Q And as you progressed through these different positions --  
21 professorship positions -- did you also increase and improve  
22 your teaching skill?

23 A Yes.

24 Q So really -- just a minute -- how about your research  
25 skills? Did you research skills improve over the course of the

1 phases of your career?

2 A They did.

3 Q As a -- as a really minor point of clarification, you  
4 referred to the BA/BS Degree a few times when you were  
5 describing -- I think it's Employer Exhibit 3 -- or getting  
6 ready to talk about Employer Exhibit 3.

7 A student would receive either a BA or a BS; correct?

8 A Yes.

9 Q And -- I guess I won't ask --  
10 What's the difference?

11 A A Bachelor of Science requires -- it's a State-defined  
12 requirement of what qualifications are for a BS versus a BA,  
13 and it has to be with more concentration and technical training  
14 than would a BA, which is a Bachelor of Arts.

15 So, for example, we give a BS in Environmental Studies,  
16 which requires science and some technical, professional  
17 training that might be different from someone who is an English  
18 major, would be eligible for a BA.

19 Q I just have a -- I have a few more questions to try to  
20 make this clear for the record.

21 If you could look at Employer 3, which is the -- starts  
22 with the two-page chart. So just -- the first page reflects --  
23 what does the first page reflect?

24 A These are new -- these are new programs, so that's why  
25 they're on that first page. They're being added to the list.

1 Q These are recently -- these are new programs that have  
2 been added or are being added at Parsons?

3 A Yes.

4 Q Okay.

5 A This one's Title and Curricular Change Approved in 2014  
6 from History of Decorative Arts and Design to History of Design  
7 and Tutorial Studies.

8 Q I'm not going to ask you how a document that was created  
9 or that says it's as of July, 2013, to report on what happened  
10 in 2014. You couldn't explain that.

11 A I couldn't.

12 Q No.

13 A And this is an internal document which we thought would be  
14 useful for these purposes.

15 Q I'm not criticizing that. Okay. I think it's clear --  
16 second page -- second page.

17 I think it's -- well, maybe -- what does NSPE stand for?

18 A New School for Public Engagement.

19 Q Okay. And we've heard enough -- plenty about what MSSR  
20 stands for. What does PSD -- is it Parsons School of Design?

21 A Yes.

22 Q Okay. I've moved ahead to the third page now, they're  
23 called divisions here, but they're now called schools; correct?

24 A Right.

25 Q But old habits die hard?



- 1 A Right.
- 2 Q Okay. What is it -- this is the title of the course; is  
3 that --
- 4 A These are the titles of the degrees.
- 5 Q I'm sorry; the degrees; right. Okay.
- 6 So the Lang School offers a Bachelor of Arts Degree in  
7 Culture and Media; is that --
- 8 A Where -- where --
- 9 Q I'm sorry; on the third page, top line.
- 10 A (No audible response.)
- 11 Q Third page --
- 12 A I'm on the wrong page.
- 13 Q I'm at Dual Degree Programs; I'm not quite sure how I got  
14 up there.
- 15 A Yes.
- 16 Q But that means that the Lang School offers a Bachelor of  
17 Arts in Culture and Media?
- 18 A Yes.
- 19 Q And --
- 20 A With -- it does it jointly with NSPE, which has the Media  
21 Studies Program; so you go from the BA to the MS.
- 22 Q Or the MA, it looks like?
- 23 A MA.
- 24 Q Okay. And Standard Movement, you go to classes instead of  
25 online courses?

1 A Yes.

2 Q I'm moving to the fourth page, now. Did we -- I don't  
3 think we did. Did we get a definition of what the MSFC is --  
4 that's the last board on the fourth page?

5 A I'm not sure. I mean it's a term -- it's a degree with  
6 real specificity in the Psychology Department in Psychoanalytic  
7 Studies, and I'm assuming -- I don't know for sure, but I'm  
8 assuming it has significance in terms of accreditation. It's a  
9 particular kind of degree, like the Masters of Architecture.

10 Q Okay. All right. I don't think I have any -- moving to  
11 -- moving to the fifth page, we don't need to know what the  
12 Tagus Numbers are?

13 A I don't know what they are either.

14 Q Okay. Beginning on that page -- well, on the fifth page,  
15 that is still a listing of degree programs; right?

16 A Yes.

17 Q Okay. And then so like on the sixth page, you got five  
18 types of awards or diplomas or degrees --

19 A Yes.

20 Q -- that can be given in Choral Conducting, for example.

21 A Yes.

22 Q I think the rest of this was --

23 A The diplomas.

24 Q You can explain what an Advanced Diploma is.

25 A Yes; I mean these are different categories in different

1 fields of study.

2 Q And it's useful for -- that would generally be offered to  
3 a part-time student or an adult?

4 A It might be.

5 Q Not necessarily?

6 A Not necessarily.

7 Q All right. I would ask you about Employer's 6. That's  
8 the -- can you explain what the Kinds of Institutes is?

9 A It's the part of the institute -- it's a foundation --

10 Q Is this a school in Pittsburgh or no?

11 A No; no. It's a foundation. It's an institute of a  
12 foundation that looks at academic -- it's a designation and a  
13 way of categorizing different higher education institutions.  
14 That's a convention in higher education to classify -- whenever  
15 you go into the chronical of higher education, and they're  
16 talking about they're giving salaries it's something they  
17 generally distinguish between institutions that are  
18 Baccalaureate oriented, that are Masters oriented, that are  
19 Doctoral Research oriented and then that are research  
20 institutions with high -- very high levels of research.

21 These are distinctions that have to do, as we mentioned  
22 before, with the research activity, but it also has to do with  
23 the programming at the institution. The degrees that it  
24 delivers, the division between graduate and undergraduate  
25 education and the like.

1 Q This is something that is funded by the Carnegie --

2 A It is something that is --

3 Q -- or supported by?

4 A (No audible response.)

5 Q No?

6 A I don't know. It's a designation that is conventionally  
7 used to distinguish among universities of various sorts.

8 Q Now if we could get to Page 2, my question is: What is  
9 your understanding of the term, "Core Revenues"?

10 A Well, I would just be guessing, but I would say it  
11 wouldn't be things like gifts and things like that. It would  
12 be the core revenues of the institution, which would be tuition  
13 and grants and things like that; not additional things or if  
14 the university has some external -- other external sources of  
15 funds beyond what's core to the educational enterprise, that  
16 wouldn't be included here; but I don't really know.

17 Q Okay. The major component for most major institutions --

18 A Right.

19 Q -- would be tuition and research grants; is that right?

20 A Right.

21 Q And in some of the -- I'm sorry, what was the term -- the  
22 high -- high and very high research institutions, they may be  
23 getting income from patents and --

24 A Right.

25 Q -- that were developed in the school?

1 A Right.

2 Q So The New School relies -- well it says here, "Eight-five  
3 percent of its core revenue from tuition." It relies very  
4 heavily on tuition?

5 A Yes.

6 Q And that would be predominately undergraduate tuition?

7 A I would say tuition generally. I mean we talked about  
8 fully-funded students. We simply don't really have them; so  
9 most everybody is paying tuition of some sort or another.

10 Q Two thirds of the tuition comes from --

11 A Yes.

12 Q -- two thirds of your students are undergraduates?

13 A Yes; so it's primarily undergraduate tuition.

14 Q And "Core Expenses," do you know what that phrase means --  
15 or what is your understanding of what that phrase means?

16 A I would say it's, you know, the operating -- I would  
17 assume it's kind of the operating budget; what we expend in  
18 order to do our work.

19 Q And -- you're not a financial person. I won't ask -- I  
20 won't ask my really unfair questions.

21 Let's move on to Employer 7. There are -- most, I guess,  
22 of these people whose names appear on here holding a position  
23 of RA, TA, et cetera -- most of those names appear more than  
24 once; and in some instances, that's because the individual  
25 worked or was paid for fulfilling these roles in more than one

1 semester; correct?

2 A To me, it doesn't appear that way on this chart. It looks  
3 like when there are multiple listings, there are resources  
4 coming from a number of semesters.

5 Q I think that's what I --

6 A You said from the same semester.

7 Q Oh, okay. I thought I said more than one; but alright.

8 Let's just take -- let's take Barbara Adams. She appears  
9 on here lots of times. Do you find where she does -- about ten  
10 lines down?

11 A Yes.

12 Q She, according to this -- I'm having a hard time -- I  
13 think the first entry for her is \$2,415 --

14 A Yes.

15 Q -- in the Spring of -- have I got that right? No.

16 A No.

17 Q No; the first entry for her is \$2,684.20 in the Fall of  
18 2013?

19 A Yes.

20 Q So that means that in that period, she was a Student  
21 Assistant in the Parsons School, which is like a Research  
22 Assistant --

23 A Yes.

24 Q -- for somebody in that department?

25 A Yes.

1 Q And then in the next semester, she had a -- the same --

2 A Yes.

3 Q -- she was in the same classification --

4 A Yes.

5 Q -- and received slightly less for some reason. She  
6 received \$2,415 in that semester.

7 A Uh, huh.

8 Q You should say, "Yes."

9 A Yes; I'm sorry.

10 Q That's all right.

11 Do you know why the amount of earning vary from semester  
12 to semester?

13 A I don't know, but I could surmise that --

14 Q I'm not asking specifically for Barbara --

15 A Well, I certainly don't know for her, but I mean I would  
16 say in general, different roles and different projects might --  
17 they might last a different amount of time. They might have a  
18 different amount of hours associated with them or  
19 understandings related to them.

20 Q So it's related to the --

21 A It's the same category, you know, Research Assistant; but  
22 what they're working on and what the project is, its duration,  
23 and so forth; they are paid in these semesters, but we don't  
24 know if the work extended a whole semester or part of a  
25 semester. You don't know.

1 Q So basically the amount that they get paid from one  
2 semester to another depends on how much work they're expected  
3 to do?

4 A It might be; yes.

5 Q Would there -- can you think of any other explanation?

6 A I can imagine as a Research Assistant that a faculty  
7 member put in a proposal for \$5100 in research and was not  
8 granted \$5100; and so whatever work they had to do, they had to  
9 have it done within the constraints of the money that they had  
10 available to them; and that could vary.

11 Q The amount of money could vary or the amount of work could  
12 vary?

13 A Well I think that the work would obviously be less for  
14 less money.

15 Q Now she, that is Barbara Adams, continued for two -- the  
16 next two semesters in a Student Assistant Faculty Research  
17 position; correct?

18 A Looks that way.

19 Q I know. It's -- it was easier to follow these things  
20 fifty years ago with such small type.

21 But also in the Fall semester of 2014, she had a position  
22 in the Dean's Office; do you see that?

23 A (No audible response.)

24 Q She got \$2550 for doing something in the Dean's Office?

25 A Well, when you say, "the Dean's Office," where do you see



1 "Dean's Office"? I'm sorry; it's really small.

2 Q I'm with you on that. If you -- there's four semesters --  
3 consecutive semesters where she worked as a Student Assistant  
4 Faculty Research --

5 A Oh, I see, Dean's Office.

6 Q Right.

7 A That's who paid for that role, but the person she's  
8 working for is a faculty member; so it doesn't mean she was  
9 working in the Dean's Office, it means that the source of the  
10 stipend or amount of money she got came from the budget of the  
11 Dean's Office; but it went -- it was paid by the Dean's Office,  
12 but she's working for a faculty member, Susan Yelavich, who was  
13 not in the Dean's Office.

14 Q You know who Susan Yelavich is?

15 A Yes; I do.

16 Q She's a --

17 A Faculty member.

18 Q And one of the ways these students can obtain these paying  
19 positions is if the faculty member has work they would like  
20 that student to do, they can go to the Dean's Office and say,  
21 "I've got more work I want Barbara to do, so can you give me  
22 some more money to fund it??"

23 MR. CATALANO: Just for the sake of clarity, Mr. Davis, he  
24 continues, Mr. Meiklejohn, every the advocate, to use the words  
25 "work," and we're not conceding that it was work, but he can

1 use that term to his heart's delight; but we're not going to  
2 concede.

3 HEARING OFFICER DAVIS: Yes; to the extent that's an  
4 objection, it is overruled.

5 MR. CATALANO: That is an objection.

6 HEARING OFFICER DAVIS: Overruled.

7 BY MR. MEIKLEJOHN:

8 Q Did you follow the question?

9 A I did.

10 Q Good.

11 A But I don't know what the arrangement is with Susan  
12 Yelavich, but if the source of the money is what we had talked  
13 about before, that each faculty member is eligible for up to  
14 \$5100, it would -- that money would come to the Dean's Office,  
15 and the Dean would distribute it; so you might see "Dean's  
16 Office," but it's really Susan Yelavich's Research Assistant's  
17 money.

18 Q So to go back to the previous four semesters or the four  
19 lines, where she it says that the payroll organization code  
20 description was -- well, Student Assistants Faculty Research  
21 Mr. Pickus.

22 A I guess Parsons School; right?

23 Q Okay. Well Student Assistants Faculty Research, that's a  
24 budget at Parsons?

25 A Presumably.

1 Q Okay. All right. So these are --

2 A These are things that come out of our budgets, so I'm not  
3 familiar with all of the nuances and distinctions here; and as  
4 we had talked about earlier, there's a variety of sources of  
5 funds; so some of them come from what each individual faculty  
6 member is eligible for, and some come from the divisional  
7 allocations for things that they have.

8 So we're not able to distinguish easily here which of  
9 these applies to Barbara Adams.

10 Q Okay. You gave some examples of duties that Teaching  
11 Assistants perform. One of them was helping to prepare  
12 presentations?

13 A Sure.

14 Q Can you explain what that means?

15 A You know, if a faculty member wants to do a slide in an  
16 Economics class about the change in income, they might make the  
17 slide. They might collect some new data to update data that  
18 the faculty member has. They might help in the preparation of  
19 the class.

20 Q Just to be clear, when you say, "they might help in the  
21 preparation of the slide or collection of the data," the "they"  
22 you're referring to is the Teaching Assistant?

23 A Yes; they might.

24 Q That's -- and you said that another function that a  
25 Teaching Assistant might perform would be preparing documents.

1 Can you explain what, physically, the TA would be doing in that  
2 situation?

3 A Faculty member wants to have students have an additional  
4 reading, the Teaching Assistant might source that and  
5 distribute it.

6 Q Sourcing, that means go find the information?

7 A Exactly.

8 Q Okay. And distributing it would mean taking the pages or  
9 the charts or the graphs --

10 A And they upload it to -- we use a system called Canvas,  
11 where student class documents and so forth can be uploaded, and  
12 students can have access. The student might help prepare some  
13 of that.

14 Q They don't have to go to the copy room anymore?

15 A No.

16 Q Upload the data, prepare the charts, and then e-mail them  
17 to the students in the class?

18 A (No audible response.)

19 Q You have to --

20 A Yes.

21 Q When I nod my head up and down, it rattles a little bit.  
22 People can hear it, but when you do that --

23 A Okay.

24 Q -- the Court Reporter doesn't pick it up.

25 A I hear you.

1 Q Do Teaching Assistants also assist with grading? Is that  
2 correct?

3 A Occasionally.

4 Q And then you testified that the Teaching --

5 A But they would not be -- it's an important example. There  
6 might be a quiz, or there might be a homework assignment that a  
7 Teaching Assistant might help to grade; but it is the faculty  
8 member of record who gives the student the final grade and  
9 decides upon the grade for each student.

10 And I think this is an important distinction because a  
11 Teaching Fellow, which is different from a Teaching Assistant  
12 would have the responsibility for deciding the grade as well,  
13 perhaps under the supervision of a faculty member; but they,  
14 themselves would do the actual grading; so I just want to make  
15 that distinction.

16 Q Okay. The Teaching Assistant doesn't have so much  
17 discretion to decide what --

18 A Exactly.

19 Q Tell me if this is accurate -- after I finish asking the  
20 question.

21 The faculty member would figure out what's the right  
22 answer or what answer is expected, and then the Teaching  
23 Assistant would look at the quiz or look at the work product to  
24 see if that answer is there. Is that accurate?

25 A That might be; sure.

1 Q That's the model that you're looking for?

2 A Perhaps.

3 Q Okay. And you did -- I think you mentioned that -- no;  
4 that comes out of place.

5 I think you said that a Teaching Fellow takes a lot more  
6 responsibility for the class; is that fair?

7 A Yes; and it would be a more advanced student, too.

8 Q And it would be a more advanced job?

9 A Would be more advanced responsibility.

10 Q Okay. And then so there is a progression from being a  
11 Teaching Assistant to being a Teaching Fellow?

12 A There could be; yes.

13 I think I mentioned earlier, a Teaching Fellow would more  
14 likely be a PhD student; but a Teaching Assistant could be --  
15 needn't be.

16 Q But being a Teaching Assistant, that would be preparation  
17 for being a Teaching Fellow?

18 A It might be.

19 Q And being a Teaching Fellow might be preparation for  
20 becoming a faculty member?

21 A Definitely is that.

22 Q Now a Research -- I've got "RA" down here so that creates  
23 a problem. A Research Assistant would be a less-advanced  
24 position than a Research Associate; is that --

25 A Yes.

1 Q Okay. So a Research Assistant, you said, one of the  
2 duties they might perform would be data analysis?

3 A Perhaps.

4 Q Can you explain what you meant by that?

5 A You have a database. I did a research study on the  
6 performance of 125 US cities on performance measures. I might  
7 have my Research Assistant do some statistical analysis -- use  
8 a package to do some statistical analysis and tell me what the  
9 model distribution was, or what the range was, or which cities  
10 were in the top ten percent or the lower ten percent; something  
11 like that. That's a very typical kind of thing for a Research  
12 Assistant to do on a funded project, for example.

13 Q And you refer to a -- you had a -- I know you did some  
14 funded -- you did some research regarding privatization of  
15 government services. Did you have funding for that research?

16 A I did.

17 Q And you, in the course of conducting that research would  
18 have utilized the services of Research Assistants?

19 A I'd say a number of them; yes.

20 Q And those Research Assistants are helping you to fulfil  
21 the conditions of the grant; is that correct?

22 A Absolutely.

23 Q And when you received the grant, you were working at The  
24 New School when you received it?

25 A Yes.

1 Q And when you received that grant, that grant funding  
2 actually goes to The New School; correct?

3 A There are different arrangements, depending upon the  
4 specifics of a grant. Sometimes they're pass-through grants;  
5 sometimes there's an institution that's been named recipient,  
6 and they contract to us for a part of it; so it varies a good  
7 deal how the grant is structured. But, in general, that's a  
8 fair assumption.

9 HEARING OFFICER DAVIS: All right. What's a pass-through  
10 grant?

11 THE WITNESS: Where another institution gets the grant,  
12 and they pass the money to The New School to buy my time or to  
13 buy some of my students' time or something like that.

14 HEARING OFFICER DAVIS: Thank you.

15 BY MR. MEIKLEJOHN:

16 Q But the money does not go into your pocket, correct?

17 A No; never.

18 Q Oh it makes it possible to help the University to help pay  
19 your salary?

20 A Exactly.

21 Q Which, of course, is of value to you and the University?

22 A (No audible response.)

23 Q Another function that you said Research Assistants perform  
24 was literature review?

25 A Yes.



1 Q Can you explain what that means?

2 A You might have a topic about which you want them to review  
3 the literature in that area and develop a bibliography and tell  
4 you basically what the literature is concluding about some  
5 question that might be relevant to the larger research  
6 activity. That's a very common flow of a Research Assistant.

7 So they would learn about an area, and you would be able  
8 to develop your bibliography; and you would have -- it would be  
9 a way to help you form your hypothesis, for example, about a  
10 research question.

11 Q And so that is helping the faculty member conduct that  
12 particular research project?

13 A Absolutely.

14 Q And similarly, the functions performed by the Research  
15 Associate, they assist the faculty members in fulfilling the  
16 requirements of grants?

17 A Absolutely.

18 Q And you testified that the function performed by a  
19 Research Associate may relate to their dissertation or may lead  
20 them to their dissertation?

21 A Yes.

22 Q But that's not the case in -- that's not true in all  
23 cases; correct?

24 A No. The work, actually, of a Research Assistant might  
25 also lead a dissertation topic -- some experience with a

1 particular methodology or a set of research questions. I mean  
2 the goal here is to enhance the learning of the student; and  
3 obviously, the progress to their degree. So it often does, in  
4 fact, relate to the thesis topic that they have or the project  
5 that they do following this type of experience.

6 Q Now you testified that the \$5100 -- is that per year or  
7 per semester?

8 A Per year.

9 Q Okay; \$5100 per year is made available to each full-time  
10 faculty member; correct?

11 A Yes. This is in -- and I should make this distinction:  
12 This is in four of the five divisions. In the fifth division,  
13 that's the NSSR, their faculty tend to have more resources  
14 available because -- that come from the division itself, so  
15 they may be spending more on Research Assistants than \$5100;  
16 but in general, we budget for every faculty member to have a  
17 minimum of \$5100 that they can apply for to go to students.

18 Q And why does NSSR have more money?

19 A Well, (a) they tend to be a more research-intensive  
20 division, in general. In order to be competitive in the market  
21 for faculty members, they sometimes have to give larger  
22 research budgets; and the faculty members have other -- more  
23 often than not have other sources of funds in addition.

24 Q Tutors, you testified about what Tutors do; and is it fair  
25 to say that the function of the Tutors is to have undergraduate

1 students, primarily, to succeed in their education?

2 A Yes.

3 Q And that is what the undergraduates are paying tuition  
4 for; correct?

5 A To succeed in their education?

6 Q Yes.

7 A Presumably.

8 Q I'm sure that the social life plays some role, but the  
9 principal service that the University is offering to the  
10 undergraduate is an opportunity to get an education; correct?

11 A Correct.

12 Q Okay. In describing the duties of Course Assistants, --  
13 this may overlap, but you said that they help with  
14 presentations?

15 A I was trying to think of the types of things they might  
16 do. They basically support the faculty member in the course  
17 delivery.

18 Q So whatever the faculty member needs to have done --

19 A And they might do some grading or some -- I mean, yes.

20 Q But largely preparing materials for the class?

21 A I would say, and support for the class; yes.

22 Q What do you mean by "support for the class"? They don't  
23 mean like -- do they help -- do they work with students?

24 A Not as much as -- the assumption isn't as much as it would  
25 be for a --

1 Q Teaching --

2 A -- Teaching Assistant.

3 Q Do -- are Teaching Assistants expected to hold office  
4 hours?

5 A I'd say it varies a great deal, but I -- by what the  
6 courses and what the need is of that course. But, for example,  
7 if it's a technical course, and they're a Teaching Assistant in  
8 Statistics, you can imagine that they would have office hours  
9 or that they run review sessions before exams and things like  
10 that.

11 Q And the purpose of that is to help the --

12 A Student.

13 Q -- to succeed?

14 A And to support to the faculty member in the delivery of  
15 the course.

16 Q And do some Course Assistants -- do you know if Course  
17 Assistants are similarly expected --

18 A I don't think so, but I'm not -- I'm not aware of all the  
19 distinctions.

20 Q It's really to figure out where my questions are going a  
21 lot of the time. If you can try to wait until I finish asking  
22 them, it makes it a lot easier for the Court Reporter to figure  
23 out what we're saying.

24 HEARING OFFICER DAVIS: Since we're on that same topic, by  
25 the same token, Counsel should wait until the witness finishes

1 the answer instead of going back and forth.

2 MR. MEIKLEJOHN: Have I been doing that? Have I been  
3 cutting her off? I try not to.

4 HEARING OFFICER DAVIS: No; it's been alright, but be  
5 aware of that as well.

6 BY MR. MEIKLEJOHN:

7 Q You talked a little bit about the requirement -- you  
8 talked about the requirement for getting a Masters and a PhD.  
9 Masters courses -- or Masters Degrees -- the requirements for a  
10 Master's Degree do not include serving as a TA or a TF or an RA  
11 or an RA; is that correct?

12 A Required?

13 Q Is it required for a Master's Degree that someone serve in  
14 any of the classifications we're talking about?

15 A No; it's desirable, and we encourage it and support it  
16 because it helps the student and it enhances their education;  
17 but it's not required.

18 Q Is it required for any of the PhD programs?

19 A I don't think it's required. It's desired both by  
20 students and by the institution. It's an effort to support  
21 them.

22 Q You said that you have \$4.9 million per year for some  
23 student financial aid programs?

24 A Well, of these sorts that we've been talking about; yes.

25 Q The ones where they provide some of the services that

1 we've been describing as TA or an RA?

2 A Where they -- yes; that's some of these roles; yes.

3 Q And get paid for it?

4 A Yes.

5 Q And then you listed a -- you listed six areas in which  
6 courses need the support of TA's and TF's and maybe other  
7 functions as well.

8 When you say they require the support of the TA's and  
9 TF's, what do you mean?

10 A I think they require an enhancement of the classroom  
11 teaching.

12 Q In order to give the undergraduates the best education  
13 experience that you can, the faculty members need this  
14 assistance; is that correct?

15 A Yes; and I think we think the students that provide it are  
16 enhancing their own development as well.

17 Q Right. You said that several times.

18 Now you testified that you need TA's in ULEC courses?

19 A Yes.

20 Q And that's because -- those are classes where they --  
21 where one of the faculty stars runs a large class that attracts  
22 a large turnout of undergraduates?

23 A Well first of all, ULEC courses are -- I think I mentioned  
24 this -- are interdisciplinary undergraduate courses across the  
25 University; and each student is required to take two of them,

1 so you have a natural pool of students for the ULEC courses.

2 Q Okay. You don't use stars to describe some of your  
3 faculty members?

4 A We think they're all stars. Some of the more senior  
5 faculty members often teach in these courses.

6 Q That's how you get to be the Vice Provost, being tactful  
7 like that.

8 So is it that -- I think I understand this -- there will  
9 be one large lecture per week, and then two recitation sessions  
10 for each student; or is it the other way around?

11 A I think it's one large lecture and one recitation.

12 Q Okay.

13 A It's a smaller group of students.

14 Q And it is the TA's job to run those recitation sessions?

15 A They work -- actually because obviously there's a number  
16 of them for each course, and they work with the faculty member  
17 sort of as a team; so they would meet together and with the  
18 faculty member on a regular basis.

19 And we also have -- I think I told you -- some pedagogical  
20 support for them in the Provost Office that we run pedagogy  
21 seminars to help them develop their teaching ability and  
22 capacities.

23 Q Yes; I assume we're going to hear about that.

24 But to get -- when you say, "they meet together," what you  
25 mean is -- I think I understand you here -- the faculty member

1 who is in charge of the class meets with the TA, and they go  
2 over what should happen in the recitation session; correct?

3 A Yes; they do, and they also give the faculty member  
4 feedback of what they're hearing in the field; and they talk  
5 about the things, probably, that need to be emphasized for the  
6 students and ways to support the students.

7 Q Then TA's meet with groups of undergraduates, and they  
8 conduct the actual recitation sessions; correct?

9 A Yes.

10 Q They would be in charge --

11 A Under the supervision of this faculty member.

12 Q Right; right. And then they would -- when you say they  
13 would report back on what they were hearing in the field, you  
14 mean that they would report to the faculty member what they've  
15 gleaned from the comments of the students in the recitation  
16 sessions?

17 A Right.

18 Q And the recitation session is generally intended to be a  
19 session where the undergraduate students have an opportunity to  
20 discuss the materials among themselves?

21 A I think a later witness who runs the program will be able  
22 to provide you with more details on how those recitations  
23 actually go. I can only speak about it in a general sense.  
24 But since there's training for how to run them, I think she'll  
25 be able to tell you a bit more than I can.



1 Q All right. But the faculty member doesn't attend the  
2 actual recitation session?

3 A No.

4 Q And are there other situations in which a TA serves as a  
5 Recitation Director?

6 A I'm not sure I understand the question.

7 Q Other than these ULEC classes, are there other classes  
8 where the TA's provide recitation?

9 A Well from my own experience, I could say upon occasion you  
10 would have a TA do a workshop or do a review session, which the  
11 faculty member might not attend. That is that they're going --  
12 or they're going over papers that were turned back or something  
13 like that, answering additional questions -- things like that.

14 Q What do you mean by "a paper that's turned back"? Do you  
15 mean that's been rejected?

16 A No; that's handed back to the student; if they had further  
17 questions about some problem or -- and usually these are often  
18 analytic classes where their technical skill are developing,  
19 and the TA might be helping students develop those, you know,  
20 practice and workshop -- those skills.

21 Q I've read somewhere on occasion TA's may serve as a  
22 Preceptor?

23 A We don't call Preceptors. We don't have Preceptors at The  
24 New School.

25 Q You might have departments that do that sort of thing.

1 All right. I won't try to track it down.

2 HEARING OFFICER DAVIS: Let's go off the record.

3 (Whereupon, a brief recess was taken.)

4 HEARING OFFICER DAVIS: On the record.

5 MR. MEIKLEJOHN: I'd like this marked as Petitioner's  
6 Exhibit 13. I would note for the convenience of everybody in  
7 the room that these are two-sided documents, so that's going to  
8 be confusing to people, but it also cuts the amount of copy  
9 paper involved in half.

10 And I would ask -- well, I'll let you look at it first.

11 CROSS-EXAMINATION (cont.)

12 Q I ask you if you recognize this as a document showing the  
13 status of selection of Teaching Assistants -- I'm sorry,  
14 Teaching Fellows for the Lang School?

15 A It's not something I've ever seen before, but I see what  
16 it is. It's not something that I've seen before.

17 Q Okay. I believe this is the document that was produced in  
18 response to subpoena. That's fine.

19 Have you seen documents of this type?

20 A Generally speaking, yes; but I've never seen this before.

21 MR. MEIKLEJOHN: On the answer, then I will offer it as a  
22 document that was produced by the Employer in response to  
23 subpoena for documents concerning the selection of students to  
24 fill Teaching Fellow positions.

25 (P-13 identified.)

1 HEARING OFFICER DAVIS: Any objection?

2 MR. CATALANO: No objection.

3 HEARING OFFICER DAVIS: Okay. Petitioner's 13 is  
4 admitted.

5 (P-13 received.)

6 BY MR. MEIKLEJOHN:

7 Q So I'm going to try to ask you a couple questions. It  
8 will probably be non-starters, but --

9 You see the list of faculty members on the right who are  
10 captioned "Hiring Faculty"?

11 A (No audible response.)

12 Q You have to say --

13 A I do.

14 Q Okay. That's good.

15 What is the -- do you know what the role of the hiring  
16 faculty is in the selection of Teaching Fellows or a Teaching  
17 Fellow?

18 A I assume they represent the department. Again, this is my  
19 assumption. I assume that they represent the department in the  
20 selection of advance students to teach courses in their  
21 department; and I would imagine that they played a role as the  
22 Supervising Faculty Member in ensuring, you know, what needs to  
23 be in the course and so forth.

24 And then the Provost Office -- colleagues of mine in the  
25 Provost Office then would provide support for that student in

1 their development of a syllabus and in a pedagogy seminar.

2 Q And the faculty member making the selection is referred to  
3 as the "Hiring Faculty"?

4 A On this sheet, they certainly are.

5 Q And is the selection of students to teach -- to serve as  
6 Teaching Fellows referred to as a hiring process?

7 A It is certainly a selection process. Here it says,  
8 "Hiring Faculty."

9 Q And so they provide the Dean's Office with hiring  
10 preferences?

11 A (No audible response.)

12 Q It's on the front, the second paragraph.

13 The document will speak for itself. I withdraw the  
14 question.

15 A It says what it says.

16 Q And is it part of the process to select a Teaching Fellow  
17 for a faculty member to interview the applicant?

18 A Absolutely, and perhaps to look at their, you know, CV or  
19 what they've taken; and perhaps even to know how well they've  
20 done in their program of study, since that's a requirement that  
21 somebody has to be in good standing to be selected in one of  
22 these roles.

23 Q And also the purpose is to access their qualifications to  
24 teach the class?

25 A Certainly.

1 Q And similarly, you have to -- is there a similar interview  
2 process with respect to the selection of TA's?

3 A I think it is -- the selection of TA's is a very variable  
4 process, which is very faculty member specific. When the  
5 faculty member is -- some faculty members post -- and the same  
6 is true, actually, of Research Associates and Research  
7 Assistants.

8 Some faculty members post the opportunity and interview  
9 for it. Others, because of their work in the department and  
10 close connection with students may know who they want to work  
11 with because of the collaboration that's possible there; so I  
12 would say it's somehow much more formal process. This looks  
13 like a very formal process.

14 Some have much more -- the one that's done centrally  
15 through the Provost Office is a fairly formal process; but some  
16 of the Research Assistant opportunities are less formal.

17 Q But in any event, there is some sort of process to assess  
18 the qualifications of the applicant?

19 A That's right.

20 Q Do you know whether when a Teaching Assistant or a  
21 Teaching Fellow is selected, whether they are told that the  
22 assignment may be terminated for poor performance?

23 A I don't think that's part of what our expectation is.  
24 Part of what the value is of the Teaching Fellow is to support  
25 them in the development of these -- so I think if there were

1 performance problems with the Teaching Fellow, I think faculty  
2 would want to work with that individual to support them and  
3 help them to improve.

4 I'm not aware of any process of removing Teaching Fellows  
5 from their assignments.

6 Q Let me ask you this: When somebody is selected as a TA or  
7 a TF, do they receive an appointment letter from the school  
8 that selected them?

9 A I think sometimes they do. I think from -- the ones that  
10 go through the Teaching Fellow process centrally and go through  
11 our office do.

12 Q They don't all go through your office?

13 A No.

14 Q All right. I'll save that.

15 So the individuals selected for these various positions --  
16 all the positions we've talked about -- they do receive  
17 compensation for providing those services; correct?

18 A They receive financial aid, and this is part of their  
19 financial aid package.

20 Q Are there any restrictions on what the individuals do with  
21 the money that they receive?

22 A Not that I know of.

23 Q They can use it to pay for rent?

24 A They can use it for whatever they want to.

25 MR. MEIKLEJOHN: Can we have a moment off the record?

1 HEARING OFFICER DAVIS: Off the record.

2 CROSS-EXAMINATION (cont.)

3 BY MR. MEIKLEJOHN:

4 Q You testified that the money that the \$5100 that faculty  
5 members have to -- I'm going to say hire people to provide  
6 services -- to select people to provide services and compensate  
7 them -- you said that their proposals -- the faculty members'  
8 proposals have to be approved by your office?

9 A By the -- actually, the Dean's Office, and then they are  
10 referred to us.

11 Q Are you aware of any instances in which a faculty member's  
12 proposal has been rejected because it didn't serve the needs of  
13 the student?

14 A I remember the first year we did this, and it did not come  
15 through the Dean's Offices; it came directly to us, and we sat  
16 down and went through every proposal and found some more  
17 meritorious than others; and the amount of funds that we had to  
18 support it would thus not equally -- necessarily equally  
19 distribute it.

20 But right now, everything comes from the Deans to us, and  
21 we authorize the money to be allocated to the divisions for the  
22 students. So I don't actually know what's happening at the  
23 divisional level, whether there's any distinction made of the  
24 proposals.

25 Q When was this first year that you were referred to?

1 A I would say maybe four -- three -- three or four years ago  
2 when we first allocated the money for these purposes.

3 Q That's when this money first became available to the  
4 faculty?

5 A Yes.

6 MR. MEIKLEJOHN: No further questions.

7 REDIRECT EXAMINATION

8 BY MR. CATALANO:

9 Q Has the number, since you allocated this \$5100 to faculty  
10 members to be passed along to students, has the number of PhD  
11 candidates or graduate students increased over the last four or  
12 five years?

13 A I would guess no.

14 Q As far as the receipt of money, that's what I'm talking  
15 about -- the person who have received -- the students?

16 A Oh, I think this allocation of funds was designed to  
17 increase and improve student support; so yes.

18 Q And has it increased over the years -- over the last four  
19 or five --

20 A The amount of money that we've allocated for this \$5100?

21 Q Yes.

22 A It's been pretty stable in the last couple of years.

23 Q Okay. Has it increased from the years previous, though?

24 A I said it increased from the very beginning up to a  
25 certain point, and it's been pretty stable since then.



1 Q Okay. Now the \$5100 -- if you take a look at -- and The  
2 New School apparently has incurred a typo or otherwise -- but  
3 if you take a look at Page 2, Melissa Amezcua; and if you go up  
4 one, two, three, four, five --

5 A From the bottom?

6 Q Yes. And you'll see in the Fall '13 is \$2231.25 --

7 A Yes.

8 Q -- and Mr. Meiklejohn will confirm this in \$2,868.75 in  
9 the Spring, which aggregates \$5100?

10 A Yes.

11 Q Okay. And is this the form that ordinarily is incurred  
12 when providing the faculty member with \$5100 for the student  
13 that is attributable in Fall semester and/or the Spring  
14 semester, on occasion?

15 A Yes.

16 Q Okay. Now the \$5100, is that a set amount to the student?  
17 That \$5100 that goes to the student?

18 A (No audible response.)

19 Q Do you know what I mean? Does it vary or does the \$5100  
20 depend upon the hours or otherwise; or is it just a grant to  
21 the student?

22 A Well I would say there's a maximum amount that the faculty  
23 may -- or is able to utilize for this purpose. How it's  
24 allocated to the student may depend upon what the nature of the  
25 project is; what its duration is; whether it's concentrated in

1 one semester or two; whether it's a smaller project.

2 Q But if it's the traditional \$5100 project, and it's  
3 allocated to the student, there is no dilution of that amount  
4 based on the fact that the person only worked 10 hours in this  
5 week and 12 hours or 8 hours or not worked -- but performed  
6 services of 8, 10, or 12 in subsequent weeks; is that it?

7 MR. MEIKLEJOHN: I object to the question. I don't think  
8 it's been established that there is a typical \$5100 project.

9 HEARING OFFICER DAVIS: The objection is overruled.  
10 Objection overruled.

11 BY MR. CATALANO:

12 Q Do you understand the question?

13 A Can you ask it again?

14 Q Once the attribution to the student through the faculty  
15 member of \$5100 is made, that is not decreased during -- after  
16 the grant of that assistance; is it -- based on some marked  
17 number of hours he or she performed in this week versus that  
18 week or et cetera; is it?

19 A Not that I know of, but I think others could answer that  
20 better.

21 MR. CATALANO: Okay. Thank you.

22 MR. MEIKLEJOHN: I'm sorry; I do have a follow up to that.

23 HEARING OFFICER DAVIS: I really doubt it.

24 RE-CROSS-EXAMINATION

25 BY MR. MEIKLEJOHN:

1 Q With to this hypothetical \$5100 grant to Melissa or anyone  
2 else, if Melissa, for whatever reason decided to stop showing  
3 up to provide the services, would she continue to receive the  
4 stipend?

5 A I don't think so because I think the faculty member would  
6 want that person replaced.

7 MR. MEIKLEJOHN: I would think so, too. No further  
8 questions.

9 HEARING OFFICER DAVIS: Well, since this person -- I'm  
10 sorry -- I think the witness has so much practical experience  
11 in this area, I think the valid question would be: Are you  
12 aware of any instances in which that occurred?

13 THE WITNESS: No.

14 HEARING OFFICER DAVIS: Okay. Thank you. Any further  
15 questions?

16 MR. CATALANO: No.

17 HEARING OFFICER DAVIS: Mr. Meiklejohn?

18 MR. MEIKLEJOHN: No further questions.

19 HEARING OFFICER DAVIS: Okay. You're excused. Thank you  
20 very much.

21 We are going to resume --

22 MR. MEIKLEJOHN: Oh, I did actually want to report, I did  
23 find a typo -- he mentioned typos. I did find a typo -- there  
24 is a typo on Petitioner's Exhibit 13. It's captioned Status of  
25 TF Hiring for 2015 through 2015; but if you read the substance

1 of it, it's clearly intended to be 2015 through 2016.

2 HEARING OFFICER DAVIS: Can you stipulate to that or do  
3 you want to ask the witness?

4 MR. CATALANO: No. I'll stipulate to that.

5 MR. MEIKLEJOHN: What I was referring to, if you take for  
6 Barbara Adams -- the lines which we were talking about, which  
7 are on the first page, there is two-cent difference \$1500,  
8 which --

9 MR. CATALANO: Did she get too much or did she get too  
10 little?

11 MR. MEIKLEJOHN: She got less than two cents. She got  
12 less than \$5100, which --

13 HEARING OFFICER DAVIS: Let's go off the record. Off the  
14 record.

15 (Whereupon, a brief recess was taken.)

16 HEARING OFFICER DAVIS: We're adjourned until Thursday,  
17 and we will resume at 9:30. Thank you everyone.

18 (Whereupon, at 1:20 p.m., the hearing was adjourned  
19 until Thursday, April 23, 2015 at 9:30 a.m.)  
20

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 (INESERT REGION NO)

In the Matter of:

The New School,

Employer,

And

Student Employees at The New  
School - SENS, UAW

Petitioner.

Case No.: 02-RC-0143009

Date: April 21, 2015

Place: New York, New York

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

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Official Reporter

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