

BEFORE THE  
NATIONAL LABOR RELATIONS BOARD

In the Matter of:  
  
TRUSTEES OF THE UNIVERSITY OF  
PENNSYLVANIA,

Employer,

Case No. 04-RC-199609

And

GRADUATE EMPLOYEES TOGETHER-  
UNIVERSITY OF PENNSYLVANIA  
(GET-UP), a/w AMERICAN  
FEDERATION OF TEACHERS,

Petitioner.

The above-entitled matter came on for hearing pursuant to Notice before MARY R. LEACH, Hearing Officer, at the National Labor Relations Board, Region 4, 615 Chestnut Street, Philadelphia, Pennsylvania, 19106, in Hearing Room 3, on Tuesday, June 27, 2017, at 9:00 a.m.

A P P E A R A N C E S1  
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On Behalf of the Employer:

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1			<u>I N D E X</u>			
2						
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
4						
5	Carolyn McIntyre	1501	1505	--	--	--
6						
7	Danielle Hanley	1525	1572	1606	1621	--
8				1622		
9						
10	Salar Mohandesi	1624	1684	1732	1749	--
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	<u>E X H I B I T S</u>	
	<u>EXHIBITS</u>	<u>IDENTIFIED</u> <u>RECEIVED</u>
1		
2		
3	EMPLOYER'S	
4	E-53	1521                      1521
5	E-54	1600                      1601
6	E-55	1601                      1603
7	E-56	1603                      1604
8	E-57	1703                      1709
9	E-58	1709                      1717
10	E-59	1715                      1717
11	E-60	1717                      1720
12	E-61	1720                      1721
13	E-62	1722                      1736
14	PETITIONER'S	
15	P-45	1529                      1532
16	P-46	1545                      1545
17	P-47	1564                      1564
18	P-48	1569                      1570
19	P-49	1627                      1630
20	P-50	1633                      1684
21	P-51	1636                      1638
22	P-52	1655                      1657
23	P-53	1658                      1670
24	P-54	1663                      1670
25	P-55	1664                      1670

	<u>E X H I B I T S</u> (Continued)		
	<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
1			
2			
3	PETITIONER'S		
4	P-56	1677	1680
5			

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

2 (Time Noted: 10:06 a.m.)

3 HEARING OFFICER LEACH: On the record.

4 The Employer can call its next witness.

5 MR. JOHNS: We call Carolyn McIntyre.

6 HEARING OFFICER LEACH: Good morning. Can you say and  
7 spell your first and last name, please?

8 THE WITNESS: Carolyn McIntyre, C-A-R-L-O-Y-N, McIntyre,  
9 M-C-I-N-T-Y-R-E.

10 HEARING OFFICER LEACH: Is the I capital?

11 THE WITNESS: Yes.

12 HEARING OFFICER LEACH: Can you raise your right hand,  
13 please?

14 (Whereupon,

15 CAROLYN McINTYRE,  
16 was called as a witness by and on behalf of the Employer, and  
17 after having been duly sworn was examined and testified as  
18 follows:)

19 HEARING OFFICER LEACH: Okay, ready.

20 DIRECT EXAMINATION

21 BY MR. JOHNS:

22 Q Good morning, Ms. McIntyre.

23 A Good morning.

24 Q By whom are you employed?

25 A The University of Pennsylvania.

1 Q How long have you worked at Penn?

2 A Since 2010.

3 Q What is your current position?

4 A I'm the HR director for the business services division.

5 Q Can you generally describe your job duties in that  
6 position?

7 A Sure. I'm an HR generalist. I take care of Lifecycle for  
8 HR, from hire to termination, employee and labor relations  
9 issues for 19 different departments or business units.

10 Q I want to talk about business services, which I guess is  
11 those 19 different business units. Can you give us a sense of  
12 the type of things that fall under the business services  
13 umbrella at Penn?

14 A Sure. We're providing university support across a range  
15 of activities from things like housing and dining for students.  
16 We are providing parking, transit. We run an ice rink. We run  
17 a children's center. We support some of the retail activities  
18 on campus including the book store, hotels, the Computer  
19 Connection, which is the IT store, and the Penn ID card.

20 Q Now does business services employ any students?

21 A We do.

22 Q Does it employ graduate students, undergraduates? Give us  
23 a sense of that.

24 A Sure. The majority of our students are undergraduate  
25 students but we do employ a handful of post-graduate or

1 graduate students.

2 Q Can you give us a sense of the approximate number of  
3 graduate students who work in business services?

4 A Approximately 16.

5 Q Can you tell us what types of positions graduate students  
6 within business services hold?

7 A There are three kinds of positions that they hold. The  
8 first is we have a graduate student who has been working in the  
9 Computer Connection, which is the IT store, a retail outlet.  
10 They've been working as a retail assistant.

11 We have a handful of staff graduate students who have been  
12 working as emergency center specialists. That means that they  
13 are manning the phones for residents of our housing complexes  
14 and dealing with frontline inquiries that relate to things like  
15 power outages, IT issues, floods, blocked toilets, etc. And  
16 their role is to take that call and refer it to the person on  
17 duty, who is called the HMOD, housing manager on duty.

18 Q Okay. What other --

19 A That's a 24/7 service.

20 Q Sorry. What other positions?

21 A And the other one is an information center specialist.  
22 The majority of those folks are undergraduates. We do have a  
23 couple of graduate students working in those roles.  
24 Information center specialists are based in the residences at  
25 the front desk so it's almost a concierge kind of service



1 providing directions, etc.

2 Q You talked about the job duties I think for the second two  
3 positions, emergency services and then the information center  
4 specialist in the residence halls. How about the retail  
5 assistant, generally what types of job duties for that  
6 position?

7 A Providing guidance to buyers, information to IT, hardware  
8 and software, phones and peripherals, retail assistance as we  
9 would understand it. They also do a bit of cashiering.

10 Q So somebody who is working in a store that sells computers  
11 and other types of tech products?

12 A Yeah, just like the Good Guys or somebody like that.

13 Q When graduate students serve in these roles that you just  
14 identified in business services, how are they classified in  
15 Penn's system?

16 A They're classified as student workers.

17 Q Are the student workers in business services paid on an  
18 hourly basis?

19 A They are.

20 Q Do any of the student workers within business services  
21 perform teaching or other instructional duties?

22 A No.

23 Q Do any of the student workers within business services  
24 perform any research activities?

25 A No.

1 Q That's all the questions I have. The Union's counsel may  
2 have some questions for you.

3 CROSS-EXAMINATION

4 BY MS. ROSENBERGER:

5 Q Good morning.

6 A Good morning.

7 Q My name is Amy Rosenberger and I'm one of the lawyers  
8 representing the Union in this case and I just have a couple of  
9 questions for you. The 16 graduate students that you oversee  
10 who are classified as student workers they're not all of the  
11 student workers who are graduate students in the university,  
12 right?

13 A I can only speak to those that work in business services.

14 Q Okay. You're aware that there are people in other parts  
15 of the university, graduate students who are classified as  
16 student workers doing other types of duties, yes or you don't  
17 know?

18 A I'm sorry. I don't know.

19 MS. ROSENBERGER: Nothing further.

20 HEARING OFFICER LEACH: I don't have any questions.

21 THE WITNESS: Thank you.

22 HEARING OFFICER LEACH: Anything else for the Employer?

23 MR. JOHNS: No.

24 HEARING OFFICER LEACH: Okay, thank you.

25 (Witness excused.)

1 HEARING OFFICER LEACH: Can we go off the record for a  
2 moment?

3 (Off the record from 10:12 a.m. to 10:16 a.m.)

4 COURT REPORTER: Back on the record.

5 HEARING OFFICER LEACH: The Employer will now give their  
6 position on student workers, whether they are included or  
7 excluded.

8 MR. FRYMAN: Thank you, Madam Hearing Officer. The  
9 Employer's position is that the student workers should be  
10 excluded from the unit. That the individuals in the student  
11 worker classification within the petitioned-for unit, that is  
12 the petitioned-for schools and graduate groups, are not engaged  
13 in research or instructional services, and that there hasn't  
14 been any evidence put forward that they are engaged in those  
15 services.

16 To the extent there are student workers or individuals  
17 classified solely as student workers in Engineering or Wharton  
18 who might be performing some grading or some tutoring, that  
19 they do not share a community of interest with the teaching  
20 assistants or teaching fellows who are included in the unit.

21 HEARING OFFICER LEACH: Can you also confirm that at least  
22 your position is that if someone is classified as a student  
23 worker but also a teaching assistant or research assistant that  
24 they would be included. Is that true?

25 MR. FRYMAN: Yes, by virtue of their teaching assistant or

1 research assistant classification.

2 HEARING OFFICER LEACH: Okay. Yesterday, the numbers  
3 relating to student workers are 308 in addition to 390 in  
4 Wharton and the School of Engineering for a total of 698. Is  
5 that correct?

6 MR. FRYMAN: Yes. And one further clarification and that  
7 is if the region determines that individuals classified as  
8 student workers within the petitioned-for unit should be  
9 included then it would be the Employer's position that student  
10 workers in Engineering and Wharton should be included as well  
11 consistent with our position that Engineering and Wharton  
12 should be included in the unit.

13 HEARING OFFICER LEACH: Okay. I don't know if the Union  
14 wants to say something in response to that or you just want to  
15 move forward with putting on witnesses.

16 MS. ROSENBERGER: I'm happy to just briefly put a response  
17 on the record, sure.

18 HEARING OFFICER LEACH: Okay, sure.

19 MS. ROSENBERGER: So the Union's position is those  
20 individuals who are classified as student worker for positions  
21 that involve instructional services and/or research assistant  
22 type services should be included in the unit. It is not our  
23 position that those in a classification of student worker who  
24 aren't engaged in instructional or research activities should  
25 be included. And obviously I mean our position remains

1 unchanged with regard to the scope of the unit.

2 HEARING OFFICER LEACH: So at this point it is my  
3 understanding that the Employer doesn't have any more witnesses  
4 to present, correct?

5 MR. JOHNS: That is correct at this point, Madam Hearing  
6 Officer. Consistent though with what I said on the record I  
7 think a few days ago, we're resting our case at this point  
8 subject to any relevant rebuttal witnesses we might want to  
9 present based on issues on which the Union bears the burden of  
10 proof when they present evidence within its case as well, so  
11 just reserving that right.

12 Also, I should note we are reserving the right to present  
13 evidence relating to any documents that might be produced  
14 because as we sit here right now there still is the pending  
15 appeal to the Board. If that should somehow come back and say  
16 the Union has to produce documents, we would want at least the  
17 opportunity to review those documents and determine whether  
18 there might be any witnesses we might call relevant to those  
19 documents that would be produced subject to the appeal to the  
20 Board.

21 HEARING OFFICER LEACH: Okay. That appeal actually goes  
22 to the regional director. I think when they changed to new  
23 rules they changed that process a little bit. My understanding  
24 is that the Board did receive that but they remanded it back to  
25 the regional director.

1 MR. JOHNS: We haven't seen that yet. It was our  
2 understanding that the regional director had already made the  
3 decision because there was an order in the case that deferred  
4 the decision to the hearing officer coming from the regional  
5 director, which for purposes of that decision I think is  
6 essentially the equivalent of the regional director's decision  
7 because he deferred that decision to the hearing officer.  
8 Either way as we sit here we think it's still pending. I don't  
9 believe it's been ruled on.

10 HEARING OFFICER LEACH: I don't think that there has been  
11 a ruling on the appeal. All I'm saying is that I believe it  
12 has been transferred back.

13 MR. JOHNS: Yeah, I haven't seen anything one way or the  
14 other.

15 HEARING OFFICER LEACH: Okay. But, no, I have not been  
16 told that here has been any ruling on that.

17 MR. JOHNS: Can I address one other issue?

18 HEARING OFFICER LEACH: Sure.

19 MR. JOHNS: I think there still is an issue as the Union  
20 gets set to present its case there still is the issue relating  
21 to FERPA that has to be addressed before the Union begins to  
22 present its case. I would ask that we at least have the  
23 opportunity to be heard on that issue before the Union's case  
24 begins.

25 HEARING OFFICER LEACH: Is the Union's first witness a

1 student?

2 MS. ROSENBERGER: Yes.

3 HEARING OFFICER LEACH: Everybody today is a student?

4 THE WITNESS: Yes.

5 HEARING OFFICER LEACH: All right, my understanding is  
6 that and the parties will have their opportunity to say this  
7 but that the Employer believes that the students should be  
8 required to sign this release of student information form.

9 The region's position on that is that we do not require a  
10 student or a witness to sign anything to testify. If the  
11 student -- if the witness decides to sign it, that's okay. If  
12 the witness does not, decides not to sign it that's okay, too.  
13 We're not taking a position on that because we don't require  
14 anyone to sign anything to testify.

15 But I'm happy to -- at this point I don't know if for the  
16 Union are the witnesses signing the document or not?

17 MS. ROSENBERGER: Our position is they should not have to  
18 sign the document. I can go into that further if you like.  
19 And I haven't been told by any witness that they are going to  
20 sign it.

21 HEARING OFFICER LEACH: So at this point it appears that  
22 the witnesses are not signing. But I will allow the Employer  
23 to state their position and I'm happy to put -- you can put a  
24 copy of the release into the record, and the Union can state  
25 their position, and we move forward.

1 MR. JOHNS: Well, I think we have a conundrum here then,  
2 Madam Hearing Officer, and let me sort of lay it out for the  
3 record because I don't think the region has given due  
4 consideration to what's at stake here.

5 HEARING OFFICER LEACH: Okay.

6 MR. JOHNS: It is very clear if you read the *Columbia*  
7 decision that the National Labor Relations Board has noted that  
8 there is an express tension between federal labor law and  
9 federal student privacy law. The *Columbia* decision  
10 specifically notes that both the regions and the parties will  
11 have to deal with the tension that exists between that.

12 So what am I talking about? Federal law provides that  
13 student educational records generally must be kept confidential  
14 by universities unless consent is provided by the student for  
15 release of those records. Obviously, with respect to an  
16 employer's obligation to the National Labor Relations Act,  
17 there is a clear tension between that and FERPA, which is the  
18 relevant student federal confidentiality act.

19 What is that tension? Well, one issue we already have  
20 dealt with, Madam Hearing Officer, and that is we can't even  
21 produce an Excelsior list under federal law absent a subpoena  
22 and some period of time for students are given the right to  
23 object to the production of that subpoena. The Union has  
24 already conceded that point on the first day of this case.  
25 That would not happen with respect to other types of employees



1 within the meaning of the Act. They have conceded that point  
2 that federal law would apply.

3 What other types of things? Well, obviously, there is a  
4 duty to provide ongoing information with respect to someone as  
5 bargaining representative of a union, as well as an employer in  
6 that instance. Here, though, some of that information that  
7 might be subject to production under a normal employment  
8 relationship, if this is an employment relationship, would be  
9 restricted by federal privacy law related to students.

10 That's the conflict that we have here today.  
11 Specifically, Madam Hearing Officer, we are going to have  
12 students get up here and testify who it is the Union's position  
13 and they have asserted in this case that they are employees  
14 within the meaning of the National Labor Relations Act. There  
15 is no dispute whatsoever that the entire thrust of what the  
16 Union's presentation has been in this case is that they are  
17 employees within the meaning of the law. No question at all.

18 So now what do we have? The Union is going to call  
19 students in their case. These students are going to testify  
20 about things that they believe are relevant to whether they are  
21 students or whether they are employees within the meaning of  
22 the Act. We have relevant documents, academic records that go  
23 directly to that case and that we should be allowed to use on  
24 cross-examination with this witness. You cannot come into this  
25 hearing room and say that I'm an employee within the meaning of

1 the Act and then hide behind federal student privacy law for  
2 purposes of restricting our right to cross-examine those  
3 witnesses.

4         Simply put, it makes no sense at all for the region to  
5 make that determination. If these witnesses are unwilling to  
6 waive their protections under student privacy law then that is  
7 their right, Madam Hearing Officer, but the region should  
8 exclude their testimony in that instance because we should have  
9 the right to ask them questions about relevant documents that  
10 are protected by student privacy laws.

11         For example, academic transcripts, there is no question  
12 that an academic transcript is covered by FERPA, is covered by  
13 federal student privacy law. We cannot release that without  
14 the consent of the student. We are going to have students come  
15 in and testify today and talk about the fact that they believe  
16 that they are employees within the meaning of the Act. If an  
17 academic transcript lists on that transcript in addition to  
18 their grades, in addition to their dissertation, in addition to  
19 the other requirements of their degree that they have satisfied  
20 their teaching requirements under the degree requirements of  
21 their program, we should have the right to put that into  
22 evidence and we should have the right to ask them questions  
23 about that document.

24         You cannot come in and have it both ways, Madam Hearing  
25 Officer. You cannot say I'm an employee. I'm an employee,

1 absolutely. We're employees within the meaning of the Act, but  
2 you can't touch any of the student records for purposes of  
3 cross-examination. That is unfair, Madam Hearing Officer. It  
4 makes no sense. This is not a fishing expedition on our part.  
5 What we want to do is we want to produce limited documents  
6 relating to the precise issues that these witnesses will  
7 testify on direct examination. We should have the right to  
8 cross-examination them with relevant documents. And these  
9 students should not be able to hide behind student privacy law  
10 when they come and assert to you that, you know what, I'm an  
11 employee within the meaning of the law. That makes no sense,  
12 Madam Hearing Officer. That's our position.

13 HEARING OFFICER LEACH: Just so I'm clear, the issue is  
14 that you feel like if the -- your position is you can't  
15 cross-examine the students using their records without them  
16 signing the release?

17 MR. JOHNS: Yes. We believe these are academic records  
18 covered by FERPA. Now if the student is going to say for  
19 purposes of this case I'm willing to waive that then maybe, you  
20 know, I don't know there has to be the release signed if  
21 they're going to say I'm willing to waive that so that we can  
22 cross-examine and put documents in. That may be one thing. I  
23 mean just think how ludicrous this is. We may be in the  
24 position of having to cross-examine witnesses by showing them  
25 documents that I can't show to you, I can't show to Ms.

1 Rosenberg. I can only show to them. And then if they've  
2 said something contrary to that document, ask if that refreshes  
3 that recollection because I'm not allowed to put it into  
4 evidence with respect to that issue.

5 I think this is an issue that the region needs to go back  
6 and look at *Columbia*, look at how these issues have been dealt  
7 with. This is a clear conflict. And you can't come in here  
8 and say I'm an employee, but you know what for purposes of  
9 cross-examining me you can't use any of the documents that I  
10 think fall within my student records. It's not fair. That is  
11 not the way the hearing should be conducted.

12 HEARING OFFICER LEACH: As far as the waiver issue, are  
13 you saying that if a student just simply says I give you  
14 permission to share my student documents for purposes of this  
15 proceeding that that's okay? That's good for you?

16 MR. JOHNS: If I could take a break for a moment and just  
17 consult with our client to make sure, I think it might be.  
18 It's something for us to look at in this case. But, obviously,  
19 with respect to that they would be in evidence if we did that  
20 so the student would have to understand that.

21 HEARING OFFICER LEACH: I understand and I believe  
22 everybody -- well, what's the Union's position on that?

23 MS. ROSENBERGER: Yeah, I was going to say can I be heard,  
24 please. So first of all, as we stated in off the record  
25 conversations, we believe that the request that the Employer

1 has made for students to sign a waiver that would allow them --  
2 and the way, I think it's important to note the way it is  
3 written here which is to release -- to be able to use in this  
4 what's listed as National Labor Relations Board public  
5 proceeding, all academic information, all financial  
6 information, and all student record information.

7 Not everything about what these students do as students is  
8 relevant to this proceeding first of all. But even if it were,  
9 the fact that they are exercising their right to testify as  
10 employees under the National Labor Relations Act does not waive  
11 their rights under a separate act in their capacity as  
12 students. Nobody disputes the fact that these individuals are  
13 students. Our argument is they are also employees consistent  
14 with the *Columbia* decision.

15 It's interesting to me how vociferous the Employer's  
16 position is on this case when 15 years ago when we had a case  
17 involving graduate students at the University of Pennsylvania  
18 this issue never came up and the Employer was able to  
19 cross-examine student witnesses without obtaining any kind of  
20 formal waiver from these individuals. Obviously, the Employer  
21 can cross-examine witnesses about the matters that they testify  
22 about. But to the extent that they want to -- if a student is  
23 talking about what they do as work for the university, their  
24 academic transcript which would show their grades in a course  
25 not work, courses, classes that they took, that information is

1 completely irrelevant to the question of whether or not they  
2 are employees.

3       They certainly were apparently able to cross-examine  
4 people without putting in academic transcripts 15 years ago.  
5 And I would note that yesterday when we were having an off the  
6 record conversation the Employer noted that in *Columbia* the  
7 students signed FERPA waivers. But that was by agreement of  
8 the parties. That was not by a ruling of the hearing officer  
9 or the region. And I don't know of any case where the region  
10 has -- the hearing officer, or the region, or the Board has  
11 ordered student witnesses to sign waivers of their FERPA  
12 rights, certainly not ones that are as broad as this one.

13       The one case where I know it was litigated at the hearing  
14 is the University of Chicago case which is currently pending in  
15 Chicago, obviously, in Region 13. And in that case, the region  
16 -- the hearing officer made a ruling on the record, which you  
17 can find in the record in that case which is 13-RC-198325, said  
18 that the region is not taking a position with regard to whether  
19 or not the information may or may not be covered under FERPA.  
20 They were going to decide the issue -- they said when it comes  
21 time to take testimony from any potential student witnesses, we  
22 can determine at that time whether or not additional  
23 information is necessary.

24       The other issue is, I mean to the extent that Mr. Johns  
25 suggests that -- I'm sorry, just to round that out, in the end

1 no FERPA waivers were signed in that case and the students were  
2 cross-examined as the transcript reflects. To the extent that  
3 Mr. Johns is suggesting that there might be testimony from  
4 student witnesses that would be refuted by documents, I mean  
5 they can certainly ask the student don't you get academic  
6 credit for or don't you register for a course for your teaching  
7 assistantship or what have you. I don't see how -- and the  
8 student's credibility is not at issue in this investigatory  
9 hearing. Nobody's credibility is at issue. And so we're not  
10 talking about the kind of thing where there are gotchas that  
11 are determined through documents. Certainly, that apparently  
12 was not the case or didn't require the sort of sweeping waiver  
13 in 2002.

14 A couple of notes based on what Mr. Johns just stated on  
15 the record. First of all, the Union did not concede that FERPA  
16 requires the subpoena and notice that the Employer requested in  
17 its position statement, but we consented to that procedure when  
18 it comes to the voting list -- the voter list. So I just want  
19 to be clear about what the Union's position was on that.

20 So our view is that these witnesses, I mean they can be  
21 cross-examined about what they testify about. That's normally  
22 what happens in any NLRB representation hearing. But they  
23 don't need to be signing this kind of sweeping waiver of their  
24 FERPA rights in order to do so.

25 MR. JOHNS: Let me address a couple of things that Ms.

1 Rosenberg said. Number one, if the issue is how broad the  
2 waiver is we would certainly be willing to look at whatever  
3 they would suggest as a revision to that to limit it to  
4 documents that they might regard as relevant based on their  
5 line of question. That's number one. We obviously would look  
6 at that.

7 Two, what happened in 2002 I don't think any of us here --  
8 I was here. Mr. Fryman was here. I don't remember Ms.  
9 Rosenberger being there. But I don't recall that there were  
10 necessarily documents that were relevant that were sought to be  
11 used. It doesn't matter. It's irrelevant to what's happening  
12 here.

13 Ms. Rosenberger essentially has basically just put the  
14 issue into play in exactly the way I would say. She said that  
15 we can ask a student do you get academic credit for that. And  
16 if they say no and I have a document which shows that they do,  
17 I'm not seeking to challenge their credibility. I'm seeking to  
18 prove an important point in this case. And we would put that  
19 into evidence at that point in time. But what Ms. Rosenberger  
20 is saying that I have to live with that answer at that point.  
21 That is now how any cross-examination ever works with respect  
22 to that.

23 And, again, I think everyone is saying that these are  
24 relevant issues. It's not as if we're going to pull out  
25 irrelevant documents and use them. No one wants to do that.



1 It's not a fishing expedition by any stretch. But if there is  
2 a transcript, for example, that has someone's course work  
3 listed exactly with where they taught to satisfy a teaching  
4 requirement that is precisely relevant to this. It's relevant  
5 to the issue of whether we're different than *Columbia* in many  
6 respects. And we ought not to be hamstrung by federal student  
7 privacy law when students themselves are here saying that they  
8 are employees for purposes of this. So that's our position.

9 HEARING OFFICER LEACH: What about the issue, the  
10 suggestion that if a student, and I'm not sure, I'll have to --  
11 I'm going to come back to you to see if this will work. If the  
12 student does not sign this release but maybe when they take the  
13 stand they say for purposes of this proceeding we don't object  
14 to the Employer presenting academic documents. And that  
15 doesn't stop -- that means you can --

16 MR. JOHNS: I mean we -- I actually thought you were  
17 asking Ms. Rosenberger. I would want to consult with my client  
18 but that may be acceptable to us, yeah.

19 MS. ROSENBERGER: I'll have to talk with the witnesses.

20 HEARING OFFICER LEACH: Okay. Can we go off the record?

21 (Off the record from 10:37 a.m. to 11:06 a.m.)

22 COURT REPORTER: We are back on the record.

23 HEARING OFFICER LEACH: I've had some off the record  
24 discussions with the parties about the FERPA issue. The region  
25 maintains its position concerning the waiver, the FERPA/waiver

1 issue that we will, you know, we don't require anyone to sign a  
2 waiver in order to testify and that we would just simply move  
3 forward with the testimony, the cross-examination, and the  
4 submission of whatever documents the parties want to include.

5       However, off the record the parties did -- I believe they  
6 are going to come to an agreement on how we can handle this  
7 issue with regard to the confidentiality with the students'  
8 academic records. And I'll let the Employer say that now.

9       MR. JOHNS: Sure. It's my understanding as we sit here  
10 that the Union is still unwilling to sign the specific waiver  
11 that we had provided. And Madam Hearing Officer, you said that  
12 you'd be willing to allow us to put that into evidence.

13       HEARING OFFICER LEACH: Yes.

14       MR. JOHNS: Which we would like to. It's marked as  
15 Exhibit E-53. So if I could do that right now, we would  
16 appreciate it.

17       HEARING OFFICER LEACH: Okay.

18       (Employer's E-53 identified.)

19       HEARING OFFICER LEACH: Any objection from the Union?

20       MS. ROSENBERGER: No.

21       HEARING OFFICER LEACH: Employer 53 is received.

22       (Employer's E-53 received.)

23       MR. JOHNS: Thank you. And with respect to our position,  
24 Madam Hearing Officer, Employer Exhibit 53 sought a waiver to  
25 use during cross-examination of all academic information, all

1 financial information, and all student record information. I  
2 should note for the record that we were willing to consider any  
3 revision of that provision that would limit it just to the  
4 scope of testimony as to what the person, the witness who was  
5 called to testify about. The Union wasn't willing or the  
6 students themselves who would be testifying were unwilling to  
7 limit the waiver even to that.

8           However, despite that fact, it's our understanding that  
9 the Union is willing to allow the students to testify. Once  
10 they are done testifying, we would take a break. At that point  
11 in time, the Employer would decide what if any records that we  
12 believe are covered by FERPA that we might want to use to  
13 cross-examine the student, and at that point we would ask the  
14 student to waive their FERPA rights with respect to that  
15 information so that we could cross-examine the witness about  
16 those documents and put those documents into evidence. And if  
17 the student wished, the student could take a moment themselves  
18 to go look at the documents that we were going to produce and  
19 they could review them before they were disclosed to anyone  
20 else.

21           HEARING OFFICER LEACH: Okay. For the Union?

22           MS. ROSENBERGER: I've consulted with the witnesses who  
23 are here now and they are okay with that procedure. Obviously,  
24 we reserve the right to object to anything on relevance  
25 grounds. And I would -- I don't know whether this was

1 encompassed within what Mr. Johns said, but I would like to  
2 have that include when the Employer has the list of things they  
3 want to use, if we could be -- if the Union, I be advised of  
4 what the list is of the category of documents they want to use  
5 so that we know whether we're making a relevance objection  
6 which could obviate the need for the student to have to look at  
7 it and waive.

8 HEARING OFFICER LEACH: But the Employer could still say  
9 we want to put it in, right, because I could still accept a  
10 document over an objection.

11 MS. ROSENBERGER: Yeah, oh, certainly.

12 HEARING OFFICER LEACH: Right, okay.

13 MS. ROSENBERGER: I want to be able to make my objection,  
14 and then it's conceivable that the objection would be  
15 sustained, and then it would obviate the need to have the  
16 process of review and waiver.

17 HEARING OFFICER LEACH: Okay. So is the Employer willing  
18 to tell the Union what it is that -- if you decide you want to  
19 put in these documents?

20 MR. JOHNS: If limited just to a description of the  
21 category of documents, we would be willing to do that.

22 HEARING OFFICER LEACH: Okay.

23 MS. ROSENBERGER: That's what I'm talking about.

24 MR. JOHNS: So as I'm understanding, just so it's clear,  
25 Ms. Rosenberger's statement on this that the students who are

1 here to testify today have themselves already agreed or in  
2 theory have agreed to the process that we talked about with  
3 respect to a potential oral waiver?

4 MS. ROSENBERGER: They can confirm it when they testify;  
5 but, yeah.

6 HEARING OFFICER LEACH: Yes, but we can ask them to  
7 confirm it when they come up.

8 MR. JOHNS: Okay.

9 HEARING OFFICER LEACH: Ready?

10 MR. FRYMAN: I think they should do that before their  
11 direct.

12 HEARING OFFICER LEACH: They testify, sure. I'll have to  
13 have them do after they take their oath. Is that okay with the  
14 Union?

15 MS. ROSENBERGER: That's fine.

16 HEARING OFFICER LEACH: All right. So we are ready to  
17 call the Union's first witness.

18 MS. ROSENBERGER: Our first witness is Danielle Hanley.

19 HEARING OFFICER LEACH: Good morning.

20 THE WITNESS: Good morning.

21 HEARING OFFICER LEACH: Can you say and spell your first  
22 and last name for the record?

23 THE WITNESS: Danielle Hanley, D-A-N-I-E-L-L-E,  
24 H-A-N-L-E-Y.

25 HEARING OFFICER LEACH: Okay. Can you raise your right

1 hand, please?

2 (Whereupon,

3

DANIELLE HANLEY,

4 was called as a witness by and on behalf of the Petitioner, and

5 after having been duly sworn was examined and testified as

6 follows:)

7 HEARING OFFICER LEACH: Okay.

8

DIRECT EXAMINATION

9 BY MS. ROSENBERGER:

10 Q Good morning, Danielle.

11 A Good morning.

12 Q Can I call you Danielle?

13 A Yes.

14 Q You're a graduate student at Penn?

15 A Yes.

16 Q What degree are you pursuing?

17 A A PhD.

18 Q How many years into your PhD program are you?

19 A I just finished my fifth year.

20 MR. FRYMAN: I'm sorry. I thought we were going to have

21 the witness --

22 MS. ROSENBERGER: Oh, I'm sorry. I'm sorry.

23 HEARING OFFICER LEACH: You know what, we did. I

24 apologize. I'm sorry.

25 MS. ROSENBERGER: You're absolutely right.

1 HEARING OFFICER LEACH: It just slipped my mind. I  
2 apologize. I'm very sorry about that. I'm so used to just  
3 getting right into the testimony. Okay, so we'll start that  
4 over after the waiver. So you've heard in the discussion that  
5 the process will be the Union will ask you questions and the  
6 Employer may have some documents that they want to present that  
7 could be considered academic records that they feel are  
8 protected under FERPA. We would like you to -- you want to do  
9 the waiver now, right?

10 MR. FRYMAN: We'd at least like them to consent --

11 MS. ROSENBERGER: We'd talked about the process, consent  
12 to the process.

13 MR. FRYMAN: -- consent to this process.

14 HEARING OFFICER LEACH: Okay. So the process would be the  
15 Union will ask you questions and then we would take a break.  
16 The Employer will consider whether or not they want to present  
17 some document as part of their cross-exam when they ask you  
18 questions that may be related to your academic record. At that  
19 point, we would just like you to agree that you don't object to  
20 the Employer presenting records related to your academic record  
21 into this proceeding. Those documents would also relate to  
22 your testimony.

23 MS. ROSENBERGER: And they would be the specific records,  
24 not just generally agree but the specific records that the  
25 Employer identifies.

1 HEARING OFFICER LEACH: Right, the records the Employer  
2 would want to present. And if needed, you would have an  
3 opportunity to review those documents prior to the Employer  
4 presenting them.

5 THE WITNESS: Yes.

6 HEARING OFFICER LEACH: Do you agree to that?

7 THE WITNESS: Yes.

8 HEARING OFFICER LEACH: Okay. Again, I apologize. Remind  
9 for the next witness. Okay, now we can start over.

10 MS. ROSENBERGER: I'm sorry, too.

11 BY MS. ROSENBERGER:

12 Q Okay. So I missed the answer. What year are you into  
13 your degree program?

14 A I just finished my fifth year.

15 Q What are you getting your PhD in?

16 A Political science.

17 Q What's your educational background before you came to  
18 Penn?

19 A I did my BA at Cornell in government. I did an MA at the  
20 Hebrew University of Jerusalem in political science. And then  
21 I came to Penn.

22 Q So you're getting your PhD in political science. Is that  
23 in the political science department?

24 A Yes.

25 Q And that's in the School of Arts & Sciences?



1 A Yes.

2 Q Any particular -- we heard in some of the testimony that  
3 there are sort of subdivisions within some graduate programs.  
4 Is that true in political science?

5 A Yes.

6 Q What are they?

7 A In political science, the four subdivisions at Penn are  
8 political theory, comparative politics, American politics, and  
9 international relations.

10 Q Are these separate PhD degrees or just focuses for someone  
11 within a PhD in political science?

12 A Focuses.

13 Q Which is your focus?

14 A Political theory.

15 Q Can you give a layman's description of what that is?

16 A Sure. It is in the broadest sense, it's political  
17 philosophy. For the most part we are thinking about questions  
18 in relation to justice, and equality, and the definition of  
19 these sorts of broad terms that then get translated into more  
20 positive research in the other parts of political science.

21 Q Do you have a specific dissertation topic at this point?

22 A Yes.

23 Q What is it?

24 A Crying. Do you want me to elaborate?

25 Q Yeah, please.

1 A So my research is on crying and I'm trying to argue that  
2 crying is a legitimate and though marginalized and understudied  
3 form of political expression.

4 (Petitioner's P-45 identified.)

5 BY MS. ROSENBERGER:

6 Q I've handed you a document marked Union Exhibit 45. Do  
7 you recognize that document?

8 A Yes.

9 Q What is it?

10 A It is my original acceptance letter.

11 Q Looks like you, based on this letter you started -- you  
12 said you just finished your fifth year so you started in the  
13 2012-13 academic year.

14 A Yes.

15 Q In August of 2012?

16 A Yes.

17 MR. FRYMAN: I'm sorry. May I just interrupt for a moment  
18 to note for the record that what the Union has marked as  
19 Union 45, the Employer would take the position that this is a  
20 protected academic record under FERPA. And so we would like  
21 the witness to reflect her consent to this being introduced in  
22 the proceeding.

23 HEARING OFFICER LEACH: I'm okay with that. Do you have  
24 any objection to Union 45 being introduced?

25 THE WITNESS: No.

1 HEARING OFFICER LEACH: Okay, thank you.

2 BY MS. ROSENBERGER:

3 Q So this document in the first paragraph says that it is  
4 offering you a five-year Benjamin Franklin fellowship. Did you  
5 receive the five-year Benjamin Franklin fellowship?

6 A Yes.

7 Q In the second paragraph, it talks about the amount of the  
8 stipend and what's included in the fellowship. And then it  
9 says fort of midway through the paragraph there is a sentence  
10 that reads in addition during three of your years as a Penn  
11 student, we're happy to provide an additional \$3,915 of summer  
12 fellowship support in July and August. We'll get to this in  
13 more detail, but did you get summer fellowship support?

14 A Yes, for three years.

15 Q And then the last sentence in that paragraph talks about  
16 for your remaining summers there are numerous opportunities at  
17 Penn to compete for other summer fellowships, as well as  
18 employment opportunities that are both remunerative, and  
19 educational, and valuable. You said you got summer fellowship  
20 money for three years. Which three years?

21 A The summer after my first year, the summer after my second  
22 year, and the summer after my third year, so that would have  
23 been 2013, 2014, and 2015.

24 Q We'll hear about this in more detail, but did you also  
25 avail yourself of opportunities to find other funding along the

1 lines in that last sentence of that paragraph?

2 A Yes.

3 Q Okay. On the second page, top of the second page there is  
4 a paragraph that talks about -- the first sentence talks about  
5 the Ben Franklin -- Benjamin Franklin fellowship requires two  
6 years of service in an assistantship conducive to your  
7 development as a teacher or researcher. Did you do two years  
8 of service?

9 A Yes.

10 Q And then it says the political science graduate group  
11 requires a minimum of four semesters of teaching experience for  
12 the PhD. Did you do the four semesters of teaching experience?

13 A Yes.

14 Q Were they any different than the two years of service for  
15 the Ben Franklin fellowship?

16 A No.

17 Q It also talks about -- two sentences later it says at the  
18 discretion of your graduate group, the fifth year of support  
19 may involve up to one semester of service. Were you required  
20 to do a semester of service as part of your Ben Franklin  
21 fellowship in your fifth year?

22 A No.

23 MS. ROSENBERGER: Move for the admission of Union  
24 Exhibit 45.

25 MR. FRYMAN: No objection.

1 HEARING OFFICER LEACH: Union 45 is received.

2 (Petitioner's P-45 received.)

3 BY MS. ROSENBERGER:

4 Q Let's talk about the service you have done in your time as  
5 a student at Penn. Your first year I think you said was the  
6 2012-13 academic year.

7 A Yes.

8 Q Did you do any sort of service during that year?

9 A In my second semester I was a grader for a course that  
10 Jeff Green taught outside of the department.

11 Q Who is Jeff Green?

12 A Jeff Green is a political theorist at Penn. He's a  
13 professor. And at different points, he's been classified as my  
14 advisor.

15 Q So he's a member -- he's in the political science  
16 department?

17 A Yes.

18 Q Were you -- your service as a grader, was that covered  
19 under your fellowship or were you paid separately for that?

20 A I was paid separately for that.

21 Q What did that involve, being a grader?

22 A I attended the two lectures a week. I met with Jeff  
23 periodically about the assignments. I did all of the reading  
24 for the class. And then I graded 75 midterm exams and 75 final  
25 exams.

1 Q Were those exams multiple choice, fill in the blank,  
2 essay, what kind of exam?

3 A No, not multiple choice. They were short answer and essay  
4 exams.

5 Q Was there -- who was supervising your work as a grader?

6 A Jeff.

7 Q Was there any communication with him about -- I'm sorry,  
8 let's step back a second. Was there anyone else working as a  
9 grader?

10 A No. I was the only grader.

11 Q Were there any TAs in the course?

12 A No, there weren't TAs, but the course was part of a  
13 program that had post-docs that ran a separate recitation  
14 section.

15 Q So those weren't graduate students?

16 A No, those were post-doc.

17 Q In terms of grading the content of these exams, did anyone  
18 give you guidance about how to grade them?

19 A If I had questions, I could go to Jeff, but that was it.

20 Q How did you get that assignment?

21 A Jeff asked me. I had taken a class with him my first  
22 semester of my first year. And he was someone that I came to  
23 Penn to work with. So I was flattered when he asked me. It's  
24 not super uncommon that that happens in political science. I  
25 have a bunch of friends who have sort of gotten grading

1 assignments in a similar, in a similar way in semesters where  
2 they weren't otherwise teaching, so my first year I wasn't  
3 teaching.

4 Q Why did you do it?

5 A Two reasons. One is that I wanted extra money. I had  
6 just moved back from Israel, and the idea of paying rent in  
7 America was scary, and so I wanted more money. The other  
8 reason is that I wanted to continue to develop my relationship  
9 with Jeff because he was someone I thought that I would work  
10 with and have on my committee going forward.

11 Q So that was second year of your -- I'm sorry, second term,  
12 spring term of your second -- first year?

13 A First year, yes.

14 Q Spring term of your first year.

15 A Yeah.

16 Q You didn't do any grading or other service in the first  
17 term or fall term?

18 A No.

19 Q So the summer after your first year, I think you said you  
20 got the summer fellowship funding, right?

21 A Yes.

22 Q Did you do any service for that fellowship?

23 A No. I didn't do any service for that, but I did take a  
24 class. I took ancient Greek through the university that first  
25 summer.

1 Q The language?

2 A The language, yeah.

3 Q Is there a language requirement that you had to meet? Is  
4 that why you took it or no?

5 A I had already met it because I'm fluent in Hebrew and so I  
6 had met the language requirement. This was because I wanted to  
7 learn ancient Greek.

8 Q Let's talk about your second year. Did you provide any  
9 service -- let's start with the fall semester. Did you provide  
10 any service in the fall semester of your second year?

11 A No.

12 Q We've heard some testimony that under, and your offer  
13 letter mentions that under the Ben Franklin fellowship most  
14 students do their service in the second and third years.

15 A Yeah.

16 Q Is that true in political science?

17 A For the most part.

18 Q Did you do service in the fall of your second year?

19 A No.

20 Q Why not?

21 A I was assigned to TA for a professor who did not want me  
22 as the TA and so they pushed off my TA requirement to the  
23 second semester. So I TAd from the second semester of my  
24 second year through the first semester of my fourth year.

25 Q Let's talk about spring of 2014 then. That would be the



1 spring of your second year, right?

2 A Yeah.

3 Q You said you TAd that semester?

4 A Yes.

5 Q What did you do as a TA?

6 A I was a TA for ancient political thought and I attended  
7 lectures. There were two lectures a week. I met with the  
8 professor about once a week. I held office hours. I did all  
9 the readings for the class, and then taught three hours of  
10 recitation a week, and also did all of the gradings. That  
11 would have been about 50 students and 3 papers, 3 times per.

12 Q Each student wrote three papers?

13 A Yes, sorry, each student wrote three papers over the  
14 course of the semester.

15 Q Were there any other teaching assistants assigned to that  
16 class?

17 A No. I was the only one.

18 Q Is that class related to your dissertation topic?

19 A No.

20 Q What was the class that you were a grader for in the  
21 second semester of your first year?

22 A It was called Thinking, the Political Theory Stream.

23 Q Is it related to your dissertation topic?

24 A No.

25 Q When you were doing the recitations for ancient political

1 thought in spring of your second thought were you the only  
2 instructor in the room doing the recitation?

3 A Yes.

4 Q When you were holding office hours that was with students  
5 who were taking the class?

6 A Yes.

7 Q Were you the only instructor in the room during office  
8 hours?

9 A Yes.

10 Q What happens generally? What's the purpose of office  
11 hours?

12 A Students may come in if they have missed a class, or if  
13 they have a question about the material, or if they're worried  
14 about their grade, or if something is happening in their lives  
15 that they feel they need to express to the person dealing with  
16 their grades and their sort of general classes, so anything  
17 from answering questions related to content of the course to --  
18 all the way to sort of working with students who are having  
19 difficulty, to students who are -- to sort of liaising with  
20 students who are having difficulty maybe in other parts of  
21 their lives and helping them figure out who it is they should  
22 be talking to.

23 Q The grading, you said that involved grading three sets of  
24 papers.

25 A Yes.

1 Q Was that process different than/similar to the grading  
2 that you did in the second semester of your first year?

3 A Different because the materials that I was grading are  
4 different both in terms of content but also in terms of what  
5 the assignment was. For the class I graded in the fall of my  
6 first year -- sorry, in the spring of my first year it was two  
7 exams, so a midterm and a final exam so written in blue books.  
8 That requires -- there were multiple questions on those exams.  
9 The grading I did for ancient political thought the spring of  
10 my second year was broad questions where the students are  
11 integrating material from the class but also outside material  
12 which is a different ballgame. It takes a lot longer.

13 Q Who was your supervisor for that TA -- I should say who  
14 supervised your work for that TA assignment?

15 A Ann Norton was the professor in the class.

16 Q Did you and she coordinate what you would do and how, for  
17 example, how grading would work?

18 A Yeah. I met with her roughly once a week and during those  
19 conversations we talked about grading. But Ann is a pretty  
20 hands-off professor. We worked on the questions that were  
21 asked to the students together, but she never saw the papers  
22 that the students wrote.

23 Q So you graded them and the grade you gave was the grade  
24 they got?

25 A Yeah.

1 Q Did you have any training before you were a TA?

2 A Yeah. I attended training through the CTL, the Center for  
3 Teaching and Learning, at the end of the summer before my  
4 second year, in August.

5 Q Can you just describe generally what that training was?

6 A Sure. It's two and a half days. The first day is sort of  
7 it opened with a big plenary session on different resources,  
8 different resources at Penn but also sort of like trying to  
9 give TAs a sense of who the undergraduates at Penn are, and  
10 what they are dealing with, and what resources are there, so  
11 Weingarten and all these other like learning resources. And  
12 then the first afternoon you go to a leading discussions  
13 workshop and a grading workshop, and so you're basically being  
14 taught by graduate students who are -- who were themselves TAs  
15 how to both lead a discussion or grade depending on which one  
16 you're in at a given time.

17 The second day is what's called demo days and so you as  
18 the like trainee are giving a 10-minute demonstration, sort of  
19 a mock lesson, and then getting feedback from both your sort of  
20 peers who are also going through the workshop, but also the  
21 feedback is being led by a TA trainer so one of the graduate  
22 students for the most part.

23 And then the last day you run through scenarios, sort of  
24 like what do you do if someone plagiarizes, like what do you do  
25 if one of your students refuses to take the grade that you give

1 them, sort of what's the process, how would you deal with that.

2 Yeah.

3 Q Did you get any sort of evaluation for your performance as  
4 a TA in Professor Norton's class?

5 A Yes. The students evaluate us at the end of ever  
6 semester.

7 Q That's an online student evaluation?

8 A Yes.

9 Q Same thing that is used for -- that you when you are a  
10 student in a class use to evaluate a professor?

11 A Yeah. I'm pretty sure that -- I mean it's definitely the  
12 same system. I believe it's the same form, also. It's been a  
13 little while since I've been in classes.

14 Q Is the CTL training that you described required by the  
15 political science department?

16 A Yes.

17 Q Is there any other training besides the CTL training?

18 A The political science department puts on pedagogy  
19 workshops. Those might be run -- it depends on the year.  
20 Sometimes the political science department has what's called a  
21 CTL fellow who is actually paid to put on these workshops in  
22 conjunction with sort of working with the CTL. And sometimes  
23 if we don't have a CTL fellow, the grad chair will ask the  
24 graduate student to sort of take the reins and put on those  
25 workshops.

- 1 Q Are they mandatory?
- 2 A No, but you're supposed to go to them.
- 3 Q Encouraged?
- 4 A Yeah, encouraged. Encouraged is probably the right word.
- 5 Q Okay. So that spring of your second year, spring of 2014.
- 6 Let's move to the summer then.
- 7 A Sure.
- 8 Q You said you got the summer fellowship funding for --
- 9 A Yeah.
- 10 Q -- that summer, right? Did you do any service during that
- 11 summer?
- 12 A No.
- 13 Q What were you doing that summer?
- 14 A I was studying for my comprehensive exams.
- 15 Q Then in fall of your third year you said you did a
- 16 teaching assistantship.
- 17 A Yes.
- 18 Q What was that one for?
- 19 A That one was also ancient political thought, but it was
- 20 for Jeff Green and not Ann Norton.
- 21 Q What were your responsibilities in that teaching assistant
- 22 assignment?
- 23 A Definitely the same as I described before, attending the
- 24 lectures, teaching the hours of recitation, meeting with Jeff,
- 25 although the meetings with Jeff were more frequent, grading.

1 The kinds of assignments were different and I would say like  
2 the work of grading was heavier in that class. Jeff is a more  
3 hands-on professor than Ann and so there was more time spent  
4 discussing assignments and what I was going to be teaching in  
5 recitation.

6 Q More time spent discussing those things with Professor  
7 Green?

8 A Yeah, sorry, with Professor Green.

9 Q Were you the only TA in that class?

10 A Yes.

11 Q Who supervised your work as a TA?

12 A Professor Green.

13 Q If I understand you right, he told you what to be covering  
14 in your recitations?

15 A Yeah, yes.

16 Q Was he involved in your grading process as well?

17 A Similar to with Professor Norton, I -- we came up with the  
18 assignments together. I did the grading. But the difference  
19 was that I would give him the best three papers and the worst  
20 three papers so that he could get a sense of what the range  
21 was.

22 Q So that he could sort of make sure that you weren't off  
23 base?

24 A Yeah.

25 Q So that's fall of your third year. And then I think you

1 said you TAd in the spring of that year, too?

2 A Yes.

3 Q What did you do for a TAship that spring?

4 A International politics of the Middle East.

5 Q Is that related to your dissertation topic?

6 A Absolutely not.

7 Q Is it a political theory class?

8 A No.

9 Q Were the other two political theory classes?

10 A Yes.

11 Q Which of the categories does International politics of the  
12 Middle East fall? You said there were fields within political  
13 science.

14 A International relations.

15 Q So what did you do as a teaching assistant for that class?

16 A Similar to what I've described before, attend lectures,  
17 office hours, grade assignments, help read the assignments,  
18 meet with the professor, also do the readings for the class.  
19 And so this was a bit different because I had, well, I am a  
20 political theorist and have some familiarity with some of the  
21 texts that I was reading for both Professor Norton and  
22 Professor Green's class. This class is completely outside of  
23 my area of expertise and so I had to spend some more time both  
24 reading background material to try to get a sense of what it  
25 was I was teaching, but also familiarizing myself with the



1 course material itself.

2 Q Who supervised your work as a teaching assistant in this  
3 class?

4 A Ian Lustick.

5 Q How do you spell his name?

6 A I-A-N and then L-U-S-T-I-C-K.

7 Q Professor Lustick about how you performed your duties as a  
8 teaching assistant?

9 A Yeah. I met with him often.

10 Q Would you call him a more hands-on or less hands-on? I  
11 mean that was the term you had described -- used to describe  
12 the other two.

13 A Yeah, less hands-on than Professor Green, more hands-on  
14 than Professor Norton. There is a range of that in political  
15 science.

16 Q Did he direct you in what you covered in the recitation  
17 sections?

18 A No. I definitely ran it by him also because it was a  
19 class that I was not trained to teach. I talked to him about  
20 what I wanted to cover in recitation to make sure that I was  
21 teaching what he envisioned the class to be.

22 Q So that's spring of your third year.

23 A Yes.

24 Q That summer, the summer of 2015, you said you got the  
25 summer funding again for the third year.

1 A Right.

2 Q That was the last year you got the summer funding?

3 A Yes.

4 Q Did you perform any service that summer?

5 A No.

6 Q Then we get to fall of your fourth year. You said because  
7 your TAships were pushed back, you TAd in that semester?

8 A Yes.

9 Q Were you notified of that TA assignment by a letter?

10 A Yes.

11 Q Did you give a copy of that letter to me?

12 A Yes.

13 Q Do you agree that it would be used in this proceeding?

14 A Yes.

15 (Petitioner's P-46 identified.)

16 BY MS. ROSENBERGER:

17 Q I've handed you a document marked Union Exhibit 46. Do  
18 you recognize that?

19 A Yes.

20 HEARING OFFICER LEACH: May I just ask really quick, I  
21 just want to know if the Employer has any objection to  
22 Union 46?

23 MR. FRYMAN: No objection.

24 HEARING OFFICER LEACH: Okay. Union 46 is received.

25 (Petitioner's P-46 received.)

1 MS. ROSENBERGER: Thanks. Did you mean 45 or 46, because  
2 the one I just handed her was 46 and she hasn't identified it?

3 HEARING OFFICER LEACH: This is 46. I said Union 46.

4 MS. ROSENBERGER: Okay. I didn't know if -- okay, okay.

5 HEARING OFFICER LEACH: That's what we're on, right?

6 MS. ROSENBERGER: Yes.

7 HEARING OFFICER LEACH: Okay. Wait, I'm sorry, the  
8 witness did say it was okay to use Union 46.

9 MS. ROSENBERGER: She did, yes.

10 HEARING OFFICER LEACH: She said that so that's why I just  
11 wanted to confirm that the Employer didn't have an objection.  
12 Is that still true?

13 MR. FRYMAN: Yes.

14 HEARING OFFICER LEACH: Okay, so Union 46 is received.

15 BY MS. ROSENBERGER:

16 Q Before I get to talk to you about this document, it  
17 appears that the bottom of the first page, it ends midsentence  
18 and then what appears on the next page is not the end of that  
19 sentence. Is this a copy of what you have of this letter?

20 A Yeah, yes.

21 Q I don't think you got to answer my question, what is it?

22 A Sorry. This is the appointment letter for the fall  
23 semester of my fourth year, for my TAship.

24 Q In the first paragraph, it says it's offering you a  
25 teaching assistantship to support your PhD studies for the fall

1 and spring terms of the 2015-16 academic year. Did you  
2 actually do a teaching assistantship in the spring of 2016?

3 A No.

4 Q Because this was your fourth teaching assistantship,  
5 right?

6 A Right. And this just looks like the form letter they give  
7 to everyone.

8 Q Then it goes on to say this assignment is part of your  
9 fellowship package which requires two years of service in an  
10 assistantship conducive to your professional development as a  
11 teacher or a researcher. Was that your understanding that you  
12 were required to provide two years of service for your  
13 fellowship package?

14 A Yes.

15 Q And then it says in the next sentence that enrollment  
16 permitting you were assigned to ancient political thought with  
17 Professor Green. Is that the class that you TAd in --

18 A Yes.

19 Q -- the spring, the fall rather of your fourth year.

20 A Yes, yes.

21 Q It goes on to say the course assignment for the spring  
22 semester will be made at a later date. But you're saying you  
23 didn't get a spring assignment?

24 A Right. I was done with my TAships at the end of the fall  
25 semester.

1 Q And then it says this appointment makes a crucial  
2 contribution to both your own professional development and to  
3 the department's undergraduate educational program. And goes  
4 on two sentences later to say it's important to give the  
5 recitation information to Jennifer Bottomley. Who is that?

6 A She is one of the department administrators.

7 Q What was this referring to about getting your recitation  
8 information to Ms. Bottomley?

9 A Typically what happens is the recitations from the year  
10 before roll over to like the next time the class is taught and  
11 it's possible that if you're taking classes, and so we teach in  
12 our second and our third years and the second year you're still  
13 taking three classes a semester. And your third year, when I  
14 was a TA you're still taking at least one class. And so it's  
15 possible that the recitations that they've assigned you are in  
16 conflict with the course work. And so this is telling you to  
17 talk to Jen about rescheduling things if there are conflicts.

18 Q I see. So that relates to the sentence that follows about  
19 teaching assistants must resolve all scheduling conflicts with  
20 lecture and recitation well in advance of the start of the  
21 semester.

22 A Yes.

23 Q In the next paragraph, the second sentence says duties for  
24 this assignment include attending lectures, reading or  
25 reviewing course assignments, meeting with the instructor as he

1 or she requires, leading three discussions sections per course,  
2 conducting regularly scheduled office hours with students,  
3 evaluating the work of students, and submitting all grades on a  
4 timely basis. Is that what your duties were for that TAship?

5 A Yes.

6 Q When it refers to leading three discussion sections, is  
7 that the recitations you were referring to?

8 A Yes.

9 Q When it says evaluating the work of students, is that the  
10 grading you were describing?

11 A Yes.

12 Q At the end of that paragraph, it talks about the School of  
13 Arts & Sciences imposes a cap on total payments from the  
14 university during the academic year and requires that you  
15 receive permission from the graduate chair, Professor  
16 Levendusky, and the financial manager, Gus Hartman, before you  
17 accept any other employment during the period of the teaching  
18 fellowship. Did you ever have to get permission to accept  
19 other employment during a teaching fellowship?

20 A No.

21 Q Do you understand there to be any difference between  
22 teaching fellowship and teaching assistantship?

23 A No.

24 Q In the next paragraph then it says, in the second sentence  
25 that payment of your award depends on satisfactory academic and

1 work performance. Did you understand that your payment of your  
2 award -- that's the fellowship, right?

3 A Right.

4 Q Was dependent on satisfactory performance in your work?

5 A I understood that teaching is part of -- satisfactory  
6 performance in teaching so actually doing the teaching and  
7 finishing the assignment is part of getting the fellowship.

8 Q Who supervised your work in that TAship?

9 A Once again Jeff Green.

10 Q Same sort of -- same manner of supervision that you  
11 described when you had TAd with him before?

12 A Yes, perhaps a little bit more hands-off because I had  
13 already done it for him once.

14 Q So at that point you were done with your two years of  
15 service, right?

16 A Yes.

17 Q Did you perform more service to the university?

18 A Yes. I taught an LPS course in the spring semester of my  
19 fourth year. And I also taught another LPS course in the fall  
20 semester of my fifth year. And I TAd on top of my fellowship  
21 in the spring semester of my fifth year. I also was a TA  
22 trainer for the CTL during the summer in between my fourth and  
23 fifth years.

24 Q Let's take those one at a time.

25 A Yeah, sorry, that's a lot.

1 Q In spring of your fourth year you said you taught an LPS  
2 class. That's in the College of Liberal and Professional  
3 Studies?

4 A Yes.

5 Q What was the class?

6 A Modern political thought.

7 Q Were you a teaching assistant or the instructor of record?

8 A I was the instructor of record.

9 Q Did you get paid for it separately from your Ben Franklin  
10 fellowship?

11 A Did I -- is the question --

12 Q Did you get paid for it in addition to your Ben Franklin  
13 fellowship?

14 A Yes.

15 Q Who supervised your work in that assignment?

16 A Mark Meredith is the undergrad chair in political science  
17 and he is the person who I coordinated with to get the  
18 assignment. He is the liaison to LPS for poly-sci. But more  
19 than that coordination, no one supervised my work.

20 Q Who were the students, in what categories people were the  
21 students in the class?

22 A There was a mix. LPS is Penn's I guess hub for  
23 nontraditional students so I had some nontraditional students  
24 and some just sort of like regular undergrads, no different  
25 term than regular, your standard undergrads.



1 Q We've heard a term from some other witnesses here called  
2 residential undergrads.

3 A Yes.

4 Q Would that be what you're talking about?

5 A Yes, exactly.

6 Q Okay. What did you do as instructor of record for that  
7 course?

8 A Everything. I created the syllabus. I taught three hours  
9 of the course a week. I did all of the grading and evaluation  
10 of the students. I held office hours. I answered all the  
11 student emails. Yeah, everything.

12 Q Did anybody evaluate your performance in that class?

13 A My students.

14 Q Same kind of system?

15 A Yeah, same system. For LPS the evaluation has like an  
16 extra -- when you're in the instructor of record for LPS and I  
17 don't know instructor of record for anywhere else, there is  
18 like an additional set of categories than the ones that -- in  
19 addition to what are on my regular teaching evaluations as a  
20 TA.

21 Q Do you know whether your teaching evaluations, the student  
22 evaluations of your teaching, whether as a TA or as an  
23 instructor of record in LPS, do you know whether those go to  
24 the political science department at all?

25 A I know that Jeff Green has seen them. I don't know what

1 the like official sort of chain for him to get them. But I  
2 know that he has seen them not just for the classes that I TAd  
3 for him but also for my LPS courses.

4 Q I think you said that was in the spring of your fourth  
5 year?

6 A Yes.

7 Q You were still receiving the Ben Franklin fellowship at  
8 that time.

9 A Yes.

10 Q So why did you take on this LPS class?

11 A Because we don't get funding if -- we only get three  
12 summers of funding and so I needed summer funding. And so  
13 teaching the LPS course was a way to bank some funding for the  
14 summer so that I could spend the summer writing.

15 Q What did you spend the summer doing after your fourth  
16 year?

17 A I spent the summer writing.

18 Q Did you make any effort to obtain any other funding  
19 besides this LPS course at that time?

20 A At that time, no.

21 Q You mentioned that another thing you had done in terms of  
22 service was being a TA trainer.

23 A Yes.

24 Q When was that?

25 A That was beginning towards the end of the spring of my

1 fourth year and through the beginning of the fall of my fifth  
2 year.

3 Q What did that entail?

4 A I described earlier the different pieces of TA training  
5 that you go through as a new TA.

6 Q This is the training that CTL does?

7 A This is the CTL training, right. So I was a TA trainer  
8 through the CTL. As a TA trainer you are putting on those  
9 workshops that I described, learning how to sort of run the  
10 demo days, as I described, also learning how to work through  
11 the scenarios with your new TAs as I described earlier.

12 Q Did you receive compensation for that outside of your Ben  
13 Franklin fellowship?

14 A Yes.

15 Q Who oversaw your work in that role?

16 A The director and I think their titles are assistant  
17 directors of the CTL, so Bruce Lenthall, Ian Petrie, and Cathy,  
18 whose last name I forget.

19 Q I don't know if you said earlier, what does CTL stand for?

20 A The Center for Teaching and Learning. Cathy Turner.

21 Q When you were working as a TA trainer, were students from  
22 other schools working as TA trainers as well?

23 A Yes.

24 Q Can you sort of say what schools and sort of where if  
25 anywhere they mostly came from?

1 A Mostly from SAS because also most of the students who are  
2 TAing are in SAS, but not exclusively. There was an engineer  
3 who was a TA trainer. I'm trying to think if there was anyone  
4 else. It's possible -- I also work for the CTL now as the  
5 coordinator of the TA trainers so this year we have a student  
6 from Annenberg and a student from Nursing on top of Engineering  
7 and mostly students from SAS. So, yes, a lot of schools.

8 Q When you were -- you were a TA trainer in -- this would  
9 have been --

10 A '16.

11 Q -- 2016. How many total TA trainers were there with you  
12 during that, around?

13 A Around 16 or 17, something like that.

14 Q How many TA trainers in the current group that you're  
15 working with?

16 A I think 19.

17 Q How many students from Engineering this time around?

18 A One.

19 Q How many when you were a TA trainer?

20 A One.

21 Q So that took us into -- you said that continued into the  
22 beginning of the fall of your fifth year.

23 A Yes.

24 Q So that's last fall, 2016.

25 A Yes.

- 1 Q Did you do any service during that fall term?
- 2 A I taught another LPS course.
- 3 Q What course was that?
- 4 A Ancient political thought.
- 5 Q Were you a TA or an instructor of record?
- 6 A Instructor of record.
- 7 Q Were your responsibilities similar to your
- 8 responsibilities in the spring semester?
- 9 A Yes.
- 10 Q Same report to Mark Meredith?
- 11 A Yes.
- 12 Q Were you evaluated by the students again?
- 13 A Yes.
- 14 Q Were you paid outside of your fellowship?
- 15 A Yes.
- 16 Q So this was -- that fall was the beginning of your final
- 17 year of Ben Franklin fellowship?
- 18 A Yes.
- 19 Q Why did you take on that LPS teaching gig?
- 20 A Two reasons. One is I knew that I was about to be done
- 21 with funding. That was my last year and that is a really scary
- 22 position to be in especially because once you're done with your
- 23 Ben Franklin fellowship, if you are no longer on university
- 24 funding you have to pay tuition, and fees, and for health
- 25 insurance to be in the university. So I was very anxious about

1 that. Also, because Mark had reached out and asked if I wanted  
2 to teach another class. Typically, political science graduate  
3 students, there are roughly three LPS courses that are taught  
4 by poli-sci grad students and that sort of like we get sent an  
5 email beginning of every term asking for volunteers, if anybody  
6 wants to teach for the next term.

7 Q Is that how you were solicited when you responded to that  
8 email?

9 A That email was sent out, but Mark also sent me an email.

10 Q So that's fall of your fifth year. Did you do any service  
11 in spring of your fifth year?

12 A Yes, I TAd again.

13 Q Was this service as part of your Ben Franklin fellowship,  
14 that kind of a TA?

15 A No.

16 Q Oh, this was the one you said earlier you TAd in addition.

17 A Yes.

18 Q Were you paid separately from your Ben Franklin  
19 fellowship?

20 A Yes. I was paid on top of the fellowship.

21 Q What did you TA for that time?

22 A American political thought.

23 Q Were you the only TA or were there multiple TAs?

24 A No, there were three of us.

25 Q What were your duties as a TA for American political

1 thought in spring of 2017?

2 A Similar to what I described before, attending lecture,  
3 doing the readings, three hours of recitation, office hours  
4 every week, meeting with the professor. But also the addition  
5 here is meeting with the other TAs to try to coordinate what we  
6 were teaching and also coordinate about grading.

7 Q Who was the professor on this one?

8 A Ann Norton.

9 Q She's the person who you had TAd for your first TAship,  
10 right?

11 A Right, I TAd ancient political thought for her the first  
12 time around.

13 Q Were you evaluated by the students in this TAship?

14 A Yes.

15 Q Similar level of oversight from Professor Norton as the  
16 first time?

17 A Yes.

18 Q Why did you take on this extra TAship when you were done  
19 with your four TAships?

20 A This one also two reasons similar to why I taught an LPS  
21 course was that I was running out of funding and wanted to save  
22 some money. Also, money for the summer. But the course had I  
23 think for the last few years, this particular course, American  
24 political thought had had over enrollment and so they added an  
25 extra TA, but there weren't enough TAs in political science to

1 fill the roles. And so they extended sort of -- our grad chair  
2 sent an email out asking if people wanted to TA on top of their  
3 fellowship. They're called -- in our department it's called  
4 post-funding TAs.

5 Q Were you the only post-fellow TA in that situation who TAd  
6 that semester?

7 A I was the only post-funding TA on that course, but not the  
8 only one that TAd that semester.

9 Q So then that brings us to now, this summer. Are you doing  
10 any service this summer?

11 A Yes. I am teaching a course through LPS.

12 Q You're not getting the summer fellowship this year, right?

13 A Right. My funding -- my Ben Franklin funding is done.

14 Q What are you teaching through LPS this summer?

15 A Feminist theory. It's under political thought.

16 Q I forgot to ask you a question. Is ancient political  
17 thought that you TAd for this past spring, spring of 2017, is  
18 that a theory course?

19 A Yes.

20 Q Is it related to your dissertation?

21 A No.

22 Q Is the course that you taught in modern political theory  
23 for LPS in spring of your fourth year political theory?

24 A Yes.

25 Q Is it related to your dissertation?



1 A No.

2 Q When you taught in LPS, when you taught ancient political  
3 thought in fall of your fifth year is that a political theory  
4 course?

5 A Yes.

6 Q Is it related to your dissertation?

7 A No.

8 Q So the summer course, is it in Summer 1, or Summer 2, or  
9 the 11-week session?

10 A Summer 2.

11 Q Are you teaching it now?

12 A No. It starts on Monday.

13 Q Obviously you're not doing it yet, but it's your  
14 expectation that your responsibilities will be similar to the  
15 other LPS assignments?

16 A Yes.

17 Q Did you get this through communications with Dr. Meredith  
18 also?

19 A Yes.

20 Q Are you being paid separately from any fellowship?

21 A Yes.

22 Q Did you say the name of the course?

23 A Feminist theory or feminist political thought. I don't  
24 remember what it actually is in the registrar.

25 Q I'm not a political scientist but I'm guessing this is a

1 theory course?

2 A Yes.

3 Q Is it related to your dissertation?

4 A It is more related to my dissertation than anything else I  
5 have ever taught but tangentially.

6 Q Do you know whether the students in this course, what the  
7 makeup is, whether it will be similar LPS and undergrad or just  
8 LPS? Do you know that yet?

9 A Yes. Similar to the last two LPS courses I taught, there  
10 is a mix of nontraditional and --

11 Q Residential?

12 A Residential undergrads. I believe also in the summer high  
13 school students can take these courses so I think I have one  
14 high school student.

15 Q Why did you take on this teaching assignment?

16 A I have no summer funding.

17 Q So you're heading into your sixth year.

18 A Yes.

19 Q Do you have plans for sixth year funding?

20 A Yes. I received what's called the critical writing  
21 fellowship.

22 Q What is that?

23 A That is a fellowship through the Critical Writing Center  
24 at Penn which runs sort of the -- I don't think they call them  
25 specifically this but like freshman writing seminars. And so

1 through that I will get a year of funding and I will teach a  
2 course each semester.

3 Q Is that an undergraduate course that you'll teach each  
4 semester?

5 A Yes.

6 Q What is the critical writing program?

7 A Critical writing program is basically -- my understanding  
8 is it's a requirement at least for all of the College of Arts &  
9 Sciences but it might be more than that. My familiarity is  
10 really only with SAS. And students have to take a writing  
11 class as part of their -- undergrads have to take a writing  
12 class as part of their requirements and so this center runs  
13 those writing classes.

14 Q Do you know who will be overseeing your work in that  
15 program?

16 A Yes, Valerie Ross. She is the director of the Critical  
17 Writing Center.

18 Q Do you know what her oversight -- what she will be doing  
19 to oversee your work?

20 A She designs the curriculum, the writing assignments, the  
21 graduate students who have this fellowship and also the  
22 instructors, so some of the instructors of these courses are  
23 graduate students and some are I guess like non-tenured  
24 positions. We get to weigh in on the content, like so what  
25 specific topic we're teaching on. But the assignments

1 themselves are designed by Valerie Ross and the rest of the  
2 staff at the writing center.

3 Q Is there a broad description of what the content of the  
4 assignments you will be assigning are or do you not know that  
5 yet?

6 A What topic will I be teaching on?

7 Q Yes

8 A I'll be teaching on emotions in politics.

9 Q Is that related to your dissertation?

10 A Yes. It's the first course that I'm teaching that is like  
11 specific to my dissertation.

12 Q And I'm not asking for dollar amounts per se, but what  
13 form will your funding take for this? You said you were doing  
14 it for funding, right?

15 A Right.

16 Q What form does it take?

17 A I believe it's called the critical writing fellowship, but  
18 it's the -- to my understanding it's the same amount that  
19 people who are getting the -- it's the same amount and benefits  
20 that people who are getting the Ben Franklin fellowship but  
21 through a different program.

22 Q Just to go through it that will be you'll get a stipend?

23 A Right. So I'll get a stipend. My tuition and fees are  
24 covered. I will get health insurance covered. I think that's  
25 all of the things that Ben Franklin covers, but, yeah.

1 Q Did you get any form of written communication from the  
2 writing folks letting you know that you got this fellowship and  
3 outlining your responsibilities?

4 A Yes. I got an email confirmation.

5 Q Did you give me a copy of that?

6 A Yes.

7 Q And are you okay with a copy of that being entered into  
8 the record in this case?

9 A Yes.

10 (Petitioner's P-47 identified.)

11 BY MS. ROSENBERGER:

12 Q I've handed you a copy of a document marked Union  
13 Exhibit 47. Is that the email you were just describing?

14 A Yes.

15 MS. ROSENBERGER: Move for the admission of Union  
16 Exhibit 47.

17 MR. FRYMAN: No objection.

18 HEARING OFFICER LEACH: Okay. Union 47 is received.

19 (Petitioner's P-47 received.)

20 BY MS. ROSENBERGER:

21 Q I don't know if I specifically asked you this, why did you  
22 -- you sought out the critical writing fellowship?

23 A Yeah, I sought out any fellowship at the university that  
24 would give me funding for another year that was relevant to me.

25 Q Is the critical writing fellowship something that sort of

1 like anyone who applies gets it or is it competitive?

2 A No. It's competitive and it's getting more competitive.  
3 Friends of mine have had these in past years. And last year  
4 there were 10 of these fellowships available and this year only  
5 4 of them.

6 Q Is there anything else, any other way that you're getting  
7 funding for next year?

8 A I will also be what's called a CTL fellow next year.

9 Q Is that what you were alluding to earlier about that  
10 you're working for CTL again?

11 A I'm actually working for CTL in two capacities. Right now  
12 I am currently a coordinator for TA training. And then  
13 starting in August, I will be what's called a CTL fellow so I  
14 will be -- I did talk a little bit about this earlier where  
15 political science has had one of these fellows periodically  
16 over the course of me being at Penn and so I will be charged  
17 with putting on pedagogy workshops in the political science  
18 department.

19 Q Are you being paid -- well, obviously separately from the  
20 Ben Franklin fellowship. You're being paid for these roles?

21 A Yes.

22 Q In your -- you're heading into your sixth year, right?

23 A Yes.

24 Q Are you hoping to finish your dissertation this year?

25 A Yes.

1 Q Are you the only person in your cohort who has not -- so  
2 person in the group that came in with you in 2012 and '13 who  
3 has not yet completed their PhD?

4 A Absolutely not.

5 Q Has anyone in your cohort completed?

6 A One person.

7 Q How many people were in your cohort?

8 A We started with 14 and now we're at 13.

9 Q You're at 13 because one person has finished?

10 A No, sorry. One person dropped out. We added an extra  
11 person. Two people dropped out. We added an extra person, so  
12 we're at 13. 13 is the people who are in my cohort for most of  
13 the time that I was here. One of those 13 has finished.

14 Q Do you also in your -- as part of being part of the  
15 political science department, do you know people who were there  
16 before you arrived, who you now know because you were there  
17 after them.

18 A Yes.

19 Q And based on that do you know whether there are other  
20 people who have gone beyond the fifth year outside of your  
21 cohort people and cohorts ahead of you?

22 A Yeah, the vast majority.

23 Q To the extent that you know what people are doing, do you  
24 know whether those folks are doing similar things to what you  
25 do in terms of finding other ways to get funding once they are

1 beyond the fifth year?

2 A Yeah.

3 Q In your teaching assistantships, let's start with the four  
4 that you did as part of your fellowship, did you work side by  
5 side with teaching assistants from other schools within Penn?

6 A In my -- no, sorry. I was the only TA for three of the  
7 classes. And the other, for the course I taught for Professor  
8 Lustick, there was another TA but she was also from political  
9 science.

10 Q In your LPS courses, you were the sole instructor of  
11 record.

12 A Um-hum.

13 Q You need to say yes or no.

14 A Oh, yes. Sorry.

15 Q And in your -- you already talked about your TA trainer  
16 positions. The additional TA, I think you called it a  
17 post-fellow TA?

18 A Post-funding.

19 Q Post-funding TA. Did you -- there were other TAs in your  
20 class.

21 A Yes.

22 Q Were they also from political science?

23 A Yes.

24 Q Have you done any traveling for field work for your  
25 research?



1 A My research doesn't -- my research in particular doesn't  
2 involve field work. It involves reading a lot of books so I  
3 have read a lot of books at Penn.

4 Q The summers that you -- in which you talked about not  
5 doing service, were you here in Philadelphia or were you  
6 elsewhere?

7 A For the most part I was here in Philly. I went home to my  
8 parents a couple of times over those summers but for like the  
9 weekend.

10 Q Have you provide Penn with your home address?

11 A Yes.

12 Q Meaning your Philadelphia address.

13 A Yes.

14 Q Do you have a permanent address that's different than your  
15 Philadelphia address?

16 A My parents' address.

17 Q What state is that in?

18 A New York.

19 Q Have you moved from time to time in the five years, five  
20 plus years that you've been here in the program?

21 A Yes.

22 Q Do you update your address when you move?

23 A Yeah.

24 Q How do you do that?

25 A I go into like my Penn profile and update my address in

1 there.

2 Q Is that an electronic system?

3 A Yes.

4 Q Is it -- so it's something that you log into, I assume.  
5 Like I couldn't get into your Penn profile.

6 A Right.

7 Q When you received -- how do you typically get  
8 communications from Penn?

9 A Typically I get them like electronically.

10 Q Have you ever gotten any kind of electronic communication  
11 about updating information in Penn's electronic system?

12 A Yes. I actually just got an email like from the Penn  
13 directory system about a week ago asking me to update my  
14 address.

15 Q Did you provide me a copy of that email?

16 A I did.

17 Q Do you have any objection to it being entered into the  
18 record in this case?

19 A No.

20 (Petitioner's P-48 identified.)

21 BY MS. ROSENBERGER:

22 Q I've handed you a document marked Union Exhibit 48. Do  
23 you recognize that?

24 A Yes.

25 Q Is that the email you were talking about?

1 A It is.

2 Q So this is talking specifically about ensuring that -- it  
3 says this is a reminder to update your personal Penn directory  
4 address listing. Is the Penn directory what you're talking  
5 about with your profile?

6 A Penn directory is different. But when you update one, it  
7 updates the other.

8 Q Okay. And it says to update your personal Penn directory  
9 address listings to ensure that all campus addresses at which  
10 you work and spend most of your time are recorded. Are your  
11 campus addresses also listed in that electronic system?

12 A Yes, so my office address is in there, too. But my  
13 parents' address is in there as well. I just went through all  
14 of these updates because I just moved. When I went in to do  
15 the updates, it lists all of the addresses that Penn has on  
16 file for me and so my like permanent address is my parents'  
17 address.

18 Q But they have your local address?

19 A Also the local address.

20 MS. ROSENBERGER: I'd move for the admission of Union 48,  
21 if I didn't already.

22 MR. FRYMAN: No objection.

23 HEARING OFFICER LEACH: Union 48 is received.

24 (Petitioner's P-48 received.)

25 BY MS. ROSENBERGER:

1 Q Have you published any scholarly articles in your time at  
2 Penn?

3 A Not yet. I do have a few articles out to journals right  
4 now.

5 Q Are they articles that you wrote on your own or they are  
6 co-authored?

7 A On my own. It's not common in political theory to  
8 co-author. It happens but it's very uncommon.

9 MS. ROSENBERGER: That's all my questions on direct.  
10 Thank you.

11 HEARING OFFICER LEACH: So we need to take a break for you  
12 to -- okay, can we go off the record?

13 (Off the record from 12:19 p.m. to 12:50 p.m.)

14 COURT REPORTER: We are on the record.

15 HEARING OFFICER LEACH: Go ahead.

16 MR. FRYMAN: On cross-examination, we would like to  
17 introduce Ms. Hanley's transcript, we have redacted the grades;  
18 a letter regarding her CTL teaching certificate; and a letter  
19 with respect to her being awarded the CTL fellowship.

20 HEARING OFFICER LEACH: Does the Union have any objection  
21 to those documents or maybe I should ask the witness first.

22 MS. ROSENBERGER: I don't based on the description. I  
23 mean obviously when I see what they are talking about, I'll  
24 make whatever evidentiary objections but not at this stage.

25 HEARING OFFICER LEACH: For the witness, do you know what

1 those documents are?

2 THE WITNESS: Um-hum.

3 HEARING OFFICER LEACH: You have an option. Either you  
4 can say that you don't object to the Employer presenting them  
5 and we can go ahead with the questions or you can have an  
6 opportunity to review them first.

7 THE WITNESS: I don't object.

8 HEARING OFFICER LEACH: Okay. So we'll move forward with  
9 the questioning.

10 MR. FRYMAN: Good.

11 CROSS-EXAMINATION

12 BY MR. FRYMAN:

13 Q Good afternoon, Ms. Hanley.

14 A Good afternoon.

15 Q Why did you seek to pursue a PhD?

16 A Because I want to be a professor and that is how you do  
17 it.

18 Q Before you came to Penn, you did have some post-graduate  
19 -- you did do some post-graduate work. That was in Israel?

20 A Yes.

21 Q At the Hebrew University?

22 A Yes.

23 Q You sought a master's degree there, is that right?

24 A Yes.

25 Q What was the master's in?

1 A Political science.

2 Q Was that purely course work?

3 A The degree itself was purely course work, but I did serve  
4 as a teaching assistant one semester.

5 Q What did that entail?

6 MS. ROSENBERGER: Objection, relevance.

7 HEARING OFFICER LEACH: What's the relevance?

8 MR. FRYMAN: I think it goes to the types of duties that  
9 she did at Penn.

10 MS. ROSENBERGER: The types of duties she did at Hebrew?

11 HEARING OFFICER LEACH: I'm going to sustain that. I  
12 don't think what she -- her teaching duties in Israel have  
13 anything to do with what she's doing at Penn.

14 BY MR. FRYMAN:

15 Q Did you have to write a thesis?

16 A No.

17 Q Now you said that you came to Penn to work with a  
18 particular professor, is that right?

19 A I came to Penn to work with various professors. I did  
20 discuss wanting to work with one professor in the course of the  
21 questioning this morning.

22 Q That was Professor Green?

23 A He is one of the professors, yes.

24 Q And so you knew of Professor Green and other professors at  
25 Penn before coming to Penn?

1 A Yes.

2 Q In fact, Professor Green ultimately became your advisor,  
3 is that right?

4 A Yes, but he is not the only professor in political science  
5 who has been my advisor.

6 Q How many advisors have you had?

7 A Two.

8 Q Who is the other one?

9 A Professor Norton.

10 Q Is that the Ann Norton about whom you testified earlier  
11 today?

12 A Yes.

13 Q Did you have an opportunity to review any materials about  
14 the political science graduate group or graduate degree program  
15 before entering Penn?

16 A I read the web site.

17 Q Did that include something that you might refer to as the  
18 handbook for the graduate group?

19 A I didn't read a handbook before I came to Penn.

20 Q If you could take a moment -- so you don't have to dig  
21 through all that file --

22 HEARING OFFICER LEACH: Oh, do you have it, okay.

23 BY MR. FRYMAN:

24 Q I guess maybe can we just take a moment and take a look  
25 through that. Do you recognize that document?

1 A Not this one specifically but I have seen something that  
2 looks like this before.

3 Q What was it about what you did review that looks like  
4 this?

5 A It also listed the fields of study and the professors.

6 Q Did it also list their requirements for the PhD?

7 A It might have.

8 Q Did you review the requirements for the PhD in political  
9 science on the web site?

10 A Yeah.

11 Q And that included the requirement of four semesters of  
12 teaching?

13 A I don't remember if that was on the web site when I  
14 reviewed it.

15 Q Again, you came to -- you sought admission in the  
16 political science graduate group at Penn, is that right?

17 A I applied to at the time what I understood was the  
18 department of political science.

19 Q Just taking a quick look at your initial funding letter,  
20 which was U-45.

21 A I have it.

22 Q You have that with you. And on the top of the page it  
23 mentions the political science graduate group and what it  
24 requires. Correct?

25 A Yep.



1 Q Does that help refresh your recollection as to the  
2 structure of the group to which you were admitted?

3 A Yes.

4 Q Within that graduate group, you sought to study what you  
5 describe is political theory, correct?

6 A Yes.

7 Q I think you testified consistent with U-45, your initial  
8 funding package, you understood going in that you would receive  
9 five years of funding?

10 A Yes.

11 Q And that you would receive that funding in each of those  
12 five years?

13 A Yes.

14 Q I want to talk a little bit about the progression, your  
15 career progression to date that Ms. Rosenberger walked you  
16 through. Starting with the first year, you mentioned that you  
17 served as a grader at one point.

18 A Yes.

19 Q Was that for just one semester?

20 A Yes.

21 Q That was in the spring semester?

22 A Yes.

23 Q So the fall semester you received the funding, tuition,  
24 stipend, health insurance, fees, and you just took courses.

25 A Yes.

1 Q And then the same thing spring semester, but you also  
2 served as a grader, is that right?

3 A Yes.

4 Q I have in my notes here I thought I heard you say that you  
5 served as a grader outside the department. Did I hear that  
6 right?

7 A Yes.

8 Q What did you mean by outside the department?

9 A The course that Jeff taught was not a political science  
10 course.

11 Q So it was Jeff Green we're talking about?

12 A Yes. Sorry.

13 Q What was that particular course again?

14 A I don't remember the title, but it was in a program called  
15 integrated studies or I think that that's what it was called.  
16 This is a long time ago.

17 Q It was an undergraduate course, I assume.

18 A Yes.

19 Q Was it in the College of Arts & Sciences?

20 A Yes.

21 Q In connection with that grading, you said you met with the  
22 professor. That would have been Professor Green?

23 A Yes.

24 Q If you had any questions, you went to Professor Green?

25 A Yes.

1 Q And then after you completed your first year of studies,  
2 you received summer fellowship report for that first summer.

3 A Yes.

4 Q What did you do that summer?

5 A Like I said earlier, I took ancient Greek and I also read  
6 a lot of things.

7 Q Let's move onto your second year. Fall semester, two  
8 courses?

9 A Yes.

10 Q As I understand it you did not serve in any type of  
11 teaching role in the fall of the second semester, is that  
12 right?

13 A Right.

14 Q You were assigned initially but then that assignment  
15 didn't happen or your assignment was deferred to the spring, is  
16 that right?

17 A Right.

18 Q I think you said you were assigned to TA for a professor  
19 who, quote, did not want you in the class?

20 A Yes.

21 Q What happened there?

22 A The professors have discretion over -- in political  
23 science, the professors have discretion over who they are  
24 assigned. The grad chair in conjunction with the department  
25 chair makes the assignments. And the professors can say

1 whether or not they want the TAs that they have been given.

2 And she decided that she did not want me as her TA.

3 Q So that fall you did not engage in any type of  
4 instructional service?

5 A I went to CTL training at the end of the summer so I would  
6 have done that -- I did that and we get paid for that in the  
7 fall. And then I didn't teach, though.

8 Q That CTL training, that's the two and a half days you're  
9 talking about?

10 A Yes.

11 Q And it's your testimony that you received compensation for  
12 that attendance separate and apart from your fellowship  
13 support?

14 A You get like if you go to an extra training session, you  
15 get like \$100 for going to that later.

16 Q So an extra training session. So this is beyond the two  
17 and a half days?

18 A Right.

19 Q What is this extra training session?

20 A Another workshop.

21 Q When did that occur?

22 A I want to say that I went in October of 2013, but I  
23 honestly don't remember exactly which workshop I attended.

24 Q But it was sometime in the fall of your second year?

25 A Yes.

1 Q This was put on by CTL?

2 A Yes.

3 Q Why did you want the extra?

4 A Well, because I wanted the extra money, because we don't  
5 get paid very much, and also because I wanted another training  
6 session for teaching because I wasn't teaching yet so I was  
7 waiting to be teaching.

8 Q And then comes the spring of your second year, you do get  
9 that opportunity to serve as a teaching assistant, correct?

10 A Yes.

11 Q That was in the ancient political thought class.

12 A Yes.

13 Q And that's a political theory class?

14 A Yes.

15 Q You were not the primary instructor?

16 A No.

17 Q That was the one -- was that the one with Professor  
18 Norton?

19 A Yes.

20 Q You met with Professor Norton at least once a week?

21 A Yeah, roughly.

22 Q What would you discuss with Professor Norton in those  
23 weekly meetings?

24 A How the course was going, if there were any students who  
25 were having trouble, if there was anything I had a question

1 about, if there was anything she had a question about.

2 Q Now I want to go back for a moment to the CTL training at  
3 the end of the summer before your second year. That was  
4 something that was required by your graduate group?

5 A Political science requires that we go to CTL training.

6 Q Then you mentioned that in addition to CTL, you were  
7 advised that there was something called Weingarten and other  
8 resources?

9 A Yes. I believe I had discussed that when I was talking  
10 about what the CTL training looks like. The morning of the  
11 first day of the CTL training there is a plenary session where  
12 you are presented -- where the new TAs are presented over the  
13 course of that session different resources of the university  
14 that undergrads can use.

15 Q Let's talk about some of those resources. One is  
16 something called Weingarten?

17 A Yes.

18 Q What is Weingarten?

19 A I think that it's for like learning resources.

20 Q That was available to you?

21 A That is available to the undergrads.

22 Q Is it your testimony that the Weingarten, the other  
23 resources to which you were directed was resources that you  
24 could direct other students in your classes to?

25 A Undergrad students, yes.

1 Q And then you mentioned in addition to the CTL training  
2 that political science offers these pedagogy workshops, is that  
3 right?

4 A Yes.

5 Q And that you're encouraged to attend those?

6 A Yes.

7 Q Did you in fact attend those pedagogy workshops?

8 A Sometimes.

9 Q Approximately how many?

10 A For my teaching certificate I know that I had to attend  
11 10, so over the course of my time at Penn I've attended at  
12 least 10; but more than that, I honestly don't have the number.

13 Q That takes us to the second summer. Again you were just  
14 involved in your independent research?

15 A No. I was studying for my comprehensive exams.

16 Q Studying for your exams. You weren't engaged in any  
17 instructional activities?

18 A No.

19 Q And you received summer support as part of your fellowship  
20 package.

21 A Yes.

22 Q Let's move to the fall of your third year. You also  
23 served as a TA that semester, correct?

24 A Yes.

25 Q It was again in that same ancient political thought

1 course?

2 A It was ancient political thought, but it's not the same  
3 course. The same professor doesn't teach it. It's also not  
4 the same course when the same professor does teach it more than  
5 once. The syllabus varies.

6 Q But an undergraduate wouldn't take ancient political  
7 thought more than once.

8 A Right.

9 Q But it varies in the sense that a different professional  
10 might teach it differently or have a different syllabus.

11 A Yes.

12 Q In fact, after TAing with Professor Norton and Professor  
13 Green, and then in fact you later taught that course yourself.

14 A Yes.

15 Q In fact, well, did your experiences with Professor Norton  
16 and Professor Green then inform how you thought you might want  
17 to teach it?

18 A To some degree, yes.

19 Q Again, regardless of who teaches it, that's a political  
20 theory course?

21 A Yes.

22 Q With Professor Green, again in the fall of your third  
23 year, you're serving as a teaching assistant. You're not  
24 serving as the primary instructor.

25 A Right.



1 Q This is again satisfying the requirement of your graduate  
2 group that you engage in this teaching activity?

3 A Yes.

4 Q You said that Professor Green was more hands-on.

5 A Than Professor Norton, yes.

6 Q Did you also meet with Professor Green about the  
7 activities in which you were engaged?

8 A Yes.

9 Q What would you discuss with Professor Green?

10 A Similar to with Professor Norton, if there were any  
11 students having problems in the course, generally how the  
12 course was going, if I had any questions, if he had any  
13 questions. We would also discuss what I was planning to teach  
14 in recitation that week.

15 Q Did you occasionally have questions for Professor Green?

16 A Yes.

17 Q And you would discuss with him what you were going to do  
18 in recitations or your approach in recitations?

19 A Yeah.

20 Q Any difficulties you were having or concerns that you had  
21 about recitations?

22 A If I had them then I would express them then, yes.

23 Q Now the spring of your third year, that was now the third  
24 semester that you served as a TA, correct?

25 A Yes.

1 Q This was in the international politics in the Mid-East  
2 class?

3 A Yes.

4 Q That's an undergraduate course, I assume.

5 A Yes.

6 Q I think you said that's in international relations, is  
7 that right?

8 A Yes.

9 Q What do you mean when you say it's in international  
10 relations? To what are you referring there?

11 A To the subfield of political science, international  
12 relations. Just like I study political theory and that's one  
13 of the subfields, international relations is a different  
14 subfield and that's what the course is classified under.

15 Q A subfield of political science?

16 A It's a subfield of political science, yes.

17 Q Again, you were not serving as the primary instructor.  
18 You were serving as a TA in that course.

19 A Right.

20 Q You said that it's outside your area of expertise.

21 A Yes.

22 Q What is your -- as of the spring of your third year, what  
23 is your area of expertise at that point?

24 A Political theory.

25 Q Broadly the subfield of political theory?

1 A Right.

2 Q You met with Professor Lustig (sic) in connection with  
3 your TA activities in that course, correct?

4 A Professor Lustick, yes.

5 Q Lustick. In fact you mentioned one of the reasons you met  
6 with him or one of the things you discussed was you felt that  
7 you hadn't been trained to teach in this particular area and so  
8 you met with him to discuss -- to get insight into what he  
9 envisions for this course.

10 A Right. I'm a political theorist.

11 Q Did you think there was any -- well, going back, you seek  
12 to be a university professor, correct?

13 A Yes.

14 Q You understand that that will involve teaching?

15 A Yes.

16 Q Did you not see any training or pedagogical value in  
17 assisting in a course which you didn't have the same level of  
18 comfort as a political theory course?

19 A I didn't say I didn't.

20 Q You just said it was outside your area of expertise.

21 A Exactly.

22 Q Then the third summer you did not engage in any type of  
23 teaching activity, correct?

24 A Correct.

25 Q So were you just engaging in your own independent

1 research?

2 A Yes.

3 Q You said that you stayed in the Philadelphia area to do  
4 that.

5 A Yes.

6 Q But there was no requirement that you stay here.

7 A Yes, there is no requirement to stay.

8 Q Moving on now to the fall, we're now into your fourth year  
9 of your program, correct?

10 A Right.

11 Q And you're still receiving the Ben Franklin fellowship.

12 A Right.

13 Q You received a TA assignment for that fall.

14 A Yes.

15 Q This still is part of the required teaching that political  
16 science requires?

17 A Yes.

18 Q You were a TA once again in ancient political thought?

19 A Yes.

20 Q In fact, this was the third time that you were TAing in  
21 this particular course, correct?

22 A Yes.

23 Q Going back to the third year for a moment, I think you  
24 said that your third year you're down to one class, is that  
25 right?

1 A Right. It has changed now. But when I was doing course  
2 work, you took four classes each semester of your first year,  
3 three classes each semester of your second year, and one class  
4 in your third year. Mine looks a little different though  
5 because I didn't teach my first semester of my second year.

6 Q Then what about your fourth year, how many classes did you  
7 have?

8 A You don't have to take any.

9 Q You're just getting ready to -- getting going on your  
10 dissertation?

11 A You're getting going on your dissertation in your third  
12 year.

13 Q And in your fourth year with respect to outside of any  
14 teaching activities or other activities it's you're focused on  
15 your dissertation.

16 A Yep.

17 Q Now your -- spring of your fourth year you aren't required  
18 to engage in any teaching.

19 A Right.

20 Q You understood that if you simply focused on your  
21 dissertation that spring semester, you would still receive the  
22 same funding.

23 A Yes.

24 Q You taught a course in LPS that semester, right?

25 A Yes.

1 Q That was the modern political thought?

2 A Yes.

3 Q That's within political theory?

4 A Yes.

5 Q Then you served as the instructor of record and did  
6 everything that an instructor of record would do, is that  
7 right?

8 A Right.

9 Q Including creating the syllabus.

10 A Yes.

11 Q Now I think you testified that your advisor and I don't  
12 know if you were referring to Professor Green here, or  
13 Professor Norton, or maybe to both, has seen the student  
14 evaluations.

15 A I said that Professor Green has seen the student  
16 evaluations. I don't believe I called him my advisor at the  
17 time.

18 Q Okay. So he has not been your advisor the entire time?

19 A Right.

20 Q When was it that Professor Green saw evaluations, the  
21 student evaluations?

22 A I know that he saw them this past fall, but I don't know  
23 -- I know that by this past fall he had seen them but I don't  
24 know when exactly he saw them.

25 Q Under what circumstances do you understand that Professor

1 Green saw your student evaluations?

2 A He said to me in a meeting one time you have great student  
3 evaluations; your numbers are really good. And I didn't show  
4 them to him.

5 Q And I'm sorry?

6 A I didn't show them to him.

7 Q Were you upset or concerned that he had seen your student  
8 evaluations?

9 A No.

10 Q Did you understand that he was doing so in an attempt to  
11 be helpful or in a mentor role?

12 A I didn't understand anything by it in regard to your  
13 question. I just understood that he had seen them.

14 Q Has Professor Green in fact, in your mind, served in a  
15 mentoring or advising role with respect to your teaching?

16 A With respect to my teaching?

17 Q Yes.

18 A No.

19 Q Not even when you were meeting with him weekly or more  
20 when serving as a TA, when he was instructor of record?

21 A I didn't see him as a mentor in terms of teaching even  
22 when I was teaching for him. I saw him as a mentor for my  
23 research. I see Professor Norton as a mentor for my teaching.

24 Q You said you served as a TA trainer at CTL.

25 A Yes.

1 Q My notes reflect that you talked about that covering from  
2 some period in the spring of your fourth year to the beginning  
3 of the fall of your fifth year.

4 A Right.

5 Q Are we talking about serving as a TA trainer at that end  
6 of summer CTL training program?

7 A Yes.

8 Q But your role as a TA trainer spans beyond that two and a  
9 half days, is that what you're --

10 A We go through training to be a TA training and that  
11 training occurs both at the end of the spring semester and then  
12 again right before the training for the new TAs begins in the  
13 fall.

14 Q What is the training at the end of the spring semester?

15 A Working on our workshops that we will eventually I guess  
16 run for the new TAs.

17 Q How long was that training at the end of the spring?

18 A I think four days.

19 Q Then there was some additional training before the two and  
20 a half day training started?

21 A Yes.

22 Q How long did that last?

23 A Two days.

24 Q Included in that training for training the TAs there was a  
25 grad student or a PhD student from Engineering?



1 A Yes.

2 Q Did you only go through this additional TA training once?

3 A No, because as I said before I am also the coordinator for  
4 TA training this year. I'm doing it again now.

5 Q So are you serving in a different role or capacity then  
6 this time around?

7 A Yeah, I guess I am a little bit more of a supervisor.  
8 Last year I was a TA trainer and this year I was part of the  
9 team to choose and train the TA trainers.

10 Q Then this year there is also a student in that training  
11 for the TA trainers from Engineering?

12 A I believe so, yes.

13 Q As well as other graduate programs outside of SAS?

14 A Yes.

15 Q I believe you identified Nursing and Annenberg.

16 A Yes.

17 Q I think we're now up to the fall of your fifth year which  
18 if I'm following along correctly that would have been this past  
19 fall of 2016. Is that right?

20 A Yes.

21 Q That was the final year of your Ben Franklin fellowship  
22 funding.

23 A Yes.

24 Q You mentioned that for the fall semester you taught in  
25 LPS.

- 1 A Yes.
- 2 Q So that's a regular full semester course.
- 3 A Yes.
- 4 Q Again, it was ancient political thought, right?
- 5 A Yes.
- 6 Q That's a political theory course in which you had TAd
- 7 three times.
- 8 A Yes.
- 9 Q But now you have the opportunity to effectively shape this
- 10 course your own, to make it from your standpoint.
- 11 A Right.
- 12 Q Then in the spring, you picked up a position as a TA.
- 13 A Yes.
- 14 Q The spring, we're talking about the semester that you just
- 15 completed in May.
- 16 A Yes.
- 17 Q Again that was in American political thought.
- 18 A That was in American political thought, yes.
- 19 Q Was this the first time that there was more than one TA in
- 20 the course?
- 21 A In American political thought?
- 22 Q Yes.
- 23 A No.
- 24 Q I think you said there were three TAs?
- 25 A Yes. I was one of three.

1 Q One of three. This was again with Professor Norton,  
2 right?

3 A Right.

4 Q You not only met with Professor Norton, but you also met  
5 with the other TAs.

6 A Right.

7 Q In fact, had the other TAs assisted in this particular  
8 course before?

9 A No.

10 Q So those two other TAs had the benefit of your experience  
11 having TAd this particular course three times and having taught  
12 it twice.

13 A This was the first time I TAd American political thought.  
14 I TAd ancient political thought three times.

15 Q Oh, this is the American political thought, that's right.  
16 Was the professor for this one Professor Norton?

17 A Yes.

18 Q And you continued to meet with Professor Norton in  
19 connection with this course, right?

20 A Yes.

21 Q And you met with the other TAs in that course.

22 A Yes.

23 Q Were they political science graduate students?

24 A Yes.

25 Q Now I recall you testifying that for this particular

1 teaching assistantship, you termed it something called  
2 post-funding.

3 A Right.

4 Q But in fact you still were receiving your Ben Franklin  
5 fellowship support during this semester, correct?

6 A Right. That's the terminology we use in the department.

7 Q For what?

8 A TAships past your service years.

9 Q Past the requirement? Past the teaching requirement?

10 A Sure.

11 Q Then you mentioned that this summer you'll be teaching  
12 this feminist political thought --

13 A Right.

14 Q -- course or feminist political theory.

15 A It's either called feminist political thought or feminist  
16 theory. I don't remember.

17 Q It's a political theory course?

18 A Yes.

19 Q You mentioned that of the courses that you discussed this  
20 morning that this is perhaps the most related to your own  
21 dissertation, is that right, of any of the --

22 A Of any of those, yeah.

23 Q Now your dissertation, that is to be some new contribution  
24 or examining something that hasn't been looked at before or a  
25 perspective that hasn't been provided before, is that right?

- 1 A Right. That's what a dissertation usually is.
- 2 Q Then Ms. Rosenberger asked you some questions about the  
3 funding for your sixth year.
- 4 A Yep.
- 5 Q You received this critical writing fellowship, correct?
- 6 A Yes.
- 7 Q You also applied for something called a dissertation  
8 completion fellowship, isn't that right?
- 9 A I did.
- 10 Q A dissertation completion fellowship provides funding not  
11 unlike the critical writing fellowship, correct?
- 12 A Can you clarify the question?
- 13 Q The dissertation completion fellowship, that would have  
14 provided tuition, stipend, fees, health insurance, correct?
- 15 A Yes.
- 16 Q Not unlike the funding that you received through the  
17 critical writing fellowship.
- 18 A The amount, yes.
- 19 Q The dissertation completion fellowship, the idea behind  
20 that as the name suggests is that it is support for a final  
21 year for you to complete your dissertation, isn't that right?
- 22 A That's my understanding.
- 23 Q So that with the goal being that you will graduate. You  
24 will receive your PhD at the end of that year.
- 25 A Right.

1 Q In fact, I think you testified that that is your goal to  
2 finish at the conclusion of the upcoming academic year.

3 A Yep.

4 Q The funding you did receive is this critical writing  
5 fellowship. In connection with that you will be teaching a  
6 course in connection with the freshman writing seminar, is that  
7 right?

8 A Right.

9 Q Is this one of these deals where freshmen have their pick  
10 of a number of different topic areas that are in connection  
11 with like an introductory writing course?

12 A Yes.

13 Q You have some ability to help design a particular freshman  
14 seminar?

15 A Right. I get to suggest content, but the curriculum  
16 itself is determined by the director of the center.

17 Q I'm not sure who you said but somebody would work with you  
18 to help design the topic and the syllabus?

19 A Yes.

20 Q Who would that be?

21 A Valerie Ross.

22 Q Not unlike how you would have to design a topic and  
23 develop a syllabus to go on to teach somewhere else.

24 A I don't know.

25 Q You don't know.

1 A No. I don't know what it will look like if I am a faculty  
2 member, if there will be anybody who has oversight over a  
3 syllabi that I design. I don't know. I'm not a faculty  
4 member.

5 Q But you, yourself, you would expect that you will have to  
6 develop the syllabus in a future faculty position.

7 A Sure. But from what I understood you asking me was if the  
8 process would look the same. And I just -- I don't know  
9 because I am not one.

10 Q I wasn't trying to confuse you. Just that these are the  
11 types of things that you'll be doing as a faculty member.

12 A Possibly.

13 Q I think you said in connection with this critical writing  
14 fellowship there will be weekly meetings with I think somebody  
15 you called a mentor.

16 A I didn't say that, but it's possible the letter says that.  
17 Yeah, the letter says that. I didn't say that.

18 Q Let's take a look at Union 47. It talks about in the  
19 second paragraph about a member of the critical writing program  
20 working with you on designing the topic and syllabus, right?

21 A Right.

22 Q It mentions that same member -- well, not the same, a  
23 member of the critical writing program will also or may also  
24 observe one or more of your classes.

25 A Yep.

1 Q Then the letter goes on to note that there is required  
2 training in connection with serving as a critical writing  
3 teaching fellowship. Is that right?

4 A Yep.

5 Q And then it mentions the other responsibilities. That's  
6 where I picked up the meeting weekly with your assigned mentor.

7 A Yeah.

8 Q Then having classrooms and grading observed by your  
9 mentor. That is supposed to happen in this critical writing  
10 teaching fellowship?

11 A Right. All the things that I know about the critical  
12 writing fellowship are listed in this letter.

13 Q And then the final one is arranging for other classroom  
14 observations.

15 A Yes.

16 Q At some point did you also earn something called a CTL  
17 teaching certificate?

18 A Yes.

19 Q What is that?

20 A It is a certificate -- it's a certificate that says I  
21 worked on my teaching in particular ways and went through the  
22 CTL's process to gain the certificate.

23 Q Would you consider it advanced training for teaching?

24 A What do you mean by advanced?

25 Q Let me show you an exhibit.



1 (Employer's E-54 identified.)

2 BY MR. FRYMAN:

3 Q I'm showing you what we've marked as Employer's 54. This  
4 is a letter to you from Bruce Lenthall. Do you recognize this  
5 letter?

6 A Yeah. It's from a while ago.

7 Q This is a letter from Mr. Lenthall congratulating you on  
8 earning the CTL teaching certificate.

9 A Yep.

10 Q He mentions what you've done to earn that including  
11 participating in five teaching workshops; teaching for two  
12 semesters; having one of your classes observed, recorded, and  
13 reviewed; and developing and discussing the statement of your  
14 teaching philosophy.

15 A Yep.

16 Q You did all those things?

17 A I did.

18 Q He mentioned that you are one of a few doctoral students  
19 who each year meet those criteria and earn this certificate.

20 A Yep.

21 Q In his mind, your efforts reflect on your teaching  
22 practices and goals, correct?

23 A Yep. That's what the letter says.

24 Q He goes on to say at the end that, and this is Bruce  
25 Lenthall saying that because the CTL teaching certificate is

1 the University of Pennsylvania's statement that a graduate  
2 student has pursued advanced training for teaching on the  
3 college or university level. The certificate will be noted on  
4 your transcript.

5 A Yep.

6 Q You see that? Now do you agree with Mr. Lenthall that  
7 this reflects advanced training in teaching?

8 A Sure. I was just wondering what you meant by advanced. I  
9 don't -- yeah.

10 Q While we're talking about your transcript --

11 HEARING OFFICER LEACH: Any objection to Employer 54?

12 MS. ROSENBERGER: No.

13 HEARING OFFICER LEACH: Employer 54 is received.

14 (Employer's E-54 received.)

15 HEARING OFFICER LEACH: Thank you.

16 (Employer's E-55 identified.)

17 BY MR. FRYMAN:

18 Q I'm showing you what we've marked as Employer's 55. Is  
19 this a copy of your transcript?

20 A This is a copy of my unofficial transcript, yes.

21 Q Right at the top on the first page after it lists school,  
22 the division, it then goes on to list the degree program. Do  
23 you see that?

24 A Um-hum.

25 Q Is that yes?

- 1 A Yeah, sorry. Yes.
- 2 Q It lists your graduate group which you talked about,  
3 political science, right?
- 4 A Right.
- 5 Q And then something it calls a concentration.
- 6 A Yeah.
- 7 Q That's I think what you have called a subfield?
- 8 A Yeah.
- 9 Q That's the political theory, right?
- 10 A Yes.
- 11 Q And then here on your academic transcript it states  
12 certificate in college and university teaching, right?
- 13 A Yes.
- 14 Q Would you agree with me that that's what Mr. Lenthall is  
15 referring to in E-54?
- 16 A Yes.
- 17 Q Then like most transcripts it goes on to list all of your  
18 course work, correct?
- 19 A Yes.
- 20 Q Starting the fall of 2012 and it currently goes all the  
21 way through fall of 2017 where it simply states dissertation,  
22 right?
- 23 A Yes.
- 24 Q And then there is a section below that listing of all the  
25 courses that says comments, right?

1 A Yes.

2 Q At the bottom there is a listing where it says teaching  
3 requirements satisfied by.

4 A Yes.

5 Q And then there is a Series 1, 2, 3, 4, entries for  
6 teaching requirements satisfied by?

7 A Yes.

8 Q That corresponds with your testimony with respect to the  
9 teaching assistant positions that you held beginning in the  
10 spring of your second year.

11 A Yes.

12 Q And PSCI 180, which appears three times, I assume that's  
13 the political ancient thought.

14 A Ancient political thought, yes.

15 Q Ancient political thought, right.

16 MR. FRYMAN: Move for Employer's 55.

17 MS. ROSENBERGER: No objection.

18 HEARING OFFICER LEACH: Employer 55 is received.

19 (Employer's E-55 received.)

20 MR. FRYMAN: Employer's 56.

21 (Employer's E-56 identified.)

22 BY MR. FRYMAN:

23 Q Do you recognize this guy?

24 A Yes.

25 Q What's this?

1 A This is the text of an email I received from Bruce  
2 Lenthall offering me one of the CTL graduate fellowships for  
3 the upcoming year.

4 Q And it goes on to describe the activities in which you'll  
5 be engaged as a CTL fellow, correct?

6 A Right.

7 Q Including leading these workshops for other graduate  
8 students.

9 A Right, which we talked about earlier.

10 Q Right. And consulting with and observing other TAs?

11 A Yep.

12 Q And helping graduate students develop as teachers, right?

13 A Right. The person who has this fellowship is actually --  
14 helps facilitate people getting the CTL certificate that I --  
15 that we just talked about.

16 MR. FRYMAN: Move for admission of Employer's 56.

17 MS. ROSENBERGER: No objection.

18 HEARING OFFICER LEACH: Employer 56 is received.

19 (Employer's E-56 received.)

20 BY MR. FRYMAN:

21 Q I also understood your testimony to be that as a CTL  
22 fellow you'll also be involved in putting on these pedagogy  
23 workshops in political science.

24 A Right. That is facilitating seven monthly workshops in  
25 your department and related departments as it states in the

1 letter.

2 BY MR. FRYMAN:

3 Q Ms. Hanley, if you wouldn't mind pulling out what Ms.  
4 Rosenberg marked as Union 48 --

5 MS. ROSENBERGER: It's Rosenberger.

6 MR. FRYMAN: I'm sorry, I apologize.

7 MS. ROSENBERGER: That's okay, Mr. Freeman.

8 MR. FRYMAN: Touché, fair enough.

9 MS. ROSENBERGER: Just so the transcript is right.

10 BY MR. FRYMAN:

11 Q So U-48, which Ms. Rosenberger provided to you, this is  
12 this email from UPenn Alert.

13 A Yep.

14 Q In fact, this alert is with respect to updating Penn  
15 directory address listings with respect to any campus addresses  
16 which you work or spend time, is that right?

17 A That's what it says.

18 Q I think your testimony is when you go in there you can  
19 update any number of different addresses, is that right?

20 A Right. I was prompted to update my, like my where I live  
21 when I went through this.

22 Q And in fact you had provided Penn multiple addresses,  
23 isn't that right?

24 A Yes.

25 Q In fact where you live, where you reside in Philadelphia?

1 A Right.

2 Q Your, quote, permanent address, that is where your parents  
3 live?

4 A Right.

5 Q And then you also have an office address?

6 A Yep.

7 Q Ms. Hanley, do you know what the UPenn Alert system is?

8 A Yeah.

9 Q What's that?

10 A When there is a robbery or something in the -- it's not  
11 just around campus. It sort of extends into West Philly also,  
12 so when something happens, a robbery or if there is a fire,  
13 something like that we're notified via text message and email.

14 MR. FRYMAN: Thank you. That's all the questions I have.

15 HEARING OFFICER LEACH: Does the Union have additional  
16 questions?

17 MS. ROSENBERGER: Just a little bit of follow-up.

18 HEARING OFFICER LEACH: Okay.

19 REDIRECT EXAMINATION

20 BY MS. ROSENBERGER:

21 Q Ms. Hanley, Mr. Fryman asked you about some comparisons  
22 between the dissertation completion fellowship and the critical  
23 writing fellowship.

24 A Right.

25 Q Does the dissertation completion fellowship require you to

1 engage in any work?

2 A No.

3 Q Does the critical writing fellowship require you to engage  
4 in any work?

5 A Yes. It's a condition of the fellowship.

6 Q With regard to the CTL TA training that you testified  
7 about, the spring -- you had that in the spring and then right  
8 before the fall, training that you were involved in conducting.

9 A Yeah.

10 Q Did you receive in that training instruction on how to  
11 conduct the workshops for the other TAs?

12 A Yes. That's the purpose of the training.

13 Q Mr. Fryman asked you about your understanding about the  
14 requirement of two years of teaching assistantships for your  
15 program.

16 A Yes.

17 Q Did you have any understanding as to whether you would  
18 receive the Ben Franklin fellowship if you did not complete  
19 those teaching assistantships?

20 A It's my understanding that I wouldn't have received it if  
21 I didn't complete them.

22 Q Is that based on your offer letter?

23 A Yeah.

24 MS. ROSENBERGER: That's all I have on redirect.

25 HEARING OFFICER LEACH: Does the Employer have anything



1 else?

2 MR. FRYMAN: I do not.

3 HEARING OFFICER LEACH: I have a couple of questions. Are  
4 you okay?

5 THE WITNESS: Yeah.

6 HEARING OFFICER LEACH: Do you need to use the restroom?

7 THE WITNESS: No, I'm good.

8 HEARING OFFICER LEACH: All right. Let's see, okay, when  
9 you talked about you were a grader, I believe you said you were  
10 a grader at the same time you were getting your Ben Franklin  
11 fellowship?

12 THE WITNESS: Yes.

13 HEARING OFFICER LEACH: And you said you were paid  
14 separately. Who were you paid by or do you know?

15 THE WITNESS: I don't know. I was paid by the university,  
16 but it wasn't my fellowship.

17 HEARING OFFICER LEACH: How much were you paid, if you  
18 know?

19 THE WITNESS: \$1,500 for the semester.

20 HEARING OFFICER LEACH: How did you receive that? Is that  
21 weekly, biweekly?

22 THE WITNESS: I received it as a lump sum after the  
23 semester was over.

24 HEARING OFFICER LEACH: Do you know how you are classified  
25 at Penn?

1 THE WITNESS: Currently --

2 HEARING OFFICER LEACH: Well, let's talk about when you  
3 were a student, when you were -- I know now you're at a point  
4 where you're doing your dissertation.

5 THE WITNESS: Right.

6 HEARING OFFICER LEACH: During the time period I guess  
7 when you first started, you were getting your Ben Franklin  
8 fellowship --

9 THE WITNESS: Yes.

10 HEARING OFFICER LEACH: -- do you know how you were  
11 classified?

12 THE WITNESS: I believe I was an educational fellowship  
13 recipient.

14 HEARING OFFICER LEACH: But you did testify that during  
15 that time period you had this teaching requirement?

16 THE WITNESS: Right. So on the Ben Franklin fellowship  
17 there is a teaching requirement, yeah.

18 HEARING OFFICER LEACH: Do you know whether or not you've  
19 ever been classified as a student worker?

20 THE WITNESS: I don't know.

21 HEARING OFFICER LEACH: Do you know what that is?

22 THE WITNESS: I know that some master students are student  
23 workers. The ones that I know are basically research  
24 assistants, but they are just master students.

25 HEARING OFFICER LEACH: When you say research assistants,

1 what do you know that they are doing?

2 THE WITNESS: Helping professors with the research that  
3 the professors are doing. And that looks different depending  
4 on who the professor is.

5 HEARING OFFICER LEACH: Do you happen to know what  
6 departments they may be in?

7 THE WITNESS: Most of the ones that I know are in the  
8 School of Education.

9 HEARING OFFICER LEACH: There was talk about the  
10 evaluation. You said you received the student evaluation and  
11 that one of your professors mentioned to you that he saw that.

12 THE WITNESS: Yes.

13 HEARING OFFICER LEACH: What about the -- is there a  
14 different evaluation if you are the instructor of record?

15 THE WITNESS: The evaluation system is the same, but sort  
16 of the amount of categories that you're being evaluated on is  
17 more extensive.

18 HEARING OFFICER LEACH: But still done by the students?

19 THE WITNESS: Yes.

20 HEARING OFFICER LEACH: When you're instructor of record,  
21 do you know if you receive other evaluations from the -- I mean  
22 from the department or wherever you're teaching or is that an  
23 additional evaluation?

24 THE WITNESS: To my knowledge, I've had no other  
25 evaluations.

1 HEARING OFFICER LEACH: Okay. Has there been a time when  
2 you were a TA and maybe the professor would come into the class  
3 and observe you?

4 THE WITNESS: A professor never observed my recitations,  
5 but I did guest lecture a few times over the course of TAing  
6 and so the professor was in the room when I did that.

7 HEARING OFFICER LEACH: Did you ever receive any feedback  
8 from that?

9 THE WITNESS: I talked about it with the professor but it  
10 wasn't formal.

11 HEARING OFFICER LEACH: You mentioned and I don't totally  
12 remember the exact semesters, but you mentioned a time when I  
13 believe you were a TA for Professor Green and you mentioned  
14 your duties. You said I do the grading. I give him the best  
15 and worst three papers.

16 THE WITNESS: Yes.

17 HEARING OFFICER LEACH: Do you remember how many students  
18 would have been in your class at that point?

19 THE WITNESS: I believe the first semester I TAd for  
20 Professor Green there were 48 or 49 students in the class. The  
21 second semester I TAd for him I think that there were 46. In  
22 political science and I can only speak to political science,  
23 each recitation fills up at 17. So typically 51 students get 1  
24 TA in political science, and so a course that has 2 TAs will  
25 have a class cap at like 102.

1 HEARING OFFICER LEACH: This example that you gave, were  
2 you the only TA in that class?

3 THE WITNESS: Yes, so it was like slightly less than 50  
4 both semesters.

5 HEARING OFFICER LEACH: Per class or you mean total?

6 THE WITNESS: Total, sorry, total.

7 HEARING OFFICER LEACH: Yeah. My question was how many in  
8 each, per class.

9 THE WITNESS: Per recitation?

10 HEARING OFFICER LEACH: Yes. Or are you saying that you  
11 were teaching more than one recitation section?

12 THE WITNESS: Oh, I'm teaching three recitation sections,  
13 sorry.

14 HEARING OFFICER LEACH: Okay, okay.

15 THE WITNESS: Yeah, I was giving you the total. The  
16 papers I gave to Professor Green, it would have been the best  
17 three overall and the worst three overall, not the best three  
18 and the worst three in each of the three recitation sections.

19 HEARING OFFICER LEACH: So each section would have about  
20 17 students.

21 THE WITNESS: Right.

22 HEARING OFFICER LEACH: And your total that you gave was a  
23 total for all three sections.

24 THE WITNESS: Yes.

25 HEARING OFFICER LEACH: Okay. When you said you do

1 readings for the class, what do you mean for that?

2 THE WITNESS: In order to both follow along in lecture but  
3 also to teach the recitations, I have to be familiar with the  
4 course material. And so any reading that's assigned to the  
5 students, I am also doing.

6 HEARING OFFICER LEACH: When you mentioned and I may have  
7 just missed this that Ian Lustick?

8 THE WITNESS: Yes.

9 HEARING OFFICER LEACH: Dr. Lustick supervised you.

10 THE WITNESS: Yes.

11 HEARING OFFICER LEACH: At that time, he was the  
12 instructor of record?

13 THE WITNESS: Yes.

14 HEARING OFFICER LEACH: I think there was some talk, you  
15 discussed what you did in maybe your fourth year that you were  
16 a TA and I had a question did you ever accept other employment  
17 while teaching. So you had your TAship for the semester.

18 THE WITNESS: Right.

19 HEARING OFFICER LEACH: And then did you do anything in  
20 addition at the same time?

21 THE WITNESS: In my fourth year I was the student liaison  
22 for the faculty and graduate political theory workshops.

23 HEARING OFFICER LEACH: You got paid for that?

24 THE WITNESS: Yes.

25 HEARING OFFICER LEACH: In addition to the fellowship?

1 THE WITNESS: Yeah.

2 HEARING OFFICER LEACH: How much was that?

3 THE WITNESS: It was like \$750 for the year.

4 HEARING OFFICER LEACH: Is that something that you get at  
5 the end of the semester?

6 THE WITNESS: It is possible I got part of that at the end  
7 of the fall semester and part of it at the end of the spring  
8 semester. But, yeah, I don't exactly remember when I was paid  
9 for that.

10 HEARING OFFICER LEACH: Then you talked about the LPS  
11 courses that you taught.

12 THE WITNESS: Right.

13 HEARING OFFICER LEACH: Is that at a time when you still  
14 had the Ben Franklin fellowship?

15 THE WITNESS: Yes.

16 HEARING OFFICER LEACH: How much did you get for teaching  
17 the LPS courses?

18 THE WITNESS: Something like \$5,300.

19 HEARING OFFICER LEACH: Per course?

20 THE WITNESS: Yes.

21 HEARING OFFICER LEACH: How do you get paid? How do you  
22 receive them? Is that like monthly?

23 THE WITNESS: Yeah, it's monthly. And it's sort of in the  
24 same -- we get our fellowship monthly and then it's on top of  
25 the fellowship.

1 HEARING OFFICER LEACH: When you are a TA, are you  
2 strictly teaching undergrads?

3 THE WITNESS: Yes. I should say when I have been a TA, we  
4 taught undergrads. But that is not the same for everyone.

5 HEARING OFFICER LEACH: Okay. I was just referring to  
6 you.

7 THE WITNESS: Okay.

8 HEARING OFFICER LEACH: I'll move onto 2016 when you -- I  
9 want to be sure I'm clear. In 2016 when you were working with  
10 CTL, now you are a trainer --

11 THE WITNESS: Yes.

12 HEARING OFFICER LEACH: -- of the TAs?

13 THE WITNESS: Yes.

14 HEARING OFFICER LEACH: So then now you are in a position  
15 where you're training new graduate students who are assigned to  
16 be TAs?

17 THE WITNESS: Yes. I'm training graduate students who are  
18 newly assigned to be TAs.

19 HEARING OFFICER LEACH: You said there were 16 or 17  
20 trainers during that time and one from Engineering.

21 THE WITNESS: Yes.

22 HEARING OFFICER LEACH: Did you mention when there were 16  
23 or 17 trainers what other schools they were from? Do you have  
24 any idea?

25 THE WITNESS: I know that they were primarily from SAS.



1 But I don't remember precisely what the makeup was last year.

2 HEARING OFFICER LEACH: Do you know whether or not anyone  
3 from Wharton was there?

4 THE WITNESS: There was no one from Wharton there.

5 HEARING OFFICER LEACH: If you know this, what is your  
6 title when you're teaching your LPS classes? Do you know how  
7 you're classified in the system at that point?

8 THE WITNESS: In the payroll system?

9 HEARING OFFICER LEACH: Yes.

10 THE WITNESS: I don't know.

11 HEARING OFFICER LEACH: Okay. Then you said fifth year  
12 you were a TA, and at this point you were getting paid to  
13 teach, and you're not getting the Ben Franklin fellowship,  
14 right?

15 THE WITNESS: No. I was -- this was the last year of my  
16 Ben Franklin fellowship and I also TA'd on top of that so I got  
17 extra money on top of the fellowship.

18 HEARING OFFICER LEACH: How much was that?

19 THE WITNESS: \$5,000.

20 HEARING OFFICER LEACH: Is that for one class?

21 THE WITNESS: Yes. It's for like being a TA for one  
22 class, but I taught three recitations.

23 HEARING OFFICER LEACH: So about \$5,000 per class, is that  
24 right? Or no? I'm sorry.

25 HEARING OFFICER LEACH: \$5,000 total.

1 HEARING OFFICER LEACH: Okay, I understand. Sorry. I  
2 understand what you mean. You just had three sections.

3 THE WITNESS: Right. I did the same thing as I did every  
4 other semester which was TA three recitations, office hours,  
5 all of that I was paid \$5,000.

6 HEARING OFFICER LEACH: In addition to what you were  
7 receiving from the Ben Franklin fellowship.

8 THE WITNESS: Right.

9 HEARING OFFICER LEACH: Okay. Now we move onto when the  
10 Ben Franklin fellowship funding is done and you were teaching  
11 LPS courses. I think you told me how much that was before,  
12 right? Is it the same amount?

13 THE WITNESS: Yeah, I believe so.

14 HEARING OFFICER LEACH: As a CTL workshop, you will -- I  
15 believe you testified that -- is that Employer 56 where you  
16 have to do those workshops?

17 THE WITNESS: I think that --

18 HEARING OFFICER LEACH: Center for Teaching and Learning?

19 THE WITNESS: Yes.

20 HEARING OFFICER LEACH: That's through the Center for  
21 Teaching and Learning?

22 THE WITNESS: Yes.

23 HEARING OFFICER LEACH: I'm almost finished, appreciate  
24 your time. Can you tell me during the time -- there's been a  
25 lot of talk about your advisors at different points. From the

1 time you started in 2012 until the present, can you explain who  
2 your advisors were?

3 THE WITNESS: Sure. I was assigned Professor Norton, who  
4 we've talked about, as an advisor when I got -- when I was  
5 coming into Penn. She was one of two professors I had applied  
6 to work with. After our first year, we're able to change our  
7 advisor. And so after my first year, I changed to Professor  
8 Green. And then at some point and I don't exactly remember  
9 when, Professor Green and Professor Norton are co-chairs on my  
10 dissertation committee. But right now in the system, Professor  
11 Norton is my advisor.

12 HEARING OFFICER LEACH: So you went from Norton to Green,  
13 to both of them being your co-chairs, but at some -- right now  
14 Norton is listed as your advisor.

15 THE WITNESS: Yeah.

16 HEARING OFFICER LEACH: Do you know if that's something  
17 that's just based on your choice or it's something the system  
18 did?

19 THE WITNESS: Oh, no, it's my choice.

20 HEARING OFFICER LEACH: So at some point you switched back  
21 to Norton?

22 THE WITNESS: Yeah. I just don't -- date wise, I don't  
23 remember when it was.

24 HEARING OFFICER LEACH: There was talk about the  
25 dissertation fellowship you applied for. Did you receive it?

1 THE WITNESS: No. The dissertation completion fellowship,  
2 I applied for it but did not receive it.

3 HEARING OFFICER LEACH: You've already been notified that  
4 you didn't get it.

5 THE WITNESS: Yes. I believe I got notified about a month  
6 ago.

7 HEARING OFFICER LEACH: When you are teaching, do you know  
8 whether or not -- well, let me ask you this and then I'll ask  
9 you generally. Have you ever been disciplined for something  
10 that you did incorrect as a TA?

11 THE WITNESS: No.

12 HEARING OFFICER LEACH: Do you know if TAs are  
13 disciplined?

14 THE WITNESS: Yes.

15 HEARING OFFICER LEACH: Can you give an example?

16 THE WITNESS: I know someone who was dismissed as a TA.

17 HEARING OFFICER LEACH: When was that? You don't have to  
18 give a name.

19 THE WITNESS: I believe that it was last fall.

20 HEARING OFFICER LEACH: Do you know why?

21 THE WITNESS: Not specifically.

22 HEARING OFFICER LEACH: Has anybody ever told you -- the  
23 Union hinted on this but I just want to be clear. Has anyone  
24 ever told you what would happen if you did not TA?

25 THE WITNESS: I mean the letter suggests, my initial

1 acceptance letter suggests that if I don't TA I would not get  
2 the Ben Franklin fellowship funding.

3 HEARING OFFICER LEACH: Have you ever been told that or  
4 that's your understanding?

5 THE WITNESS: That's my understanding. I've never been  
6 told that.

7 HEARING OFFICER LEACH: Has anybody ever mentioned  
8 anything that would make you think your teaching is related to  
9 receiving that money?

10 THE WITNESS: Again, the letter suggests that, yeah, and  
11 my general understanding of being in the program and being in  
12 my department is that if I did not fulfill my teaching  
13 requirements then I would not get the funding.

14 HEARING OFFICER LEACH: The funding that you get, I guess  
15 the stipend portion, do you know do you have to repay that?

16 THE WITNESS: No, you don't.

17 HEARING OFFICER LEACH: Do you pay taxes on it or since  
18 you've been at Penn do you pay taxes on it?

19 THE WITNESS: I believe so.

20 HEARING OFFICER LEACH: I'm going to get a little bit  
21 personal. Do you fill out, like do you file taxes every year?

22 THE WITNESS: Yes.

23 HEARING OFFICER LEACH: Do you list that as income?

24 THE WITNESS: Yes, I think so.

25 HEARING OFFICER LEACH: Okay. I'm not exactly familiar

1 with what students do so I just wanted to know.

2 THE WITNESS: Right. Taxes are very confusing. That's  
3 why my answers are reflecting --

4 HEARING OFFICER LEACH: No, no, that's fine. Answer to  
5 the best of your ability.

6 THE WITNESS: Yeah.

7 HEARING OFFICER LEACH: I don't have any other questions.  
8 Does the Union have any follow-up?

9 BY MS. ROSENBERGER:

10 Q Do you know or remember whether taxes are deducted from  
11 your check that you get for your fellowship or your -- these  
12 other jobs that you held?

13 A Taxes are not deducted. Taxes, yeah, to the best of my  
14 knowledge taxes are not deducted from my check.

15 HEARING OFFICER LEACH: Does the Employer have any  
16 follow-up?

17 MR. FRYMAN: Yes, just quickly.

18 RE CROSS EXAMINATION

19 BY MR. FRYMAN:

20 Q With respect to this TA who you know who was dismissed,  
21 you don't know the circumstances of why that happened, correct?

22 A I know some of the circumstances, but I don't know the  
23 specific reason why they were dismissed.

24 Q Was that person allowed to continue in the degree program?

25 A At the time, yes.

1 Q You say at the time, did that person subsequently  
2 discontinue or drop out of the degree program?

3 A I know that it was subject to review. I don't know what  
4 happened with it.

5 Q But at the time the person was dismissed from -- dismissed  
6 as a TA but continued to be in the degree program is your  
7 testimony?

8 A Yeah.

9 Q Ms. Leach asked you about -- you testified about these 16  
10 to 17 TA trainers and she asked you whether that included  
11 anyone from Wharton. You said it did not.

12 A Right.

13 Q Was there anyone from the School of Policy and Practice?

14 A I don't remember.

15 Q Anybody from the School of Design?

16 A I don't remember.

17 Q Anybody from BGS?

18 A I don't remember. Maybe, I don't remember.

19 Q But you can't sit here and testify that there was anybody  
20 in that group of TA trainers from SP2, Design, or BGS?

21 A Right.

22 MR. FRYMAN: That's all I have.

23 HEARING OFFICER LEACH: Does the Union have any follow-up?

24 MS. ROSENBERGER: Just one follow-up.

25 FURTHER REDIRECT EXAMINATION

1 BY MS. ROSENBERGER:

2 Q About the TA who you understand was dismissed, was that  
3 someone in the political science program or a different  
4 program?

5 A A different program.

6 HEARING OFFICER LEACH: Okay. Thank you very much, you're  
7 done. I appreciate your time today.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 HEARING OFFICER LEACH: Can we go off the record?

11 (Whereupon, at 2:10 p.m., a lunch recess was taken.)

12



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

2 (Time Noted: 3:07 p.m.)

3 HEARING OFFICER LEACH: On the record.

4 The Union can call its next witness.

5 MS. ROSENBERGER: Our next witness is Salar Mohandesi.

6 HEARING OFFICER LEACH: Come up. Good afternoon.

7 THE WITNESS: Hi, how are you.

8 HEARING OFFICER LEACH: Good. Can you say and spell your  
9 first and last name for the record, please?

10 THE WITNESS: My first name -- my name is Salar Mohandesi.  
11 My first name is spelled S-A-L-A-R. My last name is spelled  
12 M-O-H-A-N-D-E-S-I.

13 HEARING OFFICER LEACH: Can you raise your right hand?  
14 (Whereupon,

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

19 DIRECT EXAMINATION

20 BY MS. ROSENBERGER:

21 Q Good afternoon, Salar.

22 A Hi.

23 Q Just before I start asking you questions, I just want to  
24 confirm you heard this morning the parties' agreement with  
25 regard to how your testimony will go during direct examination

1 and then the Employer gets a break to determine what records  
2 they may need to use on cross, and you have an opportunity to  
3 review and object to those before you are cross-examined.

4 A Yes.

5 Q Do you agree to that process?

6 A I do.

7 Q You are or were a graduate student at Penn?

8 A Yes, I was a graduate student at Penn. I graduated in  
9 May.

10 Q Of this year?

11 A Of this year.

12 Q What degree did you receive?

13 A I received a PhD.

14 Q In what field?

15 A I was in the discipline of history. My field is modern  
16 European intellectual history.

17 Q Did you go through the PhD program in the history  
18 department at Penn?

19 A Yes.

20 Q That's in the School of Arts & Sciences?

21 A Yes.

22 Q How many years did it take you to achieve your PhD?

23 A Seven years.

24 Q How many people -- if I talk about a cohort, you know what  
25 that means?

1 A Yes.

2 Q How many people were in your cohort?

3 A I think 12.

4 Q Did anyone in your cohort achieve their PhD before you?

5 A Yes, one other student defended before me. I was the  
6 second student in my cohort to defend.

7 Q What was your dissertation topic?

8 A The title of my dissertation was from anti-imperialism to  
9 human rights.

10 Q When in your seven years did you settle on that as your  
11 topic?

12 A I changed my topic several times. It's common to begin to  
13 think about a topic in your second and especially third year.  
14 I changed mine and didn't really settle on that topic until my  
15 fifth year.

16 Q You testified about the people in your cohort, in your  
17 program. Were you also -- did you have interaction with other  
18 PhD students in cohorts ahead of you?

19 A Within the history department?

20 Q Yes.

21 A Yes.

22 Q Do you know whether your experience in your cohort in  
23 terms of you got yours in your seventh year and your fellow  
24 cohort person got it in six?

25 A The person in our cohort, the student in our cohort who

1 completed before me defended after five and a half years. No  
2 one in my cohort has completed in five years which is the  
3 Franklin fellowship. Everyone in my cohort has finished after  
4 their funding ran out. In the cohort above mine, I don't know  
5 exactly. But I'm almost certain that nobody ahead of me  
6 finished in less than five years. It his highly unusual to  
7 finish in that time.

8 Q When you finished were there still people in the cohort  
9 who had not yet finished?

10 A Absolutely. And there still are.

11 Q When you were admitted to the PhD program in history at  
12 Penn, did you receive a letter telling you about that?

13 A Yes.

14 Q Did you give me a copy of that letter?

15 A I did.

16 Q Do you have any objection to that letter being admitted  
17 into evidence here?

18 A No objection.

19 (Petitioner's P-49 identified.)

20 BY MS. ROSENBERGER:

21 Q I've handed you a copy of a document marked Union  
22 Exhibit 49. Do you recognize that?

23 A Yes, I do.

24 Q Is that the letter you were referring to?

25 A Yes. This is the letter I received when I was informed

1 that I was accepted to University of Pennsylvania.

2 Q So you received that in 2010. You started in the fall of  
3 2010, yes?

4 A Yes.

5 Q You mentioned earlier the Ben Franklin fellowship. You  
6 received a Ben Franklin fellowship?

7 A Yes.

8 Q According to the first paragraph in this letter, that is a  
9 five-year Ben Franklin fellowship, right?

10 A That is correct.

11 Q In the second paragraph, it talks about that being a  
12 component of a 10-month portion there in the first sentence,  
13 right?

14 A Um-hum.

15 Q Did you get that 10-month portion for 5 years?

16 A Yes.

17 Q And then two sentences down I think it is, it says in  
18 addition, during three of your years as a Penn student, we're  
19 happy to provide an additional \$3,710 of summer fellowship  
20 support in July and August. Did you receive three summers of  
21 fellowship report?

22 A Yes.

23 Q Did I say report? Support, yes. You're nodding so that's  
24 a yes?

25 A Yes.

1 Q And then the last sentence of that paragraph says for your  
2 remaining summers there are numerous opportunities at Penn to  
3 compete for other summer fellowships as well as employment  
4 opportunities that are both remunerative and educationally  
5 valuable. We'll get into more detail but did you avail  
6 yourself of those sorts of opportunities as well?

7 A I did.

8 Q On the second page of the letter, first full paragraph,  
9 the first sentence talks about the Benjamin Franklin fellowship  
10 requires two years of service in an assistantship conducive to  
11 your professional development as a teacher or researcher.  
12 We've heard about from other witnesses there being a two  
13 service year requirement for that fellowship. Was that  
14 consistent with your understanding of what the fellowship  
15 entailed?

16 A Yes. However there is -- we were told we would have two  
17 years of services, yes. But when we arrived, we were told a  
18 different set of information about exactly what that would  
19 entail.

20 Q Who told you the different set of information?

21 A The department chair, Antonio Feros.

22 Q What was the different set of information that he told  
23 you?

24 A He told us that while it is true that the letter says we  
25 need two years of service, in fact within the history

1 department to fulfill our teaching requirements towards our  
2 degree we only need two semesters of TAing and that that would  
3 be reflected in official documents.

4 Q So the letter goes on to say the history graduate requires  
5 a minimum of four semesters of teaching experience for the PhD  
6 but you're saying Dr. Feros told you something different.

7 A Yes, which we can discuss.

8 Q And then a couple of sentences down it says at the  
9 discretion of your graduate group, a fifth year of support may  
10 involve up to one semester of service. Were you in the end  
11 required to provide a semester of service in your fifth year of  
12 support as part of your fellowship?

13 A I'm sorry. Can you repeat the question?

14 Q The next sentence is at the discretion of your graduate  
15 group, a fifth year of support may involve up to one semester  
16 of service. Do you see that?

17 A Yes.

18 Q For you, did you end up having to provide a semester of  
19 service as part of your fellowship in your fifth year?

20 A No, I did not.

21 MS. ROSENBERGER: Move for admission of Union Exhibit 49.

22 MR. FRYMAN: No objection.

23 HEARING OFFICER LEACH: Union 49 is received.

24 (Petitioner's E-49 received.)

25 BY MS. ROSENBERGER:

1 Q Let's talk about the positions that you served in while  
2 you were a student at Penn. In your first year did you have  
3 any service requirement?

4 A No.

5 Q Did you voluntarily take on any service?

6 A I did not.

7 Q So that's 2010-11, right?

8 A Yes.

9 Q And then in the summer after your first year -- let me  
10 step back. You said you got three years of summer funding?

11 A Yes.

12 Q Which years did you get them in?

13 A I got them the summer after my first year, the summer  
14 after my second year, and the summer after my third year.

15 Q So we're at the summer after your first year. You got the  
16 summer funding, right?

17 A Yes.

18 Q Did you do any sort of service for that funding?

19 A For the summer funding, no.

20 Q Did you do any separate service apart from that funding  
21 that summer?

22 A That summer, no.

23 Q What were you doing that summer?

24 A That summer I was taking German language classes to  
25 complete a language requirement. In the history department you



1 are asked to complete two languages. I came in with French,  
2 passed the exam. I was working on German. I was taking  
3 language classes over the summer. In addition, in the  
4 history department you are asked to complete a research paper  
5 your second year and I was starting to begin work on that.

6 Q Did you take those German classes at Penn?

7 A I did.

8 Q Did other doctoral students in your program take language  
9 classes that summer with you?

10 A Yes.

11 Q So then let's talk about your second year, the 2011-12  
12 academic year. In the fall of your second year did you perform  
13 any service?

14 A I did.

15 Q What was the service that you performed?

16 A I was a teaching assistant for a course on the modern  
17 Middle East, taught by Professor Firoozeh Kashani-Sabet.

18 Q Can you talk about the process of how you were assigned to  
19 a teaching assistantship in the department of history?

20 A In the department of history, standard procedure is the  
21 department administrator will send out an email saying that  
22 it's time to make selections for your TAing for the next  
23 semester, and will send out a list of courses that will require  
24 TAs or graders. This is told to us in the emails that it is  
25 variable because it depends on enrollment. It's made explicit.

1 But these are the courses that we can go with. We are asked to  
2 make a list of three courses that we would like to TA for in  
3 order of preference.

4 Q Did you do that for your fall semester?

5 A I did, yes.

6 Q With regard to the email about potential TA assignments  
7 telling you what options there are, did you give me a copy of  
8 the one for your fall semester of your second year?

9 A I believe I did.

10 Q Do you have any objection to it being admitted as an  
11 exhibit?

12 A I do not.

13 (Petitioner's P-50 identified.)

14 MR. JOHNS: Madam Hearing Officer, if I may note with  
15 respect to Union Exhibit 50, as the region, my understanding of  
16 what you said earlier, is now considering an appeal, I would  
17 note that this a document directly responsive to the subpoena  
18 that we sent to the Union. It would have been produced in  
19 advance. We would have had an opportunity to review it and  
20 prepare with respect to that document. And yet it was never  
21 produced in response to the subpoena, obviously relevant as the  
22 Union seeks to introduce it, itself, in this litigation.

23 HEARING OFFICER LEACH: Okay, your position is on the  
24 record.

25 MS. ROSENBERGER: And just in response, I don't

1 necessarily know that this would have been responsive. And  
2 it's from an administrator of Penn so it would have been in the  
3 Employer's possession.

4 MR. JOHNS: Are you making a representation that this  
5 exists right now in Penn's thing from 2011?

6 MS. ROSENBERGER: In Penn's -- oh, I don't know whether  
7 Penn --

8 MR. JOHNS: So you have no idea.

9 MS. ROSENBERGER: Yeah, that I don't.

10 MR. JOHNS: Okay, thanks.

11 BY MS. ROSENBERGER:

12 Q Mr. Mohandesi, do you recognize Union Exhibit 50?

13 A I do.

14 Q First of all, there are some things that are blacked out  
15 there. Are those other graduate students' names or email  
16 addresses?

17 A They are.

18 Q What is Union Exhibit 50?

19 A This is an email that we received explaining that we are  
20 on a list to be TAs or graders for the following semester.  
21 There is an attached document of all the courses that we can  
22 choose from. And at the bottom you can choose 1, 2, 3 in  
23 order.

24 Q Of the list of email recipients -- I just realized we need  
25 to redact a couple of other things. I apologize.

1 MR. JOHNS: I was going to say something. That's okay.

2 MS. ROSENBERGER: Yeah, we'll do that for the record  
3 before the end of the day.

4 BY MS. ROSENBERGER:

5 Q Were you on the list of recipients for this?

6 A Yes.

7 Q Did you rank your choices for this semester?

8 A I did.

9 Q This is from -- the email says or indicates that it's from  
10 Joan Plonski. Who is that?

11 A The department administrator.

12 Q For the department of history?

13 A For the department of history, yes.

14 MS. ROSENBERGER: With the understanding that we're going  
15 to do a couple more redactions before the end of the day, I  
16 move for the admission of Union Exhibit 50.

17 MR. JOHNS: No objection other than as I stated earlier  
18 the subpoena issue, but no objection to the admission.  
19 Although, I do believe that before the record closes today this  
20 document should be redacted.

21 HEARING OFFICER LEACH: Yes.

22 MS. ROSENBERGER: Yeah, that's my intent, absolutely, yes.

23 MR. JOHNS: Yeah, okay. I just wanted to make that clear.

24 HEARING OFFICER LEACH: And then we'll make a new copy and  
25 maybe we'll give you these old copies back and just make sure

1 we have the new copy in.

2 MR. JOHNS: My guess is you could use a black pen and just  
3 do it.

4 HEARING OFFICER LEACH: Oh, yeah.

5 MS. ROSENBERGER: I brought this just in case there was  
6 any other things that needed to be redacted today, so, yeah, we  
7 can use that.

8 HEARING OFFICER LEACH: Okay, no problem. So Union 50 is  
9 received and we'll do the redactions at the end.

10 BY MS. ROSENBERGER:

11 Q Then you got a TA assignment, Mr. Mohandesi --

12 A I did.

13 Q -- for the fall. And did you get a letter confirming  
14 that?

15 A I did receive a letter confirming that.

16 Q Did you give me a copy?

17 A I did.

18 Q Do you have any problem with that letter being admitted?

19 A I do not.

20 (Petitioner's P-51 identified.)

21 BY MS. ROSENBERGER:

22 Q I've handed you a document marked Union Exhibit 51. Do  
23 you recognize that?

24 A I do.

25 Q What is it?

1 A Before I started TAing, this is a letter that I received  
2 from Antonio Feros sent to me I believe by Joan Plonski  
3 explaining that -- confirming that I'd been appointed as a  
4 teaching fellow, and explaining my duties, and laying out the  
5 expectations.

6 Q We've heard a number of terms. The letter uses the term  
7 teaching fellow. I just used the term TA. We've heard about  
8 teaching assistants. Are those terms different? Do they have  
9 any difference in terms of what you do in your -- to your  
10 understanding?

11 A No.

12 Q The second sentence of the letter says regardless of your  
13 course assignment, all teaching fellows are required to attend  
14 all lectures and course planning sessions, conduct up to three  
15 recitation sections each week if your assigned course has  
16 scheduled sections, hold weekly office hours, and grade papers  
17 and exams. Is that reflective of what you did as a teaching  
18 assistant?

19 A Yes, it is.

20 Q And then it goes on to say two sentences later the  
21 position provides you with a stipend of \$2,300 and covers  
22 tuition and fees for the 2011-2012 academic year. Did you get  
23 this on top of your Ben Franklin fellowship or is this  
24 referring to your Ben Franklin fellowship?

25 A I believe this is referring to my Ben Franklin fellowship.

1 Q You didn't get a stipend on top of your Ben Franklin  
2 fellowship for this teaching assistantship?

3 A No.

4 MS. ROSENBERGER: Move for the admission of Union 51.

5 MR. JOHNS: No objection.

6 HEARING OFFICER LEACH: Union 51 is received.

7 (Petitioner's P-51 received.)

8 BY MS. ROSENBERGER:

9 Q You referred a little bit ago to emails that talk about  
10 there being a factor of enrollment in a determination or that  
11 enters into the decision about TA assignments. Did those  
12 emails also come from Ms. Plonski?

13 A Yes, they did.

14 Q Would Union Exhibit 50 -- were you referring to things --  
15 would Union Exhibit 50's reference at the second to last  
16 paragraph on Ms. Plonski's email saying assignments will be  
17 made in early to mid-August once the incoming freshmen have  
18 completed their registration. We will then have an idea of who  
19 will need assistants. Is that the kind of thing you were  
20 referring to?

21 A Yes. These kinds of phrases including explicitly words  
22 like enrollment, undergrad, freshman were used in many emails  
23 that were sent to us and also communicated to us orally by  
24 faculty and administrators.

25 Q When you got your teaching assistantship for fall of 2011,

1 did -- first of all, who were you assigned to be a teaching  
2 assistant for?

3 A I was assigned to be a teaching assistant for Professor  
4 Firoozeh Kashani-Sabet.

5 Q What was the course?

6 A The course was the modern Middle East.

7 Q What did you do for that course as a TA?

8 A My responsibilities included being present at all  
9 lectures, there are two a week; holding recitation, I had  
10 three, one on Thursday, two on Friday. I also held weekly  
11 office hours. I prepared lessons for those recitations. I  
12 read all the course materials which took considerable time  
13 because I have no formal training in the modern Middle East.  
14 This course was well outside my area of expertise. It was also  
15 the first time I was teaching. So I spent a lot of time  
16 reading the materials, preparing for recitation. Then there  
17 was of course grading. There are three quizzes, a midterm, and  
18 a final. And then always student emails about questions,  
19 asking to meet outside of office hours.

20 Q Who oversaw your work as a TA that semester?

21 A Professor Kashani-Sabet.

22 Q In what ways did she provide oversight?

23 A She began by sending us an email. When we were notified  
24 of our TA assignments, she communicated with me and a fellow  
25 TA, welcoming us to the course and explaining some of our basic



1 duties and tasks particularly for getting the course started.  
2 That's how it began. And then she was I would say a hands-off  
3 instructor. Designing, planning the recitations was largely  
4 left to the TAs. In this course we did not meet regularly with  
5 the professor, whereas in other courses that I TAd for there  
6 were weekly meetings, but not in this one.

7 Q With regard to grading for this course, did she coordinate  
8 with you on that or how did you know how to grade?

9 A Grading, if I recall correctly, we did not receive much  
10 supervision on this and had to come up with -- my co-TA and I  
11 through discussions developed a grading rubric and a way to  
12 coordinate our grading and standardize them. We largely  
13 determined that ourselves in this case.

14 Q When you graded a quiz or a paper, was then that your  
15 grading -- did the professor check that and give a stamp of  
16 approval or was your grade the grade that was given?

17 A In general that was the grade I was given.

18 HEARING OFFICER LEACH: Would you mind spelling the  
19 professor's name that you worked with?

20 THE WITNESS: Sure, yes. It is -- I think you may even  
21 find it on one of these documents. The last name is -- if you  
22 go to Union 50 and if you go to History 81/Middle East, the  
23 last name is Kashani-Sabet. The first name is F-I-R-O-O-Z, I  
24 think E-H.

25 HEARING OFFICER LEACH: Thank you.

1 BY MS. ROSENBERGER:

2 Q Were you evaluated by anyone in connection with your TA  
3 work on that course?

4 A I received student evaluations for all three of my  
5 recitation sections for that course.

6 Q Did anyone else give you feedback on your performance as a  
7 TA?

8 A In this course I did not receive feedback. It is some of  
9 my colleagues, however, have had their sections observed by the  
10 instructor of the course. I didn't have that happen in this  
11 case. As I said, Professor Kashani-Sabet was hands-off in her  
12 approach so I was not evaluated, but many of my colleagues were  
13 that semester. They had their professors come in and watch  
14 them, observe them during the recitation.

15 Q So let's talk about spring of 2012. That would be the  
16 spring of your second year, right?

17 A Um-hum.

18 Q That's a yes?

19 A Yes.

20 Q Did you go through the same kind of process for selecting  
21 your TA -- I'm sorry, let me step back a second. Were you a TA  
22 in the spring of 2012?

23 A I was.

24 Q Did you go through the same process for selecting your TA  
25 assignment?

1 A Yes, it was the same process.

2 Q You know I forgot to ask you one thing. The course that  
3 you taught in the fall of 2012 or that you were TA -- I'm  
4 sorry, the course that you were a TA for in the fall of 2012,  
5 was that your first choice?

6 A That was not my first choice.

7 Q Do you remember whether it was your second or third  
8 choice?

9 A I cannot remember. I know for -- I am a historian of  
10 modern Europe. There is a course listed in Europe. That was  
11 my Number 1 preference. Modern Middle East was not my Number 1  
12 preference especially since I have never taken a course in the  
13 modern Middle East and have no training in the modern Middle  
14 East. So that would have been not listed as Number 1.

15 Q In the spring of your second year, spring of 2012, I  
16 apologize if I asked you this already, what course did you TA  
17 for?

18 A IN the spring, I TAd for a course called the world at war.  
19 It is a course on World War II, taught by Professor Thomas  
20 Childers.

21 Q Did you go through the same process with regard to the  
22 assignment to that course?

23 A Yes, same process.

24 Q Do you remember whether world at war was your first  
25 choice?

1 A If I recall correctly it was not my first choice.

2 Q What did you do as a teaching assistant for world at war?

3 A For world at war, my work was similar to the modern Middle  
4 East except Professor Thomas Childers a little more hands-on in  
5 his approach to teaching. In addition to attending lectures  
6 which are twice a week and recitations which I had three  
7 recitations a week, he also asked us to meet once a week, all  
8 of the TAs, about an hour, sometimes more, an hour and a half,  
9 maybe even two hours, where we would discuss the content of the  
10 lectures. He would talk to us about things that we could do in  
11 the recitation, offer us some guidance. In some respects, we  
12 would use that time to -- in some cases we would use that time  
13 to prepare exams, how we would help construct the midterm exam  
14 for example. In that course, basically the same amount of --  
15 the same kinds of responsibilities, preparing recitation, the  
16 lesson planning, grading, emails, meeting students outside of  
17 class, yeah.

18 Q Similarly with regard to the grading in that class was  
19 there checking of your grading by Professor Childers, or was  
20 sort of your grade the grade, or how did that work?

21 A Our grade was the grade, but we worked with -- there are  
22 many TAs for this course. This course I should note was at the  
23 time if I recall correctly the largest course offered in the  
24 history department in terms of undergraduate enrollment. It  
25 was a highly popular course with many TAs for this one. And

1 because of that, we spent a lot of time trying to standardize  
2 our grading so we worked together to find a grading system that  
3 worked. In general, the grades that we gave at the end of that  
4 process were the ones that stood, though if we had questions  
5 about grades we could ask Professor Thomas Childers and he  
6 could review the assignments and give his input.

7 Q When you say we met to sort of come up with a common, I  
8 don't know if you said rubric, but common standards, right?

9 A Yes.

10 Q Were you meeting as TAs or as TAs with Professor Childers?  
11 Who was in that?

12 A Both. We were meeting both with Professor Childers to  
13 discuss how we were to evaluate essays for example, but also  
14 independently. We often met independently to coordinate our  
15 work in recitations so we were all teaching relatively the same  
16 kinds of things, at the same rhythm or pace so that one  
17 recitation wasn't far in advance in the chronology than another  
18 one. We also would meet together to organize study sessions  
19 for all the students in the course. So meeting together was a  
20 common part of the work involved in teaching for this course.

21 Q Did you have regularly scheduled meetings?

22 A With Professor Childers?

23 Q Yes.

24 A Yes.

25 Q Were you evaluated by students at the end of this course?

1 A We were evaluated by students.

2 Q Both for this course and the one in the fall of your  
3 second year was it the same, was it the online student  
4 evaluation that we've heard about that Penn has?

5 A Yes.

6 Q That takes us then to summer of your -- summer after your  
7 second year. You said you got summer fellowship funding,  
8 right?

9 A I did, yes.

10 Q Did you perform any service that summer?

11 A I did not.

12 Q How about then let's talk about the fall of 2012, so  
13 that's fall of your third year, right?

14 A Yes.

15 Q Did you do a TAship that fall?

16 A I did not.

17 Q Why not?

18 A As I began to explain earlier, in the history department,  
19 Antonio Feros, who was the graduate chair at the time, had  
20 communicated to use that we in fact to complete our teaching  
21 requirements we needed to complete -- we needed to TA for two  
22 courses. However, those other two -- those two other semesters  
23 of our service years could be fulfilled doing other things like  
24 grading, perhaps TAing again, or not even teaching and having  
25 teaching relief is the term that was used. The reason for this

1 was because undergraduate enrollment had been declining  
2 substantially and there were too many graduate TAs for  
3 undergrads.

4 MR. JOHNS: I'd just note for the record is he testifying  
5 as to his own belief or something that was said to him? It may  
6 very well -- I just want to make clear, yeah.

7 HEARING OFFICER LEACH: Okay, can you confirm?

8 THE WITNESS: Yes, this is something that was told to me.

9 BY MS. ROSENBERGER:

10 Q By?

11 A This was told to me not only by Antonio Feros but a number  
12 of other professors in the department of history. This is a  
13 common fact that undergrads are not taking history courses and  
14 the enrollment is beginning to decline, which causes a number  
15 of problems in the department. One of them is the surplus of  
16 graduate students vis-à-vis in relation to the undergrads. As  
17 a result, Antonio Feros had instituted a policy whereby some  
18 graduate students could be given what was called teaching  
19 relief, that is to say they did not have to teach that  
20 semester. Antonio Feros gave me teaching relief in part  
21 because I had already completed two semesters of TAing,  
22 satisfying that requirement towards my degree and also because  
23 both times I did not receive my first choice. And so he felt I  
24 had kind of done my time so to speak.

25 Q And he told you that?

1 A Yes. So he told me that I would be given teaching relief  
2 that semester, but that I would return the semester after the  
3 spring and do one more semester of TAing or grading, and then I  
4 would be finished with my service years.

5 Q So no TAing the fall of -- I mean you were not a TA or a  
6 teaching fellow the fall of 2012.

7 A Yes, I was not.

8 Q Did you do any other service that fall?

9 A I did not.

10 Q So you didn't do one of these other grader or what have  
11 you?

12 A I was not a grader, no. I did not service.

13 Q You just had teaching relief.

14 A Yes.

15 Q And did you in fact have a TA position in spring of 2013,  
16 that would be the spring of your third year?

17 A I did.

18 Q Was it the same process to select your course?

19 A Yes, it was the same process.

20 Q What course did you TA for that spring?

21 A I TAd once again for world at war taught by Professor  
22 Thomas Childers.

23 Q Was it again this large class with many TAs?

24 A Yes. I believe there are five TAs, yes. It was still  
25 considered the largest class.



1 Q Was it your first choice this time?

2 A It was not my first choice.

3 Q Were your functions the same and was the process the same  
4 as when you had TAd for that course in the spring of 2012?

5 A Yes, it was the same.

6 Q Then summer of 2013, so that's the summer after your third  
7 year, right? Did you -- you receive summer funding, right?

8 A Yes.

9 Q Did you do any service that summer?

10 A I did not, not that summer.

11 Q I didn't ask you this. What were you doing the summer  
12 after your second year?

13 A I was taking Italian classes.

14 Q So you were going for a third language?

15 Q I was going for a third language, yes. I felt that  
16 Italian would be -- could be useful to my dissertation. Of  
17 course, I ended up changing my project. But I took summer  
18 classes again as I did with German with other PhD students and  
19 the course was an intensive Italian course taught by a graduate  
20 student in the Italian department.

21 Q So that was at Penn you took that course?

22 A At Penn, yes.

23 Q What did you do the summer after your third year?

24 A The summer after my third year, in the history department,  
25 the end of your third year is when you take your comprehensive

1 exams. I had completed those exams. As Antonio Feros had told  
2 me I'd completed my service years, so I began to think  
3 seriously about my dissertation. That's when I started to read  
4 kind of specifically to identify, to kind of refine my topic.  
5 I began to plan out a research program because in history,  
6 especially if you're an historian not of the United States but  
7 of other parts of the world you will go abroad and do archival  
8 research. So I was beginning to plan out when I wanted to go  
9 abroad, which archives I wanted to look at. So that summer was  
10 spent kind of figuring out where to go with my dissertation and  
11 what I had to do complete it.

12 Q Then in the fall of 2013, so fall of your fourth year did  
13 you have any service?

14 A Yes, I did. I had to TA again.

15 Q How did it come to be that you had to TA again?

16 A We've discussed how the process works.

17 Q Right.

18 A It was the same process. I received an email from Joan  
19 Plonski. I was again under the impression that I had completed  
20 my service years and it was time for me to move on to work on  
21 my dissertation. But I decided to look at the email anyway,  
22 and glance at the courses and see what was on offer. I noticed  
23 that my name had been included as a graduate student who would  
24 be set to TA for the upcoming semester. I was, of course,  
25 quite surprised because I had been told explicitly by Professor

1 Feros that I had fulfilled my requirements.

2 I sent an email to the new department chair, who was  
3 Professor Eve Troutt Powell. We arranged a meeting. I went to  
4 her office and I asked for clarification. I explained the  
5 situation and I explained Antonio Feros' policies. She told me  
6 that now that she is department chair she has instituted a new  
7 policy, which is in fact -- which she could do because our  
8 TAing regulations were not codified in any kind of program  
9 guideline and because of that the department chair -- the  
10 graduate chair had considerable power to determine the teaching  
11 policies.

12 She had decided that whatever arrangement I had with  
13 Antonio Feros and whatever policies he had instituted were in  
14 her words "null and void." She also told me that because of  
15 this I would have to TA another semester which would be in that  
16 fall. And I, of course, I brought up the fact that I was under  
17 the impression that I had completed my requirements and I was  
18 preparing to begin dissertation research, potentially even  
19 going abroad that semester. She responded that if I "kept it  
20 up" she would make me TA into my fifth year and she asked to  
21 pull up my admissions letter, which we have shown here, read  
22 through the letter and indicated, pointing to the rather vague  
23 language, that according to the terms of the letter I could in  
24 fact be made to continue TAing into my fifth year.

25 So this is how I was told that I had to TA that semester

1 and in fact I could be told to TA yet again into my fifth year.

2 Q In the end, I think if I understand your testimony from a  
3 while ago correctly, you weren't required to do it in the fifth  
4 year.

5 A No, I was not, no.

6 Q So did you then follow the process of providing your top  
7 three choices?

8 A Well, when I heard this news I went and spoke to my  
9 advisor and I asked my advisor what his thoughts were. He was  
10 also very surprised. He communicated to the new department  
11 chair, which was Ben Nathans. We had three department chairs  
12 move in quick succession.

13 Ben Nathans reviewed it and decided that he would  
14 communicate with Eve Troutt Powell, who was now dean. I asked  
15 Warren to see if it were possible to return to the earlier  
16 arrangement, to speak on my behalf. Warren Breckman spoke to  
17 Ben Nathans. Ben Nathans spoke to Eve Troutt Powell. It was  
18 ultimately decided that, no, I would still have to teach that  
19 semester.

20 Then I asked if it were possible to perhaps grade a  
21 course, which I understood to be a little bit less work, which  
22 would free up some time for my dissertation research, which I  
23 was in my fourth year and this is generally the time that  
24 you're supposed to begin work on this. This was also asked of  
25 Ben Nathans to ask Eve Troutt Powell. And yet as it turned out

1 I was asked to TA for Thomas Childers, the Third Reich, and not  
2 my first choice.

3 Q Just so I'm clear, first of all, your understanding of  
4 what that chain of communications was came to you through your  
5 advisor?

6 A My advisor, Warren Breckman, yes.

7 Q And that chain is all within your -- well, in your  
8 department and then to Eve Troutt Powell, who was by that time  
9 the graduate dean.

10 A Yes. The chain went from advisor, to graduate chair, to  
11 dean.

12 Q You ended up TAing for Professor Childers' Third Reich?

13 A Yes. That was the Third Reich, Professor Childers. This  
14 was the third time I had TAd for Professor Childers.

15 Q What were your duties as a TA in that course?

16 A My duties were similar to my duties in the other courses  
17 that I TAd for, attending lecture twice a week, three  
18 recitations, and also a weekly meeting, grading, preparing  
19 lessons, answering -- responding to emails, meeting with  
20 students.

21 Q Was Professor Childers over -- well, first of all, how  
22 many TAs were there in this course?

23 A I don't recall the exact number. I think four, possibly  
24 five. This was also a very large course.

25 Q It sounds like World War II was popular.

1 A Yes.

2 Q Was Professor Childers' role vis-à-vis you as a teaching  
3 assistant similar in that class as it was in the world at war?

4 A It was very similar. The only difference was in world at  
5 war, the semester before I had guest lectured, and Professor  
6 Childers observed me guest lecture and gave me feedback. In  
7 this, in Third Reich, I did not guest lecture, otherwise his  
8 role was identical.

9 Q I want to go back to one thing about your -- the teaching  
10 relief that you had gotten from your prior department chair,  
11 the first of three. To your knowledge, were other -- were you  
12 the only graduate student who got teaching relief?

13 A No, I was not. There are others but -- there are others  
14 in the cohorts before me who had the same situation. There are  
15 others in my cohort. It is also not uncommon to have breaks in  
16 between TAing. One of my colleagues I think took a year and a  
17 half break in between TAing. It's also my colleagues in other  
18 departments have told me that it's very similar where they have  
19 the option to defer teaching or receive teaching relief.

20 Q So the Third Reich was your fourth teaching assistantship,  
21 right?

22 A Yes.

23 Q We heard some testimony this morning -- were you here for  
24 Ms. Hanley's testimony this morning?

25 A I was.

1 Q So you heard the testimony actually on cross-examination  
2 about the fact that her four teaching assistantships showed up  
3 on her transcript as satisfying the teaching requirements?

4 A Yes.

5 Q Does your transcript also have something similar?

6 A If I recall correctly, yes, it does. Except I think a  
7 difference in mine is that -- if I recall correctly during the  
8 testimony earlier there were four listing for requirements. In  
9 mine, I believe there are only two for the first two that I  
10 taught.

11 Q Once you had completed your teaching assistantship or  
12 teaching fellowship, did you stop providing service?

13 A No, I did not.

14 Q What else did you do?

15 A That summer I taught an LPS course.

16 Q This is the summer after your --

17 A Fourth year.

18 Q -- fourth year. So you didn't provide any service in the  
19 spring of your fourth year. You did the Third Reich in the  
20 fall of your fourth year?

21 A Yes, the spring I did not provide any services. But that  
22 summer I decided to teach an LPS course.

23 Q Did you get a letter confirming your summer teaching?

24 A I did.

25 Q Did you give me a copy of that?

1 A I did.

2 Q Do you have any problem with that being an exhibit in this  
3 case?

4 A I do not.

5 (Petitioner's P-52 identified.)

6 BY MS. ROSENBERGER:

7 Q I've handed you a document marked Union Exhibit 52. Do  
8 you recognize that?

9 A Yes.

10 Q What is it?

11 A This is the letter I received confirming that I would be  
12 teaching a course through LPS over the summer.

13 Q Were you paid for that above and beyond the amount of your  
14 Ben Franklin fellowship?

15 A Yes. I was paid in addition to the Franklin fellowship.  
16 This is a primary reason why I decided to teach the course  
17 because my summer funding was now finished and I was looking to  
18 get some more money, especially if I didn't have summer  
19 funding, so I would be paid in addition to the Franklin  
20 fellowship, which I thought I could use in place of the summer  
21 funding that I used to have but did not have any longer.

22 Q Were you instructor of record or a teaching assistant for  
23 this?

24 A I was the instructor of record.

25 Q I'm looking for the name of the course. What was the



1 course?

2 A The course was on the global 60s. The exact title of the  
3 course I don't recall, but it was a course about the 1960s and  
4 1970s globally, looking at developments in different regions of  
5 the world and how they interconnected.

6 Q What did you have to do as instructor for that course?

7 A As the instructor I was responsible for the entire course,  
8 from designing the syllabus, to managing the canvas site,  
9 uploading documents. For each class session, I prepared  
10 remarks. I basically lectured. And then we took a break and  
11 then we'd have an open discussion so I would facilitate the  
12 discussion. I would plan the lesson. I was responsible for  
13 grading, for communicating with students either through email  
14 or through meetings, and then at the end submitting final  
15 grades, so the totality of the course.

16 Q How did you come to have the opportunity to seek to teach  
17 this course? Did someone communicate -- did you ask for an  
18 opportunity to teach at LPS, or did someone communicate  
19 opportunities, or how did that work?

20 A What happens is we have an administrator in the history  
21 department who is responsible for undergraduate teaching. She  
22 will send out an email to students every year saying that LPS  
23 courses are an option. If you would like to teach one, here is  
24 the process. You need to complete these steps by this date.  
25 Here is the information. It is also common knowledge among

1 graduate students that this is the thing that people do  
2 precisely to either gain more experience, or to make extra  
3 money, or both. So I learned of this. I submitted an  
4 application. I pursued the opportunity myself and I was given  
5 the chance to each this course.

6 Q So this is the summer of following your fourth year, so  
7 your three years of funding, summer funding had run out.

8 A Yes.

9 MS. ROSENBERGER: Move for the admission of Union 52.

10 MR. JOHNS: No objection.

11 HEARING OFFICER LEACH: Union 52 is received.

12 (Petitioner's P-52 received.)

13 BY MS. ROSENBERGER:

14 Q Did you do anything else in terms of service after your TA  
15 responsibilities were completed?

16 A Yes. I also served as the assistant editor of an academic  
17 journal called Humanity, which is published by Penn Press.

18 Q How did you come to become assistant editor of that?

19 A The journal is published by Penn Press and I was told that  
20 the assistant editor position had to be filled by a current  
21 student at the University of Pennsylvania.

22 Q Who told you that?

23 A The person who told me this was in fact the assistant  
24 editor at the time, who was graduating, who also had the same  
25 advisor, Warren Breckman. He was graduating and was moving on.

1 The editor of the journal, whose name is Professor Samuel Moyn,  
2 was looking to hire a new assistant editor and I was  
3 recommended. I applied for the position and I was given that  
4 position.

5 Q Did you get a letter confirming that you were granted --  
6 you were awarded the position?

7 A I did, yeah. And I consent.

8 Q Oh, I'm sorry, yes. Did you send that to me?

9 A Yes.

10 Q And are you okay with it being an exhibit here?

11 A Absolutely.

12 Q Sorry. Thank you.

13 (Petitioner's P-53 identified.)

14 BY MS. ROSENBERGER:

15 Q I've handed you a document marked Union Exhibit 53. Do  
16 you recognize that?

17 MR. JOHNS: Again, I'm just going to note for the record  
18 and object that this is a document that would have also been  
19 responsive to the subpoena. It may in fact be in the  
20 possession of the University of Pennsylvania Press, not the  
21 University of Pennsylvania, which may very well be a different  
22 entity. That was not produced. That is clearly relevant as  
23 shown by the Union's decision to admit it, to attempt to admit  
24 it today.

25 HEARING OFFICER LEACH: Okay.

1 BY MS. ROSENBERGER:

2 Q This is the letter that you're referring to?

3 A Yes, this is the letter.

4 Q It talks about in the second paragraph that you'll get  
5 paid \$20 an hour for not more than 15 hours a week.

6 A Yes.

7 Q We've heard some testimony here about additional work  
8 needing to be approved and limits on hours. Did you have to  
9 get approval from within your program to take on this position?

10 A I spoke to my advisor and he was aware of the situation  
11 from the absolute beginning. He said it was absolutely fine.  
12 He, in fact, encouraged it. The department chair, Ben Nathans,  
13 was also aware that I was doing this. I was also put in touch  
14 with Susan Cerrone in the financial office to set up my  
15 payroll. So everybody involved in the university who like  
16 needed to know knew that I was doing this.

17 Q You were in fact paid \$20 an hour?

18 A I was paid \$20 an hour.

19 Q did that come in some separate check from Penn University  
20 Press?

21 A It did not.

22 Q I'm sorry University of Pennsylvania Press.

23 A It was not -- well, it was in addition to my Franklin  
24 fellowship. But the money, I received the money. I did the  
25 work, kept timesheets, at the end of every month submitted my

1 hours. Susan Cerrone calculated the pay and it would be added  
2 to my monthly stipend.

3 Q So did it come -- you mean to your monthly stipend check?

4 A My monthly stipend check, yes, absolutely.

5 Q So it was all in one check?

6 A It was all in one check, yes, absolutely. It was in  
7 addition to the Franklin fellowship that I was receiving.

8 Q Just so the record is clear, when you say it was all in  
9 one check that check is from the University of Pennsylvania,  
10 right?

11 A That check is from the University of Pennsylvania, not  
12 from Penn Press.

13 Q The letter says in the first paragraph, second sentence,  
14 it says you'll service in the role of assistant editor and  
15 there's a couple of things blacked out. That's it refers to  
16 your predecessor who you said was a graduate student, right?

17 A That is true.

18 Q So you said you were assistant editor and then it goes on  
19 in that sentence to say with regard to the role, processing  
20 author contracts, handling regular mail, logging submitted  
21 manuscripts, tracking submissions in the peer review and  
22 revision process, and preparing documentation for transmitting  
23 each to the Press. Did you do those things?

24 A Yes, I did all of those things.

25 Q Did you do other things?

1 A Yes. As assistant editor I was responsible for most of  
2 the daily management and operations of the journal so I was  
3 responsible for receiving submissions, organizing them,  
4 transmitting them to the editorial collective, preparing them,  
5 anonymizing them to be sent out to outside readers who then  
6 evaluate the submissions. I would gather the reviews. I would  
7 send it to the editorial collective. I would always be in  
8 touch with the author about the state of their submission.

9 I was also responsible for copy editing, formatting  
10 footnotes, bibliographies. In addition, sometimes I would do  
11 basic research regarding the content of the articles to check  
12 if there are any factual inaccuracies or if something was -- an  
13 argument was confusing or had to be revised. And I worked very  
14 closely with the editor in chief, Samuel Moyn, to bring the  
15 articles into a completed state and then to prepare each of the  
16 issues.

17 MR. JOHNS: Note my objection for the record that editor  
18 position is not an included classification in this so I'm not  
19 sure what the relevance of this testimony is.

20 MS. ROSENBERGER: It'll be connected up when I get to what  
21 he was actually classified as within Penn's payroll system.

22 HEARING OFFICER LEACH: Okay, I'm going to overrule that.

23 BY MS. ROSENBERGER:

24 Q Why did you take on this position?

25 A I began by taking on the position because I was nearing

1 the end of my Franklin fellowship. Looking at my colleagues,  
2 it was becoming really clear that I was not going to finish in  
3 five years. I would in fact need to take more years because  
4 this seemed to be average or standard in my department. So I  
5 began to think about ways of saving money for when I would lose  
6 fellowship funding. I also had some experience doing editorial  
7 work and felt that this could be an interesting experience.

8 Q In the second sentence -- I'm sorry, in the second  
9 paragraph, in the sentence that talks about the \$20 an hour for  
10 no more than 15 hours a week it says until the end of calendar  
11 year 2015. So did you continue in this role through calendar  
12 year 2015?

13 A Yes.

14 MS. ROSENBERGER: Move for the admission of Union  
15 Exhibit 53.

16 MR. JOHNS: I object to the admission relevance. It was  
17 never connected back as to why this is relevant whatsoever.

18 MS. ROSENBERGER: I'll withdraw --

19 HEARING OFFICER LEACH: Can we wait to move it in? Can  
20 you withdraw that and ask --

21 MS. ROSENBERGER: Actually, you know what? I'll do the  
22 connecting first. I'll do that.

23 HEARING OFFICER LEACH: Okay.

24 BY MS. ROSENBERGER:

25 Q Were you able to obtain your own payroll records from

1 Penn?

2 A I was. I was able to obtain my own payroll records, yeah.

3 Q Did you provide a copy of that to me?

4 A I did.

5 Q Do you have a problem with that being an exhibit in this  
6 case?

7 A I do not.

8 Q When did you obtain it?

9 A I obtained them yesterday.

10 Q Who did you obtain them from at Penn?

11 A I obtained them from the payroll office, payroll  
12 coordinator's office in Claudia Cohen Hall.

13 Q Claudia Cohen Hall, that's the name of the building?

14 A That's the building, yeah, that's the building.

15 (Petitioner's P-54 identified.)

16 BY MS. ROSENBERGER:

17 Q I've handed you a document marked Union Exhibit 54. Do  
18 you recognize that document?

19 A Yes, I do.

20 Q What is it?

21 A This is the document breaking down the various  
22 classifications I've held at the University of Pennsylvania and  
23 the amount of money I made during my seven years as a graduate  
24 student.

25 Q Were you paid on a monthly basis when you were a graduate



1 student?

2 A I was, yes.

3 Q And so we see check dates. It looks like there is one at  
4 the end of each month generally through here. Is that when you  
5 would get paid, at the end of the month?

6 A Yes.

7 Q And then obviously it has your name at the top. Do you  
8 know what the second column Home means?

9 A I'm not entirely sure, maybe my home department, the  
10 history department.

11 Q But you don't know?

12 A I don't know, no.

13 Q And then your name, right?

14 A Yes.

15 Q And then there is a column ERN, and then a job CLA, and  
16 something is cut off there. Do you know what those are?

17 A Those are your classification, whether you're considered  
18 and educational fellow, or research assistant, or whatever.

19 Q Do you know how one -- I mean those are numbers there, it  
20 doesn't say these research assistant or research fellow. Do  
21 you know how one decodes that?

22 A Yes. If you go online there is a site, a University of  
23 Pennsylvania site which gives -- basically allows you to decode  
24 all of this information, breaking it down.

25 (Petitioner's P-55 identified.)

1 BY MS. ROSENBERGER:

2 Q I've handed you a document marked Union Exhibit 55. Do  
3 you recognize that?

4 A Yes.

5 Q What is that?

6 A This is an image of the web site that I was just referring  
7 to.

8 Q That has the codes?

9 A Yes.

10 Q So if we look at the first page there is a box about  
11 two-thirds of the way down. It says job class, has some  
12 numbers, earnings type, it has the Code GF-5 or GF-1, and then  
13 some additional information. Are these the codes that you're  
14 saying you used to -- well, let me put this way, can you walk  
15 us through how you would decode what is on Union Exhibit 54?  
16 And let's just start for an example with the first line there,  
17 that 9/30/2010 line.

18 A Right. So it says GF-2 217401. So I would turn to the  
19 second page which it says 2 of 3. I would go to the bottom of  
20 that page and it would say Job Class 217401, GF-2, I would be  
21 considered an educational fellowship recipient.

22 Q You're getting that from what it says right above that  
23 box?

24 A Yes, right above it.

25 Q It says the following information should be entered in the

1 personnel payroll system for educational fellowship recipients?

2 A Yes.

3 Q So you were just talking about before we got to these  
4 documents about your time as an editorial assistant for the  
5 University of Pennsylvania Press.

6 A Yes.

7 Q And when did you start doing that?

8 A I started earlier in 2014.

9 Q Let's turn to -- earlier than what in 2014?

10 A I formally received the letter in April 2014.

11 Q The letter that is about your role of assistant editor is  
12 dated May 30, 2014.

13 A Oh, yeah. I'm sorry. I'm looking at the wrong sheet.

14 Yeah, sorry, yeah, May 30, 2014.

15 Q Okay. So let's turn to the May 2014 -- let's see here.

16 Were you certainly doing the work by June 2014?

17 A Yes.

18 Q So let's turn to -- gosh, these aren't numbered but the  
19 payroll that is 6/30/2014, several pages in. Are you there?

20 A Yes.

21 Q Then that has -- can you walk us through the same way,  
22 walk us through what is listed there for your classification  
23 codes.

24 A So 6/30/2014, GF-1 and then 20601. And then if you go on  
25 the same second page of the document that you sent us --

1 Q Union 55?

2 A Yes, Union 55. If you look at the top, you can see 20601,  
3 GF-1, I would be classified as a research assistant.

4 Q That is -- what is the second piece of what your  
5 classification is in there, the next line?

6 A 2017002. Okay, if you go to the first page, 1 of 3, you  
7 will do the same process. Look in the first box, 217002, GF-1  
8 is under the category of teaching assistant.

9 HEARING OFFICER LEACH: Where are you looking at? No, on  
10 her. Are we on 6/30/2014?

11 MS. ROSENBERGER: Yes.

12 THE WITNESS: Yes, under --

13 MS. ROSENBERGER: He's now on the second line under  
14 6/30/2014.

15 HEARING OFFICER LEACH: I see 206 --

16 THE WITNESS: Oh, if you go just above it one more.

17 HEARING OFFICER LEACH: Oh, this, okay.

18 THE WITNESS: Yeah, there's two, yeah.

19 HEARING OFFICER LEACH: Okay.

20 MS. ROSENBERGER: Oh, I'm sorry. There's two dates of  
21 6/30.

22 HEARING OFFICER LEACH: There's two 6/30s.

23 BY MS. ROSENBERGER:

24 Q So we're looking at the not bolded date and straight  
25 across from that, right? Is that where you're looking, Salar?

1 A Yes, the not bolded one, yeah, straight across, directly  
2 underneath 206061.

3 Q So the first line you said was coded as research  
4 assistant. The second line you said was coded as teaching  
5 assistant. Right?

6 A Um-hum.

7 Q And then still within that date there is one that is GF-2  
8 217401. Do you know what that is?

9 A 217401?

10 Q How do we tell what that is?

11 A That would be if you go again to the second page of the  
12 code, of the document Union-55, you will find that that is an  
13 educational fellowship recipient.

14 Q So just breaking down this payroll, you have three pieces  
15 in it, right?

16 A Yes.

17 Q Can you tell me what those three are?

18 A Teaching assistant, research assistant and educational  
19 fellowship recipient.

20 Q So at this time you were still getting your stipend,  
21 right?

22 A Yes.

23 Q And you were working for Penn Press.

24 A Yeah.

25 Q And you were teaching for LPS.

1 A Yes.

2 Q So do you know which piece of the payroll went to each  
3 role?

4 A Yes.

5 Q Which piece goes to which one?

6 A The first one goes to Humanity, which was the academic  
7 journal and I was classified as a research assistant. The  
8 second one goes to my teaching LPS and I was a teaching  
9 assistant. And then the third one will go to the Franklin  
10 fellowship.

11 Q Which you were finishing up.

12 A Which I had -- which I was finishing up.

13 MS. ROSENBERGER: Now I move for the admission of Union  
14 Exhibit 53, Union Exhibit 54, and Union Exhibit 55.

15 MR. JOHNS: Is it the Union's position that they are  
16 seeking people who hold the title of RAs but don't have  
17 research duties?

18 MS. ROSENBERGER: No. He just described research duties  
19 that he did.

20 MR. JOHNS: Editorial duties.

21 MS. ROSENBERGER: No. He described research duties in his  
22 testimony.

23 MR. JOHNS: I'll leave my objection on the record to the  
24 relevance of it.

25 HEARING OFFICER LEACH: 53, 54, and 55?

1 MS. ROSENBERGER: That's what I was moving.

2 HEARING OFFICER LEACH: Right?

3 MR. JOHNS: No, it was as to 53. I don't object to the  
4 other documents.

5 HEARING OFFICER LEACH: Okay. Well, I will still accept  
6 Union 53 with the objection noted on the record that regarding  
7 Union 53 the Union is not seeking editors.

8 (Petitioner's P-53 received.)

9 HEARING OFFICER LEACH: You put that information in for --

10 MS. ROSENBERGER: The Union is seeking research  
11 assistants, which is what Penn classified this role as.

12 HEARING OFFICER LEACH: Okay. Just so I'm clear, Union 53  
13 does talk about the witness' job at Penn Press and you're not  
14 seeking necessarily someone specifically with that title  
15 editor.

16 MS. ROSENBERGER: Not if that's their title in the payroll  
17 system, no. But if Penn classifies a person as a research  
18 assistant, yes.

19 HEARING OFFICER LEACH: Okay. And the Employer doesn't  
20 object to 54 or 55?

21 MR. JOHNS: No objection as to those documents.

22 HEARING OFFICER LEACH: Union 54 and 55 are received.

23 (Petitioner's P-54 and P-55 received.)

24 HEARING OFFICER LEACH: May I just clarify something with  
25 the witness? I want to be sure I'm looking at the right

1 numbers here. You just testified about the two lines that say  
2 6/30/2014.

3 THE WITNESS: Yes.

4 HEARING OFFICER LEACH: And the number next to it, 206061,  
5 217002, and then 206061 again?

6 THE WITNESS: No. Actually, the third one was 217401.  
7 It's these three.

8 HEARING OFFICER LEACH: Oh, I see. And just so I'm clear,  
9 you compared the numbers that we just talked about to what's  
10 listed in Union 55, yes?

11 THE WITNESS: Yes.

12 HEARING OFFICER LEACH: Okay. Thank you.

13 COURT REPORTER: Excuse me, is 53 received, ma'am?

14 HEARING OFFICER LEACH: Yes, nothing that the Employer  
15 objected to it, but it will go into the record.

16 BY MS. ROSENBERGER:

17 Q So that takes us through summer of your -- summer  
18 following your fourth year, right?

19 A Yes.

20 Q What did you do during your fifth year?

21 A During my fifth year, which is the last year of my Ben  
22 Franklin fellowship, in the fall of my fifth year I went abroad  
23 to do archival research in France so I was gone for most of the  
24 fall semester and into the winter. When I returned to the  
25 United States, I continued to do archival research around the



1 country. I went to Atlanta, Georgia. I went to Berkeley,  
2 California. I went to New York City just conducting archival  
3 research, which is very common for students in the history  
4 department to spend several months, a year, a year and a half  
5 traveling especially during the academic semester and the  
6 academic year doing the research for their dissertation.

7 Q So you did that for fall and spring of your fifth year?

8 A Yes. I was traveling doing research that year.

9 Q Then did you return for the summer or did you travel the  
10 summer, too?

11 A I returned for the summer.

12 Q Did you -- you were still -- at that point that's summer  
13 of 2015, right?

14 A The summer after my fifth year?

15 Q Yes.

16 A Yes.

17 Q And you were still working for Humanity?

18 A Yes.

19 Q Were you working for Humanity while you were traveling?

20 A I was, yes.

21 Q Then were you back on campus for your sixth year, which  
22 would be 2016.

23 A Yes, I was back on campus for my sixth year.

24 Q Did you perform any service during your sixth year?

25 A I did.

1 Q What did you do?

2 A I applied to a number of funding opportunities and  
3 fellowships. My funding was finished. I was out of health  
4 care and I would have had to pay tuition and fees, so I began  
5 to look for anyway to have funds to continue to support my work  
6 so that I could complete my dissertation. I ended up applying  
7 to and receiving a critical writing fellowship.

8 Q Can you just generally describe what that is -- well, let  
9 me ask you this, did you hear Ms. Hanley's testimony about the  
10 critical writing fellowship?

11 A I did.

12 Q She talked about not yet doing it, so did you actually do  
13 the fellowship?

14 A I did.

15 Q What did it entail?

16 A It involved two training sessions in preparation for the  
17 actual term of the fellowship, the two semesters. It involved  
18 teaching a writing seminar for two semesters. The writing  
19 seminar is, as you have heard, mandatory for undergraduate at  
20 the University of Pennsylvania. The course is about teaching  
21 writing through some kind of course content. So you choose an  
22 area that you are interested in and you use that as a vehicle  
23 to communicate writing and writing instruction. So I spent  
24 that time teaching students how to write, lesson planning, lots  
25 of group activities. The course was largely structured as a

1 writing workshop so students would produce many drafts of a  
2 given piece. I would constantly meet with them, edit them.  
3 They would edit each other's work and complete the course with  
4 a writing portfolio.

5 Q Did someone oversee your work in that?

6 A Yes.

7 Q Who?

8 A Valerie Ross.

9 Q What was her role?

10 A She was the director of the writing center.

11 Q Did it involve any sort of formal evaluation of your work  
12 in that program?

13 A Yes, it did.

14 Q What form did that take?

15 A Well, we receive student evaluations after each semester.  
16 They were more involved than the ones that I had received when  
17 I was a TA. In addition to that we had one of our classes  
18 observed by somebody -- by a mentor in the writing center.  
19 That individual would write up a formal report which would be  
20 sent to Val Ross.

21 Q Was that an individual who was a faculty member?

22 A It can be. In my case it was not. It was a graduate  
23 student who was trying to complete his dissertation and was  
24 doing this in addition to working on his dissertation.

25 Q So you did that for fall and spring of your fifth year?

1 A My sixth year.

2 Q Sixth year, I'm sorry, sixth year.

3 A Yes.

4 Q So you've been away for your fifth year and you came back  
5 and did that in your sixth year.

6 A Yes.

7 Q Was it done by the end of the spring semester? It didn't  
8 continue into the summer, did it?

9 A It did not continue into the summer.

10 Q What did you do during the summer?

11 A During the summer of that year I was waiting to hear back  
12 from applications that I had sent out because I was back in the  
13 same position of having no funding and potentially no  
14 healthcare, and having to pay tuition and fees. So I was  
15 trying to figure out what options I had. And in the meantime I  
16 was working on my dissertation, at this point in the writing  
17 phase. I had completed several chapters and it was my plan to  
18 finish the following year.

19 I applied to a bunch of fellowships and I learned that I  
20 had received a dissertation completion fellowship. So that  
21 summer was spent figuring out what I was doing next year and  
22 writing.

23 Q Your dissertation completion fellowship, was that for your  
24 entire seventh year?

25 A Yes, it was.

1 Q Let me step back a second to the critical writing  
2 fellowship.

3 A Sure.

4 Q Did that include a stipend?

5 A Yes. It included stipend, health care, and tuition and  
6 fees.

7 Q How about the dissertation completion fellowship?

8 A The dissertation completion fellowship also included  
9 stipend, health care, tuition and fees, but it was not  
10 contingent on the work, whereas the writing center fellowship  
11 it was made very clear that these benefits were connected to  
12 the work that you were doing for the center.

13 Q Are you familiar with something in the School of Arts &  
14 Sciences that involves awards to teaching assistants?

15 A I am.

16 Q Did you happen to receive any?

17 A I did. I received two awards for teaching during my time  
18 at the University of Pennsylvania.

19 Q What were the two?

20 A I can't recall the exact titles but one was I think called  
21 the Penn prize for excellence in teaching and the other one was  
22 a dean's award for teaching.

23 Q I'm sorry, wait, sorry. Did you get a letter confirming  
24 your receive of one of those awards?

25 A I did.

1 Q Did you give it to me?

2 A I did.

3 Q Do you have any problem with it being an exhibit here?

4 A No problem with that.

5 (Petitioner's P-56 identified.)

6 BY MS. ROSENBERGER:

7 Q I've handed you a document marked Union Exhibit 56. Do  
8 you recognize this?

9 A Yes.

10 Q What is it?

11 A This was the letter I received informing me that I had  
12 been selected to receive the dean's award for distinguished  
13 teaching.

14 Q It indicates in the first paragraph that it is the -- the  
15 award is for the 2015-16 academic year.

16 A Yes.

17 Q Do you remember when about you received this?

18 A When I received the?

19 Q When you received the letter or the award.

20 A I received the award soon after I received -- I received  
21 the award I think in April of -- I'm sorry, I can't recall. I  
22 received it somewhere around this time.

23 Q Around the 2015-16 school year?

24 A Yes.

25 Q I'd just note at the top there is a date of June 16, 2017.

1 That's just the way this printed out? Do you see the date up  
2 there?

3 A Yes, yeah, that confused me for a second.

4 Q That wasn't the actual date when you received the letter?

5 A No.

6 MR. JOHNS: Objection. She's kind of leading him through  
7 that. She should ask the questions. And again I would note  
8 June 16th, this was apparently printed out at a time period it  
9 could have been produced pursuant to the subpoena.

10 HEARING OFFICER LEACH: First I would ask if Ms.  
11 Rosenberger would ask the witness about the date so we can  
12 clarify what the date is. And then I can deal with the  
13 objection.

14 BY MS. ROSENBERGER:

15 Q Okay. So my question to you is, is June 16, 2017, the  
16 date you received it?

17 A No, it's not possible because I graduated. Yeah, that is  
18 not the date.

19 Q And if I understand you correctly, you received it  
20 sometime toward the end of the 15-16 school year?

21 A Yes.

22 HEARING OFFICER LEACH: And so now the Employer is  
23 objecting based on the subpoena issue?

24 MR. JOHNS: No. I objected based on the fact that she was  
25 leading him into what the date was without actually asking what

1 that was. I just noted for the record that it was a document  
2 that would have also been responsive to the subpoena.

3 HEARING OFFICER LEACH: Oh, I see. Okay.

4 MS. ROSENBERGER: And on that latter issue, I would note  
5 for the record that it came from the dean, who testified a few  
6 days ago in this case.

7 MR. JOHNS: I would note that if it shows June 16, 2017,  
8 it was printed out by someone else in the course of this  
9 proceeding, not by Steve Fluharty. This was printed out  
10 recently in the course of this proceeding. This is not a copy  
11 of what was sent by Mr. Fluharty. Obviously, it wouldn't be  
12 dated that as you just noted if it were.

13 MS. ROSENBERGER: Okay. I'll ask a follow-up question.

14 BY MS. ROSENBERGER:

15 Q Other than the date on this document --

16 A Yes.

17 Q -- that is marked Union Exhibit 56, does it accurately  
18 reflect the letter that you received at the end of the 2015-16  
19 school year?

20 A It does. And cc'd in the email were all the individuals  
21 that you see at the bottom.

22 Q All of that was on the letter?

23 A Oh, yes.

24 Q Was the June 16, 2017 date on the letter that you  
25 received?



1 A No, it was not. I don't know how that got there.

2 Q That's not part of what you received?

3 A No. It is not, no.

4 Q But the rest is?

5 A Yes.

6 HEARING OFFICER LEACH: Okay. Have we dealt with the  
7 objection at this point? The Employer has objected and the  
8 Union responded to that.

9 MR. JOHNS: Yeah, no objection.

10 HEARING OFFICER LEACH: So now we need to move it in?

11 MS. ROSENBERGER: Yes.

12 HEARING OFFICER LEACH: What's the Employer's position on  
13 that?

14 MR. JOHNS: No objection.

15 HEARING OFFICER LEACH: Then Union 56 is received.

16 (Petitioner's P-56 received.)

17 BY MS. ROSENBERGER:

18 Q The first paragraph, third sentence says these awards are  
19 presented annually to graduate students in the Arts and  
20 Sciences to recognize their contributions to teaching at the  
21 undergraduate level. Were you aware of these awards being  
22 granted to others, in other years?

23 A Yes.

24 Q You had mentioned a second award. That was a different  
25 award that you received.

1 A Yes.

2 Q Was it in a different year?

3 A Yes, it was.

4 Q This award carries with it according to the second  
5 paragraph a \$600 prize. Did you receive that payment?

6 A I did.

7 Q Did the other award that you received carry a payment as  
8 well?

9 A It did.

10 Q What was that?

11 A If I recall correctly it was \$500.

12 Q Do you know what the process was with regard to the School  
13 of Arts & Sciences dean's award for distinguished teaching by  
14 graduate students, do you know what the process was for  
15 determining who would be the recipient of that award?

16 A I believe the process began through student  
17 recommendations so my students in the courses that I taught  
18 recommended me. It went through either to the dean of the  
19 School of Arts & Sciences or some SAS administration. And then  
20 through that, my department had to second the nomination, had  
21 to compile a dossier that included my evaluations, a letter of  
22 recommendation from other professors, as well as a letter of  
23 endorsement from the graduate chair, which was then sent over  
24 before the final decision was made. I wasn't -- they didn't  
25 tell me the exact process. They just told me these are the

1 people involved. These are the things that need to be in this  
2 dossier.

3 Q You compiled the dossier?

4 A I did not. I just indicated to my advisor, Warren  
5 Breckman, to one of my professors, Thomas Childers, that I had  
6 been awarded this or I had been nominated, that they were  
7 asking for a letter of recommendation from them. They had seen  
8 my student evaluations. So, just reminding them that they  
9 should get in touch with the graduate chair and complete the  
10 necessary steps.

11 Q Did you publish any scholarly articles while you were a  
12 graduate student at Penn?

13 A Yes, I did.

14 Q Were you the sole author or co-author?

15 A I published -- all the articles that I published I was the  
16 sole author.

17 Q In your teaching assistant positions within the history  
18 department, were any of the teaching assistants with whom you  
19 worked from other schools or colleges -- sorry, other schools  
20 within Penn?

21 A No.

22 Q Were they from other departments within Penn, within SAS?

23 A In my experience, no. But I have heard of situations  
24 where students from other departments like comparative  
25 literature or the history and sociology of science may be also

1 assigned as TAs; but in my experience, no.

2 Q When you -- withdrawn. That's all I have on direct, thank  
3 you.

4 HEARING OFFICER LEACH: The Employer is going to have some  
5 questions for you. Do you need a break?

6 MR. JOHNS: Well, we're going to take a break so we can  
7 review the documents.

8 HEARING OFFICER LEACH: Okay. Can we go off the record?  
9 (Off the record from 4:38 p.m. to 4:52 p.m.)

10 COURT REPORTER: Back on the record.

11 HEARING OFFICER LEACH: So before the Employer does its  
12 cross-examination, it will tell the Union what documents it  
13 will present.

14 MR. JOHNS: Sure. In general terms, the categories of  
15 documents would be Dr. Mohandesi's transcript, his CV, various  
16 appointment letters for fellowships while at the University of  
17 Pennsylvania.

18 HEARING OFFICER LEACH: Does the Union --

19 MS. ROSENBERGER: I don't have an objection at this time  
20 to that on relevance grounds.

21 HEARING OFFICER LEACH: So for the witness, you can either  
22 -- you have an option to say you do not object to those  
23 documents being presented for purposes of this proceeding or if  
24 you would like you can go into a private room and you can  
25 review the documents first.

1 THE WITNESS: Can I review the documents first?

2 HEARING OFFICER LEACH: Sure. Can we go off the record?

3 (Off the record from 4:53 p.m. to 4:56 p.m.)

4 COURT REPORTER: We are back on the record.

5 HEARING OFFICER LEACH: The witness had an opportunity to  
6 review the documents that the Employer wants to present. For  
7 the witness, do you have any objection to the Employer  
8 presenting those documents?

9 THE WITNESS: I do not object.

10 HEARING OFFICER LEACH: Oh, can we move Union 50 into  
11 evidence now that the redactions have been done?

12 MS. ROSENBERGER: Yes.

13 MR. JOHNS: Yes, no objection.

14 HEARING OFFICER LEACH: Union 50 is received.

15 (Petitioner's P-50 received.)

16 HEARING OFFICER LEACH: Okay, the Employer can do their  
17 cross now.

18 CROSS-EXAMINATION

19 BY MR. JOHNS:

20 Q Good afternoon, Dr. Mohandesi.

21 A Good afternoon.

22 Q It is doctor, right? You have graduated from the  
23 university?

24 A Thank you, yes.

25 Q Dr. Mohandesi, why did you decide to enroll in the PhD

1 program at the University of Pennsylvania?

2 A That's a good question. I graduated in 2009 from  
3 undergraduate. There was a recession. It was a time of  
4 confusion and I wasn't quite sure what to do with my life.  
5 Graduate school seemed like a pretty interesting option. I  
6 liked learning and reading. I thought I would try my hand at  
7 learning how to teach. A professor seemed like it could be a  
8 career path so I decided to apply.

9 Q So you applied in 2010 and were accepted in 2010 or  
10 applied in 2009/2010 time frame?

11 A Yes.

12 Q Did you do anything between the time you finished your  
13 undergraduate studies and the time you began as a PhD?

14 A What specifically?

15 Q Well, no, did you have employment or something, did you  
16 study somewhere else?

17 A Yes, I studied.

18 Q Where at?

19 A I went abroad to France where I studied.

20 Q So you came to the University of Pennsylvania in August of  
21 2010, is that right?

22 A Yes.

23 Q What was your degree in at William and Mary?

24 A I got a Bachelor of Arts. I double majored in literary  
25 and cultural studies and in history.

1 Q When you were admitted as a PhD student at the University  
2 of Pennsylvania, it was in to the history graduate group?

3 A Yes.

4 Q Did you also receive a Master of Arts in history from the  
5 University of Pennsylvania in December of 2012?

6 A I did.

7 Q How did you come to get that degree?

8 A The history department accepts students who have BAs or  
9 who have masters degrees. If you do not have a master's  
10 degree, you have the option of earning one as you proceed along  
11 the PhD program usually at the end of your second year.  
12 However, as I said, some students are accepted with masters  
13 degrees and their timetable to completion is a little bit  
14 different.

15 Q You were not accepted with a master's degree?

16 A I was not.

17 Q So you earned a master's degree along the way as you were  
18 earning your PhD from Penn?

19 A Yes.

20 Q What were the requirements of earning that master's  
21 degree?

22 A I do not recall the precise requirements. I believe it  
23 was two years of course work, a research paper, possibly some  
24 other requirements.

25 Q Following receiving that master's degree in December of

1 2012, you continued on for Penn. There was no break from that  
2 point when you got that to coming back. You continued on to  
3 get the PhD which you just received in May.

4 A Absolutely, yes. It's not seen as a significant break if  
5 you come in as a terminal PhD student.

6 Q Got it.

7 A In fact some people do not even apply for it.

8 Q You would agree with me that currently you are no longer  
9 enrolled as a student at the university?

10 A No, I have graduated.

11 Q And you defended your dissertation?

12 A I did defend.

13 Q When did you do your dissertation defense?

14 A In March.

15 Q March of 2017?

16 A Yes.

17 Q At the time you were accepted into the PhD program in  
18 history at Penn, you received an admission letter, correct?

19 A Yes.

20 Q That letter I believe has been put into evidence already  
21 in this case as Exhibit U-49. Is that right?

22 A Yes.

23 Q Did you receive this letter, U-49, on or about the dates  
24 noted in the March time frame of 2010?

25 A Yes.



1 Q Was this your first notification for the University of  
2 Pennsylvania that you had been accepted into this program?

3 A I believe so.

4 Q I assume you read U-49 at the time you received it.

5 A I did.

6 Q You would agree with me that it generally outlines among  
7 other things both the funding package you would receive as well  
8 as certain requirements of the degree?

9 A Yes.

10 Q And this letter outlined the terms of the Ben Franklin  
11 fellowship, is that right?

12 A It did.

13 Q And the Ben Franklin fellowship was a fellowship that you  
14 received from the University of Pennsylvania upon admission as  
15 a student in March of 2010?

16 A Yes.

17 Q That continued for a five-year period while you were both  
18 obtaining your master's degree as you said, as well as moving  
19 along towards obtaining your PhD degree.

20 A Yes.

21 Q Now with respect to this fellowship, you would agree with  
22 me that in certain years of the Ben Franklin fellowship there  
23 are no service requirements whatsoever?

24 A Yes.

25 Q And the terms as outlined in this letter suggest that

1 there are no service requirements in the first and fourth  
2 years, and in the fifth year there generally is not but there  
3 could be. Is that a fair way to characterize it? And if you  
4 don't think so, please tell me.

5 A Can you repeat the question, please?

6 Q Generally speaking this letter outlined the terms of the  
7 Ben Franklin fellowship, correct?

8 A Yes.

9 Q With respect to that, generally speaking, there were  
10 certain years of the Ben Franklin fellowship that had no  
11 service requirements attached to them, correct?

12 A Yes.

13 Q That would be the first year?

14 A The first year, yes.

15 Q The fourth year?

16 A It states that, yes.

17 Q And potentially the fifth year, although there might still  
18 be a service requirement in the fifth year. Is that generally  
19 what the letter said? I believe you talked earlier about it  
20 being vague.

21 A It seems to suggest that in my reading.

22 Q Thank you. So you enrolled at the university  
23 understanding that U-49 set forth certain terms both of the  
24 program you would be enrolling into academically, as well as  
25 certain terms of the fellowship that you would be receiving for

1 at least a five-year period.

2 A Yes.

3 Q You also understood on Page 2 that there were two years of  
4 teaching assistantship experience required in order to obtain  
5 the degree?

6 A It says a minimum of four semesters of teaching experience  
7 for the PhD.

8 Q If I'm looking at the first full paragraph on Page 2, the  
9 Ben Franklin fellowship requires two years of service in an  
10 assistantship conducive to your professional development as a  
11 teacher or researcher. Do you see that?

12 A Yes.

13 Q That's what I was referring to.

14 A That's what the letter states.

15 Q And you enrolled in the university understanding that that  
16 was an element of your degree program, correct?

17 A I didn't understand what two years of service meant; but,  
18 yes. This is what the letter was and I signed it.

19 Q Now before enrolling did you look to see if the history  
20 department had any documents available to you as a prospective  
21 student that would outline the degree requirements of the  
22 program?

23 A Yes. If I recall correctly, the program guidelines which  
24 I had mentioned earlier were available online and I reviewed  
25 those but I found them quite vague. When I communicated with

1 other students in the department, I was told that they were out  
2 of date. So I did look into other materials.

3 Q All right, so let's talk about what you looked at. You  
4 said you looked at program requirements that were available  
5 online?

6 A On the history department's web site, yes.

7 MR. JOHNS: I'm going to be referring to document E-10.  
8 It's already been admitted into evidence. I did bring an extra  
9 copy for Dr. Mohandesi so we don't have to look through the  
10 huge piles of document.

11 HEARING OFFICER LEACH: Okay.

12 THE WITNESS: Thank you.

13 BY MR. JOHNS:

14 Q If you could take a moment, Dr. Mohandesi, to look at  
15 Exhibit E-10 and then tell me when you are ready?

16 A Sure.

17 (Pause.)

18 THE WITNESS: Yep.

19 BY MR. JOHNS:

20 Q Okay. Now you stated earlier that you reviewed certain  
21 documents on the department of history's web site concerning  
22 the program requirements. Did you review Exhibit E-10 before  
23 you enrolled at the university?

24 A I did not, no. Well, this was not a document that I  
25 reviewed. There is one that was titled program guidelines, but

1 it was a much earlier version that differed in some details.

2 Q So this is a later version of the document.

3 A This is an updated and revised version, which was revised  
4 in part because graduate students were confused about the  
5 process and initiated a procedure to revise the program  
6 guidelines.

7 Q Do you know when these were revised?

8 A I believe they took place sometime in my third or fourth  
9 year.

10 Q Do you believe this to be an accurate list of the  
11 requirements for a PhD degree in history at the University of  
12 Pennsylvania?

13 A I do not, no.

14 Q What do you believe is inaccurate about it?

15 A For example, if you -- there are no page numbers on this,  
16 but if you turn to the PhD candidacy exam and if you go to the  
17 paragraph that says --

18 Q Hang on a second so that I can find that as you said the  
19 location. I see qualifying evaluation. Qualifying evaluation,  
20 is that what you're talking about?

21 A Yeah. So if you turn to the page after that, so the PhD  
22 candidacy examination on the next page, it says the PhD  
23 candidacy examination may not be scheduled until all courses  
24 have been met. If you go to the next paragraph it says -- oh,  
25 the bottom of that paragraph it says students who enter the

1 Penn graduate history program with -- no, that's not correct.  
2 Oh, yeah, students whose entire graduate careers have been at  
3 Penn, that is to say students who have come in without a  
4 master's degree, will take the examination no later than --

5 Q Can you tell me where you are reading from, because I  
6 don't see it?

7 A First paragraph, third sentence.

8 Q Okay.

9 A Students whose entire graduate careers have been at Penn  
10 will take the examination no later than the end of the spring  
11 term of their third year of graduate study. I know of students  
12 who have actually taken the exam after that point into the  
13 summer or possibly into the fall. This is just one thing that  
14 jumped out at me. This is a long document. I can review the  
15 entire thing and point things out.

16 Q Let's go through piece by piece and see if you would agree  
17 with me that certain elements of this reflect what are the  
18 requirements in the history degree at the University of  
19 Pennsylvania.

20 A As I was -- as I understand them when I was accepted or as  
21 they are now?

22 Q I would say I would ask you as they are now and if you  
23 believe they were different when you were accepted please tell  
24 us.

25 A Okay.

1 Q So if you turn to Page 2, there definitely appears to be a  
2 section that would be a course requirement for PhD students of  
3 history, correct?

4 A Yes.

5 Q And you would agree with me that an element of obtaining  
6 the PhD degree at the University of Pennsylvania is taking  
7 certain courses, correct?

8 A Yes.

9 Q And that is true currently and that was also true at the  
10 time you enrolled, correct?

11 A That is true.

12 Q Now the next page talks about a second year research  
13 requirement. Do you see that?

14 A Yes.

15 Q Is that a requirement of the PhD degree at the University  
16 of Pennsylvania?

17 A I believe so, yes.

18 Q You completed that as part of your own program?

19 A I did.

20 Q That was also part of your master's degree, as you  
21 testified earlier?

22 A It may have been.

23 Q You don't recall?

24 A It was never told to me that this is a requirement for the  
25 master's. It was just said that I had to do this. Nothing was

1 really framed as things you need to do for the master's since  
2 those of us who applied for a PhD were doing this to get a PhD.

3 Q If you turn I think another two pages in -- well,  
4 actually, no, just to the next page. There is something listed  
5 that's called the language and technical competency  
6 requirement. Do you see that?

7 A Yes.

8 Q Is it a requirement of the PhD program in history that you  
9 complete certain language requirements?

10 A Yes, it is.

11 Q Is that true currently and was it also true at the time  
12 you enrolled?

13 A It was true, but the terms were different. The language  
14 here reflects the changes that the students asked for after a  
15 long period of confusion regarding what constituted a language  
16 exam that could count for completing the language requirement.

17 Q But that being said there was a language requirement both  
18 at the time you enrolled and now?

19 A There was, yes, and there is now.

20 Q There is a section titled above that language requirement  
21 something called preceptorials. Do you see that?

22 A Yes.

23 Q Can you explain to us what a preceptorial is?

24 A Concerned field -- would you like me to read it?

25 Q Well, I'm asking you if you know what it is.



1 A I do not know what it is, no.

2 Q If you read it then let me know when you're ready I'll ask  
3 you a question about that as well.

4 A Okay.

5 Q Did you ever have a preceptorial at the University of  
6 Pennsylvania?

7 A According to the terms defined here, yes.

8 Q Can you explain to us what you did with respect to a  
9 preceptorial?

10 A So I enrolled as a graduate student in modern European  
11 history. There were few modern European history courses  
12 offered. In fact, I think close to none. My advisor, however,  
13 taught a series of undergraduate courses in modern Europe and  
14 specifically modern European intellectual history, which is my  
15 field of expertise. He recommended that I take the  
16 undergraduate course, sit in but do supplemental readings and  
17 meetings and work. This is also something that he had  
18 suggested to students before me, advisees before me and they  
19 had done the same.

20 Q So essentially it's the equivalent of course work except  
21 you're not in a graduate level course?

22 A Well, it is an undergraduate course that you are sitting  
23 in, but you have extra meetings with the instructor of the  
24 course where you do extra assignments and readings. It's not  
25 quite an undergraduate course.

1 Q Got it, okay. Is it your understanding that that's a  
2 requirement of the degree to go through a preceptorial or is  
3 that something that is voluntary?

4 A It was communicated to me that this was not a requirement  
5 but something that I should do since there is -- how should I  
6 put it, a kind of gap in the coverage of history in our  
7 department. And to make up for that so I could get the  
8 instruction in the fields that I was to be examined in and I  
9 would eventually go on to teach, it would be necessary or not  
10 necessary but it was suggested that I could do this.

11 Q So a gap in the course work that was available to you, so  
12 this was a way of filling in the gap with respect to that area  
13 that would be good for your development as a student.

14 A Yes.

15 Q If you'd turn to the next page, please, there is something  
16 that's called field requirements. Do you know what that is?

17 A Yes.

18 Q Can you explain to us what a field requirement is?

19 A A field requirement, so when we take our exams at the end  
20 of our third year, not all students take it at the end of the  
21 third year but generally you take it at the end of the third  
22 year. That's when I took it. You are supposed to designate  
23 certain fields which are areas of general -- they are ways of  
24 dividing the discipline of history into areas of inquiry and  
25 you are supposed to identify three of these areas of inquiry,

1 prepare materials, and you'll be examined within those fields.

2 Q Did you understand that to be a requirement of your PhD  
3 degree?

4 A I did.

5 Q Did you complete that requirement?

6 A I did.

7 Q Next thing listed is a teaching requirement. Do you see  
8 that?

9 A Yes.

10 Q That was as we spoke of earlier and as you spoke of for a  
11 long amount of time on direct examination, this was serving as  
12 a TA for up to four semesters, is that right?

13 A I'm sorry. What was the question?

14 Q This was a requirement of your degree that you serve as a  
15 TA for up to four semesters?

16 A Again, as I said, it was not entirely clear what the  
17 requirement was.

18 Q It was specifically listed in your admission letter that  
19 you had the requirement of teaching for a minimum of two years  
20 at the university, correct?

21 A Two years of service?

22 Q Right.

23 A Yes, two years of service.

24 Q That was specifically listed, two years of service as  
25 either teaching or research, correct?

1 A It wasn't clear to me what service meant. But that's what  
2 the letter said, two years of service.

3 Q Teaching or research, two years, correct?

4 MS. ROSENBERGER: He just answered that question.

5 MR. JOHNS: Well, he said he wasn't entirely sure what it  
6 meant. I'm just trying to get a sense of what was the issue in  
7 determining what teaching or research meant.

8 THE WITNESS: When someone says two years of service and I  
9 was looking at the letter, I was unclear exactly what that  
10 entailed.

11 HEARING OFFICER LEACH: I'm going to sustain the objection  
12 then because I believe he answered to the best of his ability  
13 what he thought two years of service meant.

14 BY MR. JOHNS:

15 Q Okay. So let's go back to Union Exhibit 49 for a second,  
16 Dr. Mohandesi. You seem to have great difficulty understanding  
17 and maybe I can cut through this. On Page 2, the first full  
18 paragraph, the second sentence of the first full paragraph, it  
19 states as follows. The history graduate group requires a  
20 minimum of four semesters of teaching experience for the PhD.  
21 Do you see that?

22 A Yes.

23 Q Did you have difficulty understanding what a minimum of  
24 four semesters of teaching experience meant?

25 A No. This is what it says here.

1 Q So you understood coming in that it was a requirement of  
2 the degree that you teach for four semesters in order to obtain  
3 your PhD in history from the University of Pennsylvania,  
4 correct?

5 A This is what the letter stated.

6 Q Did you understand that, Dr. Mohandesi?

7 A I understood that that was written in the letter that I  
8 signed.

9 Q So when you take that and then look at Exhibit E-10 that's  
10 consistent with the letter you were sent. E-10 states that  
11 there will be a minimum of two years in teaching for PhD  
12 students in history at Penn, correct?

13 A Where are you reading?

14 Q I'm in the second sentence of the section titled teaching  
15 requirement which states as follows, history PhD students teach  
16 for a minimum of two years during their time at Penn. Do you  
17 see that?

18 A I do, yes. Are you -- I'm not sure if by teaching, you  
19 also mean grading. Is this considered the same thing?

20 Q The thing is what's nice about this proceeding, Dr.  
21 Mohandesi, is that I get to ask the questions, not you.

22 A Sure.

23 Q If you want to clarify what your answer is that's fine.  
24 What was your understanding of what teaching meant?

25 A This says history PhD students teach for a minimum of two

1 years, though there is a great range in what would constitute  
2 teaching.

3 Q Oh, I understand. So you would say there is a great range  
4 of what you would characterize as instructional activities?

5 A I mean when I read this sentence, sure.

6 Q That might include things such as serving as a TA,  
7 conducting recitation sections, occasionally lecturing, serving  
8 as an instructor of record, grading, creating lesson plans, all  
9 those things are instructional activities, correct?

10 A Sure.

11 Q All those things are the types of things that someone who  
12 wants to obtain a position in academia might seek to get  
13 training in at some point in time, correct?

14 A Sure.

15 Q The next thing listed after teaching requirement is the  
16 PhD qualifying evaluation. Do you see that?

17 A Um-hum.

18 Q You need to say yes.

19 A Yes.

20 Q Can you explain to us what your understanding of the PhD  
21 qualifying evaluation is?

22 A Can you give me a moment to read this?

23 Q Certainly.

24 A Okay.

25 Q What is your understanding of the PhD qualifying

1 evaluation?

2 A I understand this to be a review of the student's progress  
3 at a certain stage in the program, say after the first year,  
4 signed off by the supervisor.

5 Q So it's a review of the student's progress and academic  
6 development at a certain point in time signed off by a faculty  
7 advisor for the student?

8 A That's my understanding.

9 Q The next thing that's listed is a PhD candidacy exam. Do  
10 you see that?

11 A Yes.

12 Q Do you agree with me that it was a requirement of the PhD  
13 degree in history at Penn that you had to pass certain exams?

14 A It was a requirement.

15 Q Is it still a requirement?

16 A Yes, it is still a requirement.

17 Q The next page listed there is a section entitled  
18 dissertation. Do you see that?

19 A Yes.

20 Q Is it a requirement of the PhD degree in history at Penn  
21 that you complete a dissertation?

22 A It is.

23 Q You have to do research to create a dissertation?

24 A Yes.

25 Q And a dissertation is supposed to be a piece of

1 independent work?

2 A Yes.

3 Q That culminates eventually once the work is written in a  
4 dissertation defense that you talked about earlier?

5 A Yes.

6 Q Following that, assuming that you successfully defended,  
7 you've completed the PhD requirements in history at Penn?

8 A Yes.

9 Q Now isn't it true, Dr. Mohandesi, that your transcript,  
10 your academic transcript at Penn contains information  
11 concerning whether or not you met all those requirements?

12 A I believe it does.

13 Q Have you reviewed your academic transcript at the  
14 University of Pennsylvania?

15 A I have.

16 (Employer's E-57 identified.)

17 BY MR. JOHNS:

18 Q Dr. Mohandesi, I've shown you a document that we have  
19 marked as Exhibit E-57. Do you see this document?

20 A Yes.

21 Q Do you recognize it?

22 A I do.

23 Q Can you tell us what it is?

24 A This is a copy of my academic transcript.

25 Q I'd like to go through a few things on here first of all.



1 At the top it says certificate in college and university  
2 teaching. Do you see that?

3 A Yes.

4 Q Can you tell us what that is?

5 A It is the -- that is the CTL certificate which we talked  
6 about earlier today.

7 Q Which there was testimony about from a different witness  
8 earlier today, correct?

9 A That is true.

10 Q With respect to that you had to complete certain  
11 requirements in order to get that certificate?

12 A Yes.

13 Q Can you just generally describe what requirements you  
14 completed to gain that certificate?

15 A I believe it involved attending certain workshops,  
16 submitting a statement of teaching philosophy, and perhaps --  
17 it was a long time ago, perhaps other requirements.

18 Q As you sit here today that's your recollection of what it  
19 involved.

20 A There were definitely workshops. I had a statement of  
21 teaching philosophy. I believe I was observed. But, yes,  
22 that's all that I remember.

23 Q You were not required to get that certificate in order to  
24 obtain a PhD degree in history, correct?

25 A No, you are not.

1 Q Why did you choose to do it?

2 A To be honest, I thought having another line on my CV would  
3 look good when I applied for jobs.

4 Q If you look at that, going down from that certificate in  
5 college and university teaching, there appear to be certain  
6 classes that are listed, correct?

7 A Yes.

8 Q Now if you turn to the second page, in the comments  
9 section it shows your dissertation supervisor to be Warren  
10 Breckman, right?

11 A Yes.

12 Q And gives a dissertation title. Do you see that?

13 A Yes.

14 Q You stated earlier it was from anti-imperialism to human  
15 rights. This states a little bit longer title. I just want to  
16 make sure we're talking about the same thing, correct?

17 A It is the same thing. I just didn't want to bore  
18 everyone.

19 Q Understood. With respect to your dissertation, have you  
20 sought to publish it?

21 A Not yet.

22 Q Are you going to seek to publish it?

23 A Possibly.

24 Q Then right below that there appear to be exams that were  
25 passed, do you see that?

1 A Yes.

2 Q Master's research requirements satisfied by research  
3 project, do you see that?

4 A Yes.

5 Q Then it talks about teaching requirements satisfied by  
6 History 081 in fall 2011.

7 A Yes.

8 Q Do you recall which course that was vis-à-vis the  
9 testimony you gave earlier?

10 A I believe that is the modern Middle East.

11 Q And teaching requirements satisfied by History 431 in  
12 spring 2012, do you see that?

13 A Yes.

14 Q Which class was that?

15 A I believe that is the world at war.

16 Q If you look at those -- turn back to the first page.  
17 There appear to be some items labeled, if I look at fall 2011,  
18 History 800, teaching history; spring 2012, History 800,  
19 teaching history. And if you go onto spring 2013, History 800,  
20 teaching history; fall 2013, History 800, teaching history.

21 A Yes.

22 Q You didn't take the same class four times, did you?

23 A No, I did not.

24 Q Do these reflect when you were serving as a teaching  
25 assistant?

1 A We were told that our -- when we were teaching our  
2 transcripts would not list the specific course number or the  
3 name of the course, simply that we were engaged in teaching and  
4 that would be reflected on the transcript.

5 Q So with respect to the items labeled on Exhibit E-57 as  
6 History 800, teaching history, that reflects when you were  
7 serving as a teaching assistant to which you testified to  
8 earlier, correct?

9 A That's when I was teaching, yes.

10 Q Now isn't it true -- we have redacted it for purposes of  
11 this proceeding, but isn't it true that you received a grade  
12 with respect to your teaching?

13 A Yes.

14 Q So you were graded in the four semesters that you  
15 satisfied the requirement of teaching set forth in Exhibit  
16 E-10, you received a grade with respect to your performance as  
17 a teaching assistant, correct?

18 A I'm not sure how I was evaluated, but I was received a  
19 grade, yes.

20 Q Do you know who was responsible for determining what that  
21 grade would be?

22 A No.

23 Q Was it the instructor of record in those courses?

24 A I have no idea. That was never communicated to us.

25 Q And everything else that's listed on here with respect to

1 the requirements including course work, language, research,  
2 dissertation and teaching, these are all reflected on your  
3 academic transcript, correct, in some manner?

4 A I'm sorry. Can you repeat the question?

5 Q All the other things we spoke about with respect to the  
6 requirements of the PhD degree are also reflected here in  
7 addition to teaching and that is course work, language  
8 requirement, research, dissertation, correct?

9 A It seems so, yes.

10 Q You've graduated from the University of Pennsylvania and I  
11 think you said this earlier but what kind of job are you  
12 seeking right now, if you're seeking a job at all?

13 A Yes. I was on the job market in the fall and I applied to  
14 a number of different jobs.

15 Q In fact you are going to be teaching at Bowdoin next year,  
16 correct?

17 A I received an offer to take a two-year post-doctoral  
18 fellowship at Bowdoin College.

19 Q In that role you will be teaching classes at Bowdoin?

20 A I will be teaching classes, yes.

21 Q Can you give us a sense of what you'll be classes in at  
22 Bowdoin?

23 A I know that I will be teaching one class in the fall and  
24 two in the spring. The ones in the spring are up to me from  
25 what I understand. The one in the fall is post-war Europe,

1 which is my general area of expertise, that's post World War II  
2 Europe.

3 Q Now as you said being on the job market in the fall, did  
4 you create a CV that you used in looking for a job?

5 A I did.

6 MS. ROSENBERGER: Are you going to move 57?

7 MR. JOHNS: Yeah, thank you. We would move for the  
8 admission of Exhibit E-57.

9 MS. ROSENBERGER: No objection.

10 HEARING OFFICER LEACH: Employer 57 is received.

11 (Employer's E-57 received.)

12 (Employer's E-58 identified.)

13 BY MR. JOHNS:

14 Q Dr. Mohandesi, I've shown you a document that we've marked  
15 as Exhibit E-58. What is this document?

16 A This is a copy of my CV, not the most up to date copy but  
17 it is a copy of my CV.

18 Q It was a copy that you used at some point in time in order  
19 to look for a job?

20 A Yes.

21 Q This is a document that you created?

22 A Yes.

23 Q Was it created for, well, among other things at least one  
24 purpose for the purpose of looking for a job following your  
25 graduation from the University of Pennsylvania?

1 A I used this document when I was applying for jobs within  
2 academia. I used other documents when I was applying for jobs  
3 that were not in academia.

4 Q Understood. So this was the CV that you used to apply for  
5 jobs within higher education?

6 A Certain jobs within higher education, yes.

7 Q Teaching jobs, is that right?

8 A I did use it for some teaching jobs, yes.

9 Q So if you look at this document, I want to get a sense of  
10 why you listed certain things here. If you look in the honors  
11 and awards section --

12 A Sure.

13 Q -- there are certain things that are listed here you spoke  
14 of earlier with respect to the service attached to it. For  
15 example, you list here the critical writing teaching fellowship  
16 at the University of Pennsylvania in 2015. Do you see that?

17 A Um-hum.

18 Q You have to say yes.

19 A Yes.

20 Q Why did you list that in an honor and awards section of  
21 your CV?

22 A The critical writing teaching fellowship was a fellowship  
23 that I was awarded so I put it as an award. I applied for it.  
24 There is a competitive -- well, there is a competition and I  
25 won the award so I put it there.

1 Q There is also listed below that the teaching certificate  
2 for the Center for Teaching and Learning. Do you see that?

3 A Yes.

4 Q Why did you list that on your CV?

5 A Why did I list it in the CV or in this section of the CV?

6 Q Both.

7 A Okay. I listed it on the CV because I thought it would  
8 look nice. I put it in this section because I had to organize  
9 all the items in some way and this seemed to be an acceptable  
10 form. I have other versions with different headings which  
11 include things like fellowships, but this one that you have her  
12 says honors and awards.

13 Q But you created this, right? You listed that within  
14 honors and awards?

15 A This one I created, yeah.

16 Q Okay. Did you also list it there because you thought it  
17 would be something that would look good in order to get a job  
18 in academia?

19 A Did I list what?

20 Q Center for Teaching and Learning teaching certificate.  
21 Did you list it there for that reason?

22 A Yes.

23 Q Same with the Penn prize for excellence in teaching?

24 A Yes. I believed that that would help me get a job, yes.

25 Q Same with when you were a finalist for the Penn prize for



1 excellence in teaching, correct?

2 A Correct.

3 Q And if you go on there are many other things listed with  
4 respect to this. But I'm going to go to the second to the last  
5 page, there is a section labeled teaching experience there,  
6 correct?

7 A Yes.

8 Q You listed the experience you had both as an instructor in  
9 LPS, correct?

10 A Um-hum -- yes.

11 Q You have to say yes. And the experiences that you had as  
12 a teaching assistant at the University of Pennsylvania,  
13 correct?

14 A Correct.

15 Q Again you listed this because you thought it was something  
16 that would assist you in getting a job in academia?

17 A Correct.

18 Q If you turn to the last page there are some references  
19 listed. Including among them is Professor Thomas Childers, do  
20 you see that?

21 A Yes.

22 Q Professor Childers was the individual with whom you served  
23 as a teaching assistant for several courses, correct?

24 A Correct.

25 Q Did you list him as a reference so that he could talk

1 about his experiences with you as a teaching assistant?

2 A I listed him for a number of reasons.

3 Q Was that one of the reasons?

4 A That was one.

5 Q When you were interviewed for jobs in academia including  
6 the position you did get at Bowdoin, but when you were  
7 interviewed were you asked questions about your experience  
8 teaching at the University of Pennsylvania?

9 A I was asked how many courses I had taught and what they  
10 were.

11 Q Were you asked questions about the certificate you  
12 received from CTL?

13 A No, I was not.

14 Q Were you asked questions about your teaching philosophy?

15 A I can't recall if the application asked for a statement of  
16 teaching philosophy. I sent out about 70 of these so I really  
17 can't remember what was what. But during the interviews I was  
18 not asked my philosophy.

19 Q Did you in fact send out to any universities a copy of  
20 your statement of teaching philosophy?

21 A Some universities that -- some positions that required it,  
22 I wrote a statement of teaching philosophy and sent it.

23 Q So there were positions you looked at in academia that  
24 required that you submit a statement of teaching philosophy,  
25 correct?

1 A That is true.

2 Q And you did submit that for the positions that required  
3 it?

4 A For those that required it, I had to, yes.

5 Q Would you agree with me that it's hard to find a job in  
6 academia without having at least some teaching experience?

7 A I would not agree with you.

8 Q Would you agree with me that your teaching experience as  
9 reflected and where you list in honors and awards, as well as a  
10 separate section teaching experience, helped you or assisted  
11 you in obtaining the job that you did get following your  
12 graduation from the University of Pennsylvania?

13 A It may have. I don't know.

14 Q Before you came to the University of Pennsylvania, I  
15 believe you said this earlier, but before you came did you have  
16 any experience teaching college classes before coming to Penn?

17 A I had no experience teaching college classes before I came  
18 to Penn.

19 Q When you taught with respect to the critical writing  
20 fellowship, I just want to make clear I believe you spoke  
21 earlier that it was a class about writing but that you could  
22 essentially pick the topic or design the topic for which the  
23 class -- on which the class would be based, is that right?

24 A Yes.

25 Q But I don't believe you stated what topic you did use for

1 that class. Could you tell us?

2 A Yes. As is stated in my CV, the topic that I chose was  
3 the 1960s and the Vietnam War.

4 Q Now the last year you were at the University of  
5 Pennsylvania, I believe you testified that you received  
6 something called a dissertation completion fellowship. Is that  
7 correct?

8 A That is correct.

9 (Employer's E-59 identified.)

10 BY MR. JOHNS:

11 Q Dr. Mohandesi, I've shown you a document that's been  
12 marked as Exhibit E-59. Do you see this?

13 A Yes.

14 Q Have you ever seen this document before?

15 A I have.

16 Q What is it?

17 A It is a document -- it's a letter informing me that I was  
18 awarded a SAS dissertation completion fellowship.

19 Q This was awarded for the completion of your dissertation  
20 for the 2016-2017 academic year, correct?

21 A Correct.

22 Q You would agree with me that with respect to the terms of  
23 this fellowship that you received for your last year at Penn  
24 there were no service requirements attached to this whatsoever,  
25 correct?

1 A There were none.

2 Q So the stipend you received, the tuition benefit that you  
3 received, the health insurance you received, all those things  
4 you received with respect to this dissertation completion  
5 fellowship without any expectation of service, correct?

6 A Correct.

7 Q And with respect to a dissertation completion fellowship,  
8 the understanding is that individuals who apply for that are  
9 going to apply for it in their last year, will no longer be at  
10 the university following the completion of that academic year,  
11 correct?

12 A Yes, that's what's understood.

13 Q You applied for that in the spring of 2016 for the  
14 following academic year, correct?

15 A Yes.

16 Q And as of the spring of 2016, it was your expectation that  
17 you would be complete -- your dissertation would be complete by  
18 the end of the 2016-2017 academic year?

19 A That's what I was hoping, yes.

20 Q And that's what happened in this particular instance?

21 A That's true.

22 Q And with respect to the monies received here, there was  
23 nothing required of you other than for you to work on  
24 completing your dissertation and graduating from the  
25 university, correct?

1 A Correct.

2 MR. JOHNS: We'd move for the admission of Exhibit E-59.

3 MS. ROSENBERGER: No objection.

4 HEARING OFFICER LEACH: Employer 59 is received.

5 (Employer's E-59 received.)

6 MR. JOHNS: I would move for the admission of Exhibit E-58  
7 as well.

8 HEARING OFFICER LEACH: Any objection from the Union?

9 MS. ROSENBERGER: Oh, okay. No objection.

10 HEARING OFFICER LEACH: Employer 58 is received.

11 (Employer's E-58 received.)

12 (Employer's E-60 identified.)

13 BY MR. JOHNS:

14 Q Dr. Mohandesi, I've shown you a document that's been  
15 marked as Exhibit E-60. Do you see this?

16 A Yes.

17 Q Do you recognize this document?

18 A I do.

19 Q Can you tell us what it is?

20 A This informs me that I was awarded a dissertation research  
21 fellowship.

22 Q You spoke earlier about certain fellowship and I'm not  
23 sure I recall you speaking about receiving a dissertation  
24 research fellowship. Can you tell us what this is?

25 A Yes. It's an internal fellowship that students in

1 different departments can apply for to get money to do research  
2 for their dissertation.

3 Q So this is a fellowship that you applied for within the  
4 School of Arts & Sciences, is that what you're saying when you  
5 say internal?

6 A Yes.

7 Q You received this in April of 2014?

8 A Yes.

9 Q This was a stipend essentially to pay you monies to do  
10 research during the summer of 2014-2015, that academic year,  
11 July to June, do you see that? Or was this for a longer period  
12 of time?

13 A Yes.

14 Q So it was for that summer?

15 A Yes.

16 Q The stipend appears to have two components. And by the  
17 way this is in addition to any of the other funding you've  
18 already testified to that you received this, correct?

19 A Yes, it's in addition, yes.

20 Q Right. There was no service requirements attached to  
21 this, correct?

22 A No.

23 Q So you received just an additional stipend of \$7,500 to do  
24 research?

25 A Yes.

1 Q And you received a \$2,500 travel and research allowance to  
2 support your research during that academic year, correct?

3 A Yes.

4 Q Did you use that travel or research allowance?

5 A I believe I did.

6 Q Was that with respect to travel that you did in order to  
7 do research that would result in your dissertation?

8 A I can't recall. I think I did. I can't recall.

9 Q It was \$10,000 total essentially to do research and to  
10 travel to do research, correct?

11 A Yes.

12 Q There were no service requirements whatsoever attached to  
13 this, correct?

14 A Correct.

15 Q Did you receive any other dissertation research  
16 fellowships other than this one?

17 A Yeah. I received two. I was told by our grad chair that  
18 we could apply several times. If we were awarded once, we  
19 could still apply for another, yes.

20 Q And you in fact did apply for another one, correct?

21 A I did.

22 MR. JOHNS: We would move for the admission of Exhibit  
23 E-60.

24 MS. ROSENBERGER: No objection.

25 HEARING OFFICER LEACH: Employer's 60 is received.



1 (Employer's E-60 received.)

2 (Employer's E-61 identified.)

3 BY MR. JOHNS:

4 Q Dr. Mohandesi, I've shown you a document that's been  
5 marked as Exhibit E-61. Do you recognize this document?

6 A I do.

7 Q Can you tell us what it is?

8 A This is virtually the same letter as the one you just  
9 passed around informing me that I won a dissertation research  
10 fellowship.

11 Q So you received one for the previous academic year in the  
12 spring of 2014 and then April of 2015 you received another  
13 dissertation research fellowship, correct?

14 A Correct.

15 Q This was again fellowship monies provided by the  
16 university for you to do research towards your dissertation,  
17 correct?

18 A Correct.

19 Q As well as fellowship monies to travel to support research  
20 for your dissertation, correct?

21 A A \$1,500 travel/research allowance, correct.

22 Q Did you use those monies, the travel/research allowance?

23 A I believe I did.

24 Q And you accepted the stipend of \$5,000?

25 A Yes.

1 Q Was there any service requirement whatsoever attached to  
2 your receipt of these monies?

3 A Not that I recall, no.

4 Q Again, this was in addition to the other stipend funding  
5 that you had been receiving from the university, correct?

6 A Which other stipend funding?

7 Q The Ben Franklin fellowship, for example, it was in  
8 addition to that, correct?

9 A In addition to the five-year Franklin fellowship, yes.

10 Q As was E-60 in addition to the Ben Franklin fellowship,  
11 correct?

12 A Yes.

13 Q Now you spoke earlier about receiving I think a critical  
14 writing teaching fellowship, do you see that -- do you recall  
15 that?

16 A I do.

17 MS. ROSENBERGER: Do you want to move for 61?

18 MR. JOHNS: Yeah, we would move for the admission of  
19 Exhibit E-61.

20 HEARING OFFICER LEACH: Employer's -- oh, I'm sorry.

21 MS. ROSENBERGER: No objection.

22 HEARING OFFICER LEACH: Okay, sorry. Employer's 61 is  
23 received.

24 (Employer's E-61 received.)

25 MR. JOHNS: Thank you.

1 (Employer's E-62 identified.)

2 BY MR. JOHNS:

3 Q Dr. Mohandesi, I've shown you a document that we've marked  
4 as Exhibit E-62. Do you recognize this document?

5 A Yes.

6 Q Can you please tell us what it is?

7 A This document informs me that I have been awarded a  
8 critical writing teaching fellowship.

9 Q When you testified earlier concerning your receipt of that  
10 fellowship, is this the document -- does this reference the  
11 testimony you gave earlier concerning the receipt of that  
12 fellowship monies, correct?

13 A Correct.

14 Q And with respect receipt of these fellowship monies, I'd  
15 like to refer back to your CV which I think has been marked  
16 as --

17 MS. ROSENBERGER: 58.

18 MR. JOHNS: 58? Thank you, Amy, I appreciate it.

19 BY MR. JOHNS:

20 Q As Exhibit E-58. I just want to make sure this matches  
21 up. E-62, where there is reference in the honors and awards  
22 section of Exhibit E-58, your CV, where it says critical  
23 writing teaching fellowship, University of Pennsylvania, does  
24 E-62 reference the notation under honors and awards for that  
25 receiving a critical writing teaching fellowship?

1 A I have listed that there, yes.

2 Q Now with respect to the receipt of this fellowship, this  
3 you said earlier did have service requirements and you were  
4 going to be teaching a writing seminar, as you said, correct?

5 A Correct.

6 Q You had a member of the critical writing faculty program  
7 work with you on designing the topic?

8 A Not quite, no.

9 Q You designed it, yourself?

10 A Well, the syllabus was already constructed for us.

11 Q Okay. So you didn't have to create the syllabus at all.

12 A We did not construct the syllabus. That was already  
13 constructed by the director and that was passed down to us.  
14 Our job was to find a way to creatively teach it to the  
15 students. But all the syllabus and many of the assignments  
16 were already created for us.

17 Q It says that someone may also observe one or more of your  
18 classes when you're in this fellowship. Do you see that in  
19 Paragraph 2 of E-62?

20 A Yes.

21 Q Did that happen?

22 A I was observed, yes.

23 Q Did you receive feedback concerning that observation?

24 A I did.

25 Q Who provided that feedback to you?

1 A Another, I don't know what this person's classification  
2 was, but another individual working for the Critical Writing  
3 Center.

4 Q Was it a graduate student?

5 A This student was, yes.

6 Q So this was a graduate student who sat in your class and  
7 provided feedback to you concerning your teaching in that  
8 seminar, correct?

9 A Yes.

10 Q You also received training with respect to this seminar  
11 before you began to teach it, correct?

12 A Yes.

13 Q How much training was there with respect to that?

14 A I can't remember exactly, but there was one week over the  
15 summer, possibly in May. And there was another week before we  
16 actually started the semester.

17 Q If you look at the second to last paragraph, it says  
18 please note that fellows are required to attend training  
19 sessions --

20 A Yes.

21 Q -- from 9:00 to 4:00 p.m., May 11th to 15th, so that was  
22 one week in May that you said, correct?

23 A Um-hum.

24 Q Yes?

25 A Yes.

1 Q And then you also attended training sessions, August 17th  
2 to 21st, as well concerning this, correct?

3 A Yes.

4 Q Did you also meet each Friday through the fall semester?

5 A We did.

6 Q Who did you meet with?

7 A We met with the director of the writing center, Valerie  
8 Ross, as well as occasionally other individuals who were  
9 directing the writing center.

10 Q What would be discussed at these meetings?

11 A The meetings would discuss changes to the curriculum.  
12 This was the first -- the writing center had decided to change  
13 up the curriculum that semester. They were experimenting with  
14 some new assignments so there was feedback on that. There are  
15 further instructions from the director. There were discussions  
16 about potential assignments that we could be doing, things like  
17 that.

18 Q And it also said that you'll meet regularly with an  
19 assigned program mentor. Is that the person who observed your  
20 classroom?

21 A Yes.

22 Q That was your mentor within the program?

23 A Yes.

24 Q That was a graduate student?

25 A Yes.

1 Q You did meet regularly with him even beyond just him  
2 giving you feedback on his observation, correct?

3 A We actually did not meet regularly.

4 Q How often did you meet with him?

5 A I can't recall. We stayed in touch via email.

6 Q How often would you communicate by email?

7 A Again, I cannot recall.

8 Q Fair enough. Now I just want to go back through a couple  
9 of things and I'm almost done. I appreciate your patience, Dr.  
10 Mohandesi. When you started at Penn and did a Ben Franklin  
11 fellowship for your entire first year you received a stipend,  
12 tuition remission, health insurance. There was no service  
13 requirement whatsoever, correct?

14 A Correct.

15 Q You were paid to be a student, correct?

16 A Sure.

17 Q The summer after your first year, you received a summer  
18 stipend, correct?

19 A Yes, I did. I received summer funding.

20 Q No service requirement as you said earlier attached to  
21 that, correct?

22 A There is no service requirement attached to that.

23 Q In that instance you received a stipend in order to study  
24 German?

25 A I didn't receive the stipend in order to study German. I

1 received the stipend as part of my five-year Benjamin Franklin  
2 fellowship. I chose to use that time to study German.

3 Q Fair enough, however you want to characterize it. You  
4 were receiving a stipend during the time you were studying  
5 German, correct?

6 A That is true.

7 Q You then went into your second year and I believe you  
8 testified earlier you served as a TA for two semesters in that  
9 year?

10 A I did.

11 Q Right. And that satisfied the academic requirement that  
12 was reflected in your admission letter, correct, at least in  
13 part?

14 A At least that was what I was given to understand.

15 Q And you received the same stipend for that academic year  
16 that you had received before subject to any increases that may  
17 have been granted with that?

18 A I believe so.

19 Q You then received another summer stipend after that second  
20 year, correct?

21 A Correct.

22 Q While you were receiving the stipend, what were you  
23 studying then?

24 A I was studying Italian.

25 Q So you got a stipend in the summer between your second and



1 third year to study Italian. You then come to your third year.

2 What did you do as a TA with respect to that year?

3 A To my third year, I TAd in the second semester.

4 Q So in the first semester there were no service  
5 requirements performed by you, correct?

6 A No.

7 Q You were going through course work and getting ready for  
8 exams, things like that, correct?

9 A Correct.

10 Q You were receiving a stipend then?

11 A Yes.

12 Q You then TAd in that second semester of your third year,  
13 correct?

14 A Correct.

15 Q That was also the third of the four semesters that were  
16 required, correct?

17 A That was the third semester of TAing.

18 Q Fair enough. You had the dispute with the department  
19 about that, I understand. You then got a summer stipend after  
20 that third year, correct?

21 A Correct.

22 Q What did you do in that summer? I'm not sure if I got  
23 that for notes.

24 A That summer I was trying to make a research plan to  
25 complete my dissertation.

1 Q Got you. That's right. You were making a plan for how to  
2 complete your dissertation including where you would travel to  
3 do research. Correct?

4 A Well, it would involve refining the topic which would mean  
5 reading, reading more books, trying to figure out what exactly  
6 I was trying to do, and identifying potential archives.

7 Q So you were receiving a stipend in order to determine what  
8 your dissertation would be and how you would go about  
9 researching that dissertation, correct?

10 A I mean I was receiving the stipend. I could have been  
11 doing other things with that time. I chose to use that time to  
12 do this thing.

13 Q To go towards your studies, understood. Then your fourth  
14 year you taught how often?

15 A I taught my first semester of my fourth year.

16 Q And that would have been your fourth semester as a TA?

17 A Yes.

18 Q Did you teach that second semester in your fourth year?

19 A I did not.

20 Q You continued to receive your stipend, correct?

21 A I did.

22 Q You performed no service requirements then, correct?

23 A No.

24 Q After that you chose then to seek out other opportunities  
25 from that point forward to get -

1 A Yes.

2 Q Okay. To get experience as such as being instructor of  
3 record, correct?

4 A I became an instructor of record for a number of reasons.  
5 But, yes, I did that.

6 Q And as you stated earlier, one of those reasons is in  
7 order to have that experience, correct?

8 A Yes. It was both to have experience and also because my  
9 summer funding was out and I wanted to have money.

10 Q Then continuing on you received those two additional  
11 dissertation research fellowships, basically money to support  
12 you doing research to complete your dissertation, correct?

13 A Correct.

14 Q And in the final year you received yet another fellowship  
15 with no service requirement whatsoever to complete your  
16 dissertation, correct?

17 A Correct.

18 Q Did I get sort of the whole experience from the standpoint  
19 of your fellowship funding? I left out critical writing, but  
20 we spoke about that earlier. Is that fair?

21 A Yes. You left out critical writing. You also left out my  
22 work as a research assistant.

23 Q Right, the journal.

24 A Yes.

25 Q The journal is Humanity?

1 A Yes.

2 Q That was monies that was as you said earlier, it was added  
3 to your stipend. Is that right?

4 A That is correct.

5 Q With respect to the amount that was added to your stipend,  
6 was that added on the basis of an hourly computation?

7 A It was.

8 Q That's different than the manner in which your stipend was  
9 calculated, correct?

10 A Yes.

11 Q One last thing with respect to the journal, if you can  
12 turn back to Exhibit E-58?

13 A So many documents.

14 Q I want to make sure, if you look at the second to the last  
15 page.

16 A I have a mountain of things here. Thank you.

17 Q Within the second to the last page there is a section of  
18 your CV titled other academically related work. Do you see  
19 that?

20 A Yes.

21 Q The second thing listed is Humanity, an international  
22 journal of human rights, humanitarianism and development. Do  
23 you see that?

24 A Yes, I do.

25 Q You list your position on there as an assistant editor,

1 correct?

2 A I do.

3 Q The time period is spring of 2014 to the spring of 2016?

4 A Yes.

5 Q Is that the experience you were speaking earlier when you  
6 spoke about being a research assistant. Is that right?

7 A Yes, well, yes, that's what I'm speaking to, yes.

8 Q You would agree with me that when you worked on that  
9 journal, you considered that academically related work?

10 A I considered it work that was related to academics.

11 Q Hence my description of it as academically related work.

12 A What I have listed here on my CV, yes.

13 Q You also listed in there as well the last item within that  
14 section is your service on the Research Student Council for  
15 something called the Graduate and Professional Student  
16 Assembly. Do you see that?

17 A Yes.

18 Q So you were a GAPSA representative in the fall of 2011?

19 A I was.

20 MR. JOHNS: That's all we have. Thank you, Dr. Mohandes.

21 HEARING OFFICER LEACH: Does the Union have follow-up?

22 MS. ROSENBERGER: Just a couple of follow-up questions.

23 HEARING OFFICER LEACH: Okay.

24 REDIRECT EXAMINATION

25 BY MS. ROSENBERGER:

1 Q Mr. Johns made a comment on cross-examination that you did  
2 not reply to yes or no because I don't think it was really a  
3 question. He said in the summer when you were taking Italian  
4 that you had summer funding to take Italian. Is that accurate?

5 A That is inaccurate.

6 Q What would be the accurate description?

7 A The accurate description was when I was accepted as a PhD  
8 student at the University of Pennsylvania, I was given a  
9 Benjamin Franklin fellowship which gave me five years of  
10 fellowship plus three years of summer funding. I chose during  
11 one of those summers to learn Italian.

12 Q You testified earlier that you traveled during your fifth  
13 year, right? Were you receiving the Benjamin Franklin  
14 fellowship during that year?

15 A During my fifth year I was, yes.

16 Q Is that a year when you also -- is that the same year when  
17 you received the dissertation research fellowship that is  
18 described in Employer Exhibit 60, the 2014-15 year?

19 A Yes. It may be 61 in fact -- or, no, you're correct. It  
20 is 60, yes.

21 Q Is the dissertation completion fellowship something that  
22 is awarded to anyone who applies for it?

23 A No, absolutely not. There are many individuals in my  
24 department who apply for it, and do not get it, and have to  
25 complete their dissertation without any funding or health care.

1 Q If you had not completed your dissertation this last year  
2 while you had that funding, what would have happened? What  
3 would have been the -- would you have been able to get another  
4 dissertation completion research fellowship?

5 A No, absolutely not.

6 Q With regard to Union Exhibit 53, which is the letter about  
7 the Humanity assistant editor role.

8 A Yes.

9 Q I just want to make sure that the record is clear on  
10 something. Mr. Johns asked you on cross whether you began  
11 receiving payment for that beginning in -- oh, I'm sorry,  
12 that's not the one. Sorry, sorry, sorry. With regard to your  
13 acceptance letter, Union Exhibit 49, tell me when you have  
14 that.

15 A Union Exhibit 49.

16 Q I might have an extra copy I could give you.

17 A I'm sorry.

18 Q That's okay. I know you have a lot of paper up there.

19 HEARING OFFICER LEACH: I have it. Union 49?

20 MS. ROSENBERGER: Yeah.

21 HEARING OFFICER LEACH: You can look at mine.

22 THE WITNESS: Thank you.

23 BY MS. ROSENBERGER:

24 Q So Mr. Johns had asked you on cross whether you began  
25 receiving -- I'm sorry do you have it in front of you?

1 A I do, yeah.

2 Q Okay. Mr. Johns asked you on cross whether you began  
3 receiving your fellowship immediately upon your admission in  
4 March of 2010 and you said yes. Did you receive fellowship  
5 monies in March of 2010?

6 A I don't think so, no.

7 Q When did you come to Penn to start your PhD program?

8 A I arrived in Philadelphia in August. The semester really  
9 moved into -- really began towards the end of that month and  
10 into September.

11 Q Of 2010?

12 A Yes.

13 Q Did you receive your fellowship monies before you started  
14 the program?

15 A I don't think I did, no. I think I received it after I  
16 began working here.

17 Q In fact, the March -- Union Exhibit 49, this letter was an  
18 offer that you had to accept, right?

19 A I had to sign it and accept it, yes.

20 MS. ROSENBERGER: That's all I have on redirect. Thank  
21 you.

22 HEARING OFFICER LEACH: Does the Employer have anything?

23 MR. JOHNS: No questions.

24 HEARING OFFICER LEACH: I have a few, but I'd like my  
25 document back.



1 THE WITNESS: Sure, which one, 49?

2 HEARING OFFICER LEACH: 49.

3 THE WITNESS: Here we go.

4 COURT REPORTER: 62?

5 MR. JOHNS: Oh, I apologize.

6 HEARING OFFICER LEACH: Which one, Employer?

7 MR. JOHNS: Yes. I would move for the admission of  
8 Exhibit E-62.

9 MS. ROSENBERGER: No objection.

10 HEARING OFFICER LEACH: Employer's 62 is received.

11 (Employer's E-62 received.)

12 HEARING OFFICER LEACH: Okay. I appreciate your time.

13 Are you okay?

14 THE WITNESS: I'm good, thank you.

15 HEARING OFFICER LEACH: I have just a few follow-up. I  
16 think you said when you were testifying about your service  
17 requirement and you mentioned that you received the letter, I  
18 think the email that gave you the choice or that listed the  
19 courses that were available.

20 THE WITNESS: Yes.

21 HEARING OFFICER LEACH: You mentioned, well, you mentioned  
22 that it listed courses that were in need of TAs or graders.  
23 Did you say that?

24 THE WITNESS: Yes.

25 HEARING OFFICER LEACH: Have you ever acted as a grader?

1 THE WITNESS: I have not, no. But many of my colleagues  
2 have. And this speaks to some of the ambiguity about the term  
3 teaching because some people would not consider grading to be  
4 teaching.

5 HEARING OFFICER LEACH: The individuals that you know have  
6 acted just as graders, what did they do?

7 THE WITNESS: The ones that I know who acted as graders,  
8 they were required to attend the lecture which is usually twice  
9 a week. And they were also required to grade all the  
10 assignments which could be quizzes, mid-terms, finals, papers.  
11 They are also required to work with students who had questions  
12 about the assignment or had questions about the grade.  
13 Occasionally, they had -- I don't know, you would have to speak  
14 to somebody who actually had that experience. But the ones I  
15 know also had office hours where students could come speak to  
16 them about course content. But they were not teaching. They  
17 are not responsible for recitations. They did not plan lessons  
18 and they don't facilitate discussion in those sections.

19 HEARING OFFICER LEACH: Okay. When you taught your course  
20 modern Middle East and you said you were in charge of three  
21 recitation -- I say this wrong, recitation sections.

22 THE WITNESS: Yes.

23 HEARING OFFICER LEACH: Is that something you did alone?  
24 Were you in the classroom alone?

25 THE WITNESS: I was in the classroom alone, yes. There

1 was another TA in the course, but we had our own sections and I  
2 was the one responsible for that.

3 HEARING OFFICER LEACH: How many students in each section?

4 THE WITNESS: It depends. Usually, they are capped at 17.  
5 I recall that class, I mean there are two of us. I had three  
6 sections. I would say around 14 to 17 for those sections, but  
7 I can't recall the exact numbers. This is the first time I had  
8 been a TA.

9 HEARING OFFICER LEACH: You mentioned that the students  
10 did the student evaluation. Did the department talk to you  
11 about the student evaluation, like the professor who was over  
12 the class when you were a TA?

13 THE WITNESS: After the fact?

14 HEARING OFFICER LEACH: Yes.

15 THE WITNESS: Not in my case. I do know of students who  
16 had professors issue their own evaluations, observe them and  
17 evaluate them. I have been told that we have a file in the  
18 history department that has evaluations. But I don't -- not in  
19 my experience.

20 HEARING OFFICER LEACH: So in your experience the student  
21 did their evaluation. During the time you were a TA did you  
22 have other evaluations besides the student evaluations?

23 THE WITNESS: I just had the student evaluations. I may  
24 have had other evaluations by instructors or like professors,  
25 but they were not shown to me. I know of other students who

1 their professors evaluated them and on the basis of poor  
2 teaching performance were kicked out of the university. But in  
3 my case this was not --

4 HEARING OFFICER LEACH: Okay. I'm going to ask you about  
5 that later.

6 THE WITNESS: Okay.

7 HEARING OFFICER LEACH: It would help me if you could just  
8 stick to the response --

9 THE WITNESS: Sorry, sorry, sorry, sure.

10 HEARING OFFICER LEACH: It's okay, just stick to the  
11 response to the question I ask because I will ask you about  
12 that.

13 THE WITNESS: Yeah, okay. Now I know my professor saw  
14 those evaluations at some point, but they did not speak to me  
15 about them after the course.

16 HEARING OFFICER LEACH: How do you know they saw them?

17 THE WITNESS: Because when I was awarded -- when I was  
18 nominated for teaching awards and a message went out to my  
19 advisor or to other -- to the professors that I TAd for, I  
20 would also get in touch with them. I would send them the  
21 evaluations. They would see it. I know the graduate chair  
22 looked at them when I was nominated without my prompting.

23 HEARING OFFICER LEACH: That's all in relation to the  
24 awards?

25 THE WITNESS: That was in relation to the awards. It's

1 possible they also looked at it elsewhere, but that's how I  
2 came to know that they had.

3 HEARING OFFICER LEACH: You said I believe when you were  
4 teaching world at war you were a guest lecturer and you said  
5 you received feedback from the professor. How many times were  
6 you a guest lecturer?

7 THE WITNESS: Once.

8 HEARING OFFICER LEACH: What kind of feedback did you get?

9 THE WITNESS: It was very informal, verbal feedback.  
10 After the course, we walked down the hall into an elevator and  
11 out of the building, and we talked about teaching so it was  
12 very brief.

13 HEARING OFFICER LEACH: Do you know whether or not -- I'm  
14 going to go back a moment to the student evaluations, whether  
15 or not what was said in those evaluations had any effect on  
16 whether or not you were offered another opportunity to TA?

17 THE WITNESS: I do not know.

18 HEARING OFFICER LEACH: The exhibit that talks about where  
19 you were the assistant editor, I just wanted to know when that  
20 was. But it may be reflected in the document, I wasn't sure.  
21 Oh, it says -- the email is Employer 53 or Union 53, I'm sorry,  
22 here it is. It says --

23 THE WITNESS: Thank you.

24 HEARING OFFICER LEACH: -- 2014. Does that reflect -- I'm  
25 just looking at the date at the top, does that reflect the time

1 period when you were doing that work?

2 THE WITNESS: It does, yes. I had begun work before that  
3 letter was issued. It took them some time to like formalize it  
4 and send out the letter. I had been trained by my predecessor  
5 beforehand and was gradually doing the work of preparing issues  
6 and passing it over, and then the letter was sent out.

7 HEARING OFFICER LEACH: Now that I'm looking at the  
8 letter, it does say that you would be paid for no more than 15  
9 hours per week until the end of calendar year 2015. Do you  
10 think that's accurate?

11 THE WITNESS: I continued to do that into the end of 2015  
12 and the very beginning of spring 2016 because I had passed the  
13 position onto somebody else and I was being paid for the work  
14 of training my successor.

15 HEARING OFFICER LEACH: Okay. Just give me a moment,  
16 please. I think you mentioned how you -- oh, I'm not sure who  
17 asked you. I believe the Union asked you how you came to get  
18 this position and you mentioned that you talked to your  
19 advisor, the department chair. You said the financial office  
20 set up something in payroll.

21 THE WITNESS: Yes.

22 HEARING OFFICER LEACH: Do you know how you were  
23 identified in payroll at that time when you were doing that  
24 work as the assistant editor of the journal?

25 THE WITNESS: You mean my job classification?

1 HEARING OFFICER LEACH: Yes.

2 THE WITNESS: I don't know, but it should be in the  
3 document Union 54 before I started. I'm not entirely sure. I  
4 know that once I was -- once they set up the pay and I had the  
5 position then they classified me as a research assistant in  
6 addition to these other classifications. But what I was before  
7 was changing depending on the time period.

8 HEARING OFFICER LEACH: If I looked at Union 54, what date  
9 am I looking at that coincides with that?

10 THE WITNESS: When I began so probably --

11 HEARING OFFICER LEACH: Is that 2014?

12 THE WITNESS: -- May of 2014. 2014 is when I began.

13 HEARING OFFICER LEACH: Okay. I see a date on here  
14 May 30th of 2014.

15 THE WITNESS: Yeah, I think, yes. I believe, yes, I  
16 believe that is the first time -- yes, that is the first time  
17 that it was -- that I had the classification of research  
18 assistant and I was being paid for working as an assistant  
19 editor for Humanity.

20 HEARING OFFICER LEACH: I believe the rest of the document  
21 speaks for itself since I understand it's already been  
22 explained that these codes relate to Union 55. So Union 55,  
23 that's the next one. Do you know are there other job class  
24 codes besides the one listed here?

25 THE WITNESS: On this document?

1 HEARING OFFICER LEACH: Yes.

2 THE WITNESS: I don't know. It's possible.

3 HEARING OFFICER LEACH: Do you know whether there is a  
4 code for student worker?

5 THE WITNESS: I don't know.

6 HEARING OFFICER LEACH: The Employer asked you when they  
7 talked about your transcript and the teaching that you did, and  
8 they mentioned that you got a grade. I know that that grade is  
9 redacted so I don't want you to tell me the grade. What I  
10 would --

11 THE WITNESS: I don't mind telling you.

12 HEARING OFFICER LEACH: I'd rather not because it's  
13 already been redacted. What I would like to know is that a  
14 letter grade or is that a pass/fail grade?

15 THE WITNESS: That is a letter grade.

16 HEARING OFFICER LEACH: That's all I need to know. Now I  
17 just have a couple of just general questions. When you taught  
18 your courses as a TA were you teaching undergrads or grads?

19 THE WITNESS: Undergrads.

20 HEARING OFFICER LEACH: When you received your stipend  
21 money, did you have to repay it?

22 THE WITNESS: I don't -- no.

23 HEARING OFFICER LEACH: The answer is no?

24 THE WITNESS: No.

25 HEARING OFFICER LEACH: Did you pay taxes on the money



1 that you received from the university?

2 THE WITNESS: The tax situation is complicated as we've  
3 already heard. My understanding is when you are serving as a  
4 teaching assistant, you do in fact pay taxes, federal and local  
5 city taxes, and possibly also state for some of the money that  
6 you may have gotten for TA training. But it took me a  
7 considerable amount of effort to get that knowledge. I went to  
8 the payroll office at Claudia Cohen when I first started  
9 teaching and asked this question, and it took some time. But I  
10 was told that, yes, we do pay taxes.

11 HEARING OFFICER LEACH: Do you file your taxes every year?

12 THE WITNESS: I do.

13 HEARING OFFICER LEACH: Do you list the stipend money as  
14 income?

15 THE WITNESS: Yes.

16 HEARING OFFICER LEACH: You mentioned before that you had  
17 an example of a TA who had been disciplined. So I want to ask  
18 just about your experience first, you personally. Have you  
19 ever been disciplined or -- well, let me back up. Has there  
20 ever been an issue with your teaching like brought to you by  
21 your professor or whoever oversees your work?

22 THE WITNESS: Not in my case.

23 HEARING OFFICER LEACH: Meaning that would mean no  
24 discipline either, right?

25 THE WITNESS: No discipline.

1 HEARING OFFICER LEACH: What is the example you had,  
2 someone that you knew was disciplined?

3 THE WITNESS: I have two examples in fact.

4 HEARING OFFICER LEACH: Okay.

5 THE WITNESS: Both in the history department. One was a  
6 student who was kicked out of the department. It was not  
7 entirely clear why, but it was communicated to me that the  
8 advisor of the student disliked or felt the student --

9 MR. JOHNS: Objection to this testimony. It's clearly all  
10 hearsay. He has no firsthand knowledge of what happened with  
11 respect to that situation.

12 THE WITNESS: I spoke to the student.

13 HEARING OFFICER LEACH: Well, the other --

14 MR. JOHNS: That's the precise definition of hearsay.

15 HEARING OFFICER LEACH: It would still be hearsay, I  
16 understand. But the other witness did testify about what she  
17 heard about what happened to another student, so I would --

18 MR. JOHNS: I'm not sure what that has to do with this.  
19 It's clear hearsay. He was not directly involved. He has no  
20 specific knowledge of why the decisions were made other than  
21 what the student told him about what was communicated to the  
22 student. It's really double hearsay.

23 HEARING OFFICER LEACH: I understand that. But I would  
24 still like to hear it. So your objection is noted and I would  
25 like the witness to answer the question about the example that

1 you heard. And I'm not necessarily interested in the status of  
2 the person's school work or anything like that. What I want to  
3 know is whether --

4 MR. JOHNS: I object to that. I believe he said earlier  
5 the individual was kicked out of the university. That is an  
6 academic decision, not discipline.

7 HEARING OFFICER LEACH: That's what I'm trying to clarify  
8 that it was whether it was academic versus teaching. I'm not  
9 concerned about someone who you may have heard has been asked  
10 to leave the university for grades.

11 THE WITNESS: No, nothing about grades.

12 HEARING OFFICER LEACH: All I'm asking is have you -- do  
13 you have any examples of someone who has been disciplined for  
14 teaching, that's it.

15 THE WITNESS: Yes, and I have two in fact. The first is  
16 of a student who was kicked out and the justification given to  
17 him was that his teaching performance --

18 MR. JOHNS: Kicked out of what?

19 THE WITNESS: Kicked out of the University of  
20 Pennsylvania.

21 MR. JOHNS: So that's an academic decision to leave the  
22 university, Mary.

23 HEARING OFFICER LEACH: I don't --

24 THE WITNESS: But the reason was for --

25 MS. ROSENBERGER: That's the -- wait, wait, wait, wait.

1 HEARING OFFICER LEACH: Sorry. I don't want anybody else  
2 to talk except for me at this moment, please, so that I can get  
3 through this. I understand that there is an objection. Give  
4 me a chance to pull a little bit of information.

5 MR. JOHNS: Okay, I'm sorry.

6 HEARING OFFICER LEACH: Again, I don't want to know about  
7 this person's grades. All I'm asking is strictly the  
8 information that you heard about the person who had to leave  
9 because of their teaching.

10 MR. JOHNS: But, Madam Hearing Officer, you said grades.  
11 There are different types of academic decisions beyond grades.  
12 Individuals' transcripts have their teaching requirements on  
13 there. It is an academic requirement. So if you're asked to  
14 leave the university because of your teaching that is an  
15 academic decision, if you're asked to leave the university.

16 HEARING OFFICER LEACH: But I want to hear about it. I  
17 understand that.

18 MR. JOHNS: Okay. But you said I don't want to hear about  
19 any --

20 HEARING OFFICER LEACH: I said grades.

21 MR. JOHNS: If you're kicked out because of your grades.  
22 That's not -- okay, so it's just --

23 HEARING OFFICER LEACH: I don't even know if he knows if  
24 the person was graded for the teaching. This is the first time  
25 we've even heard I believe that someone received or the second

1 time that someone received a grade for teaching. I just want  
2 to hear the example about what happened to the person based on  
3 the teaching. That's it. And I understand if you object, your  
4 objection is into the record and is well noted. But I still  
5 want to hear it. So continue, please.

6 THE WITNESS: So the two examples that I know. The first  
7 is the reason that the student was kicked out was because the  
8 advisor told him that his teaching performance was so poor that  
9 putting him in front of undergrads would be damaging to their  
10 education.

11 HEARING OFFICER LEACH: Okay.

12 THE WITNESS: That's what I heard from the student. I  
13 don't have precise details. That's what I know.

14 HEARING OFFICER LEACH: And the record will reflect that.  
15 What else?

16 THE WITNESS: The second example I know is of a student  
17 who was a TA and as a TA used that position inappropriately  
18 with regard to an undergraduate who was in his course. And  
19 because of inappropriate relations with an undergrad while  
20 TAing, he was forced to not only stop TAing but to leave the  
21 University of Pennsylvania and not return.

22 HEARING OFFICER LEACH: Okay, those are all the questions  
23 I have. Does the Union have any follow-up?

24 MS. ROSENBERGER: No.

25 HEARING OFFICER LEACH: Does the Employer have any follow-

1 up?

2

RE CROSS EXAMINATION

3 BY MR. JOHNS:

4 Q Just one follow-up on the first individual you testified  
5 to. You said he was kicked out. He was kicked out of the  
6 history program?

7 A He was kicked out of the history program and consequently  
8 the University of Pennsylvania.

9 Q So he was no longer enrolled following that incident?

10 A No. He was told to leave. And the same goes for the  
11 second example.

12 MR. JOHNS: That's all I have.

13 HEARING OFFICER LEACH: Just give me one moment, please.

14 Okay, that's all I have, too. Does the Union have anything  
15 else?

16 MS. ROSENBERGER: No.

17 MR. JOHNS: Can I ask one other?

18 BY MR. JOHNS:

19 Q Do you know when those incidents took place?

20 A Yes. The first one took place I believe it would have  
21 been my fourth year. The second one I think took place my  
22 fifth year.

23 Q Thank you.

24 A But I'm not entirely sure for certain on the exact date.

25 HEARING OFFICER LEACH: All right. Anything else from the

1 Union?

2 MS. ROSENBERGER: No.

3 HEARING OFFICER LEACH: Okay, we're done. Thank you very  
4 much. I appreciate your time today.

5 THE WITNESS: Thanks. Do I leave all these documents here  
6 for you?

7 HEARING OFFICER LEACH: Yes, you can leave those there.

8 (Witness excused.)

9 HEARING OFFICER LEACH: Does either party have anything  
10 else for today?

11 MS. ROSENBERGER: Not for today, but we'll be prepared  
12 with our next witness at nine o'clock tomorrow morning.

13 HEARING OFFICER LEACH: Oh, are we going at 9:00 tomorrow?

14 MR. JOHNS: Could we -- I will be presenting the first  
15 witness now that we know how this has played out. I have a  
16 meeting scheduled in the morning. I can start at 9:30, if that  
17 works. I can't start at --

18 HEARING OFFICER LEACH: You have a witness tomorrow?

19 MR. JOHNS: I'm going to be the one who is doing their  
20 first witness tomorrow. And I had scheduled a meeting before  
21 because --

22 HEARING OFFICER LEACH: Oh, I see, I see. Okay.

23 MR. JOHNS: -- as we sit here, it looked like as if it was  
24 going to be the last day, today.

25 HEARING OFFICER LEACH: Oh, okay.

1           MR. JOHNS: Your first witness tomorrow was one who was  
2 supposed to be the last one today.

3           MS. ROSENBERGER: Well, that's not my first witness.

4           MR. JOHNS: Oh, no, that's not?

5           MS. ROSENBERGER: No. The first witness tomorrow -- do we  
6 want all this on the record?

7           HEARING OFFICER LEACH: No, we can go off the record.

8           (Whereupon, at 6:23 p.m., the hearing in the  
9 above-entitled matter adjourned.)



1

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 FOUR

In the Matter of:

TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,

Employer,

And

GRADUATE EMPLOYEES TOGETHER-UNIVERSITY OF PENNSYLVANIA (GET-UP), a/w AMERICAN FEDERATION OF TEACHERS,

Petitioner.

Case No.: 04-RC-199609

Date: June 27, 2017

Place: Philadelphia, Pennsylvania

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

\_\_\_\_\_  
Official Reporter

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