

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, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York, 10278, in Room 3614, on Monday, May 11, 2015, at 9:30 a.m.

BURKE COURT REPORTING, LLC  
1044 Route 23 North, Suite 206  
Wayne, New Jersey 07470  
(973) 692-0660

A P P E A R A N C E S

1 On Behalf of the Employer:

2

3 DOUGLAS P. CATALANO, Esq.  
4 Fulbright & Jaworski, LLP  
5 666 5th Avenue  
6 New York, NY 10103-0001  
7 (212) 318-3360  
8 douglas.catalano@nortonrosefulbright.com

9

10 ROY MOSKOWITZ, Esq.  
11 KEILA TENNENT, Esq.  
12 The New School  
13 Office of the General Counsel  
14 80 Fifth Avenue, Suite 800  
15 New York, NY 10011  
16 (212) 229-5432  
17 roy.moskowitz@newschool.edu  
18 tennentk@newschool.edu

19

20 On Behalf of the Petitioner:

21

22 THOMAS W. MEIKLEJOHN, Esq.  
23 NICHOLE M. ROTHGEB, Esq.  
24 Livingston, Adler, Pulda, Meiklejohn & Kelly, PC  
25 557 Prospect Avenue  
26 Hartford, CT 06105-5922  
27 (860) 570-4628  
28 twmeiklejohn@lapm.org  
29 nmrothgeb@lapm.org

30

		<u>I N D E X</u>				
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
1						
2						
3	Zoe Carey	462	487	--	--	--
4						
5	Adrienne	507	523	537	537	--
6	Marcus					
7						
8	Nadine	540	555	--	--	--
9	Bourgois					

1	<u>E X H I B I T S</u>		
2	EXHIBITS	IDENTIFIED	RECEIVED
3	EMPLOYER'S		
4	E-66	505	506
5	E-67	505	506
6	E-68	508	510
7	E-69	509	510
8	E-70	511	512
9	E-71	511	512
10	E-72	511	512
11	E-73	520	522
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15	PETITIONER'S		
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18	P-32	469	469
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2	EXHIBITS	IDENTIFIED	RECEIVED
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4	P-38	480	481
5	P-39	482	484
6	P-40	484	485
7	P-41	526	527
8	P-42	535	535
9	P-43	536	537
10			

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P R O C E E D I N G S

(Time Noted: 9:49 a.m.)

MS. ROTHGEB: Petitioner calls Zoe Carey.

HEARING OFFICER DAVIS: Great. Please raise your right hand.

(Whereupon,

ZOE CAREY,

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

HEARING OFFICER DAVIS: Spell your name for the reporter.

THE WITNESS: My first name is Zoe, Z-O-E, last name Carey, C-A-R-E-Y.

HEARING OFFICER DAVIS: Ms. Rothgeb?

DIRECT EXAMINATION

BY MS. ROTHGEB:

Q Good morning, Ms. Carey. Could you start by telling us your connection to The New School, please?

A I am a PhD student at The New School for Social Research and I study sociology.

Q What year are you in your studies at The New School?

A The first year of my PhD.

Q Could you tell us a little bit about your educational background, please?

A I received by BA from UC San Diego in International

1 Studies and Psychology, and a master's degree in Nationalism  
2 Studies from Central European University in Budapest, Hungary.

3 Q When did you come to The New School?

4 A In 2012.

5 Q Was that to pursue a master's degree?

6 A Yes.

7 Q In what field of study?

8 A Sociology.

9 Q Did you receive your master's?

10 A Yes.

11 Q During your time at The New School, have you held any  
12 teaching or research related positions?

13 A Yes.

14 Q When was the first such position?

15 A Fall of 2013.

16 Q And what position did you hold in the fall of 2013?

17 A It was a teaching assistant for a course called global  
18 issues in design and visuality in the 21st century.

19 Q You said that was fall of 2013, so were you still a  
20 master's student then?

21 A I was.

22 Q Could you tell us a little bit about the course, what area  
23 of the school it's in and what the course was -- a description  
24 of the course?

25 A It was a Parsons course. It was a required course usually

1 taken in the junior year of Parsons undergraduate students.  
2 There was a large lecture at once a week and then recitation  
3 sections led by TAs met once a week outside of the lecture. It  
4 was kind of interdisciplinary within the various degrees in  
5 Parsons. And it was a pairing of studio work and kind of in-  
6 classroom discussion of readings, and theories, and things like  
7 that.

8 Q When you say it was a required course, required of all  
9 undergraduates at The New School?

10 A At Parsons, I believe.

11 Q And it was an undergraduate course?

12 A Yes.

13 Q What were your duties as TA of that course?

14 A I had to attend the weekly lecture and lead my own  
15 recitation section, which involved kind of discussing the  
16 course readings, as well as the lectures, and grading  
17 assignments, final papers, presentations.

18 Q Who was the instructor of record?

19 A In fall of 2012, it was Joel Towers.

20 Q Fall of 2012?

21 A Yes.

22 Q Or fall of 2013?

23 A 2013, sorry. Fall of 2013.

24 Q I'm sorry. And you said it was who?

25 A Joel Towers.



1 Q What is Mr. Towers' role at the university?

2 A He is the Dean of Parsons.

3 Q He's a tenured faculty member?

4 A Yes.

5 Q How did you obtain the TA position in the fall of 2013?

6 A I applied for the university-wide call for TAs and RAs in  
7 the spring of 2013.

8 MS. ROTHGEB: Could the witness be shown Petitioner's  
9 Exhibit 24?

10 BY MS. ROTHGEB:

11 Q Ms. Carey, do you recognize this document?

12 A Yes.

13 Q Would you tell us what it is, please?

14 A It is the application form for a TA position, TA and RA, I  
15 believe.

16 Q This is for the 2015-2016 school year.

17 A Yes.

18 Q Do you know if the application is the same in prior years?

19 A I believe so. I think this year, I remember in the  
20 application there were to questions that they said were no  
21 longer relevant; but, otherwise, I think it's the exact same.

22 Q Those were questions that appeared on an earlier form that  
23 no longer appears on this 2015-16 form?

24 A I believe they appear on this form. You select up to six  
25 areas or courses for teaching interest on the third page. I

1 believe that was the question they said you don't need to fill  
2 out anymore, but it still existed on the form.

3 Q But, otherwise, the form is the same as what you referred  
4 to as the application you completed?

5 A Yes.

6 Q When you applied prior to your TAship in the fall of 2013,  
7 did you list those courses of reference?

8 A I don't believe so.

9 Q How did you obtain the TAship in this particular course,  
10 then?

11 A I think that one of the existing TAs who was continuing in  
12 this position recommended me. He was the head TA when I  
13 started and was in my department, someone I knew.

14 Q Did you receive any sort of appointment letter for this  
15 TAship?

16 A Yes.

17 (Petitioner's P-30 and P-31 identified.)

18 BY MS. ROTHGEB:

19 Q If you could take a look at Petitioner's Exhibits 30  
20 and 31, please. Starting with Petitioner's Exhibit 30, Ms.  
21 Carey, do you recognize this document?

22 A Yes.

23 Q What is it?

24 A It was an email exchange between Scott Amen and myself,  
25 where I was first offered the position for fall of 2013.

1 Q Who is Scott Amen?

2 A It says here, he's a director of operations at Parsons.

3 Q What role did he have with regard to the TAship you had in  
4 the fall of 2013?

5 A He was my kind of contact person as far as scheduling my  
6 course or if I had questions that were related to the  
7 administrative issues of the course, as opposed to teaching  
8 issues.

9 Q Did he have any connection with the instructor of record?

10 A Yes. I believe -- I don't know if he was Joel's  
11 assistant, but I think they worked closely together.

12 Q You said this was the first email you received. Are you  
13 referring to the earliest in the email chain on the second  
14 side?

15 A Yes, on June 4th.

16 MS. ROTHGEB: Petitioner moves Exhibit 30.

17 MR. CATALANO: No objection.

18 HEARING OFFICER DAVIS: Petitioner's 30 is admitted.

19 (Petitioner's P-30 received.)

20 BY MS. ROTHGEB:

21 Q Ms. Carey, what is Petitioner's Exhibit 31?

22 A 31 looks like more information about starting the course.  
23 Yeah, August, so this was about the lecture and, yeah, just  
24 sort of checking in.

25 Q Did you receive any more formal notification of your

1 selection as a TA for his fall of 2013 semester other than  
2 Petitioner's 30 and 31?

3 A No.

4 MS. ROTHGEB: Petitioner moves Exhibit 31.

5 MR. CATALANO: No objection.

6 HEARING OFFICER DAVIS: Petitioner 31 is admitted.

7 (Petitioner's P-31 received.)

8 BY MS. ROTHGEB:

9 Q Have you held any other TA positions during your time at  
10 The New School?

11 A Yes.

12 Q When was the next TA position you held?

13 A In the spring of 2014.

14 Q What was the TAship at that point?

15 A I continued TAing for global issues and design in  
16 visuality in the 21st century, but I was teaching two sections  
17 instead of just one.

18 Q Was it the same instructor of record, do you know?

19 A Yes.

20 Q You said you were teaching two recitation sections?

21 A Yes.

22 Q How did you obtain the TAship in general, first of all, in  
23 the spring 2014?

24 A I received an email from Scott Amen, I think, in November,  
25 asking if -- it was kind of an email to all the TAs asking if

1 we would like to continue into the next semester.

2 Q If you could take a look at Petitioner's Exhibit 32,  
3 please?

4 (Petitioner's P-32 identified.)

5 BY MS. ROTHGEB:

6 Q Is Petitioner's Exhibit 32 the email you were referring  
7 to?

8 A Yes.

9 Q And in particular the email on the second page,  
10 November 6, from Scott, is that what you were referring to?

11 A Yes.

12 MS. ROTHGEB: Petitioner moves Exhibit 32.

13 MR. CATALANO: No objection.

14 HEARING OFFICER DAVIS: Petitioner 32 is admitted.

15 (Petitioner's P-32 received.)

16 BY MS. ROTHGEB:

17 Q Did you receive any sort of more formal appointment letter  
18 for the TAs in spring 2014?

19 A No.

20 Q Did you apply for the TAs in spring 2014?

21 A Not separately, not aside from the application for the  
22 previous one.

23 Q How was it that you obtained two recitation sections?

24 A I requested if I could teach another one. I knew some of  
25 the TAs weren't going to be continuing, so I asked.

1 Q And why did you do so?

2 A I needed the income and it wouldn't be too difficult to  
3 each two of the same courses, as opposed to two completely  
4 different curriculums.

5 Q Who did you request -- who did you make that request of?

6 A Scott Amen.

7 Q And was that request approved?

8 A Yes.

9 Q How long was the appointment for the TAship?

10 A Just the one semester.

11 Q Have you held any other teaching positions at The New  
12 School?

13 A Yes.

14 Q When was the next?

15 A In the fall of 2014.

16 Q What position did you hold at that point?

17 A I continued to TA for global issues in design and  
18 visuality in the 21st century.

19 Q Was it for the same faculty?

20 A No.

21 Q Who was the instructor of record as of the fall 2014 for  
22 the course?

23 A Michelle Jackson.

24 Q What is her role?

25 A She is the lead instructor of the lecture.

1 Q What position does she have within The New School?

2 A I'm not entirely sure. I know she graduated from Parsons.  
3 And I think she might be a part-time faculty.

4 Q How did you obtain the fall 2014 TAship?

5 A I mean I filled out the application in the spring of 2014  
6 for RA and TA positions, and I requested specifically to  
7 continue teaching this course and then over the summer  
8 eventually received an email appointment.

9 Q If you could take a look at Petitioner's Exhibit 33,  
10 please?

11 (Petitioner's P-33 identified.)

12 BY MS. ROTHGEB:

13 Q Could you tell me what Petitioner's Exhibit 33 is, Ms.  
14 Carey?

15 A It looks like this is the -- is this all the same email?  
16 Yeah. So this was the email offering a TA position, but it  
17 also included earlier emails of me just trying to find out if  
18 the course was continuing, if there was any decision, because  
19 it kind of went late into the summer until I found out that I  
20 was going to continue teaching.

21 Q Which email in the chain are you referring to when you  
22 said it was offering you the TA position?

23 A On the bottom of the second page, the email dated  
24 July 29th.

25 Q And that's from Scott Amen?

1 A Yes.

2 Q Did your duties in TAing the course in the fall of 2014  
3 remain the same?

4 A For the most part. Because we had a new kind of lead  
5 instructor in the course, we held weekly meetings. But  
6 otherwise it was the exact same.

7 Q Did you have still -- how many recitations sections did  
8 you have?

9 A Two.

10 Q Did you seek two sections again?

11 A Yes.

12 Q And for the same reason?

13 A Yes.

14 Q How long --

15 MR. CATALANO: For the same reason, she likes two better  
16 than one?

17 MS. ROTHGEB: Well, she testified before.

18 BY MS. ROTHGEB:

19 Q But why did you seek two recitation section?

20 A Because I needed more money and because it required less  
21 work to do two of the same class.

22 Q You indicated you included this course on your  
23 preferences, on the TA/RA general application this time?

24 A Yes.

25 Q Why did you include this course as a preference?



1 A Because I had already developed my lesson plans and I knew  
2 how to present the material effectively. And wanted to be able  
3 to continue teaching the same course and had to be guaranteed  
4 that I could keep having the same course.

5 Q You mentioned a new duty in this semester was TA meetings?

6 A Yes.

7 Q What went on during those TA meetings?

8 A For the most part, TAs that this was their first time  
9 TAing would ask questions. And sometimes the professor would  
10 ask questions of the TAs who had already taught before just  
11 about how things worked in the past and what was kind of the  
12 best strategy for different issues.

13 Q Who initiated those meetings?

14 A Michelle.

15 Q The faculty member?

16 A Yes.

17 Q Did you have such meetings when Dean Towers taught the  
18 course the prior year?

19 A No.

20 Q Have you held any other teaching positions?

21 A Yes.

22 Q When was the next one?

23 A Spring of 2015, this semester.

24 Q That's the current semester?

25 A Yes.

1 Q What course did you TA for this semester?

2 A I continued TAing for global issues in design and  
3 visuality in the 21st century.

4 Q Who is the faculty this semester?

5 A Michelle Jackson.

6 Q The same faculty member as last semester?

7 A Yes.

8 Q So that was your -- this is your fourth time TAing the  
9 course?

10 A Yes.

11 Q Any change to your duties this semester?

12 A We stopped having the meetings with the faculty, the  
13 instructor.

14 Q Do you know why?

15 A I think just because we were all continuing TAs. We knew  
16 how to teach the course, at this point.

17 Q Were there any new TAs this semester?

18 A No.

19 Q Did you receive an appointment for the spring 2015 TAship?

20 A Yes. An appointment letter or --

21 Q An appointment letter or email?

22 A Yes.

23 MS. ROTHGEB: Move Petitioner's Exhibit 33, first of all.

24 MR. CATALANO: No objection.

25 HEARING OFFICER DAVIS: 33 is admitted.

1 (Petitioner's P-33 received.)

2 BY MS. ROTHGEB:

3 Q If you could take a look at Petitioner's Exhibits 34 and  
4 35?

5 (Petitioner's P-34 and P-35 identified.)

6 BY MS. ROTHGEB:

7 Q Taking a look first at Petitioner's Exhibit 34, Ms. Carey,  
8 could you tell me what this document is?

9 A This is an offer of a TA position for spring 2015.

10 Q Where in the email chain is the offer of the TA position  
11 for spring 2015?

12 A It was the last email exchange on the second to the third  
13 page that starts on November 6.

14 Q That's from Allegra Lanzara?

15 A Yes.

16 Q Who is Ms. Lanzara?

17 A She is, according to her email, assistant director of  
18 operations at ADHT, in Parsons.

19 Q What was -- what is ADHT?

20 A Sorry, the School of Art Design History and Theory.

21 Q Did she have any role with relation to instructing the  
22 course?

23 A No.

24 Q What was her role relating to your TAship?

25 A She continued I believe in the capacity of Scott Amen.

1 She was who I would email about logistical administrative  
2 issues.

3 Q Could you tell us what Petitioner's Exhibit 35 is?

4 A This is I was trying to find out if I could have more than  
5 one recitation section, which I requested. But because of low  
6 enrolment, each TA only got one recitation section.

7 MS. ROTHGEB: Move Petitioner's Exhibits 34 and 35.

8 MR. CATALANO: No objection.

9 HEARING OFFICER DAVIS: 34 and 35 are admitted.

10 (Petitioner's P-34 and P-35 received.)

11 BY MS. ROTHGEB:

12 Q Have you held any other TA positions?

13 A No.

14 Q Are you expecting to hold any TA positions in the '15-16  
15 academic year?

16 A I hope so, but I haven't heard back yet.

17 Q Is the global issues course continuing for the 2015-16  
18 academic year?

19 A It is according to the course listings, but it was not  
20 listed as a course that required TAs in the application. So I  
21 think it's the format of the course is changing. It now just  
22 meets once a week and for longer, according to the course  
23 listing catalog.

24 Q Have you had any communications with anyone about whether  
25 there will be any graduate student roles related to that course

1 in the upcoming year?

2 A I spoke with Michelle Jackson, the current instructor of  
3 the course, who told me that she had been asked for TAs who she  
4 thought could potentially play a role in teaching some aspect  
5 of the course next semester, but she wasn't sure what exactly  
6 it would entail. But she said she recommended me and two other  
7 TAs.

8 Q And if there are any graduate student roles in that  
9 course, do you have any expectation as to whether you'd have --  
10 you may have an opportunity to participate in those roles?

11 MR. CATALANO: Objection.

12 HEARING OFFICER DAVIS: Sustained.

13 BY MS. ROTHGEB:

14 Q You have TAd for global issues for four semesters. Do you  
15 know -- do you have any -- what is -- how common is it in  
16 sociology for TAs to continue in these teaching roles?

17 MR. CATALANO: Objection.

18 HEARING OFFICER DAVIS: Overruled.

19 BY MS. ROTHGEB:

20 Q You can answer the question.

21 A It's pretty common.

22 Q And why do you say that?

23 A I'm not the only sociologist teaching this course right  
24 now. And there were sociologists who had been teaching before  
25 me, and so long as they were actively enrolled students, they

1 would continue teaching the same course over and over.

2 Q And other than our experience in the global issues course,  
3 do you have any basis for saying it's common beyond that  
4 particular course in sociology for grad students to continue to  
5 teach from teaching roles?

6 A Yes.

7 Q And what is your understanding?

8 A Just from other courses. I can't remember the titles of  
9 the course, but especially these kind of large lecture courses,  
10 I know other students continue to work them semester to  
11 semester. History of fashion, I think, is one, history of  
12 design. There is another one where I don't remember the name  
13 of the course, but just the professor.

14 Q Have you held any other teaching roles or appointments at  
15 The New School?

16 A Yes.

17 Q What?

18 A Appointments, I worked -- well, I guess I don't know if  
19 it's quite an appointment, but I also work at the Vera List  
20 Center for Art and Politics as a work study student.

21 Q How about any other teaching appointments?

22 A I received one for next spring 2016.

23 Q What appointment did you receive for spring 2016?

24 A I will be a teaching fellow for a course at Parsons, part  
25 of their first year curriculum, Integratives II.

1 Q Could you take a look at Petitioner's Exhibit 36, please?  
2 (Petitioner's P-36 identified.)

3 BY MS. ROTHGEB:

4 Q Could you tell me what this document is?

5 A This is the application for a teaching fellowship.

6 Q Did you fill out this application in relation to your  
7 spring 2016 appointment?

8 A Yes.

9 Q Have you filled out this form prior to -- for the '15-16  
10 academic year?

11 A Yes.

12 Q And has the application form generally been the same in  
13 your prior years?

14 A Yes. I don't recall any changes.

15 MS. ROTHGEB: Move Petitioner's Exhibit 36.

16 MR. CATALANO: No objection.

17 HEARING OFFICER DAVIS: Petitioner 36 admitted.

18 (Petitioner's P-36 received.)

19 BY MS. ROTHGEB:

20 Q And did you apply for the -- strike that. What are your  
21 -- do you know what your duties will be as a teaching fellow in  
22 the spring 2016?

23 A I'm not entirely certain, because I know that as opposed  
24 to other teaching fellowships where you might develop your  
25 course entirely on your own, integratives has some sort of a

1 curriculum that you're expected to address. I know that I'll  
2 work on a syllabus and the course will be co-taught with  
3 another instructor who will lead the studio portion of the  
4 course. But I assume that it will entail kind of similar to my  
5 TA position, that I will be discussing readings and grading  
6 assignments.

7 Q Have you received an appointment regarding that teaching  
8 fellowship appointment?

9 A Yes.

10 Q Could you take a look at Petitioner's Exhibit 37, please?  
11 (Petitioner's P-37 identified.)

12 BY MS. ROTHGEB:

13 Q Could you tell us what this document is, Ms. Carey?

14 A This is the email offer for -- or the email appointment  
15 letter for the Integrative Center.

16 Q Is this the first notice you received of your appointment?

17 A Yes.

18 Q If you could also take a look at Petitioner's Exhibit 38?

19 I'm sorry.

20 (Petitioner's P-38 identified.)

21 BY MS. ROTHGEB:

22 Q Petitioner's Exhibit 37, in the second paragraph, notes  
23 attached you will find a three-page document. Do you see that?

24 A Yes.

25 Q Is Petitioner's Exhibit 38 that attachment?



1 A Yes.

2 MS. ROTHGEB: Move Petitioner's Exhibits 37 and 38.

3 MR. CATALANO: No objection.

4 HEARING OFFICER DAVIS: 37 and 38 are admitted.

5 (Petitioner's P-37 and P-38 received.)

6 BY MS. ROTHGEB:

7 Q How long is the teaching fellowship appointment?

8 A One semester.

9 Q Have you held any other teaching appointments or positions  
10 at The New School?

11 A No.

12 Q Have you held any research appointments or positions at  
13 The New School?

14 A Thus far, no.

15 Q Have you received any appointments for a research  
16 position?

17 A Yes.

18 Q Could you tell us about that, please?

19 A I will be an RA for a professor in the sociology  
20 department next year. It's a half RAship, but it lasts the  
21 full year, so five hours a week is the expected workload.

22 HEARING OFFICER DAVIS: When you say RA, what do you mean?

23 THE WITNESS: Research assistant. Sorry.

24 BY MS. ROTHGEB:

25 Q How did you obtain that position?

1 A It was part of my application for the TA and RA position  
2 university-wide.

3 Q Could you take a look at Petitioner's Exhibit 10, please  
4 -- I'm sorry, Petitioner's Exhibit 39. 10 is my number.

5 A Yes.

6 (Petitioner's P-39 identified.)

7 BY MS. ROTHGEB:

8 Q Could you tell us what this document is?

9 A This was the form I filled out applying for the teaching  
10 assistant and research assistant positions.

11 Q Could you tell us a little bit about the -- what you'll  
12 actually be doing in your RAship in '15-16 academic year?

13 A Not really. I don't know what it will entail yet.

14 Q Who will you be working with?

15 A I'm working with a professor named Benwar Holland (ph.).  
16 He's a new hire to the sociology department.

17 Q How was it that you were paired with that new professor?

18 A In my application form, they ask a question of faculty you  
19 would like to work with in your department and I listed two  
20 faculty that I work with and then said or any other professor  
21 in the sociology department.

22 Q And you're referring to an answer you gave on Page 3 of  
23 Petitioner's Exhibit 39?

24 A Yes.

25 Q Why did you include any other professional in the

1 sociology department among your preferences?

2 A Because I wanted a position and I know that there's  
3 positions to go around. I was willing to work with anyone.

4 Q You said this is a half RAship?

5 A Yes.

6 Q Could you tell us what you mean by that?

7 A I don't know if that's an official term, but that's in my  
8 department what we call them. Sometimes, the department will  
9 split one RA position between two people, either one semester  
10 per one person and another semester for another, or in my case  
11 there will be two of us working with this professor for the  
12 full year, but for less expected time per week.

13 Q Does the less expected time per week have any impact on  
14 the monies you'll receive?

15 A Yes. It cuts it in half.

16 MR. CATALANO: Objection. It's not really an objection.  
17 It's a clarification. I don't know the question or the answer,  
18 cut what in half or when? If you work two semesters rather  
19 than one, you get twice the amount of money. I don't -- could  
20 you clarify?

21 BY MS. ROTHGEB:

22 Q Could you explain what you mean?

23 A Sure. So there is kind of a standard rate that RA  
24 positions receive in our department. That's based on working  
25 -- the assumption is you work 10 hours per week for 1 semester.

1 I will be receiving that amount of money over the course of the  
2 full academic year. So each semester the amount that I will be  
3 receiving in biweekly paychecks is half what a full RA  
4 appointment for a semester would be. So in the course of a  
5 full year, I will receive a full RAship salary.

6 HEARING OFFICER DAVIS: I think it will become clearer if  
7 you look at Petitioner's 40.

8 BY MS. ROTHGEB:

9 Q When you say you'll be receiving -- over the course of the  
10 year, you'll receive the full RAship monies, you mean what is  
11 typical paid in one semester for a full RAship?

12 A Yes.

13 Q If you can take a look at Petitioner's Exhibit 40?

14 (Petitioner's P-40 identified.)

15 MS. ROTHGEB: Move Petitioner's Exhibit 39, if I didn't.

16 MR. CATALANO: No objection.

17 HEARING OFFICER DAVIS: 39 is admitted.

18 (Petitioner's P-39 received.)

19 BY MS. ROTHGEB:

20 Q Petitioner's Exhibit 40, Ms. Carey, could you tell me what  
21 that is?

22 A This was the email from Tsu Yee (ph.) offering me the  
23 research assistant position.

24 Q Who is Ms. Yee?

25 A She works in the, and assists our dean's office. She's

1 the assistant dean.

2 MS. ROTHGEB: Move Petitioner's Exhibit 40.

3 MR. CATALANO: No objection.

4 HEARING OFFICER DAVIS: 40 is admitted.

5 (Petitioner's P-40 received.)

6 BY MS. ROTHGEB:

7 Q Do you have any expectation as to your duties in this  
8 RAship?

9 A Not really, no.

10 Q Do you know anything about what this faculty member, what  
11 his area of study is?

12 A I know from his job talk and from his, kind of reviewing  
13 his CV when they were having the hiring process that he works  
14 in sociology of religion, political sociology, and especially  
15 in the Middle East is kind of his focus area.

16 Q So do you assume your research will be in those general  
17 areas?

18 MR. CATALANO: Objection.

19 HEARING OFFICER DAVIS: Sustained.

20 BY MS. ROTHGEB:

21 Q Do you have any expectation as to what area of study your  
22 research will be in?

23 A Working with Professor Holland?

24 Q Yes.

25 A I imagine that it will be something to do with religion or

1 maybe religious social movements in the Middle East.

2 MR. CATALANO: Objection.

3 HEARING OFFICER DAVIS: Sustained.

4 BY MS. ROTHGEB:

5 Q Well, what's your basis for your expectation?

6 A That's what the topic of his job talk was on religious  
7 social movements.

8 Q And what is a job talk?

9 A During the hiring process, we receive or the department  
10 receives a lot of applications and we narrow that down to, I  
11 think we had five candidates, and each candidate would hold a  
12 job talk which is kind of a full day. They give a sample  
13 lecture of what they would lecture on. That also presents  
14 their research. And then faculty and students who attend have  
15 a chance to kind of question them and interrogate, and find out  
16 a little bit more about their teaching methods and their stance  
17 on whatever their research is.

18 Q Does that job talk typically offer a preview of what they  
19 will be doing in the -- or what a grad student will be doing  
20 working with that professor?

21 A I'm not sure since this is the first job talk -- this is  
22 the first hiring that I sat through at The New School, but I  
23 think it's assumed that whatever the applicant or the professor  
24 presents is kind of the direction their research is going and  
25 what they'd like to start doing at the university.

1 Q What is your dissertation topic, Ms. Carey?

2 A I work kind of in the broad area of science and technology  
3 studies, so I'm looking at policing methods, specifically new  
4 forms of surveillance in the NYPD.

5 Q Ms. Carey, when did you receive our master's from The New  
6 School?

7 A In the spring of 2014.

8 Q So your first -- how many semesters of your four TAships  
9 for global issues were you a master's student?

10 A Two.

11 Q How many were you a PhD student?

12 A Two.

13 MS. ROTHGEB: I have no further questions.

14 HEARING OFFICER DAVIS: Is there any cross?

15 MR. CATALANO: Yes. Can I have a few minutes?

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

17 (Whereupon, a brief recess was taken.)

18 HEARING OFFICER DAVIS: On the record.

19 CROSS-EXAMINATION

20 BY MR. CATALANO:

21 Q After your graduation from high school, did you ever have  
22 a full-time or a part-time job away from the educational  
23 system?

24 A Part-time, yes.

25 Q What did you do?

1 A Between my -- oh, all of my part-time jobs or --

2 Q Not all. Let's start with the first and maybe we'll be  
3 concluding it.

4 A I worked on and off in labs in college, but I guess more  
5 substantively, when I graduated from my undergraduate, I worked  
6 in two different cafes for nine months before I moved to Europe  
7 to start my graduate studies.

8 Q So when you say part-time, during that nine month period,  
9 how many hours per week were you working and was it one  
10 position or two positions?

11 A It was about 50 to 55 hours a week, but it was split  
12 between two different positions, a restaurant and a coffee  
13 shop.

14 Q Based upon your testimony, I assume you chose not to  
15 continue to work, but rather to continue your education.

16 A Yes.

17 Q And you went to the University of Budapest?

18 A Central European University.

19 Q In Budapest?

20 A Yes.

21 Q What was the reason that you went there?

22 A I wanted the experience of an academic experience abroad.  
23 I had studied abroad in Budapest during my undergraduate and I  
24 was familiar with the university. And also the degree, the  
25 university is completely accredited in the United States, which



1 a lot of other international universities are not.

2 Q Did the fact that it had certain course offerings prove  
3 alluring to you as a factor as to why you went to that  
4 university?

5 A Yes. There are only three universities in the world that  
6 have programs in nationalism studies.

7 Q Thereafter, when you chose to apply to The New School, did  
8 that same feature play a role?

9 A Yes.

10 Q What were the areas of pedagogy or topics that you seized  
11 upon in apply to The New School?

12 A There were specific faculty that I wanted to work with,  
13 but also just the fact that the sociology department was very,  
14 very strong in qualitative research, and that the faculty were  
15 permitted or were kind of outspoken politically that it seemed  
16 engaged in real world events instead of just number crunching.

17 Q So those were some factors. I don't want to --

18 A Yes.

19 Q -- conclude for you whether those were all the factors  
20 which chose for you, your decision to apply to The New School.  
21 Correct.

22 A Yes.

23 Q Have you ever been advised or did you learn in some  
24 fashion how The New School generally speaking obtains its  
25 revenue to run the university? And let's use the number of

1 \$300 million as an approximation give or take a percentage.

2 A Before I entered The New School or during my time here?

3 Q Either before or after. Sitting here, today, do you know,  
4 generally speaking, how most of its funds are obtained?

5 A I mean I believe I have an understanding. I could be  
6 incorrect, but my understanding is that a lot of it comes from  
7 tuition from undergraduate and terminal masters programs. And  
8 I always hear people say Parsons is the cash cow, that Parsons  
9 is where all the money comes from.

10 Q So if I were able to synthesize that answer, it's largely  
11 a tuition-driven institution?

12 A Yes.

13 Q Okay. Did there ever come a time that you were advised  
14 why you were able to have a commitment from the university to a  
15 TAship or TFship for only one semester?

16 A No.

17 Q Did you ever learn why these offerings were made to you on  
18 a one-semester basis?

19 A No.

20 Q Did anybody ever say to you that the university chose to  
21 seek as many TAships for its graduate students as is possible?

22 A Yes.

23 Q When you obtained the role of TAship, and let's start with  
24 the first one in the fall of 2013, how many dollars did you  
25 receive for that semester approximately?

1 A It's a little -- oh, no, I think I actually do know,  
2 \$4,125, I think that's the --

3 Q For this semester?

4 A For that semester, for the fall.

5 Q And did you fill out timesheets?

6 A No.

7 Q Was someone keeping track of the amount of hours that you  
8 expended during a week?

9 A No.

10 Q Did there ever --

11 A I was, but --

12 Q Say that again?

13 A I was, personally. But, no, officially no.

14 Q Okay. Did the hours that you would spend in the complete  
15 role as TA vary week to week?

16 A Yes.

17 Q Upon what basis did it vary?

18 A When there would be a major assignment turned in that I  
19 would have to grade and give feedback to students, in that  
20 week, it would be many more hours of grading.

21 Q Did there ever come a time that the hours, perhaps on a  
22 vacation basis, or a holiday, or just because of some  
23 mid-semester break, that your hours acting as a TA gravitated  
24 towards zero or very few?

25 A Fewer yes, but never zero.

1 Q Did the \$4,125 -- was that the number, \$4,100 something?

2 A Something like that.

3 Q Did it vary in that semester based upon the week or the  
4 month in which you served as a TA?

5 A No. But I should specify that amount was given for the  
6 full semester, broken up into even chunks.

7 Q Yes.

8 A Yeah.

9 Q Okay. You mentioned that the instructor of record for the  
10 second semester -- withdrawn. In your second year, fall '14,  
11 was Michelle Jackson.

12 A Yes.

13 Q And I think you said, and complete the record if I've  
14 misheard you, that you were meeting with her on a weekly basis?

15 A Yes.

16 Q Whom did she meet with in addition to you, when you were  
17 serving as the TA?

18 A To my knowledge, there was just a meeting with all of the  
19 TAs, with the instructor.

20 Q Is that the meeting that you're referring to?

21 A Yes.

22 Q How many TAs were there?

23 A Weekly, between 8 and 12, I'd say, maybe 8 and 15.

24 Q So this interaction between you and Professor Jackson  
25 consumed some time that related to the teaching assistantships

1 that were being performed by other fac- -- students, excuse me,  
2 rather than just you?

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

4 Q Okay, withdrawn. How many hours was this meeting, in the  
5 meeting?

6 A Usually, about 30 minutes.

7 Q Apart from your discussing your role as TA, were you  
8 sitting there when other TAs were discussing issues or  
9 questions that they had for Professor Jackson relating to their  
10 roles?

11 A Yes.

12 Q Did you meet every week, to the best of your recollection,  
13 15 weeks or so?

14 A Yes.

15 Q Generally speaking, and I don't mean to the specific  
16 discipline, but what were the areas that were inquired about by  
17 you, the TA, or the faculty member? What did you talk about?

18 A Usually, it was issues of attendance or non-completion of  
19 assignments, people looking for extra credit. A lot of it was  
20 how to kind of handle these one-on-one or individual student  
21 issues. But typically they came up if one person had an issue  
22 with one student of a certain nature, they would typically be  
23 repeated in some fashion in other sections.

24 Q Were topics such as number of tests that might be given, I  
25 don't know if they do it anymore, surprise questions, surprise

1 quiz, ones that Mr. Meiklejohn used to not do well in, pop  
2 quizzes, was there anything going on about the course work at  
3 these meetings that was discussed?

4 A There would sometimes be questions on how to get students  
5 to do the course readings, how to ensure that they did the  
6 course readings. And in that situation, I think, one or two  
7 TAs said that they would give or at least kind of leverage  
8 possible pop quizzes as a way to get students to read the  
9 material.

10 Q Did the TAs ever ask Professor Jackson for her opinion  
11 about these matters or guidance or direction?

12 A Yes.

13 Q Did she give it, direction, guidance, or respond to  
14 questions?

15 A Yes.

16 Q Now was there a syllablis -- withdrawn, syllabus, excuse  
17 me, or areas of study, or a format that was provided to you  
18 prior to assuming your role as a TA?

19 A A syllabus, yes.

20 Q And you were advised that this is the scope of the  
21 discipline that was to be engaged in by you during that  
22 semester?

23 A I'm not sure I understand scope of the discipline.

24 Q What was in the syllabus?

25 A So the various guest lecturers and the assigned readings,

1 and the assignments, as well as due dates and grading  
2 instructions, things like that.

3 Q Did you interact with Professor Jackson about the final  
4 grading?

5 A We had discussions, because initially we were supposed to  
6 turn in the grades to her and then she would review them and  
7 upload the grades. And then eventually what ended up happening  
8 is all the TAs just uploaded the grades on their own.

9 Q That was after she said that you could do so?

10 A Yes.

11 Q Who had final control over the grades? In other words,  
12 did Professor Jackson approve them?

13 A I'm not sure of that. I know I uploaded a grade. If  
14 that's what appeared on the students' transcripts, I'm not  
15 sure.

16 Q Okay. Did she have access or did you provide those grades  
17 to her?

18 A I did not provide the grades to her. I imagine she had  
19 access, but I did not provide them to her.

20 Q Was uploading -- when I say upload -- when you say upload,  
21 is that providing it to her as well?

22 A I think so. I'm not exactly sure how the My New School or  
23 Starfish grading works, but I imagine if we're both connected  
24 on the same course as instructors then she could see.

25 Q Now back in July of 2014, per Petitioner's 33, it appears

1 that you still didn't know whether you would be assuming a role  
2 in the fall of 2014. Is that accurate?

3 A Yes.

4 Q Were you told as to why it was taking so long for them to  
5 determine -- for the university to determine whether you should  
6 be offered that position?

7 A In the email, I think it states that they were -- that  
8 Joel Towers would not be continuing as lead faculty and they  
9 were trying to hire a faculty.

10 Q Did there ever come a time that you were told that there  
11 weren't enough sections to go around to the TAs who were  
12 choosing to apply to be a TA again?

13 A No. You -- sorry, a clarification. You mean for that  
14 fall semester, not for the fall continuing into winter?

15 Q For any semester thereafter, when you applied, were you  
16 told that you may or may not get the particular TAship based on  
17 the number of courses that would be offered and the number of  
18 applicants.

19 A No.

20 Q Can you answer that in your own way then?

21 A Well, in the email and as I already testified, there was  
22 the issue of low enrollment between the fall of 2014 to spring  
23 2015, which meant I received just one recitation section  
24 instead of two.

25 Q Because perhaps not as many offerings would occur in the



1 subsequent semester, isn't that true?

2 A Yes. But I was told that it was an issue of low  
3 enrollment, not an issue of there being too many applicants to  
4 fill the position.

5 Q Is there a difference?

6 A I don't know.

7 Q If you're going to eliminate because of low enrollment  
8 certain sections, wouldn't that mean there were more TAships  
9 being sought than available persons to teach -- than available  
10 sections to be taught?

11 MS. ROTHGEB: Objection.

12 HEARING OFFICER DAVIS: Overruled. If you know?

13 THE WITNESS: I don't think that's necessarily the case,  
14 because you could have the same number of people applying, but  
15 the number of TAship positions, so the number of sections being  
16 different than the number of applicants.

17 BY MR. CATALANO:

18 Q There would be less opportunity to be a TA, wouldn't there  
19 be? If you have 10 TAs and you used to have 10 sections, and  
20 now you have 10 TAs and you have 9 sections, does that mean  
21 that in some fashion a TA or more than one TA would be affected  
22 negatively.

23 MS. ROTHGEB: Objection.

24 HEARING OFFICER DAVIS: Overruled. If you know?

25 THE WITNESS: Based on the numbers you provided, yes.

1 BY MR. CATALANO:

2 Q Now did you say that it is "common," to use your word,  
3 that TAs continue to serve for more than one semester?

4 A For the same course, yes.

5 Q I didn't say for the same course. Is it common, according  
6 to you for TAs to serve as the TA for more than one semester?

7 A Yes.

8 Q How many TAs are there at Parsons, if you know?

9 A I have no clue.

10 Q Well, then how do you come up with the word "common," if  
11 you don't know how many TAs there are?

12 A I was basing this off of trends in the sociology  
13 department.

14 Q Only the sociology department. How many other departments  
15 are there throughout the university?

16 A I don't know.

17 Q How many TAs can you name who served more than one  
18 semester?

19 A In my department?

20 Q Throughout the university can you name?

21 A Twenty.

22 Q You can name 20, okay. Do you know how many TAs there  
23 have been in the last academic year at The New School?

24 A No.

25 Q So is it fair to say that your word "common" was a

1 guesstimation, but you're not sure as to whether common refers  
2 to the exact wording of the number of students who recur in  
3 that role?

4 MS. ROTHGEB: Objection to the form. Her testimony about  
5 common --

6 MR. CATALANO: I'll withdraw it.

7 MS. ROTHGEB: It misstates the testimony.

8 MR. CATALANO: I'll withdraw it.

9 HEARING OFFICER DAVIS: You can restate it, okay.

10 BY MR. CATALANO:

11 Q If there were 20 that you named and there were 90 TAships  
12 or 150 TAships throughout the university, would that indicate  
13 to you that -- who recurred, that that was a recurring  
14 circumstance?

15 A If there were 90 TA positions that continued?

16 Q No, if there were 90 TAships and only 20 of them had  
17 subsequent semesters in which they served, would that be common  
18 in your view?

19 A No.

20 Q The \$2,615 that you received in the fall and spring of '14  
21 and '15, do I have that correctly?

22 A No.

23 Q Okay. What year?

24 A I have not received that amount of money.

25 Q Aren't you offered \$2,615 for an RAship?

1 A For this coming academic year.

2 Q Okay. Fall and spring, okay. Now I was under the  
3 impression from counsel's questioning that that's allegedly a  
4 half position, one half position.

5 A Yes.

6 Q But that's because it's extended over the period of one  
7 year as an RA, rather than one semester?

8 A Yes.

9 Q So it's essentially the same, is it not, as far as the  
10 role you are supposed to assume and the dollars as if it were  
11 in one semester. It's just attenuated or extended throughout a  
12 one-year period, isn't it?

13 A I believe so.

14 Q So if it were circumscribed to do one semester, that would  
15 be the traditional RA stipend, \$2,615?

16 A Yes, I believe so.

17 Q So what the university has therefore done is to ask you to  
18 do it over the course of one year, but only half of the amount  
19 of time serving in that role in each semester.

20 A Yes.

21 Q Now if you are serving as an RA with Holland, Professor  
22 Holland, and you and he -- is it a he?

23 A He.

24 Q And you and he were to have a disagreement over some  
25 aspect of the research position, would you adhere to what he

1 told you?

2 A I'm not sure.

3 Q Are you saying, therefore, even though he told you to do  
4 it in a particular way, that you might not abide by what his  
5 guidance is intentionally?

6 A I think it depends on the context.

7 Q Let's assume he's dead wrong.

8 A About?

9 Q Some aspect of the research that's being engaged in. And  
10 you say in writing a paper or conducting the research, but,  
11 Professor Holland, that's just absolutely incorrect and I  
12 believe we're going to do it this way, this is what I'm going  
13 to write in one half of the paper or in the complete paper, and  
14 he says, no, I would prefer that you do it this way, would you  
15 do what he said?

16 A I think it depends on what the issue is.

17 Q Let's assume there were a good faith disagreement between  
18 you and him, and perhaps even you were right because he  
19 mis-recalled some facts or learning and you were right, how  
20 would you resolve that? Would you need a third party to  
21 resolve that for you or the chairperson of the department?

22 A Possibly.

23 Q Would you like an outsider, outside of the university to  
24 resolve that for you?

25 MS. ROTHGEB: Objection.

1 HEARING OFFICER DAVIS: Sustained.

2 BY MR. CATALANO:

3 Q Would you want an arbitrator to resolve that for you?

4 MS. ROTHGEB: Objection.

5 HEARING OFFICER DAVIS: Sustained.

6 BY MR. CATALANO:

7 Q How are you doing in school?

8 A Well.

9 Q Well has a lot of variation to it. Are you top of your  
10 class?

11 A My cohort is four people, so, yes, I'm in the top 50  
12 percent.

13 Q And do you know whether that was an ingredient in the  
14 school, in the university's offering you these roles, that you  
15 are doing well?

16 A It may have been.

17 Q Did you ever see any guidance or writings as to whether or  
18 not it's incumbent upon you to do well in order to serve as a  
19 TA or an RA?

20 A No. I'm not -- there may be a minimum GPA requirement,  
21 but I'm not sure.

22 Q 3.4, 3.5, have you heard that?

23 A I don't think I've heard it, but it might just be that I  
24 don't pay attention because it's for me a non-issue.

25 Q Prior to joining -- withdrawn. Prior to entering The New

1 School, did you have any scholarship from The New School or  
2 Central European University, and pardon me if I misstated that.

3 A That's correct.

4 Q Did you have a scholarship from either institution?

5 A I had a scholarship for Central European University that  
6 covered I believe it was 80 percent of my tuition. And when I  
7 began at The New School, I had a 50 percent tuition waiver.

8 Q Five, zero? I'm sorry.

9 A Five, zero.

10 MR. CATALANO: I have nothing else.

11 HEARING OFFICER DAVIS: Ms. Rothgeb? You referred in your  
12 testimony to Starfish. What is that?

13 THE WITNESS: Starfish is a program for -- I'm not sure  
14 exactly what you'd call it, but it's a way of being in touch  
15 with students and their advisors and their faculty. So we do  
16 kind of two or three times throughout the semester, faculty are  
17 excepted to check in on the Starfish to kind of raise any red  
18 flags about students, whether it be attendance or not turning  
19 in assignments, and that's also where grades are uploaded at  
20 the end of the semester.

21 HEARING OFFICER DAVIS: Thank you. Is Starfish accessible  
22 by the students?

23 THE WITNESS: Yes. I think students can also make  
24 appointments either for office hours or also to meet with their  
25 advisors.

1 HEARING OFFICER DAVIS: You testified earlier that you  
2 upload grades for Professor Jackson.

3 THE WITNESS: Yes. Or not for Professor Jackson, for my  
4 recitation section.

5 HEARING OFFICER DAVIS: And when you uploaded the grades,  
6 were they simultaneously accessible to Professor Jackson, as  
7 well as the students?

8 THE WITNESS: I'm not sure.

9 HEARING OFFICER DAVIS: Thank you. Let's go off the  
10 record.

11 (Pause off the record.)

12 HEARING OFFICER DAVIS: Let's go back on the record.

13 Before you start your redirect, did you have any further  
14 questions based on my questions, Mr. Catalano?

15 MR. CATALANO: No.

16 HEARING OFFICER DAVIS: Okay, great. Ms. Rothgeb?

17 MS. ROTHGEB: No questions.

18 HEARING OFFICER DAVIS: Great. You are excused. Thank  
19 you very much.

20 (Witness excused.)

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

22 (Whereupon, a brief recess was taken.)

23 HEARING OFFICER DAVIS: On the record.

24 Mr. Meiklejohn, do you have any further witnesses, at this  
25 time?



1 MR. MEIKLEJOHN: Not at this time.

2 HEARING OFFICER DAVIS: Mr. Catalano?

3 MR. CATALANO: I do. I have two additional witnesses. Is  
4 the reporter making note or is the hearing officer making note  
5 that we have addressed the testimony of Valerie Feuer and the  
6 marking of those two exhibits, or would you care to wait after  
7 Ms. Marcus testifies.

8 HEARING OFFICER DAVIS: No, let's do it now. During an  
9 off the record discussion, I have been informed by the parties  
10 that instead of Valerie Feuer testifying directly, that counsel  
11 for The New School intends to offer -- make an offer of proof  
12 as to Ms. Feuer's testimony if she would appear and what it  
13 would be, and as well as offering two documents, and that the  
14 Petitioner has no objection to the offer of proof.

15 So the Employer -- sorry, The New School has pre-marked  
16 Ms. Feuer's CV as Employer's 66 and has also marked a document  
17 entitled offer of proof, well, proffer of Valerie Feuer,  
18 F-E-U-E-R, as Employer 67.

19 (Employer's E-66 and E-67 identified.)

20 HEARING OFFICER DAVIS: So is there any objection to  
21 Employer's 66 or 67?

22 MR. MEIKLEJOHN: No objection. Just in an off the record  
23 discussion, and maybe this has been changed on the official  
24 exhibit, we agreed to change the word reliance, the first word  
25 of the second line, to relevant.

1 HEARING OFFICER DAVIS: Sure.

2 MR. CATALANO: Yes.

3 MR. MEIKLEJOHN: And with that modification, I have no  
4 objection.

5 MR. CATALANO: I don't know if the court reporter has it  
6 on his document. Maybe with permission, I'll change it.  
7 May I?

8 HEARING OFFICER DAVIS: Yes. Okay, so Employer's 66 and  
9 Employer's 67 are admitted. And I'd just make reference to,  
10 well, it's obviously, but Mannes, M-A-N-N-E-S, refers to the  
11 School of Music. Anyway, Employer's 66 and 67 are admitted.

12 (Employer's E-66 and E-67 received.)

13 HEARING OFFICER DAVIS: Do you have a live witness to  
14 testify?

15 MR. CATALANO: Yes. Dean Marcus, please.

16 HEARING OFFICER DAVIS: Please take the stand. Please  
17 raise your right hand.

18 (Whereupon,

19 ADRIENNE MARCUS,  
20 was called as a witness by and on behalf of the Employer and,  
21 after having been duly sworn, was examined and testified as  
22 follows:)

23 HEARING OFFICER DAVIS: Thank you. Please state your full  
24 name for the record and spell your last name.

25 THE WITNESS: Adrienne Marcus.

1 HEARING OFFICER DAVIS: Okay. How do you spell your last  
2 name?

3 THE WITNESS: M-A-R-C-U-S.

4 HEARING OFFICER DAVIS: Great. Mr. Catalano?

5 DIRECT EXAMINATION

6 BY MR. CATALANO:

7 Q Because the court reporter, through the instrumentation  
8 here, is taking this down, so please speak loudly enough so  
9 everyone can hear you, if you don't mind.

10 A Sure.

11 Q Tell us by whom you are employed.

12 A The New School.

13 Q What is your position?

14 A I am assistant provost for university curriculum.

15 Q How long have you had that position?

16 A Two years.

17 Q Tell us, if you would, briefly, what your educational  
18 experience is.

19 A Bachelor of Arts at Bennington College and a Master of  
20 Fine Arts from Cranbrook Academy of Art.

21 Q Prior to arriving at The New School, what employment did  
22 you have, if any?

23 A Just prior to coming to The New School, I was director of  
24 the Bennington College July program.

25 Q What was that?

1 A That as a summer academic intensive for high school  
2 students.

3 Q And I'm going to hand you a compilation of documents which  
4 we're going to identify. We'll take the first one on top.

5 MR. CATALANO: I have copies for the hearing officer, as  
6 well as counsel. I think I gave counsel a copy.

7 MR. MEIKLEJOHN: Yes, you have.

8 HEARING OFFICER DAVIS: I have it.

9 MR. CATALANO: Oh, you have it, okay. Here is the  
10 official set.

11 BY MR. CATALANO:

12 Q Okay. So would you point, tell the court reporter so that  
13 we're all familiar, is that your CV?

14 A Yes.

15 MR. CATALANO: May I offer it?

16 HEARING OFFICER DAVIS: Yes. Let's have it marked as  
17 Employer Exhibit 68.

18 (Employer's E-68 identified.)

19 MR. CATALANO: No, I didn't --

20 HEARING OFFICER DAVIS: Well, let's do it now.

21 MR. CATALANO: Or we can mark them seriatim, if you don't  
22 mind.

23 HEARING OFFICER DAVIS: Sure, let's go off the record.

24 (Discussion off the record.)

25 HEARING OFFICER DAVIS: Mr. Catalano?

1 BY MR. CATALANO:

2 Q When did you first come to The New School?

3 A In 2002.

4 Q Can you recall and give us seriatim up until you assumed  
5 your current position what roles you had in brief fashion?

6 A Yes. I was the director of academic advising at Eugene  
7 Lang College for several years and then I moved to the provost  
8 office and became director in the provost office.

9 Q Generally speaking, your current position, what generally  
10 speaking are your duties?

11 A I oversee, and lead out, and facilitate curricular  
12 initiatives that cross at least two of the divisions at the  
13 university.

14 Q Can you tell us as a general framework whether the provost  
15 office has a role with the six categories that are listed in  
16 the petition, TA, TF, RA, research associate, course assistant,  
17 and tutors.

18 A Yes.

19 Q You, specifically, do you have a role in that regard?

20 A I have a role in coordinating the university-wide  
21 application and selection process for teaching assistants and  
22 teaching fellows.

23 (Employer's E-69 identified.)

24 Q Before you is a document marked as 69, an April 2015  
25 document. Is that an acceptance letter for a PhD student, not

1 into one of the punitive categories, but rather as a student at  
2 The New School?

3 A Yes.

4 MR. CATALANO: Okay. I'll offer it.

5 MR. MEIKLEJOHN: No --

6 HEARING OFFICER DAVIS: I'm sorry?

7 MR. MEIKLEJOHN: I was going to say no objection to 69  
8 or 68.

9 HEARING OFFICER DAVIS: Are you offering 68 as well?

10 MR. CATALANO: Yes, sir.

11 HEARING OFFICER DAVIS: 68 and 69 are admitted.

12 (Employer's E-68 and E-69 received.)

13 HEARING OFFICER DAVIS: Just for the record, 68 has been  
14 marked as Ms. Marcus's CV.

15 BY MR. CATALANO:

16 Q Now during the course of the testimony in this hearing,  
17 there was an acronym used of ULEC. Can you tell us what ULEC  
18 stands for and what it is?

19 A Yes. The ULEC program stands for University Lecture. It  
20 started about 10 years ago. It's the only university-wide  
21 requirement for undergraduates at most, who attend most of the  
22 divisions at the university. Students are required to take two  
23 of these courses during their course of study if they arrive as  
24 first year students.

25 Q Okay. Who leads the program or do you have a role in the

1 program?

2 A I lead the program.

3 Q With these two courses, are there discussion sections?

4 A Yes. The ULEC courses are set up so that there is a large  
5 lecture and then several discussion sections, what other  
6 divisions call recitation sections. Normally, the lectures  
7 have a max enrollment of around 100 students and the discussion  
8 sections have a max enrollment of approximately 25 students  
9 each.

10 Q Generally speaking, are there any graduate students who  
11 assume a role in leading the discussion sections?

12 A Yes. Graduate students serve as teaching assistants in  
13 all of the university lecture courses.

14 Q In order to become a TF, TA or a TF, is there a process  
15 that's undertaken through the provost office?

16 A There is.

17 Q Just for the sake of ease, they are marked as 70, 71, and  
18 72. There are three documents in a row, after the first two.  
19 (Employer's E-70, E-71, and E-72 identified.)

20 BY MR. CATALANO:

21 Q Can you identify them and then we'll talk about the  
22 process?

23 A Sure. So, those three that you indicated are all part of  
24 the annual call for teaching assistantship opportunities and  
25 applications to those opportunities. That call happens

1 annually in the spring for the following -- for all courses in  
2 the following academic year. The first document is actually  
3 from the website and so that information is available to  
4 graduate student. And they are informed that the call is made  
5 available, that's on the redacted email, through my office to  
6 then go to that website to get information about how to apply  
7 for teaching assistantships.

8 The final page is also on that website and that's to  
9 assist graduate students in putting together their application  
10 and preparing for any interviews that might happen with the  
11 faculty.

12 MR. CATALANO: They have been previously marked as 70, 71,  
13 and 72, and before I go further, I'd like to offer them.

14 HEARING OFFICER DAVIS: Any objection?

15 MR. MEIKLEJOHN: No objection.

16 HEARING OFFICER DAVIS: Employer's 70, 71, and 72 are  
17 admitted.

18 (Employer's E-70, E-71, and E-72 received.)

19 BY MR. CATALANO:

20 Q Now speak, if you will, to who is eligible, application  
21 deadlines, whether there is some interchange with your office  
22 and the faculty, tell us generally speaking, in your own words,  
23 to the hearing officer what is the process. And you can now  
24 refer to those documents now marked in evidence.

25 A Okay. So for teaching assistants, there is specific



1 eligible requirements and they are stated here on the website,  
2 including that the student has to be matriculated full-time  
3 during the time when they're teaching.

4 Q Can you refer to a number?

5 A I'm sorry, I don't have the number. It's the first of the  
6 three that were just put into evidence.

7 HEARING OFFICER DAVIS: Employer's 70.

8 THE WITNESS: They have to have a minimum cumulative GPA  
9 of 3.4 and they must be within their time limit for earning  
10 their degree. They also cannot have more than a third of their  
11 courses as incomplete, that they have attempted. And then so  
12 for graduate students, they have to -- for masters students,  
13 they have to have 50 percent of their master's degree  
14 completed. So those are the basic eligibility criteria.

15 BY MR. CATALANO:

16 Q So now let's talk about deadlines and applications, and  
17 what role you have in the application process and interacting  
18 with faculty members or departments.

19 A This is a call not just for the ULEC courses for the  
20 following year, but for most, not all, but most other teaching  
21 assistantship positions across the university. So during the  
22 period before this email, the redacted email page goes out, my  
23 office accumulates the information from various divisions and  
24 departments and faculty about what courses they'll be teaching,  
25 where they need teaching assistants, how many, and what their

1 expectation is of the number of hours on average they might  
2 work in a week over the course of a 15-week semester when the  
3 course is being offered.

4 So I put that information together and then the call  
5 usually goes out in March. The call, meaning the email, goes  
6 out to all graduate students across the university, points them  
7 to the website with information, and then there is an online  
8 application form. We give them usually between two and four  
9 weeks to complete the application.

10 Once the application deadline has hit, which is I think --  
11 it varies each year, but it's stated in the call. I then take  
12 the list of students who have applied, I send them to their  
13 divisional deans' offices, and I ask them to do a review of  
14 their eligibility based on this basic criteria I stated  
15 earlier. I inform the students who have been deemed  
16 ineligible. And then I put together packets for all lead  
17 faculty of the students who have selected their courses as  
18 preferences and give them about a month to review applications,  
19 interview students, and then submit selections to me.

20 Then I look at the selections to make sure that students  
21 don't have more than our maximum number of positions for a  
22 single semester. So we say that students can have up to two  
23 teaching assistantships in a single semester, a teaching  
24 assistantship and a teaching fellowship in a single semester,  
25 or a single teaching fellowship. If a student is offered more

1 opportunities than that, I go back to the student and I ask  
2 them which ones they would prefer to teach in and then make  
3 further selections from there.

4 I submit all of that information to the human resources  
5 office that helps us coordinate appointment letters being sent  
6 out to students.

7 Q Who selects the graduate students as teaching assistants?  
8 Who makes the ultimate selection?

9 A The lead faculty for the courses.

10 Q Does, in the main (ph.), the teaching assistant applicant  
11 advise your office where he or she would like to assume this  
12 role?

13 A Yes. In the online application, they are offered  
14 opportunities to select up to four courses for which they  
15 prefer to serve as a TA.

16 Q Have you ever been part and parcel to discussions with the  
17 provost and/or assistant provost with respect to what the  
18 purposes of allowing individuals to serve as teaching  
19 assistants, what's the purpose?

20 A Well, the purpose is that taking on these positions offers  
21 students an important part of their overall learning as  
22 graduate students where they are having to organize content and  
23 material, and share it with students who are more junior than  
24 them, hear back from those students. Their kind of conception  
25 of content is improved and increased by doing that. And it's

1 also a form of aid for them.

2 Q Some five or four years ago, there was some additional  
3 source of funding apparently for faculty, \$5,100 a year. Were  
4 you aware of what that process was or what the purpose of that  
5 and does it pertain to TAs, TFs, or research assistants?

6 A I was not part of that process and it pertains to research  
7 assistants.

8 Q Do you know being in the provost office whether or not the  
9 number of research assistants has increased since the adoption  
10 of that program?

11 A It would only be a guess, but I would assume yes.

12 Q Now once the teaching assistant role is assumed by the  
13 graduate student, tell us what the expectations are, whether  
14 they're listed on the website, or what is the requirement of  
15 serving in that role?

16 A So again back to the -- I'm not sure what number this is  
17 again. It's the first of the three. We're still working on  
18 with teaching assistant. It's the website that we have.

19 Q 70?

20 HEARING OFFICER DAVIS: Yes, Employer's 70.

21 THE WITNESS: And it says and this is the case that  
22 teaching assistants are expected to attend all course meetings,  
23 participate in our two professional development pedagogy  
24 training activities at the time or before they teach in their  
25 first semester. They have to complete our canvas tutorial.

1 Canvas is our learning management system at the university.  
2 They should familiarize themselves with student services and  
3 other support. And they need to abide by university policy  
4 including taking a FERPA tutorial.

5 BY MR. CATALANO:

6 Q Is there a fixed payment to them for serving as a TA  
7 irrespective of the number of hours they're engaged in that  
8 role?

9 A They are paid through a stipend, biweekly. And that  
10 stipend is determined by the number of hours expected for the  
11 position.

12 Q But it's a fixed payment irrespective.

13 A Yes.

14 Q Okay. Are there any time records kept or maintained?

15 A No.

16 Q Who determines when a TA is acting in that role, the  
17 curriculum and grading of the students, and there was some  
18 testimony from the prior student about who has final say over  
19 the -- as a teaching assistant over the grades. So can you  
20 comment upon that?

21 A The lead faculty for courses have responsibility for final  
22 grades for students.

23 Q Who determines the curriculum in the course?

24 A The faculty, the lead faculty.

25 Q Not the TA?

1 A No.

2 Q Now does the faculty or the chairperson supervise or  
3 interact with the teaching assistant?

4 A It varies by faculty member. Generally, a teaching  
5 assistant is supervised by a lead faculty member. I can speak  
6 specifically to the ULEC program, because that's what I  
7 oversee. And the expectation is that faculty meets regularly,  
8 weekly, with their graduate students who are serving as TAs for  
9 them.

10 Q Let's go onto teaching fellowships. And I think --

11 MR. MEIKLEJOHN: I'm sorry, before you go on, can I get a  
12 short break?

13 HEARING OFFICER DAVIS: Let's take a break.

14 (Pause off the record.)

15 HEARING OFFICER DAVIS: Back on the record.

16 BY MR. CATALANO:

17 Q You also mentioned that you had involvement with the  
18 teaching fellowship program.

19 A Yes, that's correct.

20 Q Now previously marked in evidence are Employer Exhibits 46  
21 and 47.

22 HEARING OFFICER DAVIS: You don't have those.

23 BY MR. CATALANO:

24 Q You don't have them. You're about to.

25 A Oh, great.

1 HEARING OFFICER DAVIS: That's fine. So let the record  
2 reflect the witness -- I'm sorry, counsel is showing the  
3 witness Exhibits Employer 46 and 47, both of which have on the  
4 top, I won't say it's a title, but The New School. Yes, the  
5 witness has those documents.

6 BY MR. CATALANO:

7 Q Now you're allowed to, because they're in evidence, refer  
8 to those documents, so please do in describing to the extent  
9 you need a thorough explanation or generally first, but tell us  
10 how a teaching fellow assumes that role.

11 A So a teaching fellow goes through very much a similar  
12 process as the teaching assistantship. The teaching fellowship  
13 process happens in the fall semester for the following academic  
14 year. It's a once annual call. Again, they are sent an email  
15 to indicate that the application is open and available to them  
16 to submit.

17 There is a number of documents and a website to give them  
18 information about the criteria for eligibility, what the duties  
19 would be generally for teaching fellows. They have about a  
20 month to submit their application. Again, an eligibility check  
21 is done by their respective divisions after the date, the due  
22 date for their application. And then the applications that are  
23 eligible are sent to the appropriate departments.

24 The departments, department chairs and department faculty,  
25 will then review, interview, select graduate students to serve

1 as teaching fellows in their departments, and send our office  
2 their selections. We again do a review to make sure students  
3 don't have too many positions and contact students to let them  
4 select, if they do.

5 (Employer's E-73 identified.)

6 BY MR. CATALANO:

7 Q Now with respect to 46, 47, and 73, which I believe the  
8 hearing officer has now been kind enough to mark in your  
9 presence, are those the relevant documents pertaining to the  
10 teaching fellowship program?

11 A Yes.

12 Q Okay. Now can you advise the hearing officer and counsel  
13 whether there is any effort by your office and the university  
14 in main to spread the availability of teaching fellowships and  
15 assistantships among the graduate student? And if so, why?

16 A There is a desire to spread the availability of these  
17 positions out to as many graduate students as possible. The  
18 reason reflects on my other response, which is that we want as  
19 many students as possible to have the experience of  
20 instructing, being a classroom, because it aids in their  
21 learning and also because it serves as aid for them.

22 Q What's the ordinary length of time based on your  
23 experience that one serves as a teaching assistant or a  
24 teaching fellow?

25 A Well, each teaching assistantship and fellowship lasts for



1 an academic semester, so that's usually 15 weeks.

2 Q Teaching fellowship?

3 A The same.

4 Q Can you tell us whether there are any undergraduates  
5 serving as TAs or TFs?

6 A There are not.

7 Q Can you tell us whether or not there is a difference  
8 between a TF and a TA in the university's mind and what is the  
9 main distinction, if any?

10 A Well, so there are two. One is that the criteria for  
11 eligibility to serve as a teaching assistant or a teaching  
12 fellow are slightly different. There is an expectation that  
13 teaching fellows are further along in their academic studies.  
14 They are either in or accepted into a doctoral program or have  
15 over 50 percent of the terminal master's degree completed if  
16 they want to serve as a teaching fellow.

17 In terms of the overall expectations of them when they  
18 serve in those positions, a teaching assistant is either  
19 leading a discussion or a recitation section, or actually in  
20 the classroom with a lead faculty member, so they are -- the  
21 oversight over those positions is the lead faculty member  
22 teaching the course, who is responsible for the course's  
23 content.

24 For teaching fellows, they are what we call the instructor  
25 of record, so they are responsible for developing and working

1 on course content. And they are supervised by normally chairs  
2 and program directors.

3 Q Now if a teaching assistant or teaching fellow wanted to  
4 serve in that role beyond the appointment of the semester, is  
5 there an automatic guarantee or must he or she apply?

6 A Graduate students have to reapply every year in our annual  
7 processes.

8 Q Thank you.

9 MR. CATALANO: I have nothing else.

10 HEARING OFFICER DAVIS: Are you offering 73 as well?

11 MR. CATALANO: Yes.

12 HEARING OFFICER DAVIS: Just to clarify, Employer's 70  
13 through 73 are admitted. No objections to 73, I take it.

14 MR. MEIKLEJOHN: No objection.

15 HEARING OFFICER DAVIS: Okay, Employer's 70 through 73 are  
16 admitted.

17 (Employer's E-73 received.)

18 MR. MEIKLEJOHN: And I think 74 was an attachment to 73?

19 HEARING OFFICER DAVIS: Yes. Is that offered as well? Do  
20 you want to offer that, too?

21 (Employer's E-74 identified.)

22 MR. CATALANO: Yes.

23 HEARING OFFICER DAVIS: Hold on one second. Could you  
24 just identify 74 for us, if you haven't done that already?

25 THE WITNESS: Yes. So 74 is website text from two

1 different websites. One is this overall graduate student  
2 teaching program and the next is the text for the teaching  
3 fellowship.

4 HEARING OFFICER DAVIS: Okay. Any objection to 74?

5 MR. MEIKLEJOHN: No.

6 HEARING OFFICER DAVIS: 74 is in as well.

7 (Employer's E-74 received.)

8 HEARING OFFICER DAVIS: Any further questions, Mr.  
9 Catalano?

10 MR. CATALANO: No, sir.

11 HEARING OFFICER DAVIS: Great. Mr. Meiklejohn, do you  
12 need time?

13 MR. MEIKLEJOHN: No, I think -- just a second.

14 CROSS-EXAMINATION

15 BY MR. MEIKLEJOHN:

16 Q Good afternoon, or it's close. You understand that I  
17 represent the Petitioner, the union in this case?

18 A Yes.

19 Q I think I just have a very few questions. Sometimes, once  
20 I get started, I have trouble controlling myself. I think this  
21 is probably pretty clear on the record, but if you could just  
22 take a look at Employer Exhibit 69, which is the admissions  
23 letter for a student, in this case, a PhD candidate, a student  
24 in sociology. Have you found that?

25 A Yes.

1 Q According to the third paragraph of this letter, this  
2 individual who apparently is a very good student has been  
3 awarded a 50 percent provost scholarship. Do you see that?

4 A Yeah, I see that in the letter, yes.

5 Q I mean that goes to some students, but not to all  
6 students, correct?

7 A I am not part of the admissions process, so I don't -- I  
8 can't say for certain.

9 Q In any event, getting one of these letters does not  
10 automatically entitle this individual to a position either as a  
11 TA or a TF, correct?

12 A As far as I understand.

13 Q Well, you described an application process that the TAs  
14 and TFs must go through, correct?

15 A Yes.

16 Q And they have to meet certain standards in order to get a  
17 TA or a TF position, correct?

18 A Yes. I oversee one of two or three teaching assistantship  
19 processes. New School for Social Research has their own  
20 internal teaching assistantship and research assistantship  
21 process that I am not a part of.

22 Q I take it then you're also not a part of a selection of  
23 people for courses to TA at Parsons, is that right?

24 A Some courses. Some of those courses are part of the  
25 teaching assistantship process, but not all.

1 Q At one time, let's see, in 2007, you were the director of  
2 something at the office of the provost.

3 A Yes.

4 Q In that capacity, were you involved in an effort to  
5 standardize the selection process for TAs and TFs?

6 A I was.

7 Q For a period of time, were all -- was all hiring for TAs  
8 and TFs directed through your office?

9 A I don't recall, actually. I think that was our goal. If  
10 it actually happened in practice, I'm not sure.

11 Q At least a larger portion of the selection process was  
12 centralized in your office as director, correct?

13 A Yes, that's correct.

14 Q In that process, you created certain standards that were  
15 intended to apply to all TA and TF applications, is that right?

16 A That is correct.

17 Q Those standards are still posted on the website of the  
18 director of assessment and curricular support?

19 A I don't know. I don't think they're located there on the  
20 website. They're located under the graduate student assistant  
21 program.

22 Q I'm sorry, maybe I -- I'm not really good at understanding  
23 -- I can find my way through websites but I don't always know  
24 where I am or how I got to where I've gotten in one particular  
25 place. So these standards are posted or are made available

1 where, you say?

2 A On the provost office website.

3 MR. MEIKLEJOHN: Can I have this marked as Petitioner's  
4 Exhibit 41, please?

5 (Petitioner's Exhibit 41 identified.)

6 BY MR. MEIKLEJOHN:

7 Q Have you had an opportunity to review Petitioner's  
8 Exhibit 41?

9 A Yes.

10 Q And first I'd ask who was Caroline Comisky (ph.) in  
11 January of 2015? What position did she hold?

12 A Caroline was the director of assessment and curricular  
13 support in the provost office. And so part of her work ended  
14 up being overseeing the teaching assistantship and teaching  
15 fellowship application selection processes.

16 Q Did she, at that time, report to you?

17 A No.

18 Q I understand Ms. Comisky no longer holds that position?

19 A That's correct.

20 Q Has she been replaced?

21 A No.

22 Q She's irreplaceable -- no, withdrawn. You don't have to  
23 answer that. Is this a document that was available in the  
24 provost office to all graduate students?

25 A As I recall, this is a document she created for me as she

1 was leaving the office, to help me understanding the nuances of  
2 overseeing the processes.

3 Q Because she wasn't going to be there and so some of these  
4 responsibilities were expected to fall to you?

5 A That's correct.

6 MR. MEIKLEJOHN: I move the admission of Petitioner's 41.

7 MR. CATALANO: No objection.

8 HEARING OFFICER DAVIS: Petitioner's 41 is admitted.

9 (Petitioner's P-41 received.)

10 BY MR. MEIKLEJOHN:

11 Q The first paragraph describes a process that began in 2007  
12 and I guess continued into 2008 that you were personally  
13 involved in?

14 A That's correct.

15 Q You developed a set of standards that are described in  
16 here?

17 A Yes.

18 Q According to the document, the process was designed to  
19 create a system for hiring teaching assistants and teaching  
20 fellows. That word hiring, is that the word that's used to  
21 describe the process --

22 MR. CATALANO: Objection.

23 MR. MEIKLEJOHN: -- of selecting teaching assistants and  
24 teaching fellows to hold those positions?

25 HEARING OFFICER DAVIS: Your objection?

1 MR. CATALANO: Objection.

2 HEARING OFFICER DAVIS: What is your objection?

3 MR. CATALANO: Are you asking is that what the word says?  
4 Is that what the document says? It says what it says.

5 MR. MEIKLEJOHN: My question is whether that word is used  
6 in the provost office to describe that process.

7 HEARING OFFICER DAVIS: Do you understand the question?

8 THE WITNESS: Yeah, I do. Can I answer?

9 HEARING OFFICER DAVIS: You can answer, yes.

10 THE WITNESS: No, it's not the word that we use in the  
11 provost office.

12 BY MR. MEIKLEJOHN:

13 Q Only Carol Comisky uses that word?

14 A I guess. It's not the word I use.

15 Q Other than that word which is used repeatedly in the  
16 document, does that document accurately describe the process  
17 that you went through and the purpose of the process?

18 A In the first part of that document, is that what you're  
19 asking, the overview?

20 Q Right, yes.

21 A Yeah, for the most part.

22 Q In the section that -- there is a series of five bullet  
23 points follows different/programs, administer the positions, do  
24 you see that?

25 A Yes.



1 Q There is a reference to HR. HR refers to human resources,  
2 is that correct?

3 A Yes, that is correct.

4 Q And human resources is generally the office in the  
5 university that's responsible for the hiring of employees and  
6 the maintenance of employment records, is that correct?

7 A I guess.

8 Q You say you would not use the word hiring. What word  
9 would you use?

10 A Surveying, appointing, selecting.

11 Q Now you received this memo in January of 2015.

12 A Yes.

13 Q Did you respond to Ms. Comisky in any way to indicate that  
14 you felt this memo was accurate in any fashion?

15 A We had several meetings. This was a basis for several  
16 meetings to prepare for her departure.

17 (Pause.)

18 BY MR. MEIKLEJOHN:

19 Q You talked about the role of discussion sections in the  
20 ULEC courses.

21 A Yes.

22 Q You said the TAs run them, the recitation sections. Can  
23 you explain the importance of those recitations sections to the  
24 teaching of the undergraduates?

25 A Sure. So the lead faculty member generally in the lecture

1 once a week will provide the overarching content of the course.  
2 The discussion sections which also happen once a week generally  
3 after the lecture are an opportunity for students to interact  
4 -- undergraduate students to interact with the teaching  
5 assistant to ask questions about the content that was delivered  
6 during the lecture, work on projects, assignments, things of  
7 that sort.

8 Q How did the undergraduates benefit from this discussion  
9 section?

10 A Well, it's an opportunity for them to dive deeper into  
11 content and to ask questions.

12 Q So hopefully they will learn as a result of these.

13 A Yes.

14 Q And that's the point of the class, correct?

15 A Yes.

16 Q And that's what they are paying tuition for supposedly is  
17 to learn.

18 A Yes.

19 Q Or at least that's what their parents think. You don't  
20 have to answer that last one. If you could look at  
21 Employer's 72, about halfway down there is a listing of  
22 possible interview questions for graduate students applying for  
23 teaching assistantships. Do you see that?

24 A Yes.

25 Q Do you know how these possible questions were compiled?

1 A I don't know if this list has been altered in the past few  
2 years. I wasn't a part of the administration of the program.  
3 In previous years, I have sent a research out to curricular  
4 deans and, therefore, also chairs to see if there were changes  
5 to the list.

6 Q So these are, in fact, questions at least your  
7 understanding is an interviewing faculty member is likely to or  
8 might ask?

9 A I wouldn't say likely, but they might.

10 Q Is the purpose of these questions to figure out whether  
11 the applicant would do a good job as a TA?

12 A Yes.

13 Q So these would be presumably used by the selecting faculty  
14 member in the course of choosing the TAs for the class?

15 A The faculty probably would not look at this list.

16 Q No, but these are samples of the kinds of questions they  
17 might ask for that purpose?

18 A Yes.

19 Q And if you could -- do you still have Employer Exhibit 46  
20 in front of you?

21 A Yes.

22 Q What did you say this document is?

23 A This is a document that is on the website. It offers the  
24 overarching information about the call for applicants to  
25 participate in teaching fellowship opportunities, tells them

1 how to apply, that kind of thing.

2 Q And when you say the website, is this the provost website?

3 A It is.

4 Q I guess this is something that would be up on the website  
5 right now or I guess the period just closed, right?

6 A It did close, so I don't know what's on the website right  
7 at the moment.

8 Q But it was this document or the content of this document  
9 was used in the most recent selection process --

10 A Yes.

11 Q -- for teaching fellows.

12 A Yes.

13 Q Could you turn to the -- and this is the document that was  
14 used in the provost office, correct?

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

16 Q Well, it was posted on the provost website.

17 A Yes.

18 Q If you could turn to the second page and if you could look  
19 under application procedure, the first bullet point?

20 A Yes.

21 Q The third line, it refers to the phrase the programs which  
22 are hiring. And that's hiring of teaching fellows, is that  
23 correct?

24 A That's what that refers to.

25 Q And the third bullet point also refers to hiring teaching

1 fellows?

2 A Yes.

3 Q What was Employer Exhibit 47, is that also something that  
4 was posted at the provost website?

5 A Yes.

6 Q What is the fourth word under Eugene Lang College at the  
7 top?

8 A Hires.

9 Q A number of these documents come from a university-wide  
10 call for TAs and/or TFs, correct?

11 A Yes.

12 Q And that university-wide call includes both PhD students  
13 and masters students, correct?

14 A Yes.

15 Q The same call?

16 A Yes.

17 Q You testified that one of your functions in this selection  
18 process is to go through the records, I guess you run through  
19 records, and make sure that a TA or a TF who has been selected  
20 is not holding more positions than is permitted under the  
21 guidelines.

22 A Yes.

23 Q Is that something that comes up?

24 A Rarely.

25 Q A teaching fellow is paid, according to exhibit -- one of

1 the exhibits says that a teaching fellow is paid \$5,500, is  
2 that correct? I don't know, I lost my document.

3 A I can't remember offhand what the total is per teaching  
4 fellow at the moment.

5 Q Is it more than is paid for a teaching assistant?

6 A Yes.

7 Q Why is the teaching fellow paid more?

8 A There is an expectation of increased responsibility for a  
9 teaching fellowship position.

10 Q This is a term that's been used several times over the  
11 course of this hearing. I think we may not have a definition  
12 of what the term means. That term is instructor of record.  
13 Can you explain what an instructor of record is?

14 A An instructor of record is responsible for the course's  
15 content and its delivery. And they're responsible for  
16 evaluating students' work and submitting grades.

17 Q And I guess they're also listed in the course catalog as  
18 the person who teaches the class?

19 A Usually.

20 Q If the person has been selected before the course catalog  
21 is published. You have to say --

22 A Yes.

23 Q Okay. Are all teaching assistantships posted through the  
24 provost office or only the ULEC courses?

25 A ULEC courses, as well as a number of other teaching

1 assistantship positions are posted through the university-wide  
2 process, but not all.

3 Q Are they all undergraduate courses that are posted through  
4 the provost office?

5 A There are several graduate level courses as well.

6 MR. MEIKLEJOHN: Could I have this marked as Petitioner's  
7 Exhibit 42?

8 (Petitioner's P-42 identified.)

9 BY MR. MEIKLEJOHN:

10 Q You have Petitioner's Exhibit 42 in front of you?

11 A Yes.

12 Q Do you recognize this as a listing of at least some of the  
13 courses for which teaching assistantships were offered for the  
14 upcoming academic year?

15 A Yes.

16 Q These are courses that were listed in the provost office?

17 A That's correct.

18 MR. MEIKLEJOHN: I move the admission of Petitioner's 42.

19 MR. CATALANO: No objection.

20 HEARING OFFICER DAVIS: Petitioner 42 is admitted.

21 (Petitioner's P-42 received.)

22 BY MR. MEIKLEJOHN:

23 Q And I will not hold out real high hopes but I'll ask you  
24 this anyway. In the portion of the box at the bottom of the  
25 page, it states that the stipend is based upon a rate of \$28.19

1 per hour and the number of hours of work expected. Do you see  
2 that?

3 A Yes.

4 Q Do you know where that figure of \$28.19 came from?

5 A I'm not sure I know what you're asking.

6 Q Well, according to the document, the rate of pay for a --  
7 you know what, it doesn't matter. I'll withdraw the question.  
8 The courses that are listed on Petitioner's Exhibit 42 -- one  
9 more document.

10 MR. MEIKLEJOHN: Can I have this marked as  
11 Petitioner's 43?

12 (Petitioner's P-43 identified.)

13 BY MR. MEIKLEJOHN:

14 Q Have you had an opportunity to review Petitioner's 43?

15 A Yes.

16 MR. MEIKLEJOHN: And this is actually -- I'll represent  
17 that this is a document that was provided to us in response to  
18 subpoena so that the record is clear that we are not  
19 responsible for the incomplete job of redacting this document,  
20 but maybe we'll take care of that after it's offered.

21 BY MR. MEIKLEJOHN:

22 Q But I'll ask you is this an email sent from the provost  
23 office to an individual selecting for a teaching fellow  
24 position shortly before Caroline Comisky left her position?

25 A Yes, it is.



1 MR. MEIKLEJOHN: I move Petitioner's 43.

2 MR. CATALANO: No objection.

3 HEARING OFFICER DAVIS: Petitioner 43 is admitted.

4 (Petitioner's P-43 received.)

5 MR. MEIKLEJOHN: And just I would off the record propose  
6 that we also redact the first name of the individual so that  
7 it --

8 HEARING OFFICER DAVIS: I don't know that it's necessary.  
9 It's only the first name.

10 MR. MEIKLEJOHN: Well, all right. I have no further  
11 questions for this witness.

12 HEARING OFFICER DAVIS: Mr. Catalano?

13 REDIRECT EXAMINATION

14 BY MR. CATALANO:

15 Q Number 42?

16 A Yeah.

17 Q It says, "The stipend is based on a rate of \$28.19 per  
18 hour." Are there any deductions from the stipend amount? Is  
19 it a set amount, in other words?

20 A It is a set amount.

21 Q And there are no deductions or additions to that set  
22 amount per semester, is it?

23 A No.

24 MR. CATALANO: I have nothing else.

25 RECROSS EXAMINATION

1 BY MR. MEIKLEJOHN:

2 Q Just to be clear, I think the record is pretty clear on  
3 this, when you say there's other deductions when the student,  
4 and I don't mean to suggest that your answer was intentionally  
5 misleading, but when the student gets this compensation  
6 presumably most cases from direct deposit, taxes are withheld  
7 from the payment, is that correct?

8 A Depending on the student's, what they've submitted for  
9 their taxes, yes.

10 Q If they claim 14 exemptions then they probably won't have  
11 anything withheld, is that what you're saying?

12 A Potentially.

13 Q It depends on the W-4 form that the student submits.

14 A It depends on whatever forms they submit for payroll.

15 Q Whatever IRS forms they submit.

16 A Yes.

17 Q Okay.

18 MR. MEIKLEJOHN: Nothing further.

19 HEARING OFFICER DAVIS: I have a question. Are teaching  
20 assistants or teaching fellows ever referred to as instructor?

21 THE WITNESS: Not by us. I mean I don't know if in other,  
22 within the divisions, that may be a term used. But it's more  
23 of -- it's a logistical term because of these specific  
24 functions.

25 HEARING OFFICER DAVIS: Just because I've asked, could you

1 explain what that means? In what context does the university  
2 use instructor of record?

3 THE WITNESS: It's in terms of the kinds of access they  
4 might have to certain software platforms at the university, so  
5 where they submit information.

6 HEARING OFFICER DAVIS: Anything else, Mr. Catalano?

7 MR. CATALANO: No.

8 HEARING OFFICER DAVIS: Mr. Meiklejohn?

9 BY MR. MEIKLEJOHN:

10 Q I'm confused. I thought you testified on direct that  
11 teaching fellows were instructor of record.

12 A Yes.

13 Q Okay. I thought you just testified that they weren't,  
14 okay. Whatever the testimony has been, the fact of the matter  
15 is that teaching fellows, unlike teaching assistants, are the  
16 teacher of record, instructor of record.

17 A Yes.

18 MR. MEIKLEJOHN: Nothing further.

19 HEARING OFFICER DAVIS: Mr. Catalano?

20 MR. CATALANO: None.

21 HEARING OFFICER DAVIS: Thank you. You're excused.

22 THE WITNESS: Thanks.

23 (Witness excused.)

24 HEARING OFFICER DAVIS: Okay. We have an additional  
25 witness?

1 MR. CATALANO: Yes.

2 HEARING OFFICER DAVIS: Would you like to proceed now?

3 MR. CATALANO: It depends on everybody's so desire.

4 HEARING OFFICER DAVIS: So 10 after 12. If we only have  
5 one further witness, unless you want a short break, I'd prefer  
6 to get the witness on and off.

7 MR. MEIKLEJOHN: I just would like to try to do something  
8 for my throat again before we start.

9 HEARING OFFICER DAVIS: Okay, let's just take two minutes.

10 (Whereupon, a brief recess was taken.)

11 HEARING OFFICER DAVIS: Please raise your right hand.

12 (Whereupon,

13 NADINE BOURGEOIS,

14 was called as a witness by and on behalf of the Petitioner and,  
15 after having been duly sworn, was examined and testified as  
16 follows:)

17 HEARING OFFICER DAVIS: Will you please state your name  
18 and spell your first and last name?

19 THE WITNESS: Yes. My name is Nadine Bourgeois. First  
20 name N-A-D-I-N-E, last name Bourgeois, B-O-U-R-G-E-O-I-S.

21 HEARING OFFICER DAVIS: Thank you. Mr. Catalano?

22 DIRECT EXAMINATION

23 BY MR. CATALANO:

24 Q Dean Bourgeois, who are you employed by?

25 A The New School.

1 Q What's your current position?

2 A I'm the dean for academic planning at Parsons.

3 Q Can you tell us how long you've had that position?

4 A I've been the dean for academic planning since 2009.

5 Q Tell us what your education is, please?

6 A I have an AB in English from the University of North  
7 Carolina, Chapel Hill, and I have an MA from New York  
8 University in Arts Management.

9 MR. CATALANO: As I mentioned off the record, I have had  
10 in my possession Dean Bourgeois' CV, which I don't have with  
11 me, but with counsel's wonderful permission, I think we have an  
12 agreement that I'll give it to the hearing officer prior to the  
13 close of the hearing.

14 MR. MEIKLEJOHN: That's correct. Counsel for the  
15 Petitioner is very understanding of people losing documents.

16 BY MR. CATALANO:

17 Q How long have you been employed at The New School?

18 A I joined The New School in 1986.

19 Q At that time through today just tell us what various  
20 positions you've had.

21 A I was the administrative assistant to the director of  
22 admissions. I was assistant director of admissions, the  
23 associate director of admissions, the director of admissions,  
24 the assistant dean, the associate dean, the senior associate  
25 dean, and now the dean of academic planning.

1 Q Now can you tell us what you currently do in a general way  
2 so as the hearing officer or the reader of the record can know  
3 what your general duties are at current?

4 A Generally, I manage all operational aspects at Parsons  
5 School of Design, including budget, faculty hiring, space and  
6 capital resources, working closely with the executive dean, and  
7 the academic leadership at Parsons, as well as my colleagues at  
8 the university.

9 Q There are six putative categories set forth in the  
10 petition, teaching assistant, teaching fellows, research  
11 associates, research assistants, course assistants, and tutors.  
12 Can you tell us what roles of those six are at Parsons?

13 A We have all of the rolls that you just listed except  
14 course assistant, so we have tutors, RAs, research assistants,  
15 teaching fellows, teaching assistants, and research associates.

16 Q There was prior testimony and I want you to confirm if  
17 that testimony was accurate. Student Assistants III at  
18 Parsons, can you tell us what that nomenclature actually refers  
19 to?

20 A Student Assistant III at Parsons is the equivalent of a  
21 research assistant.

22 Q What kind of programs are offered at Parsons and tell us  
23 the magnitude of that division at The New School compared to  
24 other divisions.

25 A Sure. Parsons has 5,000 degree students. That's about

1 half the population of students at the university. We have  
2 graduate and undergraduate degree programs, as well as court  
3 opportunities in a range of art and design areas, as well as  
4 management. So we have courses in illustration, photography,  
5 fine arts, architecture, lighting design, interior design,  
6 strategic design in management, urban design, and just about  
7 any other area of design that you could think of.

8 Q How many graduate students are enrolled approximately at  
9 Parsons?

10 A This fall, we had approximately 860 students, graduate  
11 students at Parsons.

12 Q Of the 10,000 students that I think is in the record, how  
13 many of those are at Parsons?

14 A 5,000.

15 Q Without listing all the 15 degrees, can you tell us  
16 whether Parsons offers a Master of Art, Master of Fine Arts,  
17 and Master of Science in various programs?

18 A Yes, we offer a Master of Fine Arts, a Master of Science,  
19 a Master of Arts degree, and a Master of Architecture degree.

20 Q Does Parsons have any PhD students?

21 A Parsons does not have PhD students.

22 Q Now in Exhibit 7, and this is in evidence, it lists that  
23 there are 190 TAs at Parsons. Can you tell us if there are no  
24 PhD students at Parsons, how it is that there are approximately  
25 190 TAs?

1 A Teaching assistants are hired at Parsons from across the  
2 university and that may include students who are studying to  
3 get a PhD, but they can also include students that are eligible  
4 per what Adrienne described in her testimony.

5 Q In evidence also is Exhibit 41 and 40, excuse me, the  
6 pedagogy workshop and the teaching workshop. Can you tell us  
7 whether those programs previously referred to are required in  
8 order to be a TA at Parsons?

9 A Yes. Those programs are required to be a TA at Parsons.

10 Q What do TAs do at Parsons, generally speaking?

11 A TAs, generally speaking, conduct recitation or breakout  
12 sessions related to a large lecture. They attend the lecture.  
13 They, on a separate occasion, on a different day, meet with a  
14 smaller group of students to conduct conversations with the  
15 students regarding the lecture, to support peer to peer  
16 learning between the students.

17 Q I just referred to, I think I may have misstated the  
18 number by saying P-40 and 41, there is an E-40 and 41,  
19 introductions in teaching workshop and the syllabus topics in  
20 pedagogy.

21 HEARING OFFICER DAVIS: Thank you.

22 BY MR. CATALANO:

23 Q Are those the programs that need be undertaken by a TA  
24 before he or she continues as a TA at Parsons?

25 A That's correct.



1 Q Now in acting as a TA, can you tell us whether anyone  
2 receives financial aid?

3 A Students receive financial aid in the form of a stipend as  
4 a TA.

5 Q And Dean Marcus mentioned that there was a program and a  
6 call for TAs run through the provost office. Can you tell us  
7 whether that's the one that is employed by Parsons?

8 A Yes. That is generally the program that's employed by  
9 Parsons.

10 Q Now at Parsons, does the TA have an expectation that he or  
11 she will continue in that role beyond the one semester?

12 A No.

13 Q What's the reason?

14 A The reason is that there are only a limited number of TA  
15 opportunities and we want to make sure that as many students as  
16 possible have that opportunity to enhance their educational  
17 experience.

18 Q Did there ever come a time that -- withdrawn. Can a  
19 teaching assistant role be assumed for less than a semester?

20 A Teaching assistant? Not that I'm aware of.

21 Q Were you part of any discussions, what can you tell us as  
22 to the rationale for establishing a TA position at Parsons?  
23 And particularize whether you were involved in any such  
24 discussions.

25 A Discussions regarding TAs, I was not a direct part of

1 those conversations. They have been in existence for quite  
2 some time where we have large lecture opportunities in a few of  
3 our programs, but we have a very limited number.

4 Q Okay. And what's the rationale?

5 A The rationale for TAs at Parsons and across the university  
6 is to really support a student's educational experience, giving  
7 them the opportunity to develop in their disciplinary practice,  
8 depending what area that they're studying in and participate in  
9 course opportunities that allow them to experience that with  
10 students.

11 Q Well, Mr. Meiklejohn has averted to the word hiring and  
12 the like. Can you tell us whether this is intended to be an  
13 employment relationship or a form of financial aid, if you  
14 know?

15 MR. MEIKLEJOHN: Objection.

16 HEARING OFFICER DAVIS: What's the basis?

17 MR. MEIKLEJOHN: I think at this point it seems to be  
18 calling for a legal conclusion.

19 MR. CATALANO: I said what is intended to be.

20 HEARING OFFICER DAVIS: Well, intended? Could you  
21 rephrase the question?

22 BY MR. CATALANO:

23 Q Can you tell us what discussions have been had concerning  
24 the TAs at Parsons and what the intent is, if any, with respect  
25 to giving them the stipend?

1 A The opportunity to be a TA, we consider a financial  
2 opportunity for students, another way of supporting students  
3 through a stipend.

4 Q Exhibit 7 indicates that there are approximately 43  
5 teaching fellows at Parsons. Can you advise us how many  
6 teaching fellows, if that's accurate, and what they do?

7 A Yes. That number is accurate, to the best of my  
8 knowledge.

9 MR. MEIKLEJOHN: I'm sorry. Where are we finding that  
10 number?

11 MR. CATALANO: Exhibit 7.

12 HEARING OFFICER DAVIS: It's okay, please proceed.

13 BY MR. CATALANO:

14 Q What do teaching fellows do at Parsons?

15 A Teaching fellows instruct courses in their disciplinary  
16 area of study.

17 Q Can you tell us whether they need to undertake the same  
18 topics in pedagogy and the teaching workshop that you've  
19 referred to before?

20 A Yes, they do.

21 Q Do they receive any financial aid while serving as a  
22 teaching fellow?

23 A Yes. They receive a stipend for participating in the  
24 teaching fellows program.

25 Q Dean Marcus referred to the application process for both

1 TAs and TFs through the provost office. Can you tell us  
2 whether that applies at Parsons?

3 A Yes, that program is used to identify and award teaching  
4 fellows.

5 Q Ordinarily, for what period of time is the teaching fellow  
6 appointed?

7 A Ordinarily, one semester.

8 Q Does there ever come a time that possibly a teaching  
9 fellow is retained or is serving in that role for less than a  
10 semester?

11 A Yes. At Parsons, the one difference would be in a boot  
12 camp program that we offer in the summer that is a compressed,  
13 so a bit shorter. It's an intensive program. The teaching  
14 fellows are used in that program.

15 Q Can you tell us whether their stipend is modified based on  
16 the number of hours that he or she serves in that role in a  
17 week or in a month or in a semester?

18 A No, that is not my understanding.

19 Q According to Exhibit 7, there are approximately 24  
20 research associates at Parsons in this academic year. Can you  
21 tell us what services those research associates play?

22 A Research associates are engaged in collaborative projects  
23 and grants that the faculty receive and they are brought into  
24 those projects as intern research opportunities based on their  
25 disciplinary area of expertise.

1 Q Do they have to undertake those two training programs  
2 that's called -- that you referred to before, Employer  
3 Exhibit 40?

4 A No, they do not.

5 Q Who are research associates in the main, generally  
6 speaking?

7 A Generally speaking, research associates are graduate  
8 students at Parsons in an MFA degree program, generally in  
9 design and technology.

10 Q Do they receive financial aid?

11 A They receive compensation in the form of a stipend award.

12 Q Can you tell us whether the research associate is advised  
13 that this will be an ongoing appointment?

14 A No, they are not.

15 Q How do they get appointed again, if at all?

16 A Research associates are selected by the faculty member who  
17 has the grant, so the PI, or through the collaborative project,  
18 always with the faculty member.

19 Q Can you tell us if you are personally aware as to the  
20 reason why The New School established research associate  
21 positions?

22 A Research associates positions, similar to TAs and TFs very  
23 directly support a student's educational opportunities, giving  
24 them a chance to work very closely with faculty in research and  
25 creative practice opportunities.

1 Q What's the stipend intended to be, if you know?

2 A It varies by project.

3 Q No, I don't mean how much. But can you tell us the reason  
4 that stipends are provided?

5 A Oh, I'm sorry. I misunderstood the question. Could you  
6 repeat it?

7 Q Is there any financial aid given to the research  
8 associate?

9 A Yes. Students receive a stipend.

10 Q Does it vary based on the number of hours that he or she  
11 spends serving as a research associate?

12 A It is established based on the project that they are  
13 working on.

14 Q It is also noted that there are approximately 240 research  
15 assistants at Parsons and can you tell the hearing officer what  
16 research assistants do?

17 A Research assistants at Parsons engage directly with  
18 full-time faculty on their research, scholarship, and creative  
19 practice. They are identified based on their disciplinary  
20 expertise needed by the faculty on a given research project  
21 that they are doing.

22 Q Who are they interacting with? In fact, in all of these  
23 roles, who does the TA, TF, and/or research assistant or  
24 research associate interact with as far as assuming that role  
25 during the course of a semester?

1 A So teaching assistants, research assistants, and research  
2 associates work directly with the faculty member, usually a  
3 full-time faculty member. Teaching fellows, I think you said,  
4 also?

5 Q Yes.

6 A They work directly with the program director and the  
7 academic leadership in a given school.

8 Q Can you tell us whether research assistants receive any  
9 financial aid?

10 A Yes, they receive a stipend.

11 Q Can you tell us how the research assistant role is  
12 obtained?

13 A A research assistant is identified by a faculty member.  
14 So they have a very particular project that they're working on  
15 and they look across the students in a given area of expertise  
16 and identify them to participate.

17 Q The ordinary length of a research assistantship at Parsons  
18 is?

19 A Generally, it's one semester or one academic year.

20 Q Do any of these roles require or in the main have an  
21 interaction with guidance or instruction from administrators?

22 A No.

23 Q Are there any course assistants at Parsons?

24 A There are no course assistants at Parsons.

25 Q Are there any tutors?

1 A We have three tutor roles at Parsons.

2 Q What do they do?

3 A The tutors are associated with the first year program at  
4 Parsons, focusing on tutorials with both students and faculty  
5 in the area of our learning portfolio.

6 Q Is there any seminar or educational exercise that must be  
7 assumed by the tutor before he or she can assume a role?

8 A No.

9 Q Do they receive financial aid?

10 A They do.

11 Q In what form?

12 A In the form of a stipend.

13 Q Is that a fixed amount?

14 A Yes.

15 Q Can you tell us whether the tutor is advised that he or  
16 she has -- whether he or she is to be guaranteed or has an  
17 expectation of assuming that role after the semester?

18 A Tutors are not told that there will be any assumption of  
19 continuation of employment.

20 Q Can it be for any duration of time? And if so, generally  
21 speaking what is it?

22 A Generally speaking, one semester, possibly one academic  
23 year.

24 Q What was the rationale for establishing tutor positions?

25 A In the case of the first year program, since we only have



1 three of these roles, it was based on direct need related to  
2 the learning portfolio.

3 Q If these five out of the six roles that are at Parsons,  
4 all except course assistants, were not a form of financial aid,  
5 would it be necessary at Parsons to provide these services?

6 A No, it would not.

7 Q Could Parsons, based upon economic models, provide these  
8 services less expensively?

9 A Absolutely.

10 Q In what way?

11 A The programs require a fair amount of administrative  
12 oversight in order to implement.

13 Q Do you know whether the distribution of financial aid or  
14 the adoption by the provost office of certain programs has  
15 caused a number of graduate students at Parsons to increase as  
16 far as the receipt of financial aid?

17 A The programs that the provost office has established,  
18 including the general research funds and faculty support funds,  
19 have radically increased the number of graduate students in  
20 general and also at Parsons receiving financial support.

21 Q Were you part or involved with the creation of this  
22 faculty support fund?

23 A I was actively engaged in that process.

24 Q So just explain it in brief fashion to the hearing officer  
25 and counsel when this was adopted and how it has "radically

1 increased," if that was the term, the number of students who  
2 receive financial aid.

3 A Yes. The program was established to initially attach to  
4 two directed objectives. One was to give students more  
5 financial support to their educational experience and also to  
6 provide faculty support in the form of student research  
7 assistants and engagement. So the program was rolled out about  
8 three years ago, and the faculty and students have gained  
9 tremendously from that direct work.

10 Q How does it work mechanically?

11 A Mechanically in terms of?

12 Q The funds being provided to the student.

13 A Absolutely. The faculty member submits an application and  
14 a proposal for their project that they're working on. They are  
15 assessed both on the nature of the project, as well as how the  
16 student will directly benefit from the project, so they  
17 actually have to describe the engagement that the students will  
18 have.

19 That is reviewed first by a group of peers, the research  
20 scholarship and creative practice committee, in a given school.  
21 Those recommendations are forwarded to our deans' council,  
22 which is the body of our academic leadership at Parsons. We  
23 review those and submit forward the recommended proposals to  
24 the provost office and the provost office makes final  
25 determinations on the actual projects that receive awards.



1 that funding for whatever purposes apply.

2 Q They can use it to pay the rent?

3 A They receive funding that is financial aid. Financial aid  
4 can also be used in that way, yes, to pay rent. We have no --

5 Q Do you get a salary?

6 A Do I, personally, get a salary?

7 Q Yes.

8 A Yes, I do.

9 Q You can use the money you get from that salary to pay for  
10 your housing?

11 A Yes, I can.

12 Q You testified that there was a program established  
13 university-wide to provide for faculty members to select  
14 research assistants to work with them.

15 A Yes, that's correct.

16 Q And these faculty members can get up to \$5,300 a piece to  
17 select research assistants for that program?

18 A Not at Parsons. They receive up to \$5,100, if they are  
19 eligible.

20 Q Maybe it was \$5,100. Is there a different number in other  
21 parts of the university, do you know? Or did I just remember  
22 the number wrong. Is \$5,100 the number across the university?

23 A I cannot speak to the scope of social research, but I  
24 believe that the other divisions it's \$5,100.

25 Q I think that's right. I just mis-remembered it. Now do

1 you -- or I don't know. Does Parsons ever offer scholarships  
2 to its students?

3 A Yes.

4 Q Does that include graduate students?

5 A Yes.

6 Q In order to get a scholarship, what if any services do the  
7 students have to perform to get the money?

8 A For scholarships generally, they are enrolled degree  
9 students.

10 Q So the different between a scholarship and the stipends  
11 that you've been talking about is to get a stipend the student  
12 has to work to get the money, correct?

13 A To be awarded financial aid in the form of a stipend, the  
14 student engages in opportunities that are either related to  
15 instruction or research support.

16 Q When you say they engage in opportunities, you mean they  
17 are doing some work for somebody, right?

18 A That's not what I said.

19 Q No, I know. I'm asking you. Is that what you mean? Do  
20 you mean that they have to do work to get the money?

21 HEARING OFFICER DAVIS: Asked and answered.

22 MR. MEIKLEJOHN: It's been asked. I don't think it's been  
23 answered by this witness.

24 MR. CATALANO: Do you want me to recite the answer?

25 HEARING OFFICER DAVIS: You asked her that question and

1 she answered by saying students engage in opportunities. And  
2 then you asked the question again. So she answered the  
3 question in the same way and then I sustained my own objection.

4 BY MR. MEIKLEJOHN:

5 Q Those opportunities that you are referring to, those  
6 involve providing some services either to a faculty member, to  
7 undergraduates?

8 A They provide support, yes.

9 Q So you're saying teaching assistants provide support?

10 A Yes, they do, direct support.

11 Q Support to whom?

12 A They provide support both to the faculty of record, as  
13 described earlier. They also provide support to the students  
14 in the form of conducting these breakout sessions, leading  
15 discussions, and encouraging peer to peer learning.

16 Q So they're helping the undergraduates to learn?

17 A Absolutely.

18 Q And that is one of the functions of The New School is to  
19 teach undergraduates?

20 A Absolutely.

21 Q Now the research positions are intended to provide faculty  
22 support. Can you explain what you mean by faculty support?

23 A Absolutely. Our faculty are expected to maintain currency  
24 or excellence in research, scholarship, and creative practice.  
25 They are always working on these projects based on their own

1 disciplinary expertise. And the opportunities that the  
2 students have in either research assistant or research  
3 associate roles tie directly into the student's educational  
4 experience. And they have the opportunity to be mentored and  
5 work very closely with the faculty member in that area.

6 Q Why are the faculty members expected to maintain  
7 excellence in scholarship and research?

8 A So that they will be the very best possible educators.

9 Q And that's for the benefit of the university. It enables  
10 the university to fulfill its mission?

11 A It benefits the faculty and the institution.

12 Q You testified that there has been a radical increase in  
13 the number of graduate students as a result of what we  
14 described as --

15 A That is not what I said.

16 Q What has there been a radical increase?

17 A There's been a radical increase in research assistants and  
18 the students in those roles, not in the number of degree  
19 students.

20 Q I see. So because they are being paid, there are now more  
21 research assistants, is that your testimony?

22 A That's not my testimony.

23 Q Your testimony is because there's more money available to  
24 pay students that they are now there are more of them willing  
25 to fulfill that role?

1 A Additional financial aid was identified to support  
2 graduate students through stipends to participate in the  
3 programs that we've discussed today.

4 Q You testified that there were three tutor roles. Does  
5 that mean a total of three positions or three types of  
6 positions?

7 A There are -- I believe there are two types of tutor  
8 positions, a specialist and a generalist, if I'm not mistaken.  
9 So we have either two generalists and one specialist or one  
10 specialist and two generalists, I honestly don't remember  
11 which, so they are individual activities.

12 Q You testified that these were based upon or that the  
13 number that you have were based upon need. How is that need  
14 assessed?

15 A The need was assessed based on the rollout of our new  
16 undergraduate curriculum that included a learning portfolio.  
17 It was determined very quickly during the very first year of  
18 that rollout that we needed additional support for certain  
19 students and faculty because it is an online educational  
20 environment.

21 Q You testified that the services that are provided by the  
22 students in all these classifications could be provided more  
23 cheaply in some other fashion.

24 A Yes, that's what I said.

25 Q Have you conducted a study to determine what alternatives



1 are available for any of these positions?

2 A I have not conducted such a study.

3 Q Where would you go to find other individuals to -- strike  
4 that. You do feel that the role the teaching assistants  
5 provide is beneficial to the education of the students, of the  
6 undergraduate students, correct?

7 A Correct.

8 Q And would their education suffer if there were not TAs  
9 available to provide them with assistance?

10 A No.

11 Q My understanding is that because you have TAs -- strike  
12 that. You have lecture classes of roughly 100 students. Those  
13 are the -- is that the model or am I confusing you with the  
14 last witness?

15 A I think that was what the last witness said.

16 Q Okay. The teaching assistants support lecture, large  
17 classes, correct?

18 A Correct.

19 Q About how many students are in those classes?

20 A Those range in size from 100 to, I think, 400.

21 Q So if you have a class of 200 in a lecture, how many  
22 recitation -- how many teaching assistants would that class  
23 normally have?

24 A Maybe 10 or 12.

25 Q And so they would each have around 20 students in their --

1 A 18 to 20, yes.

2 Q And those recitation sections are intended and do provide  
3 an opportunity for improved and deeper learning for the  
4 undergraduates?

5 A Yes.

6 Q If you didn't have teaching assistants, how would you  
7 provide or would you be able to provide those opportunities for  
8 improved better learning and deeper learning for the  
9 undergraduates?

10 A Yes.

11 Q How would you do that?

12 A We would do it by offering part-time faculty opportunities  
13 to run recitation sections.

14 Q And you believe that you could hire part-time adjunct  
15 faculty for -- well, strike that. What approximately does a TA  
16 make for a semester?

17 A I don't have that information with me. But I think it has  
18 been presented.

19 Q You believe you could -- you don't know what the TAs make,  
20 correct?

21 A I believe it's approximately \$4,100, but I don't have the  
22 exact number.

23 Q And that's for two semesters, correct?

24 A No.

25 Q That's for one semester?

1 A That is correct.

2 Q Do you have any idea what it would cost to hire part-time  
3 or adjunct faculty to run recitation sections?

4 A Yes.

5 Q How much would that cost?

6 A Approximately \$4,000.

7 Q If you hired part-time faculty to do that job, would you  
8 have any question that they would be employees of the  
9 university?

10 A Part-time faculty are employees of the university.

11 (Pause.)

12 HEARING OFFICER DAVIS: Try to keep your comments a little  
13 quieter. It could end up on the record. I'm not sure you want  
14 that.

15 MR. MEIKLEJOHN: No further questions.

16 MR. CATALANO: Nor do I, thank you.

17 HEARING OFFICER DAVIS: I may have more questions. Maybe  
18 the record is clearer than I thought, but there was -- I  
19 thought you testified that, and maybe you can just restate your  
20 testimony because I'm a little bit confused. You were talking  
21 about an increase in research assistants.

22 THE WITNESS: Yes.

23 HEARING OFFICER DAVIS: Is that a relatively new  
24 development?

25 THE WITNESS: Yes.

1 HEARING OFFICER DAVIS: When did the increase in research  
2 assistants begin?

3 THE WITNESS: About three years ago, when the program was  
4 established by the provost office.

5 HEARING OFFICER DAVIS: And these research assistants were  
6 grad students?

7 THE WITNESS: Correct.

8 HEARING OFFICER DAVIS: Just so I don't misunderstand and  
9 the record is clear, I think you testified as a result of the  
10 program that The New School started using that you are able to  
11 provide more stipends for more research assistants.

12 THE WITNESS: That's correct.

13 HEARING OFFICER DAVIS: It didn't necessarily increase the  
14 number of grad students, is that right?

15 THE WITNESS: There is not a direct correlation between  
16 the research assistant program and the number of graduate  
17 students we have.

18 HEARING OFFICER DAVIS: It's just that more grad students  
19 would have the opportunity to be -- to receive stipends in  
20 return for the services that they provide.

21 THE WITNESS: That's correct.

22 HEARING OFFICER DAVIS: Okay, thank you. Anything else,  
23 Mr. Catalano?

24 MR. CATALANO: Yeah. I gave -- is this two, and I'll hand  
25 to the hearing officer and one to the court reporter, two

1 summary documents.

2 HEARING OFFICER DAVIS: Thank you.

3 MR. CATALANO: Which I have given to Mr. Meiklejohn. And  
4 if you can mark them for identification, if you don't mind, and  
5 I'll explain them.

6 HEARING OFFICER DAVIS: Which one is -- we're up to 74;  
7 75, is that the next exhibit? Yes. So which one is 75?

8 MR. CATALANO: Whichever you are about to write on.

9 HEARING OFFICER DAVIS: Which are you going to be showing  
10 the witness first?

11 MR. CATALANO: I'm not going to show -- in fact, you're  
12 done. Thank you.

13 HEARING OFFICER DAVIS: Oh, okay. Do you have any further  
14 questions, Mr. Meiklejohn?

15 MR. MEIKLEJOHN: No, no.

16 HEARING OFFICER DAVIS: Okay. So, all right, you're  
17 excused. I'm confused and you're excused.

18 (Witness excused.)

19 MR. CATALANO: I'm going to use the next one would be the  
20 words non-summative, up at the top.

21 HEARING OFFICER DAVIS: Okay.

22 MR. MEIKLEJOHN: The small chart.

23 HEARING OFFICER DAVIS: Employer's 75.

24 (Employer's E-75 identified.)

25 HEARING OFFICER DAVIS: And the larger one will be

1 Employer's 76.

2 (Employer's E-76 identified.)

3 MR. CATALANO: Okay. What these represent are summaries  
4 of that which is in evidence, Exhibit 7, which are the number  
5 of students for the period, and you'll see it in the first  
6 footnote, the 1,455 students paid on select position, summary  
7 of 2013, through summer of 2015. So that's the two-year period  
8 and what payroll department under Ms. Cantrell's supervision,  
9 and she's here, today, is to summarize. And they add up to 100  
10 percent both when you include summer, and summer is excluded to  
11 the right of -- on the right portion of 75.

12 Now the reason it says non-summative, as you can imagine,  
13 if you had in the second column, as an example, under the left-  
14 hand two semesters but nonconsecutive, if you have two  
15 consecutive semesters, but three consecutive semesters could  
16 include two consecutive semesters. And that's why you can come  
17 up with more than 100 percent. Well, this one comes up with  
18 identifying each of those categories solely, so it only adds up  
19 to 100 percent. That's the non-summative term.

20 And 76 is the same with respect to the positions at issue.

21 HEARING OFFICER DAVIS: Oh, I see, spinoff by positions.  
22 Okay, just give me a second. So the percentage, and let's just  
23 take Employer's 75, just so I -- the percentage, what does 36  
24 percent represent?

25 THE WITNESS: That of the 1,455 students who served in one

1 of those roles during those two years, 523 of them only served  
2 for one semester.

3 HEARING OFFICER DAVIS: Oh, I see.

4 MR. CATALANO: And 59 of them served 2 semesters, but  
5 nonconsecutively; whereas, 659 of them served 2 consecutive  
6 semesters only. Not three, four, five, or six.

7 HEARING OFFICER DAVIS: Okay. And you're saying that  
8 this, Employer's 76, would derive from --

9 MR. CATALANO: Strictly from Number 7, in evidence. So  
10 this is a summary.

11 HEARING OFFICER DAVIS: Okay. And my last question,  
12 because I don't know if counsel is going to have an objection,  
13 so when you say it's derived from those numbers, is that  
14 something that's possible from reviewing the document or is  
15 that something that's --

16 MR. CATALANO: Yes.

17 HEARING OFFICER DAVIS: -- necessary to have in the entire  
18 database that may not necessarily be reflected in the document?

19 MR. CATALANO: Well, Number 7 was compiled from various  
20 sources.

21 HEARING OFFICER DAVIS: Right.

22 MR. CATALANO: And then for purposes of this, human  
23 resources took 7, but also did some testing additionally where  
24 they made sure that this compilation was accurate. I mean I  
25 could bring in a witness, if need be. But, obviously, we're

1 trying to expedite it.

2 HEARING OFFICER DAVIS: Right. So -- is?

3 MR. MEIKLEJOHN: My question would be can somebody more  
4 skilled with Excel than me reproduce these numbers directly  
5 from Exhibit 7?

6 MR. CATALANO: Yes, but. The but is you'll see in  
7 Exhibit 7 there are a couple of semesters which had to have,  
8 and I'll use the term because it's accurate, an assumption  
9 made. In other words, it'll say \$55, and you have to put two  
10 and two together as to whether that person was or was not  
11 performing a service in that particular semester, because the  
12 payment could have -- from the biweekly payments could have,  
13 the person could have got paid in the semester when he or she  
14 didn't serve in the role. So that's in a very minor way  
15 certain of these things.

16 But when you take a look at Exhibit 7, you'll see \$2,550  
17 in one semester, and \$2,550 in the second semester, and the  
18 like. So this has been tested. I mean I can bring in the  
19 individual who put it all together if need be and that's only  
20 fair of Mr. Meiklejohn to ask. But this is, to the best of our  
21 knowledge and ability, an accurate recreation of the services  
22 performed in those six categories as set forth on Exhibit 7.

23 HEARING OFFICER DAVIS: Mr. Meiklejohn, you've only seen  
24 these documents today, is that correct?

25 MR. MEIKLEJOHN: That is correct.



1 MR. CATALANO: You'll note on the bottom it was prepared  
2 Thursday night and Friday night, and that's why you'll see 5/7  
3 and 5/8 down at the bottom. So that's the very reason I didn't  
4 give it to him in advance, because I didn't even have a chance  
5 to look at it until last night.

6 HEARING OFFICER DAVIS: This is what I'm going to do. I'm  
7 going to -- you're offering these now?

8 MR. CATALANO: Yes, I am.

9 HEARING OFFICER DAVIS: I'm going to reserve my decision  
10 until just before the record closes in order to give Mr.  
11 Meiklejohn an opportunity to try to determine if he has any  
12 objection to 75 and 76. In the interim, Mr. Meiklejohn, in the  
13 event you might have an objection, I wish you would inform  
14 counsel so he could bring the witness, if necessary, in order  
15 to introduce this document.

16 MR. CATALANO: We'll prepare an affidavit, if need be.

17 HEARING OFFICER DAVIS: That might be another way of  
18 resolving it.

19 MR. MEIKLEJOHN: Could I ask what the testing is that  
20 counsel is referring to?

21 HEARING OFFICER DAVIS: Yeah, let's do that on the record.

22 MR. MEIKLEJOHN: I'd like to do that on the record, yes.

23 HEARING OFFICER DAVIS: I'm just asking now, so you can  
24 respond.

25 MR. CATALANO: Mr. Shawn Ogiba, along with Irwin Kroot,

1 K-R-O-O-T, sampled the information which Mr. Ogiba has  
2 definition been working with over the last month, because I  
3 have interacted with him repeatedly to ensure the accuracy of  
4 this. As an example to test by, you know, there's a \$59  
5 payment here in November and then check with the, I'll use the  
6 academic unit, to ensure that that person did or did not serve  
7 in that role, during that month, that kind of thing was done.

8 MR. MEIKLEJOHN: So when there was a small -- when  
9 Employer Exhibit 7 reflects a small payment --

10 MR. CATALANO: I don't want to be too general about it,  
11 but, yes is the answer. Because most of these stipends, as you  
12 have heard, are for one semester duration. But, again, it's  
13 fair for you to question it and I don't want to say something  
14 that may be inaccurate in the least. And we can get any  
15 answers you have.

16 MR. MEIKLEJOHN: Just so I can finish, your understanding  
17 is that where there was a small payment in a particular  
18 semester, somebody checked to verify that that work was  
19 actually done in the previous --

20 MR. CATALANO: That's fair to a part. I didn't say for  
21 each small payment. I said that there was a sampling done,  
22 because you've got 1,455 students here. So I do know that  
23 testing was done, because I've seen the email and I had an  
24 interaction with Mr. Ogiba. So, yes, to some extent.

25 MR. MEIKLEJOHN: So when there was a small payment, an

1 adjustment was made to assume that the services were performed  
2 in a different semester, plus some testing was done to ensure  
3 that that process --

4 MR. CATALANO: I can't give you the extent of it, but  
5 that's accurate in part, from what I hear.

6 MR. MEIKLEJOHN: Do you know, and again I'm not going to  
7 -- it's going to ruin your credibility if you get it wrong  
8 because -- never mind. We're on the record and I have to watch  
9 myself. Do you know what that cutoff point was for saying this  
10 is too small?

11 MR. CATALANO: No. But I will find it and --

12 MR. MEIKLEJOHN: If you can get us that?

13 MR. CATALANO: We can speak more later today or I can  
14 provide some methodology that is exactly precise. But this is  
15 our best estimate, the university's best estimate.

16 MR. MEIKLEJOHN: Have we gotten an explanation of what 76  
17 is, because I'm still on 75.

18 MR. CATALANO: 76 is based on the putative categories.  
19 It's just a further breakdown.

20 MR. MEIKLEJOHN: I understand. But I don't understand  
21 what the breakdown is, I guess. Because on 75 --

22 MR. CATALANO: These are coded in the university system.  
23 As an example, you heard from Ms. Bourgeois, a student  
24 assistant III is a research assistant, right? So there could  
25 be characterizations that are not familiar to you or to me, and

1 these are just different terms used. But you can see for  
2 research assistant, research associate, teaching assistant,  
3 teaching fellow, tutor, and course assistant, they have the  
4 breakdown to the extent possible. And then you have the  
5 student assistant III.

6 MR. MEIKLEJOHN: I understand the part in purple. The  
7 part in purple, you're saying, these are really all --

8 MR. CATALANO: I'm saying student assistant III are  
9 research assistants.

10 MR. MEIKLEJOHN: All these people in those categories  
11 you're saying should have been research assistants, including  
12 the student assistant I's and II's?

13 MR. CATALANO: Well, the student assistant I and II,  
14 there's only 40 people. And then the others, college programs,  
15 N/A; on-campus student worker, six; and orientation lead,  
16 there's only eight of them. So it really doesn't --

17 MR. MEIKLEJOHN: That wasn't really my focus. My focus is  
18 that the information in this chart seems to be different from  
19 the information in 75.

20 MR. CATALANO: It's not.

21 HEARING OFFICER DAVIS: So?

22 MR. CATALANO: Well, it's broader. I'll get you an  
23 explanation between now and Thursday, to the extent you need  
24 one.

25 MR. MEIKLEJOHN: I mean I will say that I have, you know,

1 I'll run or own check, but I don't think I have an objection  
2 to 75.

3 HEARING OFFICER DAVIS: Subject to verification, I'll  
4 receive it.

5 MR. MEIKLEJOHN: Subject to verification. 76, I don't  
6 think there is an explanation of -- I mean just to take one  
7 example, on 76, it says that there are 993 students who worked  
8 one semester only. And on 75, it says there are 563.

9 MR. CATALANO: I'll get you the explanation.

10 HEARING OFFICER DAVIS: Yeah, well, let's --

11 MR. MEIKLEJOHN: Well, 523. So, in any event --

12 MR. CATALANO: Because you'll note that Footnote 2 shows  
13 -- it's talking about 2,099, whereas 1,455, but then they're  
14 doing it throughout the same durational period. I'll get you  
15 the explanation. We'll put it in an affidavit or talk about it  
16 some more.

17 MR. MEIKLEJOHN: Can I make one more observation about  
18 these documents?

19 HEARING OFFICER DAVIS: Before we go off the record?

20 MR. MEIKLEJOHN: Yes.

21 HEARING OFFICER DAVIS: Okay.

22 MR. MEIKLEJOHN: I just want to make sure it's clear from  
23 the record and this should have been clear on the first day  
24 when we introduced Employer's 7, this just reflects semesters  
25 worked for those two -- that two-year period. So that if one

1 of these students had held one of those positions in the  
2 previous year, but not -- in 2013 and in a previous year, they  
3 would show up as only having say worked one semester or two  
4 semesters. But those same individuals may have worked in the  
5 previous year as well.

6 HEARING OFFICER DAVIS: Is that your understanding, Mr.  
7 Catalano?

8 MR. CATALANO: And that's because we could not ascertain  
9 those facts prior to this period of time.

10 HEARING OFFICER DAVIS: So again --

11 MR. CATALANO: This is the best we could do based on the  
12 information available.

13 HEARING OFFICER DAVIS: I'm going to reserve my ruling on  
14 75 and 76, since it appears we'll have another hearing day.  
15 But let's go off the record.

16 (Discussion off the record.)

17 HEARING OFFICER DAVIS: So with respect to labor  
18 organization status, which is defined in Section 2(5) of the  
19 Act, I just wanted to clarify the stipulation that I received  
20 before, which is that I understand The New School agrees that  
21 or is willing to stipulate that Students at The New  
22 School-SENS, UAW, is an organization in which students  
23 participate and which exists for the purpose in whole or in  
24 part of dealing with The New School concerning grievances,  
25 labor disputes, wages, rates of pay, hours of employment, or

1 conditions of work.

2 I think that's the stipulation that you had agreed to, is  
3 that correct, Mr. Catalano?

4 MR. CATALANO: Only in the event that it were ultimately  
5 held, and this is the stipulation that Mr. Meiklejohn and I  
6 talked about, that Brown did not apply and these persons could  
7 be characterized as employees. I couldn't stipulate to in the  
8 first instance because it implies that the graduate students  
9 are employees rather than students. That's why I couldn't  
10 agree that the graduate students or that this organization is a  
11 labor organization within the meaning of the Act, because a  
12 labor organization only represents employees, not students.

13 HEARING OFFICER DAVIS: That's right. That's why when I  
14 read the stipulation just now, I substituted students for  
15 employees. You want me to read it again? Because in the Act,  
16 it says in which employees participate. I know The New School  
17 is not agreeing at this point or during this proceeding that  
18 they are, in fact -- students are in fact employees, so I  
19 substituted students.

20 If the Board finds, as you say, that these -- the  
21 petitioned-for unit that you allege are students and not  
22 employees are, in fact, employees, then you would agree that --

23 MR. CATALANO: Yes.

24 HEARING OFFICER DAVIS: -- this, the Petitioner  
25 constitutes a labor organization.

1 MR. CATALANO: Yes, only if --

2 HEARING OFFICER DAVIS: If the Board finds.

3 MR. CATALANO: -- finds that these are employees.

4 Therefore, we have no problem with the claim that this is a  
5 labor organization entitled to represent those employees.

6 HEARING OFFICER DAVIS: Okay, thank you.

7 MR. CATALANO: But there is a condition, as you know.  
8 Thank you.

9 MR. MEIKLEJOHN: And just --

10 HEARING OFFICER DAVIS: Yes?

11 MR. MEIKLEJOHN: While we're -- we're still on the record,  
12 right?

13 HEARING OFFICER DAVIS: Yes, we are.

14 MR. MEIKLEJOHN: Our position is that that organization or  
15 that the individuals who compose that organization seek to  
16 engage in collective bargaining in their capacity as employees  
17 and not with respect to academic matters. I don't think there  
18 is anything in your statement that would contradict that.

19 HEARING OFFICER DAVIS: Yes, okay. For the record, yes, I  
20 understand. So during an off the record discussion, I  
21 discussed a document I had received by email, which requested  
22 corrections to the transcript. I've discussed this off the  
23 record with the parties and suggested that this submission, as  
24 well as any future submissions of which I'm sure there will be  
25 corrections to the transcript, indicate in the submission what



1 the deletion was, as well as what the substitution or addition  
2 should be. So, at this time, I'm not going to rule on the  
3 transcript. I'm just going to -- since other transcripts of  
4 the hearing are going to be produced today, if not sooner, I'm  
5 just going to wait until just before the record closes to deal  
6 with that issue.

7 It is my understanding during an off the record discussion  
8 that there may be another witness adduced by The New School and  
9 that that witness may be available this Thursday. So today we  
10 are going to adjourn. If it turns out that there is no need or  
11 if that witness is not available, or if The New School decides  
12 that it needs to not call any further witnesses or adduce any  
13 further testimony, and the Petitioner has no further testimony  
14 or evidence to produce, notify me in writing by email and we'll  
15 entertain closing the record.

16 Are we off the record or on the record?

17 COURT REPORTER: On the record.

18 HEARING OFFICER DAVIS: Okay, great. So with that, we're  
19 adjourned. Thank you.

20 (Whereupon, at 1:22 p.m., the above-entitled matter was  
21 adjourned.)

22

23

24

25

C E R T I F I C A T E

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

In the Matter of:

THE NEW SCHOOL,

Employer,

And

STUDENT EMPLOYEES AT THE NEW SCHOOL-SENS, UAW,

Petitioner.

Case No.: 02-RC-143009

Date: May 11, 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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