

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

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

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 Wednesday, June 28, 2017, at 9:00 a.m.

A P P E A R A N C E S

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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	Jacqueline Bannon	1758	1770	1789	1790	--
6						
7	Kelly Karch	1797	1817	1870	1871	--
8						
9	Miranda Weinberg	1885	1949	2002	--	--
10						

1	<u>E X H I B I T S</u>		
2	<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>
3	EMPLOYER 'S		
4	E-63	1771	1774
5	E-64	1774	1789
6	E-65	1820	1823
7	E-66	1823	1840
8	E-67	1840	1842
9	E-68	1842	1851
10	E-69	1851	1855
11	E-70	1855	1862
12	E-71	1863	1864
13	E-72	1865	1866
14	E-73	1983	1987
15	E-74	1987	1993
16	E-75	2000	2001
17	PETITIONER 'S		
18	P-57	1765	1768
19	P-58	1807	1809
20	P-59	1812	1814
21	P-60	1815	1815
22	P-61	1887	1893
23	P-62	1892	1897
24	P-63	1899	1904
25	P-64	1904	1907

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E X H I B I T S (Continued)

PETITIONER'S

P-65	1908	1915
P-66	1915	1919
P-67	1919	1922
P-68	1923	1929
P-69	1930	1933
P-70	1935	1935
P-71	1938	1949

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

2 (Time Noted: 9:32 a.m.)

3 HEARING OFFICER LEACH: On the record.

4 The Union can call its next witness.

5 MS. HOYE: Thank you. The Union calls Jacqueline Bannon.

6 HEARING OFFICER LEACH: Good morning.

7 THE WITNESS: Good morning.

8 HEARING OFFICER LEACH: How are you?

9 THE WITNESS: Good, how are you?

10 HEARING OFFICER LEACH: Okay. Can you say and spell your
11 first and last name, please?

12 THE WITNESS: Jacqueline Bannon, J-A-C-Q-U-E-L-I-N-E,
13 B-A-N-N-O-N.

14 HEARING OFFICER LEACH: Can you raise your right hand?
15 (Whereupon,

16 JACQUELINE BANNON,
17 was called as a witness by and on behalf of the Petitioner, and
18 after having been duly sworn was examined and testified as
19 follows:)

20 HEARING OFFICER LEACH: Okay.

21 MS. HOYE: So we'll continue the agreement from yesterday
22 regarding the use of documentary evidence.

23 DIRECT EXAMINATION

24 BY MS. HOYE:

25 Q What I'll be doing, Jackie -- may I call you Jackie?

1 A Yeah.

2 Q Is if I have any documents that I'm going to ask you
3 questions about, I'll ask you a series of questions about the
4 document prior to putting it into evidence in this case. And
5 then at the end of direct examination, the Employer's attorneys
6 will review their documents, see if they have any documents
7 that they plan to cross-examine you on. You'll have the
8 opportunity at that point to review those documents if you
9 would like to or you can alternatively opt to not review them,
10 but you'll need to state on the record that you are okay with
11 those documents being used in this case. Does that make sense?

12 A Yes.

13 Q Jackie, are you a graduate student at Penn?

14 A Yes, I am.

15 Q Tell us what degree you're pursuing.

16 A I'm pursuing a PhD in Nursing. That means I would have --
17 I'd be a professor in that discipline.

18 Q How far along are you in the program?

19 A I just completed my first year.

20 Q Typically in the nursing program how many years does it
21 take to reach the PhD?

22 A It varies. A lot of us are scheduled to complete in three
23 years. Sometimes that can span to four years. I'd say four is
24 kind of the average. But that can be skewed depending on
25 whether or not people kind of go higher up into like six years

1 for completion.

2 Q Okay. So anywhere then if I'm understanding you
3 correctly, anywhere from three all the way up to six years it
4 could take to complete the program?

5 A That is correct.

6 Q You said that you just finished your first year?

7 A Yes.

8 Q So you entered in fall of 2016?

9 A Yep.

10 Q What is your educational background prior to entering
11 Penn?

12 A I received my BSN, that's a Bachelor's of Science &
13 Nursing, from the University of Iowa. I also have a license to
14 practice clinically. I'm a registered nurse in the state of
15 Pennsylvania. I received that license in August of 2016.

16 Q Did you work at all as an RN?

17 A No. I went directly into this program.

18 Q From undergrad?

19 A Yes.

20 Q Do you have an advisor or advisors in the School of
21 Nursing?

22 A Yes. I have two advisors.

23 Q Who are they?

24 A Dr. Anne Teitelman and Dr. Bridgette Brawner.

25 Q Are they both in the School of Nursing?

1 A Yes.

2 Q How did you come to work with those advisors?

3 A When I applied to this program, typically a nursing and in
4 other behavioral sciences we apply to universities and programs
5 that have faculty that match our interests so I applied to Penn
6 hoping that I could work with those two professors because
7 their interests align with mine.

8 Q What are your areas of interest?

9 A I study community and neighborhood health in regards to
10 HIV prevention and management.

11 Q I want to turn next to the service requirements in the
12 School of Nursing at Penn. Is there a teaching service
13 requirement required for the PhD degree in Nursing?

14 A Yes. There are two ways in which people can fulfill that
15 requirement. The requirement that is mandated by the program
16 is called a teaching residency and that allows students to work
17 with faculty, a prescribed way in which they would outline what
18 they are doing in that setting. Another way is a teaching
19 assistantship and that is what provides funding for students.

20 Q Are all nursing students getting funding through a
21 teaching assistantship?

22 A Not all.

23 Q Explain to us how that works.

24 A Yeah. It kind of depends on what funding you are offered.
25 Myself, personally, I'm funded by a fellowship. And other

1 people in my program were offered teaching assistantships as
2 their funding source. It really kind of just depends on what's
3 offered to you.

4 Q If you are funded through a fellowship, you do not have to
5 be a teaching assistantship but you do have to do a teaching
6 residency, is that right?

7 A That is correct.

8 Q How long is the teaching residency for?

9 A Roughly a semester.

10 Q What does it entail, if you know?

11 A That can vary depending on what's available. Students can
12 work kind of on the backend of a course with planning a
13 syllabus; working on Campus, which is the student portal.
14 Also, they can work with grading assignments. And then they
15 could also work with instruction through lectures and things
16 like that.

17 Q Is there a number of hours a week that the teaching
18 residency is supposed to take, if you know?

19 A Not off the top of my head, no, I don't know.

20 Q The teaching assistantship, what does that entail if you
21 know?

22 A A teaching assistantship from my understanding is more
23 like an hourly position. It's more prescribed as what is
24 expected of TAs. Typically from what I've seen that could mean
25 lecturing, coordinating recitations which are like discussion

1 sections, and working with students organizing course
2 information, grading papers, kind of what would be considered a
3 TA in a traditional sense.

4 Q You're funded by a fellowship, is that right?

5 A Yes, that's correct.

6 Q So you will not have to serve as a teaching assistant?

7 A No.

8 Q Let's talk about research next. Have you performed
9 research in the School of Nursing?

10 A Yes, I have.

11 Q Tell us about that.

12 A I am funded by one of my advisors and I work as a research
13 assistant with a project where I conduct interviews for
14 participants. I manage data in terms of data cleaning, the
15 securing of the data, and preserving confidentiality. I work
16 with recruiting participants to get involved in the study. I
17 have a variety of roles on the team, more in regards to
18 executing the project as it was designed by the PI, so
19 principal investigator, which is my advisor.

20 Q Is that Professor Teitelman?

21 A Yes.

22 Q You mentioned that you're doing interviews. Tell us more
23 about those interviews that you are doing.

24 A Yeah. It is under the qualitative data methodology. What
25 that means is we're not using numerical data in those

1 interviews so kind of like what you would do in a legal case,
2 you ask participants questions and then they, you know, you try
3 and get them to describe their experience and their
4 perspective. And for each interview, it roughly takes two
5 hours per interview.

6 Q This research that you're doing, how did you come to be
7 doing this research?

8 A The opportunity was offered to me by my advisor, who is
9 the PI.

10 Q When did you start working on this?

11 A February of this year.

12 Q How are you paid?

13 A I am paid from the grant that was awarded to my advisor,
14 the PI for the project.

15 Q Do you receive a stipend for the research that you're
16 doing?

17 A No, it's hourly.

18 Q So do you have to track your hours?

19 A Yes.

20 Q How many hours a week do you work?

21 A My department, nursing, requires that we work at a max of
22 10 hours a week so typically that's what I contribute to the
23 project.

24 Q Is that income taxed as far as you know?

25 A Yes.

1 Q Do you know with respect to the research that you're doing
2 for your advisor, do you know how Penn has classified you?

3 A I'm classified as a student worker and also as a
4 fellowship recipient, which is separate from that research
5 funding.

6 Q Did you provide me with a copy of your My Profile from the
7 UPenn web site?

8 A Yes, I did.

9 Q Do you consent to that document being used as an exhibit
10 in this case?

11 A Yes.

12 Q Okay. I'm going to show you a document that I'll mark
13 Union 57.

14 (Petitioner's P-57 identified.)

15 BY MS. HOYE:

16 Q Take a moment to review this document, Jackie, and let me
17 know when you've had a chance to do so.

18 A Okay.

19 Q What is this that we're looking at?

20 A This is my hire information that I have on my student
21 portal, one of the portals that we can look at for our personal
22 information. This just lists my job categorization
23 information, payroll information, and it can help file for
24 taxes and things like that is what it's designed to do.

25 Q I'm looking about halfway down the page and there is a

1 shaded box that says job information. Underneath that it has
2 job title, student worker A.

3 A Yes.

4 Q And then two lines below that it has job class entry date,
5 2/20/2017. Do you see that?

6 A Yes.

7 Q Is that February 20, '17 date, that's when you started
8 doing research for your advisor?

9 A Yes.

10 Q Below that box is a box that says job title, EDUC FLWSHP
11 recipient. Do you see that?

12 A Yes.

13 Q The job class entry date is 9/1/2016.

14 A Um-hum.

15 Q Is 9/1 -- you'll need to say yes or no for the record.

16 A Okay.

17 Q So is that a yes?

18 A Yes.

19 Q That 9/1/2016, is that when you entered Penn as a first
20 year?

21 A Yes, it is.

22 Q That's consistent with farther down the page under
23 biographical information. It has your hired date is
24 September 1, 2016?

25 A Yes.

1 Q Okay. The research that you're doing as a student worker,
2 who decides what that research is?

3 A The PI or co-PIs of the project. This is a multisite
4 study so there is investigators in New York that also
5 contribute to the design of the project.

6 Q Will the results of this research be included in your
7 dissertation?

8 A No.

9 Q You said that this research is grant funded?

10 A Yes.

11 Q Do you know what kind of grant it is funded through?

12 A Yes. I believe it's an NIH grant in R-35.

13 Q What does that mean R-35?

14 A I believe what it means and I could be wrong, but I
15 believe it means that it's an intervention based grant so we're
16 doing kind of the pilot work. Pilot work is we're collecting
17 preliminary data that would influence the type of intervention
18 and the methods for intervention that we would complete. It
19 has several phases. The interviews are the first phase, then
20 survey is the second phase, and then we will begin an
21 intervention in the third phase.

22 Q Were you working at Penn this summer?

23 A Yes.

24 Q Jackie, as a first year, have you already completed your
25 teaching residency?

1 A No, I have not yet done that.

2 Q When will you complete that?

3 A Probably in the course of my second year.

4 Q Will that be in your first semester or your second
5 semester, or do you not know yet?

6 A I don't know yet.

7 Q Typically is that when the teaching residency is completed
8 for students that have external or grant funding?

9 A Yes.

10 Q For students that serve as teaching assistants for their
11 funding, do they serve as teaching assistants starting in their
12 first year?

13 A Yes.

14 Q Do they serve as teaching assistants throughout their time
15 in the program?

16 A Yes.

17 MS. HOYE: I move for the admission of Union 57.

18 MR. FRYMAN: No objection.

19 HEARING OFFICER LEACH: Union 57 is received.

20 (Petitioner's P-57 received.)

21 MS. HOYE: Jackie, I don't have any other questions for
22 you right now, but I believe the lawyers for Penn may have some
23 questions for you and the hearing officer may have some
24 questions for you.

25 HEARING OFFICER LEACH: Do we need to go off the record?

1 MR. FRYMAN: Yeah, if we can do a little caucus.

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

3 (Off the record from 9:47 a.m. to 9:59 a.m.)

4 COURT REPORTER: We are back on the record.

5 HEARING OFFICER LEACH: So you want to tell the Union
6 what --

7 MR. FRYMAN: Yes, I will. I will describe them.

8 HEARING OFFICER LEACH: Okay.

9 MR. FRYMAN: We have two letters that were sent to Ms.
10 Bannon in 2016 with respect to her admission. Essentially,
11 they are admission letters.

12 HEARING OFFICER LEACH: That's it?

13 MR. FRYMAN: Yep.

14 HEARING OFFICER LEACH: Okay. So now if you would like to
15 review those letters you can take them next door and review
16 them in private to see if you don't mind them being used or if
17 you don't want to review them you can just consent to them
18 being used for this proceeding.

19 THE WITNESS: I'd just like to review them really quickly.

20 HEARING OFFICER LEACH: Okay, so just take them from the
21 Employer. The room is open next door, right?

22 MR. FRYMAN: Yes.

23 HEARING OFFICER LEACH: Okay, so I'm going to tell you
24 what to do. We can go off the record.

25 (Off the record from 10:00 a.m. to 10:02 p.m.)

1 HEARING OFFICER LEACH: Back on the record.

2 Off the record, the witness reviewed the documents the
3 Employer plans to present and does not object to them being
4 used for this proceeding. Is that true?

5 THE WITNESS: Yes, that's true.

6 CROSS-EXAMINATION

7 BY MR. FRYMAN:

8 Q Thank you. Good morning, Ms. Bannon.

9 A Good morning.

10 Q So you hope to be a professor someday.

11 A That's true, yes.

12 Q You understand that being a professor would entail
13 teaching?

14 A Yes.

15 Q Conducting research?

16 A Yes.

17 Q Conducting research not unlike the research that you are
18 getting to be a part of right now with your advisor, correct?

19 A Yes.

20 Q In fact you said you chose Penn in part because of the
21 faculty there, their research interest matched your research
22 interest.

23 A Yes, that's correct.

24 Q Both Dr. Teitelman and Dr. Brawner?

25 A Yes.

1 Q In fact did you spend some time even before you started
2 classes with either Dr. Teitelman or Dr. Brawner?

3 A No, I wasn't in the area.

4 Q I'd like to show you what we'll mark as Employer 63.
5 (Employer's E-63 identified.)

6 BY MR. FRYMAN:

7 Q Actually, a few questions before I show you this document.
8 Now when you were admitted into the PhD program, it was with a
9 funding package?

10 A Yes.

11 Q It was something I think you referred to a fellowship,
12 correct?

13 A Yes, that's correct.

14 Q In fact it was a specific fellowship funded from outside
15 the university, isn't that right?

16 A Yes, from a foundation.

17 Q Robert Wood Johnson?

18 A Yes.

19 Q Something called a fund for future nursing scholars,
20 correct?

21 A Yes, that's the title of the fellowship.

22 Q So congratulations. That's a prestigious award to get
23 something like that.

24 A Thank you, yeah, it is.

25 Q For you to pursue these studies.

1 A Yes.

2 Q You understood the terms of that to be that you would be
3 funded for three years?

4 A Yes.

5 Q Was that not with the expectation that you would obtain
6 your PhD in those three years?

7 A Complete in the three years, yes.

8 Q That funding consisted of several elements, did it not or
9 does it not?

10 A Could you explain what you mean by several elements?

11 Q Sure. It covers your tuition?

12 A Um-hum.

13 Q Yes?

14 A Yes.

15 Q Any university fees and costs?

16 A Yes.

17 Q Provides health insurance for you, personally?

18 A Yes.

19 Q And then it provides a stipend, right?

20 A Yes.

21 Q And it provides all of those elements for all three of
22 those years?

23 A Yes.

24 Q Regardless of whether you are performing any service or
25 not, correct?

1 A Yes.

2 Q I'm showing you what we've marked as Employer's 63. Do
3 you recognize this document?

4 A Yes, I do.

5 Q Is this the letter you received advising that you had been
6 admitted into the program at Penn?

7 A Yes.

8 Q This advises you about the funding for the three years of
9 your program?

10 A Yes.

11 Q It mentions those elements we just discussed, the tuition,
12 the fees, the health insurance, and the stipend?

13 A Yes, it does.

14 Q Then it mentions that your name had been submitted in
15 nomination for a Fontaine fellowship. Do you see that?

16 A Yes.

17 Q Did you ever hear anything further with respect to the
18 Fontaine fellowship?

19 A No. And I don't believe based on my recollection that I
20 received the Fontaine fellowship.

21 Q Your understanding is that you received a different
22 fellowship. That was the Robert Wood Johnson for future
23 nursing scholar's fellowship?

24 A Yes.

25 Q This letter in February of 2016 advised you that you would

1 be paired with Dr. Brawner and -- well, at least Dr. Brawner as
2 faculty advisor. This also mentions Dr. --

3 A Villarruel?

4 Q Thank you. Now Dr. -- can you say it again?

5 A Villarruel.

6 Q Villarruel. Did not end up becoming one of your advisors?

7 A She was for a time, but I switched to Dr. Teitelman in
8 January of this year.

9 Q Dr. Brawner remains your advisor, one of your advisors.

10 A Correct.

11 MR. FRYMAN: Move for the admission of Employer's 63.

12 MS. HOYE: No objection.

13 HEARING OFFICER LEACH: Employer's 63 is received.

14 (Employer's E-63 received.)

15 (Employer's E-64 identified.)

16 BY MR. FRYMAN:

17 Q I'm showing you what we've marked as Employer's 64. Do
18 you recognize this letter?

19 A Yes, I do.

20 Q This was a letter sent to you later in the spring of 2016,
21 in May?

22 A Yes.

23 Q It welcomes you to the program?

24 A Yes.

25 Q So that reflects that I assume between the February

1 letter, 63 we were just looking at, and this one 64, you
2 accepted?

3 A Yes, I did.

4 Q This letter again advised you of who your advisors would
5 be going in?

6 A Correct.

7 Q It told you a little something about some of the courses
8 you would need to be taking?

9 A Yes.

10 Q And advised you to work with your advisors over the summer
11 to determine just what you would be doing in the first year of
12 your program, correct?

13 A Yes, that's correct.

14 Q Did you proceed to do that?

15 A Yes, I did, as of a month or so ago to complete that year.

16 Q I meant did you meet with either of your advisors to come
17 up with a plan for your first year of study.

18 A Oh, yeah. I spoke with them via email.

19 Q Did you at any point review any materials either on the
20 web site or in hard copy that outlined the degree requirements
21 for the program?

22 A By degree requirements do you mean -- what do you mean by
23 degree requirements?

24 Q Well, let me turn it around on you since the way this
25 works really is I ask the questions and you answer them. So

1 you answer the best you can, okay?

2 A Okay.

3 Q You understood that you would need to take certain courses
4 in order to obtain your degree?

5 A Oh, yes.

6 Q So that was one of the degree requirements you understood
7 going in?

8 A Yes.

9 Q That you would have to engage in some form of research?

10 A In the form of research assistant -- in the form of a
11 research residency, yes.

12 Q That you would also have to engage in some type of
13 teaching training or activities?

14 A Yes, the teaching residency.

15 Q And then you would have to embark on a dissertation?

16 A Yes.

17 Q And defend that dissertation.

18 A Yes.

19 Q Did you also have to take some sort of comprehensive or
20 qualifying examination?

21 A Yes. Mine is called a general exam.

22 Q When do you take that?

23 A This upcoming October. Wish me luck.

24 Q I'm sorry?

25 A Wish me luck.

1 Q I wish you luck. I don't think you'll need it though. I
2 want to show you something actually the Union put into
3 evidence. I'm going to put another copy here. I'll take it
4 back so we don't get confused here. It's Union 34. Do you
5 recognize this? Have you ever seen this before?

6 A Yes.

7 Q That's the doctoral student handbook for the School of
8 Nursing?

9 A Yes.

10 Q Dated for this past academic year, right, 2016-2017?

11 A Yes, that's correct.

12 Q Did you review this at any point?

13 A Sparingly sometimes through skimming, but yes.

14 Q In hard copy like this or online?

15 A Online.

16 Q Would you agree with me that this outlines those degree
17 requirements about which we just spoke?

18 A Yes.

19 Q Just flipping through it, it talks about the course
20 requirements, right?

21 A Yes, that's correct.

22 Q It tells you about advisors and the role the advisor would
23 play, is that right?

24 A Yes.

25 Q About your dissertation requirement?

1 A Yes.

2 Q Do you have a dissertation topic?

3 A Yes, I do.

4 Q What's your dissertation topic?

5 A I'll be brief. I'm going to be studying HIV positive
6 women in Chicago through a secondary data analysis. What that
7 means is there is a primary research team that is collecting
8 this data. They will clean the data, and share it with me, and
9 then I will run statistical analyses to make inferences about
10 that population. My specific question regards their
11 perceptions of their neighborhood and their environment, how
12 that relates to their stress, and then projecting long-term
13 cardiac risk with the purpose of learning about the potential
14 developments of comorbidities as HIV women age -- HIV positive
15 women age.

16 Q The dissertation you're going to do, you're going to be
17 using data that somebody else collected and cleaned?

18 A Yes. A national longitudinal study, that means like a
19 long-term study from several sites. The site in Chicago is the
20 data that I'll be using.

21 Q Qualitative?

22 A Quantitative.

23 Q So this is in contrast to this pilot program you talked
24 about?

25 A Yes, with my assistantship. That is qualitative.

1 Q But both about -- both of these deal with HIV populations,
2 one in Chicago and one here in Philadelphia?

3 A Yes, but they are quite different. The project here is
4 prevention. That said is a different angle of HIV management.

5 Q So turning back to Union 34, if you look on Pages 16 and
6 17, it sets forth the requirements for the teaching residency
7 and the research residency. Is that right?

8 A Yes.

9 Q In terms of the teaching residency, all incoming PhD
10 students must satisfy the teaching residency, right?

11 A Yes.

12 Q In fact if you'll look at those bullet points a student
13 can satisfy that teaching residency by serving as a TA,
14 correct?

15 A Yes, but those are typically separate roles. The teaching
16 residency can happen simultaneously, but it's usually, like it
17 says exceeds routine work so that would be a different level of
18 contribution.

19 Q With respect to -- you said you haven't done this teaching
20 residency.

21 A Not yet, no.

22 Q And you haven't served as a teaching assistant.

23 A No.

24 Q So you don't have any personal experience in the School of
25 Nursing being engaged in a teaching residency or a teaching

1 assistantship.

2 A That's correct.

3 Q Looking at the research residency description on the
4 following page that describes the research residency
5 requirement, correct?

6 A Yes.

7 Q Again looking at the bullet points that states -- it
8 states there that serving as a research assistant for the
9 particular focus project that that could serve the research
10 residency requirement, correct?

11 A Yes.

12 Q Then finally the handbook goes onto detail the qualifying
13 examination requirement, right?

14 A Yes.

15 Q Then the candidacy examination which I think you referred
16 to earlier formerly known as a dissertation proposal defense,
17 Nursing now calls that the candidacy examination, is that
18 right?

19 A I believe so, but I mix those up occasionally.

20 Q Are you familiar with something called the Center for
21 Teaching and Learning?

22 A Yes.

23 Q Have you spent any time at the Center for Teaching and
24 Learning?

25 A Not at the center but through events from the center.

1 Q Did you attend any workshops that were put on by the
2 Center for Teaching and Learning?

3 A No, not yet.

4 Q You say not yet. Is it your understanding that you will?

5 A I may if I fulfill a teaching role for the residency.

6 Q Let's talk a little bit about your research with Dr.
7 Teitelman. You mentioned that in February you started
8 conducting some research on this grant with Dr. Teitelman.

9 A Yes.

10 Q Had you worked with Dr. Teitelman before February?

11 A No, I had not.

12 Q Now what about Dr. Brawner, have you spent any time
13 working with Dr. Brawner?

14 A Yes, I have.

15 Q Tell us about your work with Dr. Brawner.

16 A We're working on a systematic review for a publication
17 about the studies that have been conducted regarding
18 neighborhoods and what type of data and definition they have of
19 neighborhoods in regards to HIV.

20 Q Is this research that Dr. Brawner is conducting pursuant
21 to an external grant?

22 A I believe so.

23 Q What's the nature of the work that you're -- research that
24 you're conducting alongside Dr. Brawner on this project?

25 A My role was pretty prescribed through the project. I

1 wasn't involved in the conceptualization and the planning of
2 the review or the design of the review. Once those decisions
3 were made I was the one to actually collect the articles.

4 Q What do you mean by collect the articles, what did you do?

5 A Basically, there are databases in which a lot of academic
6 journal articles are stored and accessible through academic
7 institutions often. And so based on the inclusion criteria,
8 that means the guidelines that state whether or not an article
9 will be reviewed by the team, based on those criteria I'll go
10 into those databases and search certain terms, and then look
11 through what comes up in the search, and then sift through the
12 articles to see yes or no does this fit into our criteria, and
13 then compiling those and organizing those for analysis.

14 Q Did you receive any compensation beyond your fellowship
15 funding for the research that you did with Dr. Brawner?

16 A Yes.

17 Q When did you do that?

18 A I've been -- I'm currently still working on that. And so
19 the funding I receive -- let me think. I believe the funding
20 ended recently and then other funding will pick up for my RA
21 position with Dr. Teitelman.

22 Q I'm not sure I understand. I want to focus now on your
23 work with Dr. Brawner. When did you conduct this work with Dr.
24 Brawner?

25 A We're still working on it right now.

1 Q When did that start?

2 A That started -- so the conceptualization of the project
3 started a year ago. I conducted the review over the summer and
4 then I received funding afterwards for that.

5 Q You started over the summer. That would have been before
6 you enrolled?

7 A Yes.

8 Q Did you receive any compensation for the work that you did
9 over the summer, last summer and the summer of 2016?

10 A No, I did not.

11 Q Then did you continue that work after you commenced
12 classes in September?

13 A I didn't pick that up until December, at the end of the
14 semester, so I took a hiatus from that work during classes.

15 Q How long did you do this over the summer?

16 A I'd say about a contribution of maybe 20 hours total.

17 Q This wasn't something that Dr. Brawner required you to do?

18 A No.

19 Q This is something that you wanted to do given your
20 matching research interest?

21 A Yes.

22 Q Then you were a busy new student first semester with
23 classes. You didn't do any of this work during the first
24 semester. Is that right?

25 A That's correct.

1 Q But then you said it picked up again. What do you mean by
2 that?

3 A What I did was I collected the articles and they were
4 stored in our software managing service. I believe we use
5 Endnote. That's just a software package. That will manage
6 articles and resources. I had already had all of the articles
7 uploaded into Endnote, but I hadn't really -- I hadn't looked
8 at them. I shared them with Dr. Brawner. Then after that we
9 slowly but surely proceeded to look through those articles.

10 Q At the beginning of the end of December or in January?

11 A As I remember, December.

12 Q You continued to do that?

13 A Yes.

14 Q Throughout the balance of the spring semester?

15 A Kind of like what I did in the fall. I looked at it
16 briefly prior to the semester and then put it down again. I
17 picked it up since the end of this most recent semester in May.

18 Q So you really weren't doing any of this work with Dr.
19 Brawner during the two academic terms, fall 2016 or spring
20 2017?

21 A That's correct.

22 Q As I understand it you didn't receive any compensation for
23 any of the work you did during the summer.

24 A No, I did not.

25 Q What about in between fall and spring?

1 A I believe I received compensation in April and March for
2 that work that I picked up as I was like looking through the
3 articles, and sifting through them, and documenting the
4 characteristics of each article.

5 Q That was a single check you believe you received in March
6 or April for that work over those couple of weeks?

7 A That was hourly, hourly wages for that.

8 Q But I don't think that answered my question.

9 A Yes.

10 Q Which was you said you believed you received payment in
11 March or April for that work in late December, is that right?

12 A I was working voluntarily in December. And then I
13 received funding from Dr. Brawner as it was made available to
14 me when I was doing more analytical work for that project. And
15 that picked up in March and April.

16 Q I thought you told me a few moments ago that you
17 essentially took a hiatus from that work from the spring
18 semester and didn't do anything again until May.

19 A Well, I looked at it in the beginning of those at that
20 time. It wasn't major, but these data take quite a bit of
21 cleaning. And so that was the extent to which I was looking at
22 that, but not a bulk of my time was spent on that.

23 Q You believe that you beginning in March or April were paid
24 hourly for this work with Dr. Brawner?

25 A Yes.

1 Q Did that work come to an end?

2 A Yes, it did.

3 Q When was that?

4 A About at the end of April.

5 Q I think you said you were doing some work over this
6 current summer, is that right?

7 A Yes.

8 Q What is it you're doing this summer?

9 A I'm working with Dr. Teitelman on that qualitative study
10 largely conducting interviews of research participants.

11 Q That work that you started in February?

12 A Yes, voluntarily at that point.

13 Q At what point?

14 A I started with her project to get exposure to the content
15 and also to kind of work with her more directly on the project.
16 And then I was working for Dr. Brawner sparingly as I
17 described. Then once my availability freed up for the summer I
18 was conducting interviews once that role ended with Dr.
19 Brawner.

20 Q Now the hourly pay with Dr. Teitelman that began in
21 February, that lasted -- that role just lasted for a couple of
22 months, is that right?

23 A That role, as I described with my course work, it was
24 brief when I was doing interviews at that point. And then I
25 started my course work and got more heavily involved in my

1 course work, so that kind of went on hold for a bit. And then
2 I picked it back up towards the end of the semester.

3 Q How much time did you spend on that project with Dr.
4 Teitelman during the spring semester?

5 A Would you like a kind of grand summary for that or more
6 weekly?

7 Q Well, starting in February, how much time were you
8 devoting before you said you took this, kind of put it aside?

9 A So over the course of the semester, we completed about --
10 I'm doing the math of it. We completed about six or seven
11 interviews and it takes about an hour each interview, so that's
12 roughly six hours of interviewing, maybe a couple of extra
13 hours with planning and preparing for each interview.

14 Q Then you said you're doing some more interviewing with
15 this project with Dr. Teitelman this summer?

16 A Yes.

17 Q And you are or you are not getting compensated for it?

18 A As of now, no.

19 Q So that's work that you just want to do, continue doing
20 with Dr. Teitelman?

21 A Continue to do. I will pick up funding from her grant
22 soon.

23 Q When you say soon, in the fall?

24 A As soon as we get through the paperwork.

25 Q Will that be prospective?

1 A Yes.

2 Q But in the meantime you want to continue doing that work
3 with Dr. Teitelman?

4 A Yes.

5 Q Which also matches up with your research interest.

6 A Yes, but not directly towards my dissertation. Interest
7 wise, yes.

8 Q But this research with Dr. Teitelman and this research
9 with Dr. Brawner, the research with your -- what you're doing
10 for your dissertation, that's all the type of research that you
11 hope to go onto conduct as a professor some day?

12 A Yeah, that's correct.

13 Q Doing this pilot work, interviewing, surveying, again
14 that's all helpful training and exposure to methods, and
15 methodology, and how to go about doing this research?

16 A Yes. Kind of like work training.

17 Q Look back for a moment at Union 57. I assume you inputted
18 the information about your addresses at some point somewhere?

19 A Yes.

20 Q And you provided more than one address. There is a local
21 address and a permanent address.

22 A Yes, that's correct.

23 Q Then down below there is a payroll delivery location, so
24 that's a within the University of Pennsylvania, on campus
25 address?

1 A Yes.

2 MR. FRYMAN: Move 64 in. Move for Employer 64.

3 HEARING OFFICER LEACH: Did we do 63 or 64?

4 THE WITNESS: It's 63?

5 HEARING OFFICER LEACH: No, no, I'm asking --

6 COURT REPORTER: You moved for 63. 64 is outstanding.

7 MR. FRYMAN: Move 64.

8 HEARING OFFICER LEACH: Any objection from the Union
9 on 64?

10 MS. HOYE: No objection.

11 HEARING OFFICER LEACH: 64 is received.

12 (Employer's E-64 received.)

13 MR. FRYMAN: Thank you, Ms. Bannon. That's all the
14 questions that I have.

15 HEARING OFFICER LEACH: Does the Union have follow-up?

16 REDIRECT EXAMINATION

17 BY MS. HOYE:

18 Q Just a couple of follow-up, Jackie, for you. The
19 reference to the Fontaine fellowship that's in Employer
20 Exhibit 63, is that something that you applied for or is that
21 something Penn sought funding on your behalf for?

22 A That was something that was offered, kind of advertised to
23 me in this letter.

24 Q Did you have to submit an application for that?

25 A No.

1 Q The research residency that's referenced in Union
2 Exhibit 34, on Page 17 -- let me know when you're there.

3 A Got it.

4 Q When will you complete that research residency, if you
5 know?

6 A I am not sure at the moment when I'll do that. I might
7 complete it the semester, the last semester of my third year
8 perhaps -- or not the last semester, I apologize, the fall
9 semester of the third year.

10 Q I don't have any other questions for you. Thank you,
11 Jackie.

12 RE CROSS EXAMINATION

13 BY MR. FRYMAN:

14 Q Going back to 63 that mentioned the Fontaine fellowship,
15 the letter advises you that that particular fellowship does not
16 provide any funding, isn't that right, if you look at the one,
17 two, three, fourth paragraph?

18 A On the front page?

19 Q Yes.

20 A Okay. Yes, that's correct.

21 Q And that if you were to receive this fellowship, it
22 wouldn't interfere with your ability to receive funding from
23 the school or other sources, correct?

24 A That's correct.

25 MR. FRYMAN: That's all I have.

1 HEARING OFFICER LEACH: Anything else from the Union?

2 MS. HOYE: Not at this time, no.

3 HEARING OFFICER LEACH: Okay. I have a few follow-up
4 questions.

5 THE WITNESS: Sure.

6 HEARING OFFICER LEACH: You talked about different
7 projects that -- well, no, just give me a moment, let me just
8 see. You may have answered those. The project that you were
9 working on with Dr. Teitelman that you said you think was
10 funded by an NIH grant, I think that's the one that you were
11 just talking about when the Employer asked you some questions
12 that you said you were working on the summer, the one that you
13 do intermittently kind of with Teitelman?

14 THE WITNESS: The intermittent work is more with Dr.
15 Brawner. I do more consistent work with Dr. Teitelman, but
16 that has kind of begun more recently if that makes sense.

17 HEARING OFFICER LEACH: The work that you're doing at
18 UPenn this summer, that's with Dr. Brawner?

19 THE WITNESS: No.

20 HEARING OFFICER LEACH: Or Teitelman?

21 THE WITNESS: Dr. Teitelman.

22 HEARING OFFICER LEACH: Okay. And you said that you will
23 get paid from a grant. Do you know when you would get paid
24 from that?

25 THE WITNESS: Not at the moment.

1 HEARING OFFICER LEACH: The work that you do that you said
2 is hourly with Dr. Teitelman, you said you started February
3 2017. You have to keep track of your hours, 10 hours a week.
4 That's on top of your fellowship, on top of the stipend that
5 you receive?

6 THE WITNESS: Yes.

7 HEARING OFFICER LEACH: What's your hourly rate?

8 THE WITNESS: I usually work the full 10 and usually I go
9 voluntarily beyond those 10 hours.

10 HEARING OFFICER LEACH: I just want to know how much you
11 get paid.

12 THE WITNESS: Oh, yeah, for 10.

13 HEARING OFFICER LEACH: No, the dollar amount.

14 THE WITNESS: Oh, the dollar amount.

15 HEARING OFFICER LEACH: Yes.

16 THE WITNESS: I don't know off the top of my head the
17 dollar amount. I believe it's maybe \$12, but I could be
18 mistaken. I'd have to check.

19 HEARING OFFICER LEACH: Do you receive this money at the
20 same time you receive your stipend check?

21 THE WITNESS: I submit hours biweekly and so by my -- I
22 believe I am paid biweekly but then I'm given monthly funding
23 from the stipend. So there are two kind of separate sources.

24 HEARING OFFICER LEACH: So every month you get a stipend
25 check?

1 THE WITNESS: Yes.

2 HEARING OFFICER LEACH: And then are you saying you also
3 get a second check from the 10 hours a week one?

4 THE WITNESS: I'm not too familiar because I have direct
5 deposit set up so it usually just kind of all kind of goes into
6 my account.

7 HEARING OFFICER LEACH: Okay. So you don't necessarily
8 pay attention when you're getting that.

9 THE WITNESS: That's correct.

10 HEARING OFFICER LEACH: How long do you think the work
11 with Dr. Teitelman will last?

12 THE WITNESS: That's a great question. I'm not entirely
13 sure. I imagine that I will continue to work with the project
14 at least up and through the second phase. And to describe that
15 again that is a survey of our participants. That can be done
16 paper or online.

17 HEARING OFFICER LEACH: Timewise, how would you project
18 that timewise?

19 THE WITNESS: I imagine we're planning on beginning that
20 in a few months and then I imagine data collection will
21 probably continue throughout the rest of this calendar year and
22 into the spring semester. Then after that I'll be on
23 dissertation, so I don't believe I'll have a big role with the
24 project at that point.

25 HEARING OFFICER LEACH: Okay. You've gone back and forth

1 a little bit with the work with Teitelman versus Brawner.

2 THE WITNESS: Yes.

3 HEARING OFFICER LEACH: I have in my notes that you
4 started -- so before you started, you were working with Dr.
5 Brawner on the studies about neighborhoods and HIV data?

6 THE WITNESS: Yes.

7 HEARING OFFICER LEACH: And you said you were paid
8 recently for that in March or April. You said that was hourly.
9 Do you think that's about the same hourly, about \$12?

10 THE WITNESS: I would guess so, yes, but I'm not entirely
11 sure. I would have to check my records.

12 HEARING OFFICER LEACH: But during the time that you get
13 that money, you're still receiving your monthly stipend?

14 THE WITNESS: Yes, that's correct.

15 HEARING OFFICER LEACH: And I just want to be sure. Your
16 funding requires what you called a teaching residency that you
17 have not done yet?

18 THE WITNESS: Yes, that's correct.

19 HEARING OFFICER LEACH: You also testified that when the
20 Employer asked you about the research residency requirement
21 that you have not done that either.

22 THE WITNESS: Yes, that's correct.

23 HEARING OFFICER LEACH: All right, I don't have any other
24 questions. Does the Union?

25 MS. HOYE: I don't have any other questions, Jackie.

1 HEARING OFFICER LEACH: Does the Employer have any other
2 questions?

3 MR. FRYMAN: Yeah, just a couple of quick follow-up.

4 BY MR. FRYMAN:

5 Q The work that you're doing -- let's start with Dr.
6 Teitelman. As I understand it, there have been periods where
7 you have been compensated and other periods where you have not
8 been compensated, is that right?

9 A Yes, that's correct.

10 Q The nature of the work has been the same whether you've
11 been compensated or not compensated, isn't that right?

12 A In regard to Dr. Teitelman's work, yes.

13 Q What about Dr. Brawner?

14 A That's also correct.

15 Q The work that you're doing with Dr. Brawner and Dr.
16 Teitelman, will either Dr. Brawner or Dr. Teitelman publish any
17 papers in connection with those projects?

18 A Yes, that's correct.

19 Q Might you have an opportunity to be listed as a co-author
20 on any of their publications?

21 A I would hope so, yes.

22 Q Your dissertation, that will include both quantitative and
23 qualitative analysis?

24 A Largely only quantitative.

25 Q But some qualitative?

1 A No qualitative as of now, but that can change depending on
2 what data is available.

3 MR. FRYMAN: That's all I have. Thank you.

4 HEARING OFFICER LEACH: Does the Union have any follow-up?

5 MS. HOYE: No.

6 HEARING OFFICER LEACH: Okay. I don't, either. Then
7 you're done. Thank you very much, I appreciate it.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 HEARING OFFICER LEACH: Can we go off the record?

11 (Off the record from 10:44 a.m. to 10:52 a.m.)

12 HEARING OFFICER LEACH: Back on the record.

13 The Union can call its next witness.

14 MS. HOYE: The Union calls Kelly Karch.

15 HEARING OFFICER LEACH: Good morning.

16 THE WITNESS: Good morning.

17 HEARING OFFICER LEACH: Can you say and spell your first
18 and last name, please?

19 THE WITNESS: Sure. First name is Kelly, K-E-L-L-Y, last
20 name Karch, K-A-R-C-H.

21 HEARING OFFICER LEACH: Can you raise your right hand?

22 (Whereupon,

23

KELLY KARCH,

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

1 follows:)

2 HEARING OFFICER LEACH: Okay.

3 DIRECT EXAMINATION

4 BY MS. HOYE:

5 Q Good morning, Kelly.

6 A Good morning.

7 Q Were you here earlier this morning when Jackie was
8 testifying?

9 A I was.

10 Q Okay. And so did you hear my instructions to her about
11 the use of documents?

12 A I did.

13 Q Do you understand how that's going to work?

14 A Yes.

15 Q Are you currently a graduate student at Penn?

16 A I am.

17 Q What school are you in?

18 A I'm in the School of Medicine, specifically biomedical
19 graduate studies.

20 Q What subgroup of BGS are you in specifically?

21 A I'm in biochemistry and molecular biophysics.

22 Q Is that commonly referred to as BMB?

23 A Yes.

24 Q So if I refer to that as BMB in asking you questions
25 today, you'll know that I'm referring to biochemistry and

1 molecular biophysics?

2 A Correct.

3 Q How far along are you in your degree?

4 A I'm in my fifth year.

5 Q So you would have entered in the fall of 2012, is that
6 right?

7 A That's correct.

8 Q Prior to coming to Penn, what is your educational
9 background?

10 A I did my high school degree at Garnet Valley High School,
11 Glen Mills. And then I went to Franklin & Marshall College in
12 Lancaster, Pennsylvania, where I got by Bachelor of Arts in
13 Biochemistry. Then I came directly here for my PhD.

14 Q So you didn't work at all in between undergraduate and
15 graduate education?

16 A No.

17 Q Do you have an advisor or we've also heard the term PI at
18 Penn?

19 A I do. I'm under the guidance of Ben Garcia, who is also
20 in BGS.

21 Q We've also heard graduate students refer to their advisors
22 by many different terms. What do you refer to Ben Garcia as?

23 A It depends who I'm talking to. Most often I just say my
24 boss. He's kind of the head of the lab. Sometimes I'll call
25 him my advisor or my PI, but most often boss.

1 Q What does PI stand for?

2 A That's a principal investigator.

3 Q How did you come to work with your boss?

4 A In BGS, in our first year we do three laboratory
5 rotations. These are basically just kind of testing out
6 different labs, and seeing if it's a good fit research wise and
7 culturally, essentially. When you first go to Penn, you email
8 professors. Typically you describe who you are and you say I'm
9 interested in your research, could we meet to talk. And then
10 generally you meet to talk with them.

11 They explain like different rotation projects that they
12 would have you working on, so they are generally like a smaller
13 project that's more feasible for a short time frame. If they
14 agree, and they have space and money, and you agree it's a good
15 fit then you rotate there. So I did three of those. Ben was
16 the last one so the third one that I did in the summer.

17 At the end of that after doing your lab rotations, it's
18 time to think about where do you want to be for your PhD. If
19 the lab also thinks that you're a good fit then you sit down
20 and have this conversation, and then they can welcome you to
21 the lab or say, sorry, this isn't going to work out. With Ben
22 it worked out.

23 Q Who else did you rotate with?

24 A Yair Argon, who is in the pathology department.

25 Q Can you spell his name?

1 A Sure. It's Y-A-I-R first name, Argon, A-R-G-O-N. And
2 then Ben Black, that's just B-E-N, B-L-A-C-K. He's in BGS.

3 Q Did you at some point seek to have two advisors?

4 A I did. I originally wanted to be co-mentored with Ben
5 Black and Ben Garcia. However, someone had just joined Ben
6 Black's lab and he was expecting to get a grant that ended up
7 not going through. So then I was just primary in Ben Garcia's
8 lab.

9 Q You said that your rotation in Ben Garcia's lab was the
10 third of the three?

11 A Yes.

12 Q That was during the summer at the end of your first year?

13 A Yes, correct.

14 Q How would you describe your boss' role?

15 A Ben's job is to kind of direct the research. He writes
16 grants and provides funding for students and post-docs. He is
17 responsible for giving people projects to work on, making sure
18 that they're on track, that they are performing their research
19 duties. Also like if you have to take a day off or something,
20 he's the person that you ask so he manages the people as well.
21 He gives us feedback on our progress. Those are the primary.

22 Q Is there in BGS something called a qualifying exam?

23 A Yep.

24 Q What is that?

25 A That comes at the end of your second year. You join your

1 lab at the end of the summer in your first year and then you
2 start working in the lab. Your job then is to kind of work
3 towards your qualifying exam. In BMB I know it varies
4 depending on exactly which program you're in, in BGS. We write
5 like a mock grant proposal basically, so it's in the style of
6 an F31 grant; you layout a specific aim so like a research
7 proposal. And then you defend this in front of a panel of
8 professors. These professors question you on the specifics of
9 your projects, alternative strategies for example, as well as
10 like any underlying concepts of biochemistry or biophysics that
11 are related to the project. At the end they deliberate and
12 decide if you pass or fail, or have to -- you can also get
13 provisional passage and pass if you have to change something.

14 Q This is at the end of your second year you said?

15 A Um-hum.

16 MR. JOHNS: You have to say yes.

17 THE WITNESS: Oh, yes.

18 BY MS. HOYE:

19 Q You mentioned an F31 grant. What is that just for the
20 record?

21 A That's a grant that graduate students can apply to through
22 NIH and it's for funding. I'm not sure how much it is actually
23 for.

24 Q BGS, what's your understanding of the average time to
25 complete your degree?

1 A When I first started it was like an average of five and a
2 half years. I think it has probably shifted a little more
3 towards like five and three-quarters to six depending on the
4 program as well. It can vary.

5 Q By program, you mean program within BGS?

6 A Within BGS.

7 Q I want to turn next to the service requirements in BGS.
8 Let's talk about teaching first.

9 A Sure.

10 Q Is teaching required for your degree?

11 A It is not. It's optional. If you would like to, you have
12 to get permission from the head of your department and your PI.

13 Q Tell us how that process works.

14 A I actually TAd twice. I first asked Ben if that's
15 something that would be okay to do. He said yes. Then I went
16 to Kim Sharp, who is the department chair, and asked her
17 permission there. So there's like a form you sign and you have
18 to explain why you want to TA on the form.

19 Q You said that you have TAd twice?

20 A I have.

21 Q Even though it's not required as part of your degree?

22 A Correct.

23 Q When did you TA?

24 A I TAd in the spring of 2016 and 2017.

25 Q In the spring of 2016, what course did you TA?

1 A It was biochemistry for undergrads in the School of Arts &
2 Sciences.

3 Q How large is that course?

4 A The first time -- I TAd the same course both times. The
5 first one started out at around 120 and then I think it went to
6 around 110 by the end give or take.

7 Q 120 when you taught it in the spring of 2016 and 110 by
8 the time you taught it in spring of 2017?

9 A By the end of the course. Some people decided not to take
10 it. And then the second time it was around 80.

11 Q When you TAd in biochemistry in the spring of 2016, were
12 you the only TA for that course?

13 A No, there were four of us total including myself.

14 Q Who were the other TAs?

15 A One of them was Mikelos -- I don't know how to pronounce
16 his last name, Santakiss?

17 Q Who is that?

18 A He's a fellow BMB student a year below me. And then there
19 was Annun (ph.), he's in biology SAS, and Ruth Elliot, who was
20 a teaching or a lab tech at the time.

21 Q A what?

22 A A lab tech.

23 Q Sorry, because the air turned on, I couldn't hear you.

24 A A laboratory technician.

25 Q Not a graduate student.

1 A Not a graduate student.

2 Q When you TAd in the spring of 2016 in the undergraduate
3 biochemistry course, what were your duties as a TA?

4 A I had a lot of duties. I had to attend each lecture. I
5 graded problem sets exams, papers. I had office hours, two
6 hours a week. I answered some emails with questions. I also
7 met students outside of office hours who were needing extra
8 help. I think that's it.

9 Q How many times a week did that course meet?

10 A Twice.

11 Q How many times a week -- was there a recitation?

12 A Oh, yeah, a recitation. Yes, I also led a recitation once
13 a week, an hour long.

14 Q Were you required to attend the lectures?

15 A Yes.

16 Q You mentioned responding to student emails, holding office
17 hours. Did you mention grading already?

18 A Yes, grading.

19 Q What types of things were you grading?

20 A Problem sets. There are seven problem sets, one bonus
21 problem set, a paper, three exams.

22 Q Were you paid for TAing that course in the spring of 2016?

23 A I was.

24 Q How much were you paid?

25 A \$4,000.

1 Q Is that \$4,000 part of the stipend that you received?

2 A No, that was additional.

3 Q Was that \$4,000 taxed as far as you know?

4 A I believe it was.

5 Q Let's turn to spring of 2017. That would be this most
6 recent spring. Again you TAd the biochemistry course?

7 A Yes.

8 Q Again an undergraduate course?

9 A Yeah.

10 Q Were you the only TA in spring of 2017 for the
11 biochemistry course?

12 A No. That one we had three TAs total.

13 Q Who were the other TAs?

14 A Robert Magin, who is also in BGS, and then Ruth Elliot,
15 who was also doing the first round, too. She is now working as
16 a professor here, but she was also TAing.

17 Q This is the same person who was the lab tech in spring of
18 2016?

19 A Yeah. She quit that job and now is teaching classes at
20 Penn.

21 Q Were your duties as a TA in the spring of 2017 any
22 different from your duties as a TA in the spring of 2016?

23 A In 2017 I also did one lecture and I helped more with
24 making the exams, forming questions for the exams.

25 Q Any other teaching that you did while at Penn or just

1 those two semesters?

2 A Just those two.

3 Q I want to turn to research next. Is working as a research
4 assistant or a research fellow required in BGS?

5 A Yes.

6 Q Do you use the term in BGS research assistant, or research
7 fellow, or is it interchangeable?

8 A I believe we're research fellows.

9 Q Have you worked as a research fellow?

10 A Yes, I have.

11 Q Tell us about that.

12 A That's working in the lab, so that's like our day to day
13 job performing experiments and, yeah, basically it was doing
14 research in the lab full-time.

15 Q The research that you're doing is that in Ben Garcia's
16 lab?

17 A Yes.

18 Q How do you know what research to work on?

19 A When I joined the lab, Ben and I sat down and had a
20 conversation. He proposed a few different projects that I
21 could work on, maybe like four or five projects and said I
22 could pick two of those. So I picked the two that I was most
23 interested in and those are the projects that I work on. Our
24 lab does a lot of technique development so he also gives me a
25 lot of collaborations with other labs, so I work a lot with

1 other people so he'll assign those projects to me as well.

2 Q Has the research that you've done at Penn all been in
3 furtherance of your dissertation?

4 A No. Some of them are projects that needed to get done,
5 and so Ben asked me to help out on them, and I did.

6 Q I'm going to show you a document -- or before I do that
7 did you provide me with a list of your publications?

8 A I did.

9 Q Do you consent to me using that list of publications as an
10 exhibit in this case?

11 A I do.

12 Q Then I will show you a document that I will mark Union 58.
13 (Petitioner's P-58 identified.)

14 BY MS. HOYE:

15 Q Kelly, take a moment to review this document and let me
16 know when you've had a chance to do so.

17 A Okay.

18 Q What is the document that we're looking at?

19 A This is a list of my publications.

20 Q It looks like you have I guess 14 -- 15 publications.

21 A Yes.

22 Q That seems like a lot. Is that a lot?

23 A That is a lot.

24 Q Congratulations.

25 A Thank you.

1 Q So looking at the list that we have before us, how many of
2 them would you say will be included in your dissertation?

3 A Sure. Four of those are directly in my dissertation.

4 Q Four of them out of the 15?

5 A Yes.

6 Q Which ones are those? You can just tell us by the number.
7 You don't have to read the full title.

8 A Okay. Number 1, Number 2, Number 3, and Number 15.

9 Q Are all of these publications from when you were at Penn
10 or are some of them when you were not at Penn?

11 A Two of them are from my undergraduate research.

12 Q Which ones are those?

13 A Those are Numbers 12 and 13.

14 MS. HOYE: I move for the admission of Union 58.

15 HEARING OFFICER LEACH: Any objection from the Employer?

16 MR. JOHNS: The only objection I would have to it is I'm
17 not sure if there are other students' names that are listed as
18 authors. I'm not sure if you wanted to redact them for
19 purposes of privacy. As long as it's out there publicly, I
20 don't know where you got it, so that's just --

21 THE WITNESS: Yeah, this is I believe research.

22 MR. JOHNS: Okay. Then I have no objection.

23 THE WITNESS: Or NCBI search.

24 HEARING OFFICER LEACH: Okay. You said -- the witness,
25 can you just repeat your response?

1 THE WITNESS: Sure. This is a record I pulled up just by
2 going to NCBI's web site and typing in my name, which is
3 publicly available.

4 HEARING OFFICER LEACH: So no objection from the Employer?

5 MR. JOHNS: No objection.

6 MS. HOYE: What is NCBI?

7 THE WITNESS: That's like a record of all publications
8 that have to do with like health and medicine.

9 HEARING OFFICER LEACH: Okay, Union 58 is received.

10 (Petitioner's P-58 received.)

11 BY MS. HOYE:

12 Q I'm looking at -- Kelly, again looking at Union 58, your
13 boss is listed as a co-author on many of these publications, is
14 that right?

15 A Correct.

16 Q I see that he is listed -- the ones that he's listed on,
17 he's listed as the last author, is that right?

18 A Yes.

19 Q That's called the senior author --

20 A Yeah, senior author or last author.

21 Q What's the --

22 MR. JOHNS: Were you representing that she had an
23 undergraduate boss, too, for 12 and 13?

24 MS. HOYE: She did on 12 -- I think it's 12 and 13.

25 THE WITNESS: He's actually the first author in this which

1 is a little bit unusual.

2 MR. JOHNS: That was her boss there as an undergrad at
3 F&M?

4 THE WITNESS: Yes, Dr. Fields.

5 HEARING OFFICER LEACH: I'm sorry. At this point, nobody
6 is asking any questions except the Union. And I just want to
7 clarify that with regard -- are you referring to 12 and 13 when
8 you're asking this, because that's when she wasn't at Penn,
9 right? The question about the boss.

10 MS. HOYE: I'm not sure I'm understanding your --

11 HEARING OFFICER LEACH: When you asked her about -- you
12 just asked her about the boss and you said is he listed -- and
13 we're talking about the advisor, just so we're being clear
14 here. Are you also referring to the two that she said when she
15 wasn't at Penn?

16 MS. HOYE: I believe her testimony was there are two of
17 these from when she wasn't at Penn, 12 and 13. I was asking
18 her about the ones from when she was at Penn and whether her
19 boss was listed as an author on those. And my understanding is
20 her testimony was yes.

21 MR. JOHNS: And just so we're clear, when you say boss
22 we're talking about faculty advisor?

23 HEARING OFFICER LEACH: Yeah, just so we're clear, boss is
24 the term the witness used for when the witness says boss,
25 you're referring to your advisor Ben Garcia, right?

1 THE WITNESS: Yes, I am.

2 HEARING OFFICER LEACH: If you could for clarity call him,
3 you know, can you refer to him as Garcia or Ben Garcia --

4 THE WITNESS: Sure, Ben. Is Ben okay?

5 HEARING OFFICER LEACH: -- just so it's clear.

6 MS. HOYE: Yeah, that's why I asked her at the beginning
7 what term do you prefer, what do you use when you're referring
8 to him and she said that she --

9 HEARING OFFICER LEACH: Or we'll know if you use the term
10 boss, it's Ben Garcia, the advisor, right?

11 THE WITNESS: Yes, that's correct.

12 HEARING OFFICER LEACH: Okay.

13 BY MS. HOYE:

14 Q Now, Kelly, I assume that you, as a fifth year, you have
15 selected a dissertation topic, is that right?

16 A I have.

17 Q How did you come to choose your dissertation topic?

18 A So those are those two projects that I talked about in the
19 beginning when Ben and I met, when I first joined the lab, and
20 talked about potential projects to pursue. They both ended up
21 working out so those are both mine. They comprise my thesis
22 work.

23 Q Were these projects that he had funding on, grant funding
24 on do you know?

25 A I'm not sure.

1 Q These were ideas of things that he wanted you to work on,
2 is that right?

3 A Yes.

4 Q Did you, Kelly, provide me with a printout from the Penn
5 web site of something called My Profile?

6 A I did.

7 Q Do you have any objection to that document being used in
8 this case?

9 A I do not.

10 Q I'm going to show you a document that I'll mark Union 59.
11 (Petitioner's P-59 identified.)

12 BY MS. HOYE:

13 Q This page, Kelly, is double-sided so make sure you look at
14 both sides.

15 A Sure.

16 Q Take a moment to review this and when you've had a chance
17 to do so let me know.

18 A Okay.

19 Q So looking at this document can you tell me what this is?

20 A Sure. This is my profile that I printed from the UPenn
21 web site so it's just some information about me.

22 Q I see about almost halfway down the page there is
23 something that says job information. Do you see that?

24 A Yes, I do.

25 Q Below that there are sort of four boxes. The first one is

1 teaching assistant.

2 A Yes.

3 Q The job class entry date is January 1, 2016, is that
4 right?

5 A Yes.

6 Q Is that when the -- January 2016, is that when you first
7 began serving as a teaching assistant?

8 A Yes.

9 Q Then the next one is the research fellow, do you see that?

10 A Um-hum.

11 MR. JOHNS: You should say yes.

12 THE WITNESS: Yes.

13 BY MS. HOYE:

14 Q And that's September 4, 2012?

15 A Yes.

16 Q Is that when you first entered at Penn?

17 A Yes.

18 Q The third job title is pre-doctoral trainee. Do you see
19 that?

20 A Yes.

21 Q Can you tell us what that is?

22 A I'm not entirely sure. I'm assuming that means I am in
23 the phase of performing my research before I am awarded my
24 doctorate.

25 Q The date there also is September 4, 2012, is that right?

1 A Yes.

2 Q Again, that's when you entered at Penn?

3 A Yes.

4 Q Then the final job title listed there is educational
5 fellowship recipient. Do you see that?

6 A Yes.

7 Q Do you know what that is?

8 A I'm not 100 percent sure but I believe that has to do with
9 how we were paid in our first two years.

10 Q At the beginning of the program?

11 A Yeah. I'm not 100 percent sure, but I believe it is.

12 Q You testified that the \$4,000 that you received for
13 teaching, that was above and beyond the money you received for
14 your stipend, is that right?

15 A Correct.

16 Q That money is taxed as far as you know?

17 A I believe it is. It was on my W2 form so I think so.

18 Q I'm going to show you -- or did you provide me with a
19 letter dated November 1, 2013, to BGS students regarding
20 taxation?

21 A I did.

22 HEARING OFFICER LEACH: We didn't move 59, right? No?

23 MR. JOHNS: No objection.

24 HEARING OFFICER LEACH: Okay. Union 59 is received.

25 (Petitioner's P-59 received.)

1 HEARING OFFICER LEACH: 58 is in, right?

2 COURT REPORTER: Yes, ma'am.

3 HEARING OFFICER LEACH: Okay.

4 MS. HOYE: So I'll mark this Union 60.

5 (Petitioner's P-60 identified.)

6 BY MS. HOYE:

7 Q Did I already ask you if you have an objection to this
8 being used?

9 A I do not.

10 Q Okay. Just take a minute to review this and let me know
11 what we're looking at.

12 A This was a document that was sent to me in November 2013
13 about taxes in an attempt to help us figure them out. It's
14 still something that confuses most students.

15 Q I'm not going to ask you to get into the details of
16 Union 60, but you did, you got this either via email or hard
17 copy?

18 A Yes. It was sent by the university.

19 Q Okay. And it's your understanding that this lays out how
20 the taxing of your income works, is that fair to say?

21 A Correct.

22 MS. HOYE: I'll move in Union 60, please.

23 MR. JOHNS: No objection.

24 HEARING OFFICER LEACH: Union 60 is received.

25 (Petitioner's P-60 received.)

1 BY MS. HOYE:

2 Q Kelly, are you working in the lab this summer?

3 A I am.

4 Q What percentage of your group is also working in the lab
5 this summer?

6 A Everyone, 100 percent.

7 Q Is that pretty standard at BGS as far as you know?

8 A Yes. Some people may take vacation, but people also take
9 vacations in the fall. It's not any different.

10 Q Kelly, I don't have any other questions for you at this
11 time, but the lawyers for Penn probably will and the hearing
12 officer may have some questions for you.

13 HEARING OFFICER LEACH: Okay. Do we need to take our
14 break now?

15 MR. JOHNS: We do.

16 HEARING OFFICER LEACH: We can go off the record.

17 (Off the record from 11:23 a.m. to 11:42 a.m.)

18 COURT REPORTER: Back on the record.

19 HEARING OFFICER LEACH: The Employer will give a summary
20 of the documents it wants to present to the Union.

21 MR. JOHNS: Sure. It would be initial admission -- an
22 initial admission letter, appointment to -- essentially
23 appointment to a training grant, a redacted transcript,
24 specific documents that were put in to seek permission to serve
25 as a teaching assistant, and then thesis committee meeting

1 reports.

2 HEARING OFFICER LEACH: What's the Union's position on
3 those documents?

4 MS. HOYE: I don't have an objection at this time.

5 HEARING OFFICER LEACH: For the witness, you heard the
6 types of documents that the Employer wants to present. Now you
7 have an opportunity if you would like to review those documents
8 before they're presented. You could do that in a separate
9 room. Or if you feel comfortable with them being presented you
10 could just say you don't object to them being presented.

11 THE WITNESS: I'd like to review them, please.

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

13 (Of the record from 11:43 a.m. to 11:58 a.m.)

14 COURT REPORTER: Back on the record.

15 HEARING OFFICER LEACH: The witness reviewed the documents
16 that the Employer wants to present and she does not object to
17 them being used. Is that correct?

18 THE WITNESS: That's correct.

19 HEARING OFFICER LEACH: Okay. Now the Employer will ask
20 you questions.

21 THE WITNESS: Sure.

22 CROSS-EXAMINATION

23 BY MR. JOHNS:

24 Q I think I can still say good morning, Ms. Karch, but it's
25 close.

1 A Good morning.

2 Q Why did you decide to enroll as a PhD student at the
3 University of Pennsylvania?

4 A After my undergraduate experience, I did some laboratory
5 research there. I debated between looking for a job or going
6 to graduate school. Graduate school seemed like a great choice
7 because a lot of the jobs that I thought I might want to do
8 required a PhD at some point so it just made sense to kind of
9 stay in the group at school and keep going. So I interviewed
10 several places and Penn had the best reputation and the most
11 resources out of the other schools that I got into. And I like
12 Philadelphia, so I came here.

13 Q Let's talk a little bit about what you're studying at the
14 university. I think you said the term you're using is BMB.
15 You're part of the biochemistry and molecular biophysics group
16 at Penn?

17 A That's correct.

18 Q That particular group is contained within the BGS program?

19 A Correct.

20 Q The BGS program itself is contained within the Perelman
21 School of Medicine at Penn?

22 A Yes.

23 Q With respect to your discipline, BMB, isn't it true that
24 that group has faculty from many schools across the university?

25 A Sorry. You mean like the faculty, itself?

1 Q The faculty that are affiliated with the BMB group come
2 from many schools across the university, correct?

3 A There are professors of primary appointments in BMB and
4 then some other professors might have a secondary appointment
5 in BMB. But all of the primary faculty are housed in BMB and
6 then they can also have secondary appointments in other
7 schools.

8 Q Are there faculty members with secondary appointments
9 within BMB that come from outside the School of Medicine?

10 A I believe so.

11 Q From the School of Arts & Sciences?

12 A Yes.

13 Q From the department of chemistry within the School of Arts
14 & Sciences?

15 A Yes.

16 Q From the department of biology within the School of Arts &
17 Sciences?

18 A Yes.

19 Q From the department of physics within the School of Arts &
20 Sciences?

21 A Yes.

22 Q There are faculty with appointments in BMB from the School
23 of Engineering, correct?

24 A I believe there are some.

25 Q Yes?

1 A Yes.

2 Q Are you aware of any fellow BGS students who are doing
3 research -- when I say BGS, BMB students who are doing research
4 in engineering labs?

5 A I'll have to think about that. I can think of one, Beth
6 Higby (ph.).

7 Q This is a current student?

8 A Yes. She's my --

9 Q I'm not asking you necessarily to identify by name.

10 A I'd have to -- I think so. I'm pretty sure she's
11 engineering.

12 Q She was doing research in a laboratory within the
13 engineering school, correct?

14 A I'm almost positive.

15 Q So based on your testimony, I think you said you applied
16 to the university in the 2012 time frame?

17 A Yes.

18 Q You received an admissions letter from the university
19 concerning your application?

20 A I did.

21 (Employer's E-65 identified.)

22 BY MR. JOHNS:

23 Q Ms. Karch, I've shown you a document we've marked as
24 Exhibit E-65. Do you recognize this document?

25 A I do.

1 Q Is this the first notification you received from the
2 University of Pennsylvania that you have been admitted into the
3 BMB program?

4 A I'm not sure. Probably.

5 Q You don't recall?

6 A I don't recall.

7 Q Ultimately you accepted this offer to be enrolled into the
8 university?

9 A I did.

10 Q This letter itself, E-65, this outlines the funding
11 support that's available to you as a student in BMB, correct?

12 A It does.

13 Q Right. The elements of that funding include a stipend?

14 A Yes.

15 Q Tuition?

16 A Yeah.

17 Q So you haven't paid any tuition to the university
18 yourself?

19 A I have not.

20 Q Fees?

21 A Yes.

22 Q You haven't paid any fees to the university yourself,
23 correct?

24 A Just late library books.

25 Q Got you. Personal health insurance as well?

1 A Correct.

2 Q And then as you said a stipend, correct?

3 A Um-hum.

4 Q The letter goes on to say these funds are subject to the
5 rules of the university and NIH, a major source of federal
6 support in the biomedical area. There was no condition of
7 receiving this funding that you would perform -- had job duties
8 as a teaching assistant, correct?

9 A Correct. It was not required.

10 Q In fact there are no limits on the number of years by
11 which you can receive this funding as long as you remain a
12 student in good standing within BMB, correct?

13 A I think so. I'm not sure if there is a limit or not.

14 Q Let me ask it a different way. The funding letter you
15 received and the funding you received isn't just for a set
16 amount of years. It didn't say you get this for five years and
17 then that's it, correct?

18 A Correct, yeah.

19 Q So it's your understanding as a student at BMB that as
20 long as you're a student in good standing you're going to
21 continue to receive the elements of that funding, is that
22 right?

23 A I believe so.

24 Q In fact you accepted this offer to be admitted to the
25 University of Pennsylvania, correct?

1 A Correct.

2 Q Just to confirm, BMB as a degree requirement has no
3 requirement whatsoever that you serve as a TA, correct?

4 A Correct.

5 Q Now at the time -- well, before making the decision to
6 enroll at the University of Pennsylvania, did you review any
7 documents concerning or any descriptions of the program, the
8 BMB program?

9 A Just like the blurb on the web site. It's like a
10 paragraph saying like we are BMB and this is what we do.

11 Q After you enrolled, have you reviewed the BMB handbook?

12 A I skimmed through it, but not extensively.

13 Q So you have read it, just haven't read it word for word?

14 A Yeah.

15 MR. JOHNS: While we're marking the next exhibit, we would
16 move for the admission of Exhibit E-65.

17 MS. HOYE: No objection.

18 HEARING OFFICER LEACH: Employer's 65 is received.

19 (Employer's E-65 received.)

20 (Employer's E-66 identified.)

21 BY MR. JOHNS:

22 Q Ms. Karch, I've shown you a document that's been marked as
23 Exhibit E-66. Do recognize this document?

24 A Yeah. It's the BMB handbook. I honestly haven't spent
25 much time looking at it.

1 Q When you said earlier that you have reviewed although not
2 word for word a handbook, that's this document, correct?

3 A Yeah, I think I looked at it when I first go there.

4 Q I want to go through this document, some of the elements
5 of it. It talks about in the second paragraph here the
6 strength of the program resides in its unusually broad
7 combination of faculty interests and disciplines. Faculty
8 members are drawn from many departments, from Perelman, School
9 of Dental and Vet, as well as departments in SAS, the School of
10 Engineering, and affiliated research institutes such as the
11 Wistar Institute and Fox Chase Cancer Center. Do you see that?

12 A I do.

13 Q Has it been your experience within BMB that you've worked
14 with faculty members from some of these different areas?

15 A Yes, specifically the School of Arts & Sciences, the
16 collaboration there is enormous. I have taken classes there.
17 I TAd for them. I haven't personally interacted with anyone on
18 the dental and veterinary medicine school. I don't know of
19 anyone who really has. The School of Engineering, I don't
20 personally interact with anyone there. I think that's much
21 less common than SAS. Fox Chase Cancer -- at Wistar Institute,
22 we do collaborate with --

23 Q I'd like to focus on Wistar for a second.

24 A Okay, sure.

25 Q Have you, yourself, had specific experience with the

1 Wistar Institute?

2 A Yes.

3 Q Can you describe that experience?

4 A I have a training grant that is I believe through Wistar.

5 Q What is the Wistar Institute?

6 A It's an institute that focuses on cancer research.

7 Q Wistar Institute is not the University of Pennsylvania,
8 correct?

9 A Correct.

10 Q It's a separate organization?

11 A Correct.

12 Q You have a training grant through the Wistar Institute?

13 A Yes.

14 Q When did you receive that training grant?

15 A That was January 1, 2015.

16 Q What did you receive as a result of getting that training
17 grant?

18 A That was -- I don't know what it amounts to financially,
19 but I know it covered part of my -- it was part of my stipend,
20 tuition, I believe, maybe health care. I'd have to look at the
21 letter and see what exactly was included.

22 Q So there was stipend money and some other things that you
23 received pursuant to this training grant, correct?

24 A Yeah.

25 Q What were you required to do in order to receive those

1 monies pursuant to the Wistar Institute training grant?

2 A Are you speaking about like the application process or --

3 Q We can deal with it separately. What I was just speaking
4 to was after you received it what if anything were you required
5 to do as a condition for receiving that training grant.

6 A Sure. I had to take a chemistry class, the biological
7 chemistry in SAS. And two out of four of these other classes
8 that were outlined, some of which are in SAS, some of which are
9 in BGS. And as part of this, I also have to work with the
10 other fellows to do too mini symposia per year so that's just
11 finding speakers to come talk about science. And one retreat
12 in the summer every year. So that's --

13 Q Did you attend it?

14 A We had to plan it.

15 Q Plan and attend it?

16 A Plan and attend it, and find our own funding for it. And
17 then also we have monthly luncheons where we talk about our
18 research.

19 Q So an element of the training grant is that you
20 collaborate with other graduate students at the university to
21 discuss research projects?

22 A Yes.

23 Q An element of the training grant is that you're receiving
24 stipend and some other funding so that you will take certain
25 classes?

1 A I mean typically the people who apply to this have already
2 taken those classes so they just happen to fit the guidelines.
3 The money is not to take the class.

4 Q Well, as you said earlier, I asked you what the elements
5 are and what you're required to do, and one of the things you
6 said was that you had to take certain classes.

7 A Yes. But generally you take those before you apply so the
8 money you receive is not in order to take the classes.

9 Q So you collaborate with other students. You plan mini
10 symposia and you plan something during the summer. Is that
11 right?

12 A Correct.

13 Q And you receive money from the Wistar Institute through
14 your stipend to do that?

15 A No. So we have to find money through other means to fund
16 those symposia.

17 Q That's not what I'm talking about. I'm talking about what
18 you receive pursuant to the training grants that go towards the
19 stipend that you already receive --

20 A Yes.

21 Q -- as a result of your funding package.

22 A Yes. So that goes to it.

23 Q Do you get additional monies as part of that?

24 A No.

25 Q And you, yourself, had to apply separately for that

1 funding?

2 A Yes.

3 Q Let's go back to E-66 for a second. There are different
4 research areas and research methods that are listed in this
5 handbook. The general area of your dissertation is included
6 within these general research areas, is that right?

7 A Let me just check. Yes. My specific method that I use is
8 actually not listed in the methods section, but the general
9 things that we study are listed in the research areas.

10 Q Right. Initially, not talking about methods, I was
11 talking about research areas.

12 A Okay, then yes.

13 Q You came to the university with some understanding of the
14 type of research that you wanted to do meaning the area that
15 you wanted to do research in, correct?

16 A No. I came in just interested in a lot of different
17 things and wanted to try a lot of stuff.

18 Q Part of a BMB program involves rotating amongst different
19 laboratories to give you some exposure to different types of
20 research areas, correct?

21 A Yes.

22 Q You did do that, correct?

23 A Yes. That's required.

24 Q Let's go through the requirements. If you turn through a
25 couple more pages there is something listed as program

1 requirements. Do you see that?

2 A Yes.

3 Q There are specific courses that are required of you?

4 A Yes, that's true.

5 Q There are some listed BIO-M and some listed BMB. Do you
6 know what those designations stand for?

7 A I think that's the department that the class is in.

8 Q Well, I understand that. Do you know what those specific
9 ones were?

10 A Oh, yes, sorry. BMB is biochemistry and molecular
11 biophysics, which is my program. Actually, BIO-M, I'm actually
12 not sure what BIO-M is.

13 Q Does BIO-M relate to general courses within BGS?

14 A I don't actually know what it stands for so I'm not sure,
15 sorry.

16 Q Okay, fair enough. So there are some required courses.

17 At the bottom there appear the elective courses as well?

18 A Um-hum.

19 Q You have to say yes.

20 A Yes.

21 Q Have you taken your elective courses at this time?

22 A I have.

23 Q Did you take any courses in the department of biology as
24 part of those elective courses?

25 A Yes. I took biostatistics. I think that's the only one.

1 Q So at this point in time you've completed your course
2 requirements as part of the PhD degree, correct?

3 A I have.

4 Q If you keep going there appears to be a section titled lab
5 rotations, independent studies, and tutorials. Do you see
6 that?

7 A Yes, I do.

8 Q I know you spoke earlier that you completed your lab
9 rotation, correct?

10 A Yes.

11 Q You talked about that from the standpoint of going through
12 that to see areas in which you might want to do research,
13 correct?

14 A Correct.

15 Q You received course credit for going through a lab
16 rotation, correct?

17 A Yes.

18 Q In fact it's listed there, BMB 699, lab rotation, one
19 credit. Do you see that?

20 A Yes.

21 Q When I say you received course credit, that's what that is
22 referring to, correct?

23 A Yes.

24 Q Were you also required to go through tutorials and to do
25 independent studies as well?

1 A I'm not sure what the tutorial is. I did not do an
2 independent study. I think that's something outside of your
3 lab rotation that you're also interested in doing. I did not
4 do that.

5 Q So you haven't done it. You don't view it as a
6 requirement. It's just something that students can choose to
7 do if they choose to?

8 A Yeah, I believe so. I don't know of anyone who has done
9 it.

10 Q Turning forward a few pages, there appears to be some more
11 degree requirements, a candidacy exam specifically. Do you see
12 that?

13 A Yes.

14 Q Is there one exam that needs to be taken to get the PhD
15 degree within your program or more than one?

16 A There is one to become an official candidate and then I
17 guess the defense might be considered another one.

18 Q When you say defense, you're talking about defense of
19 dissertation?

20 A Yes.

21 Q when you say you take an exam to become an official
22 candidate, does that mean you've completed all the other
23 requirements and essentially you're left with creating an
24 original piece of work, a dissertation that needs to be
25 defended at the end, correct?

1 A Yes.

2 Q Are they all the requirements that you've listed what we
3 just spoke about of the degree?

4 A I believe so.

5 Q With respect to those different requirements, do you
6 generally speaking start with course work, do a lab rotation at
7 the end of the first year, continue on with course work,
8 eventually get to a candidacy exam what year typically?

9 A Our lab rotations are concurrent with our classes the
10 first year so we have one the first semester and the second one
11 in the summer.

12 Q Understood.

13 A You're taking classes at the same time. And then the
14 candidacy exam is at the end of your second year.

15 Q After the end, after you go through the candidacy exam,
16 and I'll talk about that in a second, do you have any other
17 course work that's required?

18 A Yes. We have to take a class about the candidacy exam and
19 we have electives. You can choose your electives and there are
20 some required versus -- we looked at the list.

21 Q When are the courses typically done within the course of
22 your PhD program in BMB?

23 A Most often you are finished by your second year. I know
24 some people continued or maybe they didn't finish, or they
25 didn't pass a class, they might have to take something

1 afterwards.

2 Q Once you go through the lab rotation and pick a
3 laboratory, do you typically stay in that lab vis-à-vis through
4 the point when you would receive your PhD degree?

5 A Most often. Some people switch for various reasons.

6 Q So there's some classes. There's the candidacy exam.
7 There is lab rotations. And there is laboratory work and
8 eventually your dissertation. During that entire time when
9 you're in the BMB program you're being funded by the same
10 stipend throughout that period of time, correct?

11 A Do you mean the same source of funding?

12 Q I mean what you're receiving. I'm not talking about
13 source.

14 A Oh, yes. Yeah.

15 Q As long as you remain a student in good standing during
16 that period of time you get that funding within the BMB
17 program, correct?

18 A Yes.

19 Q Now the candidacy exam, can you tell us what the candidacy
20 exam is?

21 A Sure. This is an exam that you take at the end of your
22 second year. It varies between different BGS programs, but
23 most often it's in the form of like a mock grant proposal that
24 you then submit to professors who are on your committee, and
25 then they quiz you on it basically, underlying biochemical

1 concepts.

2 Q When you say your committee, can you tell us what your
3 committee is?

4 A Sure. We call them prelims instead of qualify or
5 candidacy exams. So we have like a prelim committee. The way
6 that that's chosen is each person in BMB picks their -- so
7 there is a chair and that's like kind of the head of the
8 committee. You pick three names in priority order who you want
9 to be your chair, but each professor can only serve on one
10 committee so you don't always get your first pick. After that
11 there are some other professors within BMB who decide who the
12 other two members are. So you have a total of three members.
13 There is one head who you have some say in who that is and then
14 the other two are filled in based on your research.

15 Q That committee, does that include your thesis advisor?

16 A No. They are not allowed to be there.

17 Q What is a thesis advisor?

18 A A thesis advisor essentially is like your boss, they help
19 you or they give you a project that you are working on. If you
20 have problems, they help you overcome any technical challenges.
21 They are responsible for making sure that you are doing the
22 proper work, at a good pace, that you are basically like
23 fulfilling the research requirement.

24 Q You seem to like the term boss, Ms. Karch. I want to
25 explore that. A thesis advisor is a faculty member, correct?

1 A Correct.

2 Q The thesis advisor is a person who is mentoring you with
3 respect to the research that you'll learn to do and will
4 ultimately perform with respect to your dissertation, correct?

5 A Correct, yes.

6 Q This is someone who is a professor within the department
7 of BMB, correct?

8 A Yes.

9 Q When you chose to come to the University of Pennsylvania
10 was one of the things you looked at the faculty members who
11 were there and whether or not you might want to perform
12 research with any of those faculty members?

13 A Yeah, I looked at the list. At the time, I was pretty
14 widely interested so any school would have people I was
15 interested in.

16 Q In fact when you applied to the university, you
17 specifically identified faculty members with whom you would
18 want to do research, correct?

19 A Yes, that's a strategy.

20 Q And they were faculty members within BMB, correct?

21 A I actually don't remember.

22 Q With respect to this boss, this boss is someone named Dr.
23 Garcia?

24 A Correct.

25 Q And Dr. Garcia is a faculty member within BMB?

1 A Yes.

2 Q Dr. Garcia is also your thesis advisor, correct?

3 A Yes.

4 Q Dr. Garcia is responsible for making sure that you're
5 making progress towards your degree, correct?

6 A Yes.

7 Q Dr. Garcia is responsible for mentoring you in the
8 research projects that you perform, correct?

9 A Yes.

10 Q You stated earlier that when you decided to join Dr.
11 Garcia's lab that you sat down and he gave you two projects,
12 and you decided that you would engage in those projects and
13 that ultimately is the result of your dissertation?

14 A Yes.

15 Q Is it your testimony today that Dr. Garcia designed your
16 dissertation, the project for your dissertation?

17 A He was heavily involved in determining like the direction
18 of the project.

19 Q Isn't it true that a dissertation at the University of
20 Pennsylvania, particularly within BGS, requires that a student
21 have their own thoughts and design their own research projects
22 in order to obtain the degree from the University of
23 Pennsylvania, correct?

24 A Yeah. How I accomplish the goal is a little more up to
25 me, more freedom. But the project that I specifically work on

1 is dictated by Ben.

2 Q So you came in with Dr. Garcia. Dr. Garcia made certain
3 research suggestions that fell within generally what the
4 research was being performed in the laboratory. Correct?

5 A Yes.

6 Q With respect to the research projects that you undertook
7 that ultimately resulted in your dissertation, you designed
8 those projects that ultimately resulted in your dissertation
9 assuming you make it through, correct?

10 A Yeah. I designed them with help from Ben, with guidance
11 from Ben.

12 Q In fact, you can't be issued a PhD from the University of
13 Pennsylvania if you didn't design your own research project for
14 a dissertation, correct? Is that your understanding?

15 A Yeah, I believe so.

16 Q You have to design it in order to obtain a degree,
17 correct?

18 A Yeah, I think, yeah, it depends on your definition.

19 MS. HOYE: Sorry, I couldn't hear what you said.

20 THE WITNESS: I said I guess like -- I mean, yeah, you
21 design experiments, right, but the over arc of the project.

22 BY MR. JOHNS:

23 Q So he suggested to you certain research areas that you
24 might want to think about and you decided to engage in those
25 research areas, correct?

- 1 A Correct.
- 2 Q When you talk about his work as a boss, you're doing
3 research that you're going to use ultimately for your
4 dissertation --
- 5 A Yeah.
- 6 Q -- at least in part within that laboratory, correct?
- 7 A Yes, um-hum.
- 8 Q That is academic work, your dissertation. You would agree
9 with that, correct?
- 10 A Yeah, it's work.
- 11 Q Just work or academic work?
- 12 A Yeah, academic work.
- 13 Q You are a student, are you not?
- 14 A I am a student.
- 15 Q And you're trying to get a PhD from Penn, correct?
- 16 A Correct.
- 17 Q And you're doing research in order to support the
18 dissertation that will eventually get you that degree, correct?
- 19 A Yes, that's right.
- 20 Q You would describe that as academic work, would you not?
- 21 A Yes.
- 22 Q One of the purposes of having a thesis advisor and working
23 in the laboratory under a faculty member is to learn how to do
24 research, correct?
- 25 A Yes, yeah.

1 Q And one of Dr. Garcia's roles in running that laboratory
2 is to assist you in learning how to do the type of research
3 that will eventually enable you to obtain a PhD, correct?

4 A Yes.

5 Q You've learned a lot from Dr. Garcia, is that right?

6 A Yes.

7 Q Would you describe him as a mentor to you?

8 A Yes.

9 Q Or is it just a boss?

10 A I would say both.

11 Q And in fact as thesis advisor, he will sometimes meet with
12 your dissertation committee and they will provide feedback to
13 you as to whether you are making progress towards your degree,
14 correct?

15 A Correct.

16 Q How often does that happen?

17 A It's supposed to be every six months, more realistically
18 every eight months to a year.

19 Q And who attends these meetings?

20 A This is now my thesis committee, which is different from
21 prelim committee, and my PI.

22 Q That's Dr. Garcia?

23 A Yes.

24 Q So we have three different names. We have PI -- well,
25 four different names.

1 A It's a complicated role.

2 Q We have faculty advisor. We have thesis advisor. And we
3 have boss.

4 A Yes.

5 Q Okay.

6 MR. JOHNS: While I'm marking an exhibit, we would move
7 for the admission of Exhibit E-66.

8 HEARING OFFICER LEACH: Any objection from the Union?

9 MS. HOYE: No objection.

10 HEARING OFFICER LEACH: Employer's 66 is received.

11 (Employer's E-66 received.)

12 (Employer's E-67 identified.)

13 BY MR. JOHNS:

14 Q Ms. Karch, I'm showing you a document we've marked as
15 Exhibit E-67. Do you recognize this document?

16 A I do.

17 Q Can you tell us what it is?

18 A Sure. It's my committee meeting report. So after I have
19 a committee meeting, this report is filled out and returned to
20 the school. It's like measuring my progress.

21 Q With respect to the meetings that you were testifying to
22 earlier, is this reflective of one of those meetings?

23 A Yes.

24 Q There are certain committee members that are listed here.
25 Who are they?

1 A David Speicher is my chair. He actually works in Wistar.
2 He does the same technique as me. Ben Black is in BGS. Ronen
3 Marmarstein is also in BGS.

4 Q With respect to these committee members, are they
5 eventually the individuals in front of whom you will defend
6 your dissertation?

7 A Correct.

8 Q You said David Speicher, he actually works at Wistar?

9 A Yes.

10 Q Dr. Black and Dr. Marmarstein, I apologize if I'm
11 mispronouncing that.

12 A Nope, that's right.

13 Q The work at the University of Pennsylvania?

14 A They do.

15 Q At the top there is listed an advisor. Do you see that?

16 A Yes.

17 Q It says Ben Garcia. Is this the boss that you were
18 referring to earlier?

19 A Yes.

20 Q So with respect to these meetings, your boss, your
21 advisor, Dr. Garcia, would sit in these as your thesis advisor,
22 correct?

23 A Correct.

24 Q One of the purposes of these meetings is determining
25 whether you're making satisfactory progress towards your

1 degree?

2 A Correct.

3 Q You'll be given advice concerning things you might want to
4 consider doing with respect to your research projects?

5 A Yes.

6 Q With respect to those research projects, this is the
7 research that you're performing in the laboratory of Dr.
8 Garcia?

9 A Correct.

10 Q And this is the research that you're performing in the
11 laboratory of Dr. Garcia that will result in your dissertation,
12 correct?

13 A Correct.

14 MR. JOHNS: I would move for the admission of
15 Exhibit E-67.

16 MS. HOYE: No objection.

17 HEARING OFFICER LEACH: Employer's 67 is received.

18 (Employer's E-67 received.)

19 (Employer's E-68 identified.)

20 BY MR. JOHNS:

21 Q Ms. Karch, I've show you a document we've marked as
22 Exhibit E-68. Do you recognize this document?

23 A I do.

24 Q Is this another meeting you attended in the year 2015
25 concerning your thesis committee?

- 1 A Correct.
- 2 Q The members are still the same?
- 3 A Correct.
- 4 Q Your advisor is still Dr. Garcia with respect to this?
- 5 A Correct.
- 6 Q Did similar discussion happen at this meeting concerning
7 your progress towards obtaining your PhD degree from the
8 University of Pennsylvania?
- 9 A Correct.
- 10 Q Again your boss was there, right?
- 11 A Correct.
- 12 Q Did this again relate to research whether it's discussions
13 and suggestions concerning progress towards your degree? Did
14 this relate to research being performed in Dr. Garcia's
15 laboratory?
- 16 A Correct.
- 17 Q That's research that you were performing in order to
18 eventually complete a dissertation?
- 19 A Yes.
- 20 Q Dr. Garcia, sitting in this meeting, provide advice to
21 you?
- 22 A Yes. A lot of the advice is generally outside of the
23 meeting.
- 24 Q So with respect to Dr. Garcia, you see him regularly in
25 the laboratory and he provides advice to you with respect to

1 your laboratory work concerning getting towards completing your
2 dissertation, correct?

3 A Generally, we have meetings. He has one on one meetings
4 with everyone every so often. That's when those happen.

5 Q I've shown you two documents, Exhibit E-67 and E-68. Have
6 you had other meetings other than these two with your thesis
7 committee?

8 A Honestly, I can't remember. There might have been one
9 other one before, the earliest one. Yeah, there had to have
10 been because there is no 2016. Yes, yes.

11 Q And you did meet in 2016.

12 A Yes.

13 Q The same individuals?

14 A Yes.

15 Q Same purpose of the meeting?

16 A Yes.

17 Q When do you anticipate completing your dissertation?

18 A Hopefully, if all goes well, early next year so like
19 January, February. More realistically because things always
20 come up in research, like late winter, early spring.

21 Q Of the next academic year?

22 A Yeah, 2018.

23 Q I'd like to refer to some other documents that were
24 introduced during your direct testimony, specifically Exhibits
25 U-58 and U-59. If you could put in front of you, please?

1 A Sure thing.

2 Q One is I'll represent your list of publications. The
3 other is your profile.

4 A Yes, I have those here.

5 Q Let's start with U-58. I believe you had said earlier
6 that there were three publications that were listed here that
7 are going to be part of your -- I'm sorry, four --

8 A Four.

9 Q -- publications listed here that will be part of your
10 dissertation, is that correct?

11 A Yes, correct.

12 Q That would be Article 1, Article 2, Article 3, and
13 Article 15, correct?

14 A Yes.

15 Q When you say that these articles are going to be part of
16 your dissertation, I'd like to get an understanding of what
17 that means. Is the actual article just going to be put into a
18 document that says I published this article, I published this
19 article, I published this article, and I published this
20 article?

21 A No. This will be what I'll be writing about in the
22 dissertation and speaking about in the presentation.

23 Q So Articles 1, 2, 3 and 15 are all directly related to the
24 research that you're performing that will ultimately result in
25 your dissertation, correct?

1 A Yes. One of them is a review article, so it's not
2 actually primary research.

3 Q But it specifically relates to your dissertation, correct?

4 A Correct.

5 Q And with respect to these articles, did these articles
6 also result from work performed in Dr. Garcia's laboratory?

7 A Yes.

8 Q Is that why for example with respect to Article 1 listed
9 -- that Dr. Garcia is listed as a co-author?

10 A Yes.

11 Q Now you said that there were other articles on this list
12 that aren't related to your dissertation.

13 A Correct.

14 Q Did you co-author -- any of the other articles listed,
15 were they co-authored with other students at the University of
16 Pennsylvania who are going to use that article for their
17 dissertation?

18 A Yes.

19 Q Can you identify which articles they are?

20 A Sure. Give me a second, please. A lot of these are
21 actually post-docs. So Number 8 was actually in collaboration
22 with another university and Lyssa Anderson (ph.), the first
23 author there, used that in her dissertation. Number 11,
24 Farid's (ph.) paper, Abdul-Boline (ph.), that was used in his
25 dissertation he just defended recently as a primary article for

1 him. Number 14 is a review article that my fellow grad student
2 in the lab will likely include, but it's not primary research.
3 And all the others are from post-docs in the lab.

4 Q So Articles 8, 11, and 14 specifically relate to research
5 that you participated in but that someone else is going to use
6 for their dissertation, correct?

7 A Yes.

8 Q Isn't it true that you're unable -- the same student can't
9 use the same article for their dissertation, correct -- I mean
10 different students can't use the same article for their
11 dissertation?

12 A No, you can, yeah.

13 Q So two students can claim the same independent work for
14 purposes of both of their dissertations?

15 A You can write about it. Typically the first author is the
16 one who is the primary like researcher, the one who like really
17 did a lot of work. But there are examples, for example, a
18 friend of mine graduated last year and there are several first
19 authors, and they all used that in their dissertations, the
20 same article.

21 Q Now you also said that there were articles listed that
22 came out from when you were an undergraduate?

23 A Yes.

24 Q Which ones are they, 12 and 13, is that what you said?

25 A Yes, 12 and 13.

1 Q There is an individual listed as first author, Fields, in
2 both of them. Is that a professor at --

3 A Yes.

4 Q Let me finish my question, please. Was that a professor
5 at Franklin & Marshall?

6 A Yes.

7 Q Did you study with Dr. Fields at Franklin & Marshall?

8 A I did.

9 Q Dr. Fields your boss as an undergrad?

10 A Yes.

11 Q Did you receive a stipend when you were a student at
12 Franklin & Marshall?

13 HEARING OFFICER LEACH: Excuse me. What do these
14 questions have to do with --

15 MR. JOHNS: They go with her characterization of a faculty
16 member as a boss. And she now says that Franklin & Marshall
17 is. If that individual at the time she did research with him
18 did not provide a stipend, then I think her characterization of
19 a boss is entirely academic with respect to it.

20 THE WITNESS: I was paid.

21 MS. HOYE: Hang on.

22 HEARING OFFICER LEACH: Okay, don't say anything.

23 MR. JOHNS: You can answer the question.

24 HEARING OFFICER LEACH: No, I didn't -- not yet. I wanted
25 to know what the reason was for the questioning. I don't think

1 that the witness needs to answer questions about what she did
2 as an undergrad and whether she got money, who was her boss.
3 So don't answer any more questions.

4 MR. JOHNS: Okay. I'd like to look at Exhibit U-59 now.

5 BY MR. JOHNS:

6 Q Is this a document that you printed out?

7 A Yes.

8 Q When did you print it out?

9 A This one looks like it was May 26, 2017, based on the time
10 stamp on top.

11 Q Why did you print this out?

12 A I printed this out to provide the lawyers.

13 Q Provide to the Union?

14 A Um-hum.

15 Q You have to say yes.

16 A Yes.

17 Q When you testified about this earlier, you didn't seem to
18 have a lot of knowledge as to why these particular categories
19 or classifications are listed within your profile. Is that
20 right?

21 A Yes. It's a little bit confusing, the designations.

22 Q So if I'm looking at this you appear to have been a
23 research fellow, pre-doctoral trainee, and an educational
24 fellowship recipient all at the same time. Is that right?

25 A It appears that way, yes.

1 Q You're not responsible for entering this information in
2 Penn's system, correct?

3 A No.

4 Q And you have no idea why those classifications were
5 entered into Penn's system on your behalf, correct?

6 A I'm not sure.

7 Q As you sit here today, you're not even sure what a
8 pre-doctoral trainee is, correct?

9 A Not entirely sure.

10 Q Do you have any idea what an educational fellowship
11 recipient is?

12 A I believe -- I'm not sure.

13 Q With respect to U-58, have you prepared your own CV?

14 A I have a draft, yeah.

15 Q Does it include articles that you have co-published with
16 other students and faculty members?

17 A Yeah. Generally, CVs, you're expected to put your entire
18 publication history.

19 Q That's because you're looking for a job that's relevant to
20 individuals who might hire you, correct?

21 A Maybe. I don't know what they look for.

22 Q Well, let's ask about that. What types of positions will
23 you be looking for after you leave the University of
24 Pennsylvania?

25 A I haven't decided what I want to do when I'm finished yet.

1 I'm planning to take some time off and travel. But I'm
2 debating between doing a post-doc or finding a job in some
3 other field.

4 Q A post-doc would involve doing research within a
5 laboratory, is that right?

6 A Yes.

7 Q And a job, if you decide to go that route, would that
8 involve research?

9 A May or may not. It depends what I decide.

10 Q So you don't know as you sit here.

11 A Um-hum.

12 Q Okay.

13 MR. JOHNS: We'd move the admission of Exhibit E-68.

14 HEARING OFFICER LEACH: 67 and 68?

15 MR. JOHNS: Oh, I apologize. If I didn't move 67, I move
16 for 67 as well. I thought I had.

17 HEARING OFFICER LEACH: I don't know, did we? Is 67 in?

18 COURT REPORTER: 67 is in.

19 HEARING OFFICER LEACH: Oh, okay. I'm sorry. 68?

20 MS. HOYE: No objection.

21 HEARING OFFICER LEACH: Employer's 68 is received.

22 (Employer's E-68 received.)

23 HEARING OFFICER LEACH: I think I looked at them together.

24 (Employer's E-69 identified.)

25 BY MR. JOHNS:

1 Q Ms. Karch, I've shown you a document we've marked as
2 Exhibit E-69. Do you recognize this document?

3 A Yes.

4 Q Is this a letter you received from David Speicher
5 concerning a CBI training grant?

6 A Yes, it is.

7 Q And David Speicher, just so I'm clear, this is the same
8 individual who is the chair of your thesis committee?

9 A Correct.

10 Q This is an individual who will sit to determine whether
11 you successfully defend your dissertation, correct?

12 A Correct.

13 Q You applied for this training grant that's within the
14 Wistar Institute?

15 A Um-hum.

16 Q You have to say yes.

17 A Yes.

18 Q You received it?

19 A I did.

20 Q What was the time period for which you received that
21 training grant?

22 A It began January 1, 2015, and is ending in a few days on
23 the 30th of this year, of June.

24 Q So it began 2015 through 2017, approximately?

25 A Yeah.

1 Q Now stated in this letter concerning the training grant,
2 it says also if you have not already done so, I'd highly
3 recommend that you add to your thesis committee a faculty
4 member from the chemistry department if you don't already have
5 one. Do you see that?

6 A Yeah, I do.

7 Q Can you explain to us why if you know Dr. Speicher would
8 put that in this letter?

9 A Right. So the whole goal of the chemical biology
10 integrated training grant is to foster collaboration between
11 biochemists and chemists to tackle biological questions that
12 otherwise would be difficult with just one side. So I am
13 supposing that they recommended you get a faculty member from
14 chemistry to kind of facilitate that side of development, just
15 making sure you have a more chemical focus than you would
16 otherwise.

17 Q Did you in fact listen to that suggestion and put someone
18 from chemistry onto your thesis committee?

19 A I did not. I felt that my advisors had knowledge on
20 chemistry and my specific project isn't very chemistry focused,
21 so it's already really hard to get three people to be able to
22 meet at the same time. I didn't really want to add a fourth
23 person if I didn't have to.

24 Q Looking up above that it says that it's contingent on
25 scientific progress and participation in CBI activities. Do

1 you see that?

2 A Yes.

3 Q With respect to scientific progress, does that have to do
4 with your dissertation?

5 A After the year on the grant you're supposed to present to
6 Dr. Ronen Marmarstein and Dr. David Speicher, who are kind of
7 in charge of this grant. They forgot to do mine so I never
8 actually did one. That's kind of how they dictate whether or
9 not you will continue on the grant.

10 Q The presentation would relate to research that you're
11 doing at that time, correct?

12 A Yes.

13 Q And the research in that would also relate to your
14 eventual dissertation, correct?

15 A Yes.

16 Q When you said Dr. Marmarstein, that's also an individual
17 who sits on your thesis committee, correct?

18 A Correct. That's just a coincidence. Most people do not
19 have that. I'm the only one.

20 Q I understand. But two individuals that you have to make
21 that presentation to as part of this training grant also sit on
22 your thesis committee. Correct?

23 A That's correct.

24 Q And it looks, if I'm understanding this, it says it covers
25 the majority of your stipend. That's not the full amount that

1 was listed in the admission letter that we looked at earlier,
2 correct?

3 A Correct.

4 Q In fact, you don't just receive this amount. You still --
5 at the time you're under this training grant you still received
6 your full stipend, correct?

7 A Correct.

8 Q In fact you have received that same full stipend the
9 entire time you've been enrolled at the university, correct?

10 A That's correct.

11 Q You receive that on a 12-month basis, correct?

12 A Correct.

13 Q You receive that when you're taking classes?

14 A Correct.

15 Q You receive that when you're working on research for your
16 dissertation?

17 A Correct.

18 MR. JOHNS: We'd move for the admission of Exhibit E-69.

19 MS. HOYE: No objection.

20 HEARING OFFICER LEACH: Employer's 69 is received.

21 (Employer's E-69 received.)

22 (Employer's E-70 identified.)

23 BY MR. JOHNS:

24 Q Ms. Karch, I've shown you a document we marked as Exhibit
25 E-70. Do you recognize this document?

1 A I do.

2 Q Is this a copy of your redacted transcript from the
3 university?

4 A It is.

5 Q As I look at this transcript, there appear to be certain
6 requirements that you talked about before that you've gone
7 through. Do you see that?

8 A Sorry, could you repeat that?

9 Q As you move down this transcript, it appears to track the
10 requirements that you testified before with respect to your
11 degree. Do you see that?

12 A Yes.

13 Q That by the way appears to include something as an
14 independent study which I think you said earlier you did not do
15 or perhaps I misunderstood that testimony.

16 A Oh, I did not think I did that.

17 Q But apparently you did?

18 A I suppose, yeah.

19 Q Okay. You've gone through your candidacy exam, is that
20 right?

21 A Yes, I have.

22 Q And when you go through a candidacy exam that specifically
23 relates to the project that you have designed that's going to
24 ultimately result in your dissertation, correct?

25 A Yes. The two project that I chose form the basis of the

1 proposal that Ben gave me the option of doing.

2 Q So from here on out, looking at this, the only additional
3 requirement from your transcript, looking from Page 1 to Page 2
4 would be that you continue to work on your dissertation through
5 the time that you receive your degree, correct?

6 A Yes. It's actually missing a class that I took last year,
7 but other than that it seems right.

8 MS. HOYE: Also, the Page 2 in my packet is blank. Can I
9 have that one?

10 UNIDENTIFIED SPEAKER: Yes.

11 MR. JOHNS: Just one of them was blank I guess.

12 MS. HOYE: Thank you.

13 BY MR. JOHNS:

14 Q You have a Page 2, Ms. Karch?

15 A I do have a Page 2.

16 MR. JOHNS: Is that okay, that one?

17 MS. HOYE: Yeah. Do you want me to just toss this then?

18 MR. JOHNS: I would just toss it, yeah. I don't know why
19 it didn't copy.

20 BY MR. JOHNS:

21 Q But if you look down Page 2 from that independent study
22 down --

23 A Correct.

24 Q Let's start fall of 2014, I know that some of the
25 things --

1 MS. HOYE: Wait, where are you? On the independent study,
2 page --

3 MR. JOHNS: Independent study, the next notation down.

4 MS. HOYE: You're on Page 1? Sorry.

5 MR. JOHNS: Page 1.

6 BY MR. JOHNS:

7 Q From fall 2014 through the end of Page 2, you're just
8 working on your dissertation, correct?

9 A Correct.

10 Q There are no additional requirements that you need to
11 satisfy in order to obtain your degree other than completing a
12 dissertation and a successful defense of that dissertation,
13 correct?

14 A That's correct.

15 Q And throughout that time period, you have continued to
16 receive your stipend, correct?

17 A Correct.

18 Q Let's talk about teaching.

19 A Okay.

20 Q So you have served as a TA twice?

21 A I have.

22 Q That was something that you chose to do. You were not
23 required to do it, correct?

24 A Correct.

25 Q In order to serve as a TA within BGS where it's not

1 required you actually had to seek permission from your thesis
2 advisor, correct?

3 A Correct.

4 Q As well as the graduate group chair?

5 A Correct.

6 Q As well as the director of BGS?

7 A Correct.

8 Q In fact did you go through that process with respect to
9 the two courses that you TAd in?

10 A I did.

11 Q Did you have to submit documents to justify why you wanted
12 to?

13 A Yes.

14 Q With respect to -- let's start for the first time in
15 December of 2015. The justification for your TAship at that
16 point was it would strengthen your knowledge of biochemistry
17 and strengthen your ability to communicate scientific concepts?

18 A Specifically, it says why would you want this as a student
19 and those are as a student why I'd want to. I was also
20 interested in the extra money.

21 Q You were interested in the extra money.

22 A Yes.

23 Q It was justification of how this activity will further
24 your training as a BGS student, correct?

25 A Yes.

1 Q In fact you stated this TAship will strengthen my
2 knowledge of biochemistry and strengthen my ability to
3 communicate scientific concepts.

4 A Sure.

5 Q Was that true when you wrote it?

6 A Yeah.

7 Q You weren't lying to your department, were you?

8 A No, no. That's true.

9 Q You believed that that experience would serve as both,
10 correct?

11 A Yes.

12 Q And that's what you listed as the justification in order
13 to get approval to go and do that, correct?

14 A Yes.

15 Q In fact you submitted justification the second time that
16 you sought to be a TA, correct?

17 A Um-hum.

18 Q And with respect to that second time did you state I will
19 gain teaching experience and solidify my knowledge of
20 biochemistry?

21 A I did write that.

22 Q In fact you TAd in the same course each time?

23 A I did.

24 Q And was that true at the time that you wrote it?

25 A Yes.

1 Q Based on the justifications that you provided were you
2 given the opportunity then to go serve as a TA?

3 A I was.

4 Q Did those TA experiences actually help to strengthen your
5 knowledge of biochemistry?

6 A Yes.

7 Q In fact teaching a recitation and going to lectures in a
8 particular subject, that's a good way of knowing whether or not
9 you full understand a particular subject matter. Correct?

10 A I agree.

11 Q Having the ability to communicate that subject matter to
12 other individuals is a good ability to gauge whether or not you
13 really understand the subject matter, correct?

14 A Yes.

15 Q It's important to a scientist to be able to communicate
16 scientific concepts, correct?

17 A Yes.

18 Q A big part of doing research is not just gathering the
19 information, it's then being able to communicate what you've
20 determined the result of that research is to other individuals,
21 correct?

22 A Yes.

23 Q A big purpose of research is being able to put that out so
24 others can read that and can contribute to the ultimate
25 scientific goal of furthering knowledge, correct?

1 A Yes.

2 MR. JOHNS: While we're marking this exhibit, we would
3 move for the admission of Exhibit E-70.

4 MS. HOYE: No objection.

5 HEARING OFFICER LEACH: Employer's 70 is received.

6 (Employer's E-70 received.)

7 BY MR. JOHNS:

8 Q While we're marking exhibits, just one quick question back
9 to those articles in which you collaborated with other students
10 and sometimes with faculty members. Did you want to do that
11 work?

12 A Some of them. Other ones Ben just kind of like I need
13 this done, can you do this, so --

14 Q This would be a good thing for you to do?

15 MS. HOYE: Can you let her answer?

16 THE WITNESS: It needed to be done.

17 MS. HOYE: She's answering the question.

18 MR. JOHNS: Oh, I'm sorry. I thought she was done.

19 HEARING OFFICER LEACH: I didn't hear, either.

20 THE WITNESS: There is also work that I've done that he's
21 asked me to do that did not result in publication as well.
22 Sometimes he comes in, he's like I have this person, he needs
23 to run these samples, can you do that. And that takes time out
24 of my dissertation that I don't necessarily feel is furthering
25 my development, but I do them because they need to be done.

1 BY MR. JOHNS:

2 Q Well, part of learning how to do research is doing
3 research tasks within a laboratory, correct?

4 A I agree. But these were things that I had already done
5 before, too.

6 Q Did you say to Dr. Garcia, I'm not going to do that,
7 that's not good for my studies?

8 A I have sometimes asked, you know, I'm really busy, do you
9 mind if you find someone else or if I get someone to help me on
10 it. Sometimes he's amenable to that and sometimes he's like,
11 sorry, this has to be done right now, I need you to do it,
12 which is fine, too.

13 (Employer's E-71 identified.)

14 BY MR. JOHNS:

15 Q I've shown you a document we've marked as Exhibit E-71.
16 Do you recognize that?

17 A I do.

18 Q What is it?

19 A This is a permission form for a TA.

20 Q There appears to be handwriting in boxes in the middle of
21 this document, do you see that?

22 A I see that.

23 Q Is that your handwriting?

24 A That is.

25 Q You filled that in?

1 A I did.

2 Q As you stated earlier, you filled that in honestly?

3 A I did.

4 Q There are certain signatures at the bottom. Is one of
5 them yours?

6 A Yes, the first one.

7 Q One of them is your thesis advisor, Dr. Garcia?

8 A Yes.

9 Q The next one is Kim Sharp. Who is Kim Sharp?

10 A He is the graduate group chair.

11 Q The next one appears to be Michael Nussbaum (ph.)?

12 A He's the BGS director at the time.

13 Q After you submitted this form, you were given the
14 opportunity to serve as a TA in that biochemistry course?

15 A I was.

16 Q In the detailed description of job responsibilities, do
17 you see that?

18 A Yes.

19 Q Is that an accurate description of what you did as a TA?

20 A Yes. I also answered student emails and met students
21 outside of office hours who wanted additional help.

22 MR. JOHNS: We'd move for the admission of Exhibit E-71.

23 MS. HOYE: No objection.

24 HEARING OFFICER LEACH: Employer's 71 is received.

25 (Employer's E-71 received.)

1 (Employer's E-72 identified.)

2 BY MR. JOHNS:

3 Q I've shown you a document we've marked as Exhibit E-72.

4 Do you recognize this document?

5 A Yes.

6 Q Same question. Is this a form you submitted in order to

7 obtain permission from BGS to serve as a TA?

8 A Yes.

9 Q Is the handwriting in the middle blocks there, is that
10 your handwriting?

11 A It is.

12 Q Did you fill this out accurately and honestly?

13 A I did.

14 Q In fact is that your signature, this first line where the
15 signatures start?

16 A Yes, it is.

17 Q Going down it appears the names are the same with the

18 exception of an individual that's crossed out, Michael

19 Nussbaum, and Kelly Jordan-Sciutto is listed. Do you see that?

20 A I do.

21 Q Who is that?

22 A That is the current BGS director.

23 Q Did you in fact receive permission to serve as a TA for a
24 second time?

25 A I did.

1 Q Are those the only two times you've served as a TA at the
2 university?

3 A We're only allowed to do twice, so yes.

4 Q So those are the only two times?

5 A Yes.

6 Q And you'll never serve again as a TA?

7 A Correct.

8 MR. JOHNS: We would move for the admission of Exhibit
9 E-72.

10 MS. HOYE: No objection.

11 HEARING OFFICER LEACH: Employer's 72 is received.

12 (Employer's E-72 received.)

13 BY MR. JOHNS:

14 Q Just a couple more questions, Ms. Karch.

15 A Sure.

16 Q Are you aware of something called and IDP in BGS?

17 A I am.

18 Q What does IDP stand for?

19 A Individual development plan.

20 Q What is an individual development plan?

21 A It's a form that you and your boss -- you and your advisor
22 go over that speaks to your progress and your career
23 development.

24 Q In fact have you had the opportunity to fill out an IDP
25 with respect to your own progress?

1 A I have.

2 Q I'm going to refer and I'll give it to the witness, but to
3 Exhibit E-15, something that's previously been admitted into
4 evidence. I have one for you.

5 A Thank you very much.

6 Q Do you recognize Exhibit E-15?

7 A Yes, I do.

8 Q Is this the form that you have to fill out to complete
9 your individual development plan?

10 A It is.

11 Q At the top it says "your name." I assume that would be a
12 student's name, correct?

13 A Correct.

14 Q And advisor or advisory committee, do you see that?

15 A Yes.

16 Q Whose name would you fill out for your own IDP?

17 A That would be Ben Garcia.

18 Q And with respect to the IDP, what -- how is it used in
19 BGS?

20 A It's a good tool to make sure you're talking to your
21 advisor about how you're feeling about your progress, when you
22 think you'll finish, are you on a good time course, what do you
23 want to do afterwards, what can you be doing now to be a better
24 scientist basically.

25 Q Is this something that you would discuss with your thesis

1 advisor?

2 A Yes. So generally you fill out -- the student fills out I
3 believe it's the first -- actually, I think they fill out all
4 of it. They fill out all of it until this page with the red
5 hand printing and send that to your advisor. Then the advisor
6 reviews it, and then you meet together, and you talk about the
7 second page as well as like what you've already filled out and
8 you see if you agree with each other.

9 Q With respect to the individual development plan, if you
10 turn I guess past the page that has the bubbles there, there
11 are certain things listed, course work and training, do you see
12 that?

13 A Yes.

14 Q This is an area that you discuss with your thesis advisor
15 concerning your development, is that correct?

16 A Yes.

17 Q Publications, do you see that?

18 A I do.

19 Q With respect to publications is that the type of thing you
20 would discuss with your advisor concerning your development
21 from time to time?

22 A Yeah.

23 Q And the publications, is that referring to publication
24 such as we've seen in Exhibit U-58, your list of publications?

25 A Yes.

1 Q It's important for scientists to publish?

2 A I'm sorry?

3 Q Is it important for scientists to publish?

4 A Yes, definitely.

5 Q Seminars and conferences, that's also part of your
6 development?

7 A Yes, any scientists.

8 Q Teaching and mentoring, do you see that?

9 A Yes.

10 Q Does that relate to, for example, serving as a TA in order
11 to learn how to communicate effectively in front of other
12 students?

13 A Yeah, it could be that or mentoring students in the lab,
14 too.

15 Q After Dr. Garcia would review this he would meet with you
16 and go over whether there is any recommendations for other
17 activities that he would think would be beneficial to your
18 development as a student within BGS?

19 A Yes.

20 Q In fact you have done that with Dr. Garcia, with your
21 boss?

22 A Yes.

23 MR. JOHNS: No further questions. Thank you, Ms. Karch.

24 HEARING OFFICER LEACH: Does the Union have --

25 MR. JOHNS: Oh, yeah, I would move -- oh, no, that's

1 already in evidence. And I think I moved everything. E-72
2 would be the last one.

3 HEARING OFFICER LEACH: It's in.

4 MR. JOHNS: Thank you.

5 MS. HOYE: I do have some very brief redirect.

6 REDIRECT EXAMINATION

7 BY MS. HOYE:

8 Q Kelly, E-71 and E-72, if you could pull those out of the
9 stack in front of you?

10 A Okay. I have them.

11 Q Do you have those?

12 A Yes.

13 Q As I understand it, the handwriting at least on the top
14 half of this page, that's your handwriting, is that right?

15 A Yes.

16 Q Did you prepare the actual typewritten content on this
17 form?

18 A No.

19 Q This is a form as far as you know that's created by BGS?

20 A I believe so.

21 Q The portion of the form above the box that says detailed
22 description of job responsibilities, the person that says I'm
23 confident that this additional job will not negatively impact
24 my academic work, I understand that I must obtain BGS approval
25 for this job by completing this form prior to beginning my job,

1 thank you for reviewing my request, that's not something that
2 you wrote, right? That's something that BGS wrote on this
3 form?

4 A Correct. I mean it was expected that I would still be
5 working full-time in the lab while I'm doing this and any hours
6 I miss, I make up.

7 Q I have the same question at the bottom of this -- of both
8 of these forms, E-71 and E-72. Is it different at the bottom
9 where it says please note, do you see where I'm referring to?

10 A I do.

11 Q And I'm looking at the one -- fourth and fifth sentences,
12 email or verbal approvals cannot be submitted in lieu of
13 original signatures on this document. BGS approval must be
14 granted prior to beginning your job. The BGS office must
15 approve your completed form before the beginning of the
16 semester in which you plan to work or payment will not be
17 approved. That was already on this form that you filled out,
18 right?

19 A Yes.

20 MS. HOYE: I don't have any other questions on redirect.

21 MR. JOHNS: I do have one follow-up to that.

22 RE CROSS EXAMINATION

23 BY MR. JOHNS:

24 Q With respect to the portion that's typewritten above that
25 was read to you, will not negatively impact my academic work,

1 that includes your work in the laboratory, correct?

2 A Correct.

3 MR. JOHNS: That's all I have.

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

6 THE WITNESS: Yeah, I'm okay. Thank you.

7 HEARING OFFICER LEACH: I'm just wondering if you need a
8 restroom break. No? Okay. There are just some things I want
9 to follow-up on and then I'll have questions. I want to be
10 sure I have all the information. When you described your TA
11 experience, you said you attended -- the lecture that you
12 attended twice a week, that's the lecture that's given by the
13 professor?

14 THE WITNESS: Yes.

15 HEARING OFFICER LEACH: And then you led your one hour
16 long recitation section?

17 THE WITNESS: Yes.

18 HEARING OFFICER LEACH: Would you do that in the classroom
19 alone?

20 THE WITNESS: The professor, Dr. Ahue (ph.), he was there
21 for about 90 percent of them. But his role was to make sure
22 that the content between each TA's recitation, because as I
23 mentioned there were multiple TAs for each class and each one
24 led a recitation, so his role in being there was to ensure that
25 the content was the same. He wasn't leading it or designing

1 the structure of it. It was totally on the TA to do that.

2 HEARING OFFICER LEACH: I want to be sure I understand.
3 The class that you taught, you say you taught the same class
4 both times, right?

5 THE WITNESS: Correct.

6 HEARING OFFICER LEACH: So when you taught the class,
7 there is a big lecture with a lot of students?

8 THE WITNESS: Yes.

9 HEARING OFFICER LEACH: And then you would have one
10 recitation section per week?

11 THE WITNESS: Yeah, so it's one recitation per TA, per
12 week. In the first class I mentioned there is 120 students or
13 so, there are 4 TAs. My class had like around 30 people to
14 40 people. People were allowed to go to whichever recitation
15 they wanted and some of them attended multiple, so they tended
16 to be pretty large.

17 HEARING OFFICER LEACH: When the recitation sections
18 occur, you and the other TAs, are they occurring at the same
19 time or they occur at different times?

20 THE WITNESS: Different times.

21 HEARING OFFICER LEACH: And you're saying during your
22 recitation section, the professor would sit in 90 percent of
23 the time?

24 THE WITNESS: Yes.

25 HEARING OFFICER LEACH: Did he or she say anything?

1 THE WITNESS: He would just -- he was more of like a
2 timekeeper so if I was being too slow and he realized I wasn't
3 going to cover everything then the kind of like motions like
4 hurry up to make sure that I get to like where everyone else
5 was. Occasionally, he would jump in if I was having trouble
6 explaining something. But for the most part he just kind of
7 sat in the back doing his own thing.

8 HEARING OFFICER LEACH: Did he do that both times you
9 taught?

10 THE WITNESS: Yes. He does that for everyone.

11 HEARING OFFICER LEACH: Oh, I see, okay. You also
12 mentioned that you did -- I think you said the second time you
13 taught you did one lecture?

14 THE WITNESS: Yes.

15 HEARING OFFICER LEACH: That means you ran the big
16 lecture?

17 THE WITNESS: I did.

18 HEARING OFFICER LEACH: You helped write exams?

19 THE WITNESS: Yes.

20 HEARING OFFICER LEACH: The second time?

21 THE WITNESS: Yes.

22 HEARING OFFICER LEACH: How did you do that?

23 THE WITNESS: So Phil, the professor of the class, would
24 say do you have any ideas for questions and I would design some
25 of them. He would either accept them as they are or modify

1 them. He also would make his own questions and send them out
2 to me and ask do you think this is reasonable, do you have any
3 suggestions to improve them, so we kind of worked together I
4 guess to do that, and on the problem sets, too, but more so the
5 exams than the problem sets.

6 HEARING OFFICER LEACH: How many exams did you help write?

7 THE WITNESS: Three, each of them in the second year. The
8 first year he also solicited my advice, too, but I was less
9 hands-on in coordinating the questions in the first year.

10 HEARING OFFICER LEACH: With regard to the exams that you
11 helped, do you remember how many -- well, how would you
12 describe what your contribution was? Could you tell me how
13 many questions on the exams were questions you suggested or
14 could you give me a percentage?

15 THE WITNESS: For the first exam of my second year TAing,
16 that was one where I lectured so I wrote 2 out of I don't know
17 how many questions, like 12 questions or so. But I get
18 feedback on almost all of them. Sometimes it's really small,
19 though. It's like, you know, I think that's worded
20 confusingly. And sometimes it's bigger stuff like I think we
21 should include like a whole nother (ph.) subpart of the
22 question or take something out. It's hard to give a
23 percentage.

24 HEARING OFFICER LEACH: But you said maybe 2 out of 12
25 questions?

1 THE WITNESS: Yeah.

2 HEARING OFFICER LEACH: What about the other two exams?

3 THE WITNESS: The other two exams I was more involved. I
4 didn't purely write any of those questions, but I did help
5 shape the ones that were already in place. A lot of times he
6 also will take questions from previous exams and modify them so
7 I helped give feedback on that.

8 HEARING OFFICER LEACH: When you did the lecture were you
9 in the room alone or was the professor there?

10 THE WITNESS: He was also there.

11 HEARING OFFICER LEACH: Did he give you any feedback after
12 the lecture?

13 THE WITNESS: Yeah, informally, just like good job, you
14 need to speak up more, things like that, not anything
15 overarching. It's a topic he's not very familiar with.

16 HEARING OFFICER LEACH: What?

17 THE WITNESS: The topic I taught on isn't something that
18 he has a lot of knowledge on.

19 HEARING OFFICER LEACH: The professor?

20 THE WITNESS: Yes. I taught about the technique that I
21 do.

22 HEARING OFFICER LEACH: Oh, you taught about something
23 related to your specific research?

24 THE WITNESS: No. Like so my lab does a technique and I
25 taught about like the technique, not what I did with the

1 technique but the general like physical principles behind it,
2 how it can be applied to various things.

3 HEARING OFFICER LEACH: I think you mentioned that a
4 research fellowship is required in BGS?

5 THE WITNESS: Yes, I believe so. If the research
6 fellowship means your dissertation work, then yes.

7 HEARING OFFICER LEACH: How would you describe a research
8 fellow?

9 THE WITNESS: That is someone who is performing research
10 in the lab. I think that's all there is to it.

11 HEARING OFFICER LEACH: You've talked a lot about
12 individuals that you've worked with in the lab, Dr. Garcia,
13 right?

14 THE WITNESS: Correct.

15 HEARING OFFICER LEACH: Are you saying you consider your
16 work in the lab a research fellowship?

17 THE WITNESS: I'm really not entirely clear on what a
18 research fellowship is. I don't know.

19 HEARING OFFICER LEACH: The term was used so I just wanted
20 to clarify, but I'm clear on that. On your CV, what order are
21 your publications listed in?

22 THE WITNESS: I put them in order of when they were
23 published. That's I think just easiest.

24 HEARING OFFICER LEACH: I thought that the dates looked
25 like they -- that's Union 58. I didn't know if the dates were

1 in order or this is not considered your CV.

2 THE WITNESS: No, this is not. This I just went into
3 Pub.net (ph.), which is like a government resource. That's
4 just the order it spit out for me.

5 HEARING OFFICER LEACH: That's just the order that it
6 comes out?

7 THE WITNESS: Yeah. I don't know how they decided.

8 HEARING OFFICER LEACH: That's helpful, okay. Just give
9 me one moment, please. This may have been answered so I need
10 to check my notes and see. You said you're currently working
11 in the lab. You mean in the summertime, right?

12 THE WITNESS: Yes. We work around the year.

13 HEARING OFFICER LEACH: I believe that when you mentioned
14 that someone -- that you may have then asked your cohort, your
15 cohort is what, the people you started with?

16 THE WITNESS: Yes, so the same people, same start date in
17 the program.

18 HEARING OFFICER LEACH: How many was that?

19 THE WITNESS: 12 or 13, it depends if you count the
20 combined degree person.

21 HEARING OFFICER LEACH: Those are the same 12 or 13 that
22 you referred to when you say you're working in a lab with them
23 now?

24 THE WITNESS: No. So my lab is whoever ended up joining
25 Ben Garcia's lab. The people in my year can join all different

1 labs.

2 HEARING OFFICER LEACH: How many people are in your lab?

3 THE WITNESS: Right now it's a huge lab. Should I include
4 or exclude graduate --

5 HEARING OFFICER LEACH: Just graduate students.

6 THE WITNESS: Just graduate students. I feel like I'm
7 forgetting someone, but I think eight.

8 HEARING OFFICER LEACH: That means there are eight
9 graduate students currently working now?

10 THE WITNESS: Yes.

11 HEARING OFFICER LEACH: What about in the fall, how many
12 graduate students are in the lab at that time?

13 THE WITNESS: The same unless they graduate.

14 HEARING OFFICER LEACH: So the following spring is the
15 same as summer?

16 THE WITNESS: Yes, it's the same.

17 HEARING OFFICER LEACH: When you talked about Union 58,
18 the list of your publications, you mentioned that some of them
19 are just a review. What do you mean by that?

20 THE WITNESS: Yes. It's like two major types of articles
21 so there is articles where you performed original research and
22 published so that's like kind of the standard that people want.
23 A review article is you go back through literature, and you
24 synthesize a lot of different papers, and you write a review
25 about it, like a review of those papers but it doesn't contain

1 any original research work.

2 HEARING OFFICER LEACH: In Union 58, which numbers are
3 review articles?

4 THE WITNESS: That would be Number 1, yeah, Number 1 --
5 Number 1 and Number 14.

6 HEARING OFFICER LEACH: So the other ones represent
7 original research?

8 THE WITNESS: Yes.

9 HEARING OFFICER LEACH: That's done by you and whoever
10 else is listed --

11 THE WITNESS: Yes.

12 HEARING OFFICER LEACH: -- as an author?

13 THE WITNESS: Um-hum.

14 HEARING OFFICER LEACH: Okay. I have a couple more
15 questions about when you were teaching. The times you teach,
16 you teach undergrads?

17 THE WITNESS: Yes.

18 HEARING OFFICER LEACH: Who would be the person that
19 oversees your teaching when you were teaching?

20 THE WITNESS: That would be the professor of the course,
21 Phil Rea.

22 HEARING OFFICER LEACH: Same professor?

23 THE WITNESS: Yes.

24 HEARING OFFICER LEACH: Bill who?

25 THE WITNESS: Phil, P-H-I-L, Phillip Rey, R-E-A.

1 HEARING OFFICER LEACH: Did you get evaluations when you
2 were teaching?

3 THE WITNESS: I did from the students.

4 HEARING OFFICER LEACH: Student, okay. Do you know if
5 Professor Rea saw those?

6 THE WITNESS: Yeah. Well, I guess I don't know for sure,
7 but he's the kind of person that would look at them.

8 HEARING OFFICER LEACH: Did he ever talk to you about
9 them?

10 THE WITNESS: No.

11 HEARING OFFICER LEACH: Did you get any other type of
12 evaluation just while you were teaching?

13 THE WITNESS: I did also through the Center for Teaching
14 and Learning, they do a TA training. I did that concurrent
15 with my second TA. They did an evaluation of me. They came,
16 well, Julie from CTL came in, observed my recitation, provided
17 extensive feedback for that. That's an optional program. We
18 get paid extra to do that.

19 HEARING OFFICER LEACH: You mean the CTL?

20 THE WITNESS: Yes. The TA training, we get \$200 to do
21 that.

22 HEARING OFFICER LEACH: Did she do the evaluation the
23 first or second time you taught?

24 THE WITNESS: The second time. This was something that
25 was suggested for me to do from the professor of the course,

1 Phil Rea.

2 HEARING OFFICER LEACH: After she comes in and does her
3 evaluation, what does she do with it?

4 THE WITNESS: She sends -- they also record it and they
5 send it to me and to her. We watch them individually and think
6 of areas where I did well and areas where I could use
7 improvement. Then we came together and compared those. There
8 is also like a classroom section of that. I think it was three
9 like hour to hour and a half long classes, it might have been
10 four, with other students who were also doing the training. I
11 was the only BGS person there because I don't think it's
12 popular.

13 HEARING OFFICER LEACH: I understand the woman who came to
14 watch you, she recorded it and you talked about it. What is
15 the second part of your response?

16 THE WITNESS: There is also like a classroom section which
17 Julie led, as well as Ian. I think they're the only two. I
18 don't know their last names, sorry.

19 HEARING OFFICER LEACH: What does that mean, classroom
20 section?

21 THE WITNESS: We would talk about like different issues
22 that come up in teaching, how to engage students, how do you
23 make sure people are on the same -- like how you feel that --

24 HEARING OFFICER LEACH: Is this part of the review that
25 you're talking about or are you talking about the CTL training?

1 THE WITNESS: The CTL training.

2 HEARING OFFICER LEACH: I see, okay. No, I just wanted to
3 know about the review.

4 THE WITNESS: Oh, okay, sorry.

5 HEARING OFFICER LEACH: No problem. And you talked about
6 it, anything else after --

7 THE WITNESS: That's it. That was in the middle of the
8 semester.

9 HEARING OFFICER LEACH: And then after that you did not
10 teach again?

11 THE WITNESS: Correct.

12 HEARING OFFICER LEACH: Because I think you said you can
13 only teach two times in your department.

14 THE WITNESS: Right, I had fulfilled the maximum.

15 HEARING OFFICER LEACH: I don't have any other questions.
16 Does the Union?

17 MS. HOYE: No, I don't.

18 HEARING OFFICER LEACH: Employer?

19 MR. JOHNS: No.

20 HEARING OFFICER LEACH: Okay, that's it for today. Thank
21 you very much.

22 THE WITNESS: Thank you.

23 HEARING OFFICER LEACH: I appreciate it.

24 THE WITNESS: No, problem. Thank you.

25 (Witness excused.)

1 HEARING OFFICER LEACH: Can we go off the record?
2 (Whereupon, at 1:19 p.m., a lunch recess was taken.)
3

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

2 (Time Noted: 2:21 p.m.)

3 HEARING OFFICER LEACH: On the record.

4 The Union can call its next witness.

5 MS. ROSENBERGER: Our next witness is Miranda Weinberg.

6 HEARING OFFICER LEACH: Good afternoon.

7 THE WITNESS: Good afternoon.

8 HEARING OFFICER LEACH: Can you say and spell your first
9 and last name, please?

10 THE WITNESS: My name is Miranda Weinberg, M-I-R-A-N-D-A,
11 W-E-I-N-B-E-R-G.

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

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

18 HEARING OFFICER LEACH: Okay.

19 DIRECT EXAMINATION

20 BY MS. ROSENBERGER:

21 Q Ms. Weinberg, you've been here I think and seen some of
22 the testimony of the other student witnesses.

23 A Yes.

24 Q I'm going to just review with you the sort of game plan
25 here that we're operating under and make sure you're okay with

1 that. So you will be -- I will do direct examination of you
2 and then once that's completed the lawyers for the university
3 will take a break and determine whether there are any documents
4 relating to you that they want to use as exhibits. When they
5 come back from that break they will advise us as to what the
6 categories of those documents are. You'll have an opportunity
7 to review them in private if you like or you don't have to if
8 you don't want to and then to say whether or not you consent to
9 those documents being used in this proceeding. Do you
10 understand that process?

11 A Yes.

12 Q And you're okay with that?

13 A Yes.

14 Q You are currently enrolled as a graduate student at Penn?

15 A Yes.

16 Q What degree are you pursuing?

17 A I'm pursuing a PhD in education and anthropology.

18 Q Can you give me a little bit of your -- can you tell us
19 what your educational background is? You have a bachelor's
20 degree, I assume?

21 A Yes. I have a Bachelor of Arts in Linguistics from
22 Sophomore College (ph.).

23 Q Any other prior degrees?

24 A No.

25 Q You said you are pursuing your PhD in education and

1 anthropology so you are -- you have a dual degree?

2 A Yes, I have a dual degree in the Graduate School of
3 Education and the School of Arts & Sciences.

4 Q How many years have you been pursuing your PhD?

5 A I have finished six years. This will be my seventh year.

6 Q Were you admitted to both the Graduate School of Education
7 and the anthropology program at the same time or different
8 times?

9 A At different times.

10 Q When were you admitted to the Graduate School of
11 Education?

12 A When I started at Penn in -- I guess I was admitted in
13 2011.

14 Q Did you receive a letter from Penn advising you that you
15 were admitted?

16 A Yes.

17 Q Did you give a copy of that to me?

18 A Yes.

19 Q Do you consent to that letter being used as an exhibit in
20 this case?

21 A Yes.

22 (Petitioner's P-61 identified.)

23 BY MS. ROSENBERGER:

24 Q I have handed you a document marked Union Exhibit 61. Do
25 you recognize that?

1 A Yes.

2 Q What is it?

3 A It's the letter you just mentioned.

4 Q It looks like this was sent to you -- this is signed by
5 someone named Andrew Porter and it lists that person as dean.
6 Is that person the dean of the Graduate School of Education?

7 A No. He was at that time.

8 Q Who is currently the dean?

9 A The dean is currently Pam Grossman.

10 Q In the second paragraph of this letter it indicates that
11 you got a funding package, right?

12 A Yes.

13 Q What is the funding package that you were granted upon
14 admission?

15 A It was a dean's scholarship so it was for the first four
16 academic years. I received full tuition remission for up to
17 eight course units, a general fee waiver, student health
18 insurance, a research and teaching apprenticeship, and a
19 nine-month living stipend. The funding package required a
20 20-hour per week work task.

21 Q Twenty hours per week for how long?

22 A During the semester so any time that I was on this funding
23 package I was expected to work for 20 hours per week.

24 Q You said funding during the academic year. Does the
25 funding in this package cover -- is it 12 months or only a

1 portion of the year?

2 A It's for nine months.

3 Q Let me step back a second before we get into the 20 hours
4 of work. You said you were in -- you just finished six years.

5 A Yes.

6 Q Are you unusual in your cohort in terms of how long it's
7 taking you to get your degree?

8 A No. In education linguistics, it was a four-person cohort
9 that I was accepted with. Two finished this past year. I'm
10 expecting to finish this coming year. And the other member of
11 the cohort will finish either this coming year or the following
12 year.

13 Q That's in your Graduate School of Education cohort?

14 A Yes, within my division.

15 Q You said you were admitted to Graduate School of Education
16 separately from you admission to the anthropology program.

17 A Yes.

18 Q When were you admitted to anthropology?

19 A In my second year.

20 Q How did that come about?

21 A I was taking a number of courses in the anthropology
22 department. I realized it wouldn't be much more work to pack
23 on the dual degree, and so I sent an application form to the
24 department of anthropology, and chose an advisor who would be
25 my anthropology advisor.

1 Q Are you getting any funding through the anthropology
2 department or the School of Arts & Sciences?

3 A No.

4 Q Do you have any -- as part of getting your degree in the
5 anthropology department, are you required to provide any
6 service to the anthropology department?

7 A No.

8 Q So you don't have to TA in anthropology?

9 A No.

10 Q I also neglected to ask you did you come to Penn right
11 after you finished your bachelor's degree?

12 A No, I did not.

13 Q What did you do in between?

14 A Immediately after finishing college I won a Fulbright
15 fellowship to spend a year in Nepal. After completing that I
16 worked at a nonprofit, at a non-governmental organization in
17 Nepal for another year.

18 Q So you have two years between?

19 A Yes.

20 Q What is your -- within the Graduate School of Education
21 are there departments, or subfields, or some way that that is
22 divided up?

23 A Yes. They are called divisions within the Graduate School
24 of Education.

25 Q How many are there?

1 A I don't know. There's educational linguistics, reading
2 and writing literacy, quantitative methods, education policy,
3 higher education, teaching and learning, and teacher education.
4 I might be forgetting a couple, but it's somewhere like six to
5 eight.

6 Q Which one are you in?

7 A I'm in educational linguistics.

8 Q Is there similarly any sort of subdivision within
9 anthropology that you think got away?

10 A Not in the same level of subdivisions. The divisions
11 within the Graduate School of Education have their own
12 requirements. Within anthropology, there are different
13 academic focuses but they share the same sets of requirements.

14 Q What is your -- have you settled on a dissertation topic
15 at this point?

16 A Yes.

17 Q What is your topic?

18 A It's about multilingual education policy in Nepal and the
19 ways that educational policy travels through bureaucracy.

20 Q When abouts did you settle on that topic?

21 A I knew coming that I wanted to work on something related
22 to multilingual education in Nepal. That's what I had been
23 doing before I started the PhD, but I refined the topic and
24 narrowed it considerably since then.

25 Q Getting back to your funding package which you said is

1 through GSE, you said and the letter says that you have a
2 20-hour per week apprenticeship. This is in the second
3 paragraph, about a little more than halfway through the
4 paragraph. The sentence is your 20-hour per week
5 apprenticeship rounds out your experience as a graduate student
6 by providing structured opportunities for you to engage in
7 active scholarship research and teaching. Have you had an
8 apprenticeship during your time?

9 A Yes.

10 Q When did you first have an apprenticeship?

11 A In my first year.

12 Q Do those assignments change from time to time?

13 A Yes.

14 Q Do you receive some sort of notice of what your assignment
15 is going to be?

16 A Yes. I receive a letter.

17 Q Did you provide -- did you get one giving you your
18 assignment for your first year?

19 A Yes.

20 Q Did you provide me a copy?

21 A Yes.

22 Q Do you have any problem with that being a document entered
23 into the record?

24 A I have no problem with that.

25 (Petitioner's P-62 identified.)

1 MS. ROSENBERGER: I have just handed you a document marked
2 Union Exhibit -- I'm sorry, can I move for admission of Union
3 61, please?

4 MR. JOHNS: No objection.

5 HEARING OFFICER LEACH: Union 61 is received.

6 (Petitioner's P-61 received.)

7 BY MS. ROSENBERGER:

8 Q I've just handed you a document marked Union Exhibit 62.
9 Do you recognize that document?

10 A Yes.

11 Q What is it?

12 A It's the letter describing my first year of my dean's
13 fellowship.

14 Q In the first paragraph there it says as part of your
15 apprenticeship requirement, I am pleased to appoint you as a
16 research fellow to Dr. Nancy Hornberger for the period
17 September 1, 2011, to May 31, 2002. Who is Dr. Hornberger?

18 A She is my academic advisor.

19 Q Did you work with her in your first year of your dean's
20 fellowship?

21 A Yes.

22 Q Down about two-thirds of the way there is a set of bullet
23 points -- there's actually two sets of bullet points but there
24 is a second set that starts with please note the following.

25 A Yes.

1 Q The first bullet point refers to that 20-hour per week
2 requirement, right?

3 A Yes.

4 Q The second bullet point says your duties with Dr.
5 Hornberger will include assisting with the Anthropology and
6 Educational Quarterly, developing research on multilingual
7 education in Nepal, and assisting with Working Papers in
8 Educational Linguistics. Is that what you did with Dr.
9 Hornberger in your first year?

10 A Yes.

11 Q Let's break that down. Can you explain what you did that
12 was assisting with the Anthropology and Education Quarterly?

13 A Yes. So Anthropology and Education Quarterly is scholarly
14 journal. Dr. Nancy Hornberger was the editor-in-chief of the
15 journal at the time. I was assistant managing editor which
16 meant that I reviewed all the submissions. I sent out desk
17 rejects for things that weren't going to make it into review.
18 I helped with the assigning reviewers and following up with
19 reviewers, and communicating with authors, that sort of thing.

20 Q So Anthropology and Education Quarterly is a referee
21 journal?

22 A Yes.

23 Q That's what the reviewers are, the people who referee
24 articles.

25 A Yes.

1 Q Is it a journal -- you were the, I think you said
2 assistant?

3 A I was the assistant managing editor. Another student was
4 the managing editor, a more senior student.

5 Q Did Dr. Hornberger have a role with regard to that?

6 A Yes. She was the editor-in-chief so she made the ultimate
7 decision on all articles that we were working with.

8 Q The second category of duties in that second bullet point
9 is developing research on multilingual education in Nepal.
10 What did you do with regard to that in the first year?

11 A I was doing sort of exploratory research to move towards
12 eventually completing a dissertation.

13 Q Then the third category is assisting with working papers
14 in educational linguistics. What was that?

15 A Working Papers in Educational Linguistics or WPEL is a
16 working papers journal that the students in educational
17 linguistics together work to edit and produce. I was part of
18 the editorial team which meant that I was assigned an article
19 to work with the author on revisions. I did some proofreading.
20 I did some layout. Nancy Hornberger is the faculty advisor for
21 that journal as well.

22 Q Are the authors students or other people?

23 A It's a mix of students and faculty.

24 Q Faculty from Penn?

25 A Faculty from Penn and other universities.

1 Q Are the students from Penn only or from other universities
2 as well?

3 A The students are most often from Penn, but sometimes also
4 from other universities.

5 Q Taking those three aspects of your duties listed there,
6 you mentioned that developing research on multilingual
7 education in Nepal was related to your dissertation, right?

8 A Yes.

9 Q Was the assistant managing editor work that you did for
10 Anthropology and Education Quarterly related to your
11 dissertation?

12 A No.

13 Q Was the work that you did on the editorial team for
14 Working Papers in Educational Linguistics related to your
15 dissertation?

16 A No.

17 Q The third page of Union Exhibit 62 is a form that is
18 entitled research fellowship appointment acceptance form. Is
19 that something you had to fill out and sign and return?

20 A Yes.

21 Q Did you accept the appointment?

22 A Yes.

23 Q Was that for -- that appointment says on the first page
24 that it's from September 1 through May 31. Is that the nine
25 months of your fellowship?

1 A Yes.

2 MS. ROSENBERGER: Move for the admission of Union
3 Exhibit 62.

4 MR. JOHNS: No objection.

5 HEARING OFFICER LEACH: Union 62 is received.

6 (Petitioner's P-62 received.)

7 BY MS. ROSENBERGER:

8 Q Did you get course credit for the work that you did with
9 Dr. Hornberger in your first year?

10 A No.

11 Q Is Anthropology and Education Quarterly a University of
12 Pennsylvania publication or just a scholarly journal?

13 A It's published by the American Anthropological
14 Association. It moves around between different editors-in-
15 chief at different universities.

16 Q In that particular year, Dr. Hornberger was the
17 editor-in-chief?

18 A Yes, for a period of about five years.

19 Q At the end of your academic year -- you didn't do any
20 teaching assistantship during that academic year?

21 A No.

22 Q Did you do any work that generated funding for you outside
23 of your fellowship?

24 A No. In fact by the terms of this exhibit, I would not
25 have been allowed to.

1 Q That's your understanding of the rule?

2 A Yes.

3 Q You said your regular dean's fellowship was nine months,
4 right?

5 A Yes.

6 Q Did you do anything during the summer after that had run
7 out?

8 A Yes.

9 Q What did you do?

10 A I applied for summer funding to work on research under Dr.
11 Nancy Hornberger.

12 Q Is that something unusual or something that's sort of
13 common in the Graduate School of Education?

14 A It's quite common.

15 Q Did you -- you said you applied to do it. Did you get the
16 fellowship?

17 A Yes.

18 Q Did you get any kind of communication, written
19 communication confirming that you had received the summer
20 fellowship?

21 A Yes.

22 Q Did you give me a copy of that?

23 A Yes.

24 Q Do you consent to that being used as an exhibit here?

25 A Yes.

1 (Petitioner's P-63 identified.)

2 BY MS. ROSENBERGER:

3 Q I've handed you a document marked Union Exhibit 63. Do
4 you recognize that?

5 A Yes.

6 Q What is it?

7 A This is the letter giving me the summer funding award.

8 Q This letter is dated April 30, 2012. Did you receive it
9 around that time?

10 A Yes.

11 Q Then it talks about in the first paragraph there that it
12 says I'm please to appointment you as a research fellow to Dr.
13 Nancy Hornberger for summer 2012. That's the summer after your
14 first year, right?

15 A Yes.

16 Q The second paragraph talks about a living stipend that
17 this fellowship gave you.

18 A Yes.

19 Q Did you receive that?

20 A Yes.

21 Q Do you remember whether you paid taxes on that, whether
22 taxes were withheld from that?

23 A I do not remember.

24 Q Under the bullet points that start about halfway down the
25 page, the first bullet point says consistent with the usual

1 practices and policies of the University of Pennsylvania and
2 the Penn Graduate School of Education with respect to research
3 fellows, you will be assigned duties for an average of 20 hours
4 per week for 160 hours total over the 3-month summer session.
5 And then it's sort of the three months that aren't covered by
6 your regular dean's fellowship, right?

7 A Yes.

8 Q Then it says you are expected to keep a record of hours
9 worked and have your supervisor sign off on this document for
10 audit purposes. Did you have to keep record of your hours
11 worked?

12 A Yes. I submitted timesheets.

13 Q Did your supervisor have to sign off on them?

14 A I submitted them to an administrative assistant. I assume
15 that she gave them to my supervisor to sign off on.

16 Q Do you know whether the work you were doing, we'll get
17 into the details of it, but do you know whether that work was
18 grant funded for Dr. Hornberger?

19 A I don't believe it was.

20 Q The next bullet point says your duties will include
21 working on Dr. Hornberger's project that examines language
22 revitalization initiatives involving Lenape language in PA, NJ,
23 New Jersey, and DE. I assume that's New Jersey and Delaware,
24 yes?

25 A Yes.

1 Q And the PA is Pennsylvania?

2 A Yes.

3 Q To complete data collection and analysis. This project
4 began January 2012 with site visits and relationship building
5 with participants and is currently continuing with
6 observations, interviews, and focus groups. Did you work on
7 that that summer after your first year?

8 A Yes.

9 Q What did that -- what specifically did you do with regard
10 to Dr. Hornberger's project?

11 A As it says we were completing data collection so another
12 student colleague and I were finishing interviews and focus
13 groups with students at a nearby college who were learning the
14 Lenape language as part of their course work. We also went to
15 visit members of the Lenape Nation of Pennsylvania in the
16 Poconos where they live for continuing data collection about
17 language practices.

18 Q Were you involved in writing anything that came out of
19 that that summer?

20 A Yes. We were working on a report that was published by
21 the Center for Applied Linguistics. I don't remember whether
22 it came out in 2012, or 2013, or a later year, but we were
23 working on that and also planting the seeds for some scholarly
24 publication.

25 Q Did you get any sort of authorship credit on that?

1 A Yes.

2 Q Is that work related to your -- is that work that will,
3 the work that you authored something that will end up in your
4 dissertation?

5 A No.

6 Q Is the work that you were doing related to your
7 dissertation?

8 A No.

9 Q Then in the third bullet point on Union Exhibit 63, second
10 sentence says -- well, the first sentence says as a summer
11 research fellow you may not hold any other employment within
12 the university while receiving this fellowship. And then the
13 next sentence says if you do hold/accept any additional
14 university employment beyond this assignment your fellowship
15 will be terminated. Is that consistent with what you talked
16 about earlier that you understood you were allowed to hold
17 other employment outside your fellowship?

18 A Yes.

19 Q So that's true any time you are being funded?

20 A I don't know. I understood it to be true when it was in
21 the letters.

22 Q Again the last page is a research fellowship appointment
23 acceptance form, right?

24 A Yes.

25 Q And you submitted that and accepted the appointment?

1 A Yes.

2 Q Was there any other work that you did for -- well, you
3 didn't do other work --

4 A No.

5 Q -- during the summer because you weren't permitted to,
6 right?

7 A Correct.

8 Q Then what did you do in your second year?

9 A In my second year I was a teaching assistant for Dr.
10 Hornberger's course, language diversity in education. I
11 continued working -- is that correct? No, that was my third
12 year. Was it in my third year that I TAd or my second year? I
13 continued working on Anthropology and Education Quarterly. I
14 continued working on Working Papers in Educational Linguistics
15 in my second year.

16 Q That's in your second year.

17 A That's my second year, yes, sorry. It gets confusing.

18 Q I know it's been a while.

19 A That's six years ago.

20 Q Did you get a letter confirming what your appointment was
21 for your second year?

22 A Yes.

23 Q Did you give me a copy of that?

24 A Yes.

25 Q Do you have any objection to it being used as an exhibit

1 here today?

2 A I have no objection to that.

3 MS. ROSENBERGER: Did I move for admission of Union 63?

4 MR. JOHNS: No.

5 HEARING OFFICER LEACH: No.

6 MS. ROSENBERGER: Then I move for admission of Union
7 Exhibit 63.

8 MR. JOHNS: No objection.

9 HEARING OFFICER LEACH: Union 63 is received.

10 (Petitioner's P-63 received.)

11 (Petitioner's P-64 identified.)

12 BY MS. ROSENBERGER:

13 Q I've just handed you a document marked Union Exhibit 64.

14 Do you recognize that?

15 A Yes.

16 Q What is that?

17 A This is the letter for the second year of my dean's
18 fellowship.

19 Q So that second year was the 2012-13 academic year?

20 A Yes.

21 Q Again down in the second set of bullet points, the first
22 bullet point again talks about the 20 hours per week work
23 requirement.

24 A Yes.

25 Q This one actually says -- this one says in that first

1 bullet point you are expected to keep a record of hours worked
2 and have your supervisor sign off on this document for audit
3 purposes. Did you also submit a timesheet during the academic
4 year?

5 A I did not.

6 Q But you did during the summer.

7 A Yes.

8 Q Was that true throughout your time when you were doing
9 research fellowship -- I'm sorry, apprenticeships and research
10 fellowships?

11 A Yes, that's correct. During the year I didn't submit
12 timesheets, but over the summer I did.

13 Q Now this one in that second bullet point, in the second
14 set of bullet points, says your duties will include serving as
15 the assistant managing editor of the Anthropology and Education
16 Quarterly. That was the same work you had done the previous
17 year, right?

18 A Yes.

19 Q Research on online multilingual education in the fall. Is
20 that the same kind of research that you were doing the first
21 year?

22 A Yes.

23 Q And that you said was related to your dissertation?

24 A Yes.

25 Q And then assist with Working Papers in Educational

1 Linguistics.

2 A Yes.

3 Q So was that the same work that you had done in your first
4 year?

5 A Yes.

6 Q And again there is on the last page of this document,
7 there is a research fellowship appointment acceptance form,
8 right?

9 A Yes.

10 Q You submitted that and accepted?

11 A Yes.

12 Q If you look at Union Exhibit 64 and Union Exhibit 62 side
13 by side -- actually, yeah, Union Exhibit 62, at the top, it's
14 addressed to you at a Brookline, Massachusetts address.

15 A Yes.

16 Q Was that your mailing address at the time?

17 A That is my parents' address. I was actually in Nepal when
18 I got this.

19 Q Before we get to 64, I want to have you look at Union 63.
20 That one has a Spruce Street address at the top.

21 A Yes.

22 Q Were you living there at the time?

23 A Yes.

24 Q How did Penn know you were living on Spruce Street and no
25 longer in Brookline?

1 A I updated my address in Penn-in-Touch.

2 Q What is Penn-in-Touch?

3 A It's a web site where they keep track of information about
4 us.

5 Q About students?

6 A About students.

7 Q On Union 64 there is a third address on S. 48th Street.
8 Do you see that?

9 A Yes.

10 Q Was that your address at the time?

11 A Yes.

12 Q How did they know that was your address at the time?

13 A I updated it in Penn-in-Touch.

14 Q Do you remember whether you received let's say Union
15 Exhibit 64 by U.S. Mail or some other form of service?

16 A When these letters came out, our department administrative
17 assistant would sent an email saying that the letters were
18 there; we could either go to campus and pick them up or she
19 could mail them to us. So some years I would go to campus and
20 pick it up. Some years it wasn't convenient for me to go to
21 campus and I had it mailed to my house.

22 MS. ROSENBERGER: Move for the admission of Union 64.

23 MR. JOHNS: No objection.

24 HEARING OFFICER LEACH: Union 64 is received.

25 (Petitioner's P-64 received.)

1 BY MS. ROSENBERGER:

2 Q That fellowship described in Union 64 ran through May 31st
3 of 2013, right?

4 A Yes.

5 Q Did you do anything to get funding for the summer after
6 your second year?

7 A Yes. I applied for and received funding through GSE for
8 my summer after my second year.

9 Q Did you receive written confirmation that you had received
10 that funding?

11 A Yes.

12 Q Did you provide me a copy of that?

13 A Yes.

14 Q Do you have any objection to that being -- that
15 confirmation being admitted as an exhibit in this matter?

16 A No.

17 (Petitioner's P-65 identified.)

18 BY MS. ROSENBERGER:

19 Q I've handed you a document marked Union Exhibit 65. Do
20 you recognize that?

21 A Yes. This is the letter awarding the summer funding in
22 2013.

23 Q That one again the second paragraph talks about the
24 amount. You received a living stipend, right?

25 A Yes.

1 Q And then the first bullet point halfway down the page
2 says, if you start halfway through that first sentence, you
3 will be assigned duties for an average of 20 hours per week or
4 160 hours total over the 3-month summer session. It gives the
5 date. And again you do a timesheet. So it was similar to the
6 prior summer, right?

7 A Yes.

8 Q Did you do a timesheet?

9 A Yes.

10 Q The second bullet point talks about your duties include
11 working with Dr. Hornberger on an ongoing project on language
12 revitalization initiatives. The project examines
13 revitalization initiatives involving Lenape language in
14 Pennsylvania, New Jersey, and Delaware. You should also plan
15 to write a paper about the educational space provided by the
16 Lenape language class at Swarthmore College. Is that what you
17 worked on that summer?

18 A Yes.

19 Q Is that the same research work that Dr. Hornberger had
20 been working on the previous summer?

21 A Yes.

22 Q Where it talks about writing a paper, was that the paper
23 you referred to in your testimony about the previous summer?

24 A Yes.

25 Q Was there anything different about the work -- besides

1 writing the paper, was there anything different about the work
2 that you did the second summer from what you did in the first
3 summer?

4 A It was just a later point in the research project, but the
5 same project.

6 Q Was this work related to your dissertation?

7 A No.

8 Q I think you already said this paper that you wrote is not
9 going to end up in your dissertation.

10 A No.

11 Q Again, you signed the acceptance form to accept this
12 fellowship?

13 A Yes.

14 Q So that's the summer after your --

15 A Second.

16 Q -- second year.

17 A Yes.

18 Q Then you came to your third year.

19 A Yes.

20 Q Did you do any sort of service in your second year -- or
21 third year.

22 A In my third year?

23 Q Your third year.

24 A Yeah, that was when I TAd for Dr. Hornberger's course,
25 language diversity in education. I was also editor-in-chief of

1 Working Papers in Educational Linguistics. And I believe that
2 was when we were transitioning Anthropology and Education
3 Quarterly from Penn to where it is located now at UMass
4 Amherst.

5 Q Did you do that for your entire third year?

6 A The TAing was only for the fall, but the other two
7 continued into the spring.

8 Q Let's talk about that class, language diversity in
9 education.

10 A Yes.

11 Q Was it an undergraduate or graduate level course?

12 A A graduate level course.

13 Q What did you do as a TA for that course?

14 A I attended every class session. I helped facilitate
15 classroom activities. I graded weekly assignments. There was
16 also a peer review component to those assignments so I
17 facilitated the students. There was a lot of paper moving
18 around. I facilitated that. And I helped in grading the final
19 assignments.

20 Q Were there recitations sections in that class?

21 A No.

22 Q Were you the only teaching assistant in that class?

23 A Yes.

24 Q How many students in the class?

25 A It's capped at 20. I think there were around 20.

1 Q Who oversaw your work as a teaching assistant in that
2 class?

3 A Dr. Hornberger.

4 Q What did that oversight look like?

5 A When I provided grades, there was a rubric that had a
6 column for the peer review, a column for TA comments or a
7 column for TA scores, and a column for the faculty, for Dr.
8 Hornberger's scores.

9 Q Who created that rubric?

10 A Dr. Hornberger.

11 Q Did she coordinate with you what you would be doing with
12 the class?

13 A Yes, we met before the semester started to talk about what
14 we would be doing.

15 Q You said it was a graduate level class. Was it strictly
16 master's level, or doctoral level, or something else?

17 A It was a mix of master's and doctoral level.

18 Q Was it a class you had taken already?

19 A Yes.

20 Q You talked about that in addition to TAing for this class
21 you were editor-in-chief of the Working Papers. Is that the
22 same Working Papers that you were on the editorial team for
23 previously?

24 A Yes.

25 Q What did it mean to be editor-in-chief of that?

1 A It meant that I coordinated the work of my fellow
2 students, who were the editorial team. I made sure that
3 everything was working. I interacted with the publishers,
4 generally oversaw the broader team.

5 Q Whether in this year or any of the prior years, did anyone
6 oversee the work of the editorial team, meaning you as editor-
7 in-chief and the other graduate students?

8 A We would go to Dr. Hornberger if we had questions, but
9 generally she didn't -- as long as things seemed to be running
10 smoothly, which they did, she didn't get involved in the work
11 process.

12 Q What's the difference, for those like me in the crowd who
13 are not academics, what are Working Papers?

14 A The idea is that it's something that's not totally
15 finished so the way that the Working Papers works is that you
16 can -- we allow you to publish a revised draft elsewhere as
17 long as you credit Working Papers in Educational Linguistics.
18 It's sort of a nice stepping stone for something that you're
19 working on, you want to get some feedback, maybe you want to
20 get the ideas out there but still plan to revise further later.

21 Q Does it involve a reviewer process like a referee journal
22 does?

23 A Yes.

24 Q Is that where the person gets the feedback that you're
25 talking about?

1 A Yes. And essentially we, as students, serve as the
2 review, as the referees.

3 Q Are these working papers something that is published by
4 Penn or externally like the Quarterly?

5 A It's published by Penn. It's also available Open Access
6 online.

7 Q Then you said you were working on transitioning
8 Anthropology and Education Quarterly to another editor-in-
9 chief?

10 A Yes.

11 Q Did that happen over the course of the entire academic
12 year or only for part?

13 A I don't remember exactly. It took several months. It's a
14 complicated process and you have a lot of papers in the middle
15 of review when you transition so it takes a while.

16 Q Anything else about your assignment during your third
17 year?

18 A No.

19 Q Was the TA assignment for both semesters or only one
20 semester?

21 A Only the fall. The course is only offered in the fall.

22 Q Were you doing the teaching assistantship -- in terms of
23 your 20 hours of duties were you doing the teaching
24 assistantship in the fall and then those other duties in the
25 spring, or was it obviously the teaching assistantship was in

1 the fall but were you doing the other duties throughout the
2 year?

3 A I was doing the other duties throughout the year.

4 Q Did you get summer funding again in the summer after your
5 third year?

6 A Yes.

7 Q Did you receive written communication confirming that you
8 had received that?

9 A Yes.

10 Q Did you give me a copy of that?

11 A Yes.

12 Q Is it okay with you if a copy of that is admitted into the
13 record?

14 A Yes.

15 MS. ROSENBERGER: First let me move for admission of
16 Union 65, if I didn't.

17 MR. JOHNS: No objection.

18 HEARING OFFICER LEACH: Union 65 is received.

19 (Petitioner's P-65 received.)

20 (Petitioner's P-66 identified.)

21 BY MS. ROSENBERGER:

22 Q I've handed you a document marked Union Exhibit 66. Do
23 you recognize that?

24 A Yes.

25 Q What is that?

1 A This was the award letter for the summer funding of summer
2 2014.

3 Q That's the summer after your third year.

4 A Yes.

5 Q Again the second paragraph tells you, you get a living
6 stipend, right?

7 A Yes.

8 Q And then in the bullet point, the first bullet point talks
9 about the 20 hours a week, right?

10 A Yes.

11 Q And talks about you keeping track of your hours. Did you
12 do that again that summer?

13 A Yes, I kept a timesheet.

14 Q The second bullet point says you will continue your work
15 with Dr. Hornberger examining language revitalization
16 initiatives involving the Lenape language in Pennsylvania, New
17 Jersey, and Delaware which began in January 2012. This summer
18 you will analyze data collected in spring 2014 and revise the
19 AAA paper based on this work for submission as part of a
20 special issue of Language and Communication. Is that what you
21 -- does that describe the work you did that summer?

22 A Yes.

23 Q It was the same project you worked on prior summers,
24 right?

25 A Yes.

1 Q Can you describe the difference in sort of the stage you
2 were at in this?

3 A Sure. That fall, another student and I had presented a
4 conference paper at the American Anthropological Association,
5 that's AAA meetings. And the panel that we were on became a
6 special issue of a journal called Language and Communication,
7 so that summer we were preparing that paper for submission to
8 the journal.

9 Q When you say you presented at a conference that fall,
10 you're talking about the preceding fall?

11 A Yes, in fall of 2013.

12 Q And AAA, is that the American Anthropological Association?

13 A Yes.

14 Q Did this paper, was it submitted to a special issue of
15 Language and Communication?

16 A Yes.

17 Q Was it accepted?

18 A Yes.

19 Q Was that a referee journal?

20 A Yes.

21 Q You're a co-author on that paper?

22 A I am.

23 Q Is Dr. Hornberger a co-author on the paper?

24 A No.

25 Q Was the other student?

1 A Yes.

2 Q Again at the end of this document there is an acceptance
3 form, right?

4 A Yes.

5 Q And you signed that and accepted your appointment?

6 A Yes.

7 Q Then that fall you started your fourth year, right?

8 A Yes.

9 Q Did you again do a research apprenticeship during your
10 fourth year?

11 A Yes.

12 Q Was it for the whole year?

13 A No.

14 Q What did you do?

15 A I accepted the dean's fellowship for the fall semester.
16 In the spring, I had external funding.

17 Q Did you get written confirmation about the fall semester?

18 A Yes.

19 Q Did you provide me a copy of that?

20 A Yes.

21 Q Are you okay with using that as an exhibit here today?

22 A Yes.

23 MS. ROSENBERGER: Move for the admission of Union 66.

24 MR. JOHNS: No objection.

25 HEARING OFFICER LEACH: Union 66 is received.

1 (Petitioner's P-66 received.)

2 (Petitioner's P-67 identified.)

3 BY MS. ROSENBERGER:

4 Q I've handed you a document marked Union Exhibit 67. Do
5 you recognize that?

6 A Yes. It's the letter you've just referred to.

7 Q Now this one at the very beginning of the letter after
8 Dear Ms. Weinberg says this letter supersedes any funding
9 letter that you received for the academic year 2014-15. Had
10 you received a previous letter?

11 A Yes. I had received a letter that gave me funding for the
12 full year. And then we changed it because I received grant
13 funding for 2015.

14 Q The first paragraph then says congratulations, this is the
15 fourth year of your dean's fellowship with a portion of your
16 funding being deferred to the spring 2016 semester. Is that
17 accurate? Was a portion of your funding deferred?

18 A Yes.

19 Q So this would have been your fourth year of the full
20 funding that you had gotten that was mentioned in your
21 acceptance letter, right?

22 A Yes.

23 Q What portion of your funding was deferred to the spring
24 2016?

25 A The final semester.

1 Q Earlier you said you had gotten a grant for 2015. Was
2 that for the calendar year 2015?

3 A Yes.

4 Q We'll get to that in a minute, but let's talk about what
5 you did in the fall of 2014. If we look again at the second
6 set of bullet points, the first one again talks about you being
7 assigned duties for an average of 20 hours per week, keeping
8 track of hours. Did you keep track of hours if this was during
9 the academic year?

10 A No, I did not.

11 Q In the second bullet point there it says as part of your
12 apprenticeship you will work an average of 15 hours per week
13 with Nancy Hornberger assisting with literature review for a
14 state of the art paper on ethnography and policy, and research
15 on language, citizenship, indigeneity in Japal district --I'm
16 sorry, Jhapa district, Nepal. So let's talk about that piece
17 first, the 15 hours per week. And that actually has two
18 pieces. What was the assisting with literature review for the
19 paper on ethnography and policy?

20 A Dr. Hornberger was invited to write a literature review
21 about ethnography and language policy, a review paper similar
22 to what Kelly described in her earlier testimony. A review
23 paper is looking at existing research in the field. So it was
24 she was writing this paper and she asked or she tasked several
25 of her students with working on the literature review, reading

1 recent papers and collating that information to assist in
2 writing the review paper.

3 Q And you were one of those students?

4 A I was.

5 Q Did you get any authorship credit on that paper?

6 A No.

7 Q Is that paper related to your dissertation?

8 A No.

9 Q The second piece there that I read has to do with research
10 on language, citizenship, indigeneity in Jhapa district, Nepal.
11 What was that?

12 A That was related to my dissertation.

13 Q What was that research?

14 A It was working on the grant proposals that I was doing
15 that allowed me to postpone this funding.

16 Q Then it says to complete your -- the last sentence of that
17 bullet point says to complete your 20 hours per week
18 apprenticeship, you will work an average of 5 hours per week
19 with ELX faculty assisting with Working Papers in Educational
20 Linguistics. First of all, what are ELX faculty?

21 A Educational linguistics.

22 Q Is that the same Working Papers work that you had done
23 before?

24 A Yes. I was back to being part of the editorial team.

25 Q You were no longer editor-in-chief.

1 A Correct.

2 Q And again at the end of this document there is a research
3 fellowship appointment acceptance form. You signed that and
4 accepted it?

5 A Yes.

6 MS. ROSENBERGER: I move for the admission of Union 67.

7 MR. JOHNS: No objection.

8 HEARING OFFICER LEACH: Union 67 is received.

9 (Petitioner's P-67 received.)

10 BY MS. ROSENBERGER:

11 Q You talked about getting funding for calendar year 2015.
12 What was that?

13 A I received two research grants. One was from the
14 Fulbright-Hays. The other was from the Wenner-Gren Foundation
15 for Anthropological Research.

16 Q What did you do -- so that was funding that allowed you to
17 defer -- it was funding you had applied for?

18 A Yes.

19 Q It allowed you to defer the Penn fund, the GSE funding
20 that you had.

21 A Yes.

22 Q What did it enable you to do?

23 A It enabled me to spend a year or 13 months in Nepal doing
24 the research that is the base of my dissertation.

25 Q So you were for purposes of Penn's terms, spring of 2015,

1 summer of 2015, and fall of 2015, you were in Nepal?

2 A Yes.

3 Q Did you return for the spring semester of 2016?

4 A Yes.

5 Q Did you do any service during that semester?

6 A Yes.

7 Q What did you do?

8 A I was the TA for a course called curriculum and pedagogy,
9 an international context. And I continued working on Working
10 Papers in Educational Linguistics.

11 Q Did you get like in previous years a letter confirming
12 what your apprentice -- or what your assignment was for spring
13 2016?

14 A Yes.

15 Q Did you give me a copy of that?

16 A Yes.

17 Q Do you consent to that being used as an exhibit in this
18 case?

19 A Yes.

20 (Petitioner's P-68 identified.)

21 BY MS. ROSENBERGER:

22 Q I've handed you a document marked Union Exhibit 68. Do
23 you recognize that?

24 A Yes. This is the appointment for the spring semester
25 2016.

1 Q In that first paragraph, the bolded language reminds you
2 that this is the last semester of your support through GSE.

3 A Yes.

4 Q Now this talks about you being a research fellow to Dr.
5 Nancy Hornberger. I don't think it mentions your teaching
6 assistantship.

7 A It does not.

8 Q How did you come to get the teaching assistantship?

9 A Dr. Ameena Ghaffar-Kucher, who was teaching that course
10 asked me if I would be her teaching assistant. She and Dr.
11 Hornberger arranged it so I was spending I believe 5 hours a
12 week on the teaching assistantship and then the rest of my 20
13 hours I was doing the things that are listed in this letter.

14 Q So it still didn't take you over 20 hours.

15 A It certainly didn't --

16 Q That was the intention.

17 A Yes.

18 Q Before we get to the details on your teaching
19 assistantship let me ask you about what you did in your
20 research fellow assignment. On Union 68, on the second set of
21 bullet points, the second bullet point says as part of your
22 apprenticeship you'll work an average of 15 hours per week with
23 Nancy Hornberger co-authoring a paper on Lenape language and
24 education, research on language, education, and indigeneity in
25 Jhapa district, Nepal. Then it refers to an additional -- in

1 the next sentence to an additional five hours per week working
2 with the -- assisting with Working Papers in Educational
3 Linguistics. First of all, there's three parts there I want to
4 ask you about.

5 A Yes.

6 Q The Lenape language, co-authoring of the paper, was that a
7 different paper than the one you talked about before?

8 A Yes.

9 Q So this is another one where you got co-authorship?

10 A Yes.

11 Q Did it end up getting published?

12 A Yes.

13 Q In a referee journal?

14 A Yes.

15 Q Was this paper something that's going into your
16 dissertation?

17 A No.

18 Q And then the second category there, research on language,
19 education and indigeneity in Jhapa district, Nepal, is that the
20 same work you were doing before related to your dissertation?

21 A Yes.

22 Q And then the five hours assisting with Working Papers in
23 Educational Linguistics, is that again on the editorial team?

24 A Yes.

25 Q You're saying if I understand you correctly then you did

1 this TAship that wasn't reflected in the letter?

2 A Yes.

3 Q What did you do as a TA that semester?

4 A As a TA, I attended every class session. I was
5 responsible for helping facilitate classroom activities. I led
6 one class session during the semester that included choosing
7 the readings for that week, choosing what we would do, giving a
8 lecture as part of it, and facilitating activities. The course
9 is a project-based course where the students develop a
10 curriculum for actual international organizations and I
11 facilitated the connection between the students and an
12 organization in Nepal for them to develop a science curriculum
13 for this organization in the fall.

14 Q Were there any other TAs for this class?

15 A No.

16 Q How big was the class?

17 A Around 20 students.

18 Q Who oversaw your work as a teaching assistant in that
19 class?

20 A Dr. Ameena Ghaffar-Kucher, who is the instructor of the
21 course.

22 Q Can you spell her name?

23 A Ameena, A-M-E-E-N-A, Ghaffar-Kucher is G-H-A-F-F-A-R,
24 dash, K-U-C-H-E-R.

25 Q Did you say whether you were involved in grading?

1 A I was also involved in grading. I may not have mentioned
2 it.

3 Q Did you have any office hours?

4 A No, though I met with students several times. I didn't
5 have fixed office hours.

6 Q What was the manner in which the professor in that class
7 oversaw your work? What did that -- what form did that take,
8 that oversight?

9 A We communicated by email about what was coming up. The
10 week that I was leading class, I showed her my slides in
11 advance. I think that -- does that answer your question?

12 Q Um-hum. What about the grading was that -- first of all,
13 what were you grading?

14 A I was grading -- they had several assignments. Some were
15 about checking whether they understood curriculum theory and
16 some of them were the projects that they were working on for
17 international organizations.

18 Q Were these assignments things that would be -- were they
19 tests or assignments?

20 A They were assignments. They were written assignments.

21 Q So not multiple choice --

22 A No.

23 Q -- fill in the blank?

24 A No.

25 Q Okay. Did you coordinate with the professor about how to

1 -- was there a rubric that you were using or how did that
2 grading happen?

3 A For the shorter assignments earlier in the semester, in
4 fact for all of them I provided comments. I wrote to Dr. GK,
5 that's what her students call her often, Dr. GK about what I
6 thought was an appropriate grade, and she did the final
7 assignment of the grade.

8 Q Was this a class you had taken previously?

9 A Yes.

10 Q Was this an undergraduate or graduate level class?

11 A Graduate level.

12 Q Master's, or doctoral, or both?

13 A Both.

14 Q This was spring of your fifth year now, right?

15 A Yes.

16 Q Did you get summer funding from GSE for that summer?

17 A No, it's not available at that point. It's only after
18 your first three summers.

19 Q After you first three summer or --

20 A Oh, sorry, the summers following your first three years.
21 I apologize.

22 Q Did you take on any service to earn money that summer?

23 A Not that summer.

24 Q Then that took you into your sixth year which was last
25 academic year, right?

1 A Yes.

2 Q Had your funding -- your fellowship funding had run out,
3 right?

4 A Yes.

5 Q Did you do anything in order to earn funding and continue
6 working?

7 A Yes.

8 Q What did you do?

9 A I taught a course called second language development in
10 the Graduate School of Education.

11 Q Did you get a formal appointment letter to do that?

12 A Yes.

13 Q Did you give me a copy of that letter?

14 A Yes.

15 Q Do you consent to that letter being used as an exhibit in
16 this case?

17 A Yes.

18 MS. ROSENBERGER: Did I move for the admission of 68?

19 HEARING OFFICER LEACH: No.

20 MS. ROSENBERGER: I move for the admission of Union
21 Exhibit 68.

22 MR. JOHNS: No objection.

23 HEARING OFFICER LEACH: Union 68 is received.

24 (Petitioner's P-68 received.)

25 BY MS. ROSENBERGER:

1 Q Before I get to this, under your fellowship that had
2 covered -- what all did the fellowship cover?

3 A The fellowship covers -- I'm going to refer back. It
4 covers tuition and a general fee, health insurance, and then
5 provides a stipend.

6 Q When you say you're referring back, you're referring back
7 to your acceptance letter that is Union 61?

8 A Yes, to -- yes.

9 Q And when that ran out were you responsible for all of
10 those elements?

11 A Yes.

12 (Petitioner's P-69 identified.)

13 BY MS. ROSENBERGER:

14 Q I've handed you a document marked Union Exhibit 69. Do
15 you recognize that?

16 A Yes.

17 Q What is that?

18 A This is my offer of an appointment as instructor for
19 second language development.

20 Q In the first paragraph, second sentence there it says your
21 assignment is to teach EDUC 67.001, second language
22 development. That EDUC with the number, is that the course
23 listing?

24 A Yes.

25 Q Based on what we've heard in other testimony here, I

1 gather when it starts with a 6, it's a graduate level course?

2 A Yes.

3 Q Is that one master's, or doctoral, or both?

4 A It can be both. This particular section only had master
5 students.

6 Q Could you describe what it was you did -- were you
7 instructor of record or were you a teaching assistant?

8 A I was instructor of record.

9 Q Can you describe what your duties involved?

10 A I developed the syllabus. I led the class. I graded. I
11 did all of the teaching. And met with students.

12 Q I'm sorry?

13 A I met with students. I should have included that.

14 Q Did you have a teaching assistant to help you?

15 A No.

16 Q Then it says in the second paragraph that you got a salary
17 for teaching that course, right?

18 A Yes.

19 Q Was that for the -- did you do that over the course of the
20 entire year or just the fall semester?

21 A Just the fall semester.

22 Q You mentioned at the beginning of your testimony about how
23 many students were in your cohort and how many have completed
24 or not completed yet. Are you also -- do you interact with
25 students in cohorts ahead of and behind you as well in the

1 division?

2 A Yes.

3 Q Particularly with regard to those ahead of you is it
4 unusual in your division for students to be like you, still
5 pursuing your degree after your funding package has run out?

6 A No one finishes during the funding package.

7 Q Do you know whether other students like you take on
8 teaching assignments or what have you like the one you took on
9 in fall of 2016?

10 A It's very common.

11 Q In the first paragraph of this letter, in the sentence
12 that I was reading from earlier about the name of the class,
13 I'm sorry, the sentence following that line, it says under
14 university and school guidelines it is generally understood
15 that work for this course would entail up to 7-point hours per
16 week, 120 hours per semester of faculty time related to
17 delivery of instruction, research, preparation, meeting time
18 with students, required travel time for field work, supervision
19 of other faculty or students, etc. And then it goes on to say
20 as such your position is not benefits-eligible under federal
21 law and university policy. So you didn't get any health
22 benefits as a result of having this position?

23 A No.

24 Q You had been participating when you had grant or
25 fellowship funding in the what we've called PSIP, Penn Student

1 Insurance Plan.

2 A Yes.

3 Q Did you continue participating in that insurance plan in
4 the fall of 2016?

5 A I did.

6 Q Who paid for that?

7 A I did.

8 Q Did you have any other source of funding --

9 MS. ROSENBERGER: I'm sorry. I'd move for the admission
10 of Union 69.

11 MR. JOHNS: No objection.

12 HEARING OFFICER LEACH: Union 69 is received.

13 (Petitioner's P-69 received.)

14 BY MS. ROSENBERGER:

15 Q Did you have any other source of funding in your sixth
16 year, last year besides that teaching assignment?

17 A Yes. I had other sources in the spring.

18 Q What were they?

19 A In the spring I was teaching a course over at Temple. I
20 was -- oh, sorry -- yes, there was that. In the spring I was
21 also a teaching assistant. And throughout the course of the
22 year I had a position as the coordinator of the Penn Kings
23 Link.

24 HEARING OFFICER LEACH: Can I just clarify, when you say
25 for spring '17, were you a teaching assistant at UPenn or are

1 you talking about Temple?

2 THE WITNESS: At UPenn, yes.

3 BY MS. ROSENBERGER:

4 Q Let's break that down.

5 A Yes.

6 Q In the fall of 2016 you did this teaching assignment. Did

7 you have any other work or compensation in the fall of 2016?

8 A Yes.

9 Q What was that?

10 A That was coordinator of what we call the Penn Kings Link.

11 Q What is Penn Kings Link?

12 A It's a relationship that the educational linguistics
13 division has with a similar program at Kings College, London.

14 So we have regular video conferences and I was in charge of

15 coordinating those, scheduling, making sure there was food,

16 making sure the abstracts were circulated, all of that sort of

17 work.

18 Q Penn paid you for that?

19 A Yes.

20 Q Was that a research assistantship, some other -- do you

21 know what it was?

22 A I think it was called a graduate assistantship.

23 Q And you were doing that in the fall?

24 A The fall and the spring.

25 Q Did you get confirmation that you were going to get that

1 graduate assistantship?

2 A Yes.

3 Q Did you give me -- was it in writing?

4 A Yes.

5 Q Did you give me a copy of that written confirmation?

6 A Yes.

7 Q Do you have any objection to it being used in evidence in
8 this case?

9 A No objection.

10 (Petitioner's P-70 identified.)

11 BY MS. ROSENBERGER:

12 Q I've handed you a document marked Union Exhibit 70. Do
13 you recognize that?

14 A Yes. This is the graduate assistantship award for that
15 Penn Kings position.

16 Q Did anyone oversee your work in that Penn Kings Link?

17 A There was a faculty coordinator, Dr. Robert Moore.

18 Q That's a faculty member in GSE?

19 A Yes.

20 MS. ROSENBERGER: Move for the admission of Union 70.

21 MR. JOHNS: No objection.

22 HEARING OFFICER LEACH: Union 70 is received.

23 (Petitioner's P-70 received.)

24 BY MS. ROSENBERGER:

25 Q Let's move to spring of 2017.

- 1 A Yes.
- 2 Q So you said you had a teaching assistantship?
- 3 A Yes.
- 4 Q Did you have anything besides the teaching assistantship?
- 5 A At Penn?
- 6 Q Yes.
- 7 A This Penn Kings was still ongoing.
- 8 Q Did you get any other assistantship from Penn?
- 9 A What was I doing in the spring? No. Did I?
- 10 Q Let me start with your TA.
- 11 A Yes.
- 12 Q What did you TA for?
- 13 A I was TAing for ethnographic research methods.
- 14 Q Is that -- where is that course offered?
- 15 A In the Graduate School of Education.
- 16 Q Is it graduate level or undergraduate?
- 17 A Graduate level.
- 18 Q And is it master's, or PhD, or both?
- 19 A It's mixed.
- 20 Q How big a class was it?
- 21 A It was eight students.
- 22 Q Were you the only TA?
- 23 A Yes.
- 24 Q I think I forgot to ask you the second time -- this is the
- 25 third time you TAd, right?

1 A Yes.

2 Q The second time you TAd for Professor GK --

3 A Yes.

4 Q Were you the only TA?

5 A Yes.

6 Q Okay. So what did you do as a teaching assistant in this
7 class?

8 A In ethnographic research methods I attended every course
9 session. I met with every student at least once and some of
10 them several times during the semester to work on their -- to
11 assist with their final projects. I graded assignments. I led
12 one course session which included choosing readings and running
13 the discussion. I think that's it.

14 Q Who oversaw your work in that?

15 A That was Dr. Crystal Strong.

16 Q Did Dr. Strong -- what did her oversight look like?

17 A We met a couple of times during the semester to talk about
18 what my role was going to be.

19 Q Did you coordinate on grading?

20 A Yes. Usually, I would do a first round of reading, and
21 then she would look at my comments and add anything further.
22 For that course I assigned the grades which were mostly -- they
23 were excellent students so they mostly got full credit for
24 everything.

25 Q What were the assignments that you were grading?

1 A They were a range. Some of them were responses to their
2 reading, but a lot of them were parts of working through a
3 small scale ethnographic research project.

4 Q So written assignments?

5 A Written assignments, sometimes visual or audio as well.

6 Q Did you get paid for doing that?

7 A Yes.

8 Q Did you get written confirmation of being paid?

9 A Yes.

10 Q Did you give me a copy of that?

11 A Yes.

12 Q Do you have any objection to that written confirmation
13 being part of the record in this case?

14 A No.

15 (Petitioner's P-71 identified.)

16 BY MS. ROSENBERGER:

17 Q I've handed you a copy of Union Exhibit 71. Do you
18 recognize that?

19 A Yes.

20 Q What is it?

21 A This was the confirmation that I was going to be TAing for
22 this course.

23 Q This says, like Union 70, it's a graduate assistantship
24 award. Is that the form of the award that was your payment for
25 the TAing?

1 A Yes.

2 Q It looks like from both Union 70 and Union 71 you paid
3 income taxes on these awards.

4 A Yes.

5 Q Again at the bottom it's got a place for you to sign and
6 accept. You did that?

7 A Yes.

8 Q Then I think you said you also were -- you taught at
9 Temple?

10 A Yes.

11 Q Did you have to get permission from anyone at Penn to take
12 on a teaching assignment at Temple in your sixth year of your
13 program?

14 A No.

15 Q Were you a full-time professor there or what was your
16 role?

17 MR. JOHNS: Object to relevance.

18 MS. ROSENBERGER: It goes to the amount of time she was
19 spending. I'm not going to ask her about her duties.

20 MR. JOHNS: The amount of time she was spending on being a
21 faculty member at Temple has nothing to do with this case.

22 MS. ROSENBERGER: That's fine.

23 HEARING OFFICER LEACH: Okay, I'll overrule it -- I'm
24 sorry, sustained. Don't answer it.

25 BY MS. ROSENBERGER:

- 1 Q You talked about paying for your health insurance in your
2 sixth year.
- 3 A Yes.
- 4 Q Did you also have to pay tuition?
- 5 A Yes.
- 6 Q And you were no longer receiving a living stipend.
- 7 A Correct.
- 8 Q So that's spring of your sixth year.
- 9 A Yes.
- 10 Q During your sixth year while you were doing these other
11 activities were you also working on your dissertation?
- 12 A Yes.
- 13 Q Summer following your sixth year, so that's now, right?
- 14 A Yes.
- 15 Q Are you doing any work?
- 16 A Yes. I am teaching education, well, teaching a course
17 titled educational linguistics.
- 18 Q Is that in GSE?
- 19 A Yes.
- 20 Q So it's in the summer session?
- 21 A Yes.
- 22 Q Is it the 11-week session, Summer 1, or Summer 2?
- 23 A Summer 2.
- 24 Q Has it started yet?
- 25 A No, it's about to start.

1 Q What did you say you're teaching?

2 A Education linguistics.

3 Q Is that a course that you've taken?

4 A No. I placed out of it because I had a linguistics
5 background.

6 Q I see, okay. When you say you placed out of it, did you
7 have to take an exam or something?

8 A No. It's a requirement for my program, but my advisor
9 waived the requirement because I had a linguistics bachelor's
10 degree.

11 Q Is the course that you are going to be teaching graduate
12 level or undergraduate level?

13 A It's graduate level.

14 Q Is it a master's, doctoral, or both if you know?

15 A I believe it's only master students were enrolled but it
16 could be both.

17 Q Will you be instructor of record or teaching assistant?

18 A I'll be instructor of record.

19 Q What is it you're expecting your function will entail?

20 A I'm currently updating the syllabus. I have developed the
21 course web site. Assignments. I'll be leading class sessions
22 and grading, meeting with students.

23 Q Do you know how many students you'll have?

24 A There are currently nine enrolled, I believe.

25 Q Are you being compensated for that work?

- 1 A Yes.
- 2 Q Are you getting health benefits as a result of that work?
- 3 A No.
- 4 Q Does your compensation, does it involve -- is it a fee or
5 is it also including covering your tuition?
- 6 A It does not cover my tuition.
- 7 Q Why are you -- why did you decide to teach a course this
8 summer?
- 9 A So I can pay my rent.
- 10 Q Why did you decide to TA last spring?
- 11 A Because I needed money.
- 12 Q Was it a requirement of your program?
- 13 A No.
- 14 Q What about the work that you did in the fall teaching
15 second language development?
- 16 A Also because I needed money.
- 17 Q That wasn't a requirement of your program?
- 18 A No.
- 19 Q What about the work on the Penn Kings Link, was that --
20 why did you take that on?
- 21 A For the money.
- 22 Q It's not related to your dissertation?
- 23 A No.
- 24 Q It's not required for your program?
- 25 A No.

1 Q How did you come to get the two teaching assignments that
2 you got, the one in fall and then the one this summer?

3 A Both of those courses are required for the master's
4 program in TSOL (ph.) as well as the doctoral -- the PhD in
5 education linguistics so they have to be taught regularly. As
6 I understand the process, as I've been told by the
7 administrative assistant, the faculty divide up the courses
8 that they want to teach and then they look at the gaps in what
9 needs to be covered, and ask advanced graduate students to
10 cover those.

11 Q Were you asked to cover those classes?

12 A Yes.

13 Q Did you receive any -- I'm sorry. So that's this summer.
14 Is there any other work that you're doing this summer outside
15 of working on your dissertation?

16 A That's it for the summer.

17 Q Do you have plans to do any work outside working on your
18 dissertation in your seventh year?

19 A Yes. I will be teaching educational linguistics in the
20 Graduate School of Education again. I will be teaching a
21 course for the liberal and professional studies school and I
22 will also be coordinator of something called the Nessa Wolfson
23 colloquium within educational linguistics.

24 Q What's the Nessa Wolfson colloquium?

25 A It's essentially an invited lecture that someone prominent

1 in our field gives. I will be making arrangements for that
2 person, setting up. Often there is an event for doctoral
3 students in addition to the lecture, and just working on
4 logistics with that invited speaker.

5 Q Is the teaching assignment, the educational linguistics
6 teaching role, is that one for which you will be paid?

7 A Yes.

8 Q Is the LPS class that you're going to teach one that you
9 will be paid for?

10 A Yes.

11 Q Is the work on the Nessa Wolfson collective --

12 A Colloquium.

13 Q Colloquium a paid assignment?

14 A Yes.

15 Q Why are you taking on teaching of educational linguistics?

16 A Because I need money.

17 Q And why are you going to take on the teaching in the LPS?

18 A Because I need money.

19 Q Why did you take on the Nessa Wolfson colloquium work?

20 A Also for the money.

21 Q Is that colloquium work related to your dissertation?

22 A No.

23 Q But it's something within educational linguistics.

24 A Yes. It's within the division.

25 Q When do you hope to complete your dissertation?

1 A In the fall.

2 Q Are you teaching the two classes both in the fall?

3 A Yes. I'll be busy.

4 Q For the first time you were a teaching assistant, did you
5 receive any training on being a teaching assistant?

6 A No.

7 Q Were you evaluated in any of your teaching assistant
8 positions? Did students evaluate you?

9 A No.

10 Q Did you receive any formal or informal evaluation by the
11 professors?

12 A I asked the professors to talk about my performance and so
13 we discussed it informally.

14 Q In the teaching that you have done within GSE so far, did
15 students evaluate you?

16 A When I was instructor of record, yes.

17 Q We've heard about an online system, the normal student
18 evaluation system. Is that the form that those student
19 evaluations took?

20 A Yes.

21 Q Did anyone else evaluate your performance to your
22 knowledge?

23 A No.

24 Q Were you asked to teach educational linguistics in the
25 fall?

1 A Yes.

2 Q Who asked you to do that?

3 A The letter was from our administrative assistant, our
4 program manager, but it's on behalf of Dr. Betsy Rymes, who is
5 now chair of educational linguistics.

6 Q That's the chair of your division?

7 A The chair of my division.

8 Q Was the request by the chair of your division for the
9 previous time, well, for your current time, this summer when
10 you're going to teach educational linguistics?

11 A Yes, it was the same process.

12 Q And the same process last fall --

13 A Yes.

14 Q -- for your other teaching assignment.

15 A Yes.

16 Q Okay. In your work whether as a teaching assistant,
17 instructor of record, research fellow, have you worked
18 alongside students from other schools within Penn?

19 A I've only worked alongside other students from GSE.

20 Q Do you know whether master students in GSE -- let me
21 rephrase that question. You received a couple of graduate
22 assistantships, right?

23 A Yes.

24 Q Are you aware of any master students who received graduate
25 assistantships to do work for GSE?

1 A Yes.

2 Q Are you familiar with the types of work assignments that
3 they do for graduate assistantships?

4 MR. JOHNS: Objection to the foundation. Surely, she's
5 not going to talk about a bunch of other students doing
6 different things that she can't really have personal knowledge
7 of all of them.

8 MS. ROSENBERGER: I'm only asking her what she knows. I
9 mean -- yeah, what she knows, I mean if she's observed people
10 working.

11 MR. JOHNS: Personal observation?

12 MS. ROSENBERGER: That's my question.

13 HEARING OFFICER LEACH: I'm going to allow that. She is a
14 graduate student in that department and she has taught in the
15 department.

16 MR. JOHNS: As long as it's clear it's based on what her
17 personal experiences are and not some broad, wide-ranging
18 assumption about what everyone else does.

19 HEARING OFFICER LEACH: Would that be your personal --

20 THE WITNESS: Yes, I believe I did that.

21 HEARING OFFICER LEACH: Okay.

22 BY MS. ROSENBERGER:

23 Q So can you describe what you personally have observed?

24 A Yes. I have observed master's students who work on
25 research teams, for example Dr. Nelson Flors is a professor in

1 educational linguistics whose research team is a mix of
2 doctoral students and master students who collaborate on
3 research together. There are master students who work for Dr.
4 Yuko Butler, who is also a professor in the educational
5 linguistics division, who work on transcribing data for her.
6 There are in the intracultural communications master's program,
7 every year there are a couple of master students who serve as
8 teaching assistants for a course on facilitating workshops. I
9 don't remember the official title of the course, but it's
10 essentially a course about facilitating workshops and they
11 serve as teaching assistants in that course.

12 Q Just so we're clear, it's a course that people take for
13 credit?

14 A It's a course that master students take for credit. It's
15 in the intracultural communications master's program, which is
16 part of the educational linguistics division that I'm in. It's
17 one of the required courses in their first year and every year
18 some of the second year master students are TAs for that
19 course.

20 MS. ROSENBERGER: Did I move for the admission of Union 71
21 yet?

22 HEARING OFFICER LEACH: No.

23 MS. ROSENBERGER: I move for the admission of Union 71.

24 MR. JOHNS: No objection.

25 HEARING OFFICER LEACH: Union's 71 is received.

1 (Petitioner's P-71 received.)

2 MS. ROSENBERGER: And that's all the questions I have for
3 you on direct. Penn's lawyers may have some questions for you
4 and also the hearing officer.

5 HEARING OFFICER LEACH: You need to -- okay, can we go off
6 the record?

7 (Off the record from 3:51 p.m. to 4:06 p.m.)

8 COURT REPORTER: We are back on the record.

9 MR. JOHNS: In general terms, the documents would be or
10 the categories would be an unofficial transcript that's
11 redacted. There was one appointment letter that was not put in
12 from May of 2013, as well as an email that I believe you sent
13 relating to the delaying of one semester of your fellowship
14 funding.

15 HEARING OFFICER LEACH: So do you want to review those
16 documents before the Employer asks you questions about them and
17 submits them or would you just agree to them being submitted?

18 THE WITNESS: I agree to them being submitted.

19 HEARING OFFICER LEACH: Okay, we can move forward.

20 CROSS-EXAMINATION

21 BY MR. JOHNS:

22 Q Good afternoon, Ms. Weinberg.

23 A Good afternoon.

24 Q Why did you decide to enroll in the PhD program at the
25 University of Pennsylvania?

1 A As I mentioned, I was working at a non-governmental
2 organization before that. I had a lot of questions about the
3 work we were doing. I thought the research evidence for the
4 programs that I was working on were not entirely convincing and
5 I wanted to contribute to having better research evidence. The
6 program at Penn specifically is a pretty -- it's unique in its
7 set-up, the educational linguistics program. And Dr.
8 Hornberger's work was directly in the field I wanted to work
9 in.

10 Q If I could break that down perhaps into three areas, you
11 went to Penn because you wanted to contribute to research in
12 general area involving the work that you had already done with
13 respect to the nonprofit in Nepal?

14 A Yes.

15 Q You were interested in enrolling as a student at Penn
16 because it had a unique PhD program that you thought fit your
17 academic interest.

18 A Yes.

19 Q And you also had an interest even before you enrolled in
20 working with Dr. Hornberger?

21 A Yes.

22 Q How did you know Dr. Hornberger before you enrolled?

23 A I had read her work when I was an undergrad.

24 Q So you had read articles that she had published?

25 A Yes.

1 Q You had reviewed research that she had done?

2 A Yes.

3 Q But you didn't know her personally before then?

4 A No.

5 Q When you say as an undergrad that was as an undergrad at
6 Swarthmore before you went to Nepal for the two years?

7 A Yes.

8 Q It was for those reasons then that you enrolled at the
9 University of Pennsylvania as a PhD student in GSE in -- well,
10 what year was it?

11 A It was in 2011.

12 Q So before I get to some of the documents you were shown on
13 direct examination, there was a lot of talk about GSE
14 appointments and only brief mention of the dual degree in
15 anthropology so I'd like to talk a little bit about that dual
16 degree in anthropology. What additional requirements do you
17 have to satisfy in order to obtain that dual degree in
18 anthropology as well as the PhD degree in education, if that
19 makes sense?

20 A It makes sense. There were a couple of course
21 requirements. Anthropology students have -- it's what is
22 called core field departments. So within anthropology there is
23 linguistics, cultural, biological anthropology, and archeology.
24 Students for the anthropology PhD have to take four courses in
25 three of the four of those and then take an exam in those three

1 core courses or core areas. Then in addition to writing a
2 dissertation proposal, students in anthropology write three
3 field statements which are reviews of the literature in three
4 fields related to the dissertation project. And then I have to
5 have co-chairs of my dissertation committee from education and
6 anthropology.

7 Q Let me break that down a little bit. So if you were just
8 obtaining a PhD degree from GSE you would have certain course
9 requirements, correct?

10 A Yes.

11 Q The course requirements that you outlined related to the
12 anthropology dual degree, are they in addition to the courses
13 that you have to satisfy to get the PhD in education?

14 A Yes.

15 Q Is the overall number of courses you take the same or can
16 those anthro (sic) courses substitute for some of the courses
17 that you would otherwise be required to take as part of your
18 PhD in education?

19 A There's some overlap. In the education linguistics
20 division there is a requirement of three courses in
21 linguistics, two of which are supposed to be taken in the
22 linguistics department. One of them can be in another
23 department at Penn. And many students like I did choose to use
24 the core course in linguistics anthropology to satisfy that
25 requirement so it did double duty for educational linguistics

1 and anthropology. The other anthropology course requirements I
2 took in -- essentially as electives in the education
3 linguistics program.

4 Q So the overall number of courses were basically the same.
5 You were just able to substitute some of the core requirements
6 of anthropology for electives or other courses you might be
7 required to take in education?

8 A Yes, the same number of courses total.

9 Q You talked about taking exams with respect to
10 anthropology. You were also required to take qualifying and
11 candidacy exams with respect to the School of Education?

12 A Yes.

13 Q So the exams between anthropology and education, the exam
14 requirements are different. You have to take exams in both
15 programs?

16 A Yes.

17 Q And I assume you're required to do research and ultimately
18 to complete a dissertation with respect to the PhD program in
19 education. Is the dissertation that you're going to complete
20 with respect to that program -- you're not doing two
21 dissertations. It's the same dissertation for both degrees,
22 correct?

23 A Same dissertation for both degrees, yes.

24 Q You said you're required to have I think you said dual
25 chair or co-chairs?

1 A Co-chairs, yes.

2 Q Yeah, co-chairs. So there is a co-chair of your
3 dissertation committee that's from anthropology and a co-chair
4 that's from education?

5 A Yes.

6 Q Who is the co-chair in anthropology?

7 A In anthropology it's Dr. Asif, A-S-I-F, Agha, A-G-H-A.

8 Q Okay. And the co-chair for education, is that Dr.
9 Hornberger?

10 A Yes.

11 Q I want to talk a little bit about your relationship with
12 Dr. Hornberger. As you said, when you were an undergraduate at
13 Swarthmore you had read articles that she had published and
14 became interested in the work that she was doing. Is that
15 fair?

16 A Yes.

17 Q Your work experience then for the two years in Nepal only
18 served to heighten your interest in what she had done?

19 A Yes.

20 Q You then applied to the program at which she was a faculty
21 member?

22 A Yes.

23 Q As part of the application process to become a student at
24 the University of Pennsylvania in GSE, did you express that you
25 were interested in working with Dr. Hornberger?

1 A Yes.

2 Q Did Dr. Hornberger interview you as part of the decision
3 to admit you to the GSE program?

4 A Yes. Every member of the faculty of educational
5 linguistics interviewed me.

6 Q That included Dr. Hornberger?

7 A Including Dr. Hornberger, yes.

8 Q During those interviews did you express your interest in
9 doing work relevant to the work that Dr. Hornberger was doing?

10 A Yes.

11 Q So you were admitted to the program with the express
12 intention of performing research that would fall within Dr.
13 Hornberger's areas of research?

14 A Yes.

15 Q Can you in very general terms describe Dr. Hornberger's
16 areas of research?

17 A Sure. She works on bilingual education, multilingual
18 education, and indigenous education.

19 Q So you received a letter admitting you to the PhD program
20 at GSE, is that right?

21 A Yes.

22 Q I believe we already have looked at that letter but I'd
23 like to go back and look at it again if that's okay. It's
24 probably at the bottom of the stack of documents that you were
25 just shown.

1 A Yes.

2 Q I believe it's been identified and marked as Exhibit U-61.

3 A Yes.

4 Q Is U-61, is this the first notice that you got that you
5 were admitted to the GSE program?

6 A I was in Nepal when I was admitted so the first notice I
7 got was actually an email from Dr. Hornberger.

8 Q So Dr. Hornberger sent you an email. Do you recall what
9 that email said?

10 A Something along the lines of congratulations, we're happy
11 to accept you into the program.

12 Q Did Dr. Hornberger say anything in that email to you
13 letting you know that you were admitted into the program as a
14 graduate student, did she say anything to you in that email
15 about the fact that you could have opportunities to perform
16 research with her?

17 A No. It was a very short email as I recall.

18 Q So U-61 was sent to I guess your parents' address?

19 A Yes. I also received a copy by email from the director of
20 admissions.

21 Q So it was mailed to your parents' address and you received
22 by email the same letter.

23 A Yes.

24 Q The email was the first time that you had viewed it,
25 correct?

1 A Yes.

2 Q Just looking at this letter, the first paragraph, it
3 states only a couple of sentences in, your advisor will be Dr.
4 Nancy Hornberger. Do you see that?

5 A Yes.

6 Q Were you pleased to learn that Dr. Hornberger was your
7 advisor?

8 A I was very pleased.

9 Q Can you tell us, describe for us what your understanding
10 is of the role of a faculty advisor to a PhD student at GSE?

11 A Sure. There is essentially two roles. One is as your
12 academic advisor and then the other is as your work supervisor.
13 Sometimes those roles are filled by different people. In my
14 case it was Dr. Hornberger for both.

15 Q What is an academic advisor?

16 A And academic advisor watches -- mentors you in your
17 academic progress, makes sure that you're fulfilling
18 requirements and working towards successful completion of the
19 degree.

20 Q Did you have regular meetings with Dr. Hornberger in which
21 she spoke to you concerning issues related to your progress
22 towards the degree?

23 A Yes.

24 Q How often would you meet with her during the time that
25 you've been a PhD student?

1 A Specifically about my academic progress, probably every
2 couple of months.

3 Q What are the types of things that would be discussed in
4 those meetings?

5 A While I was doing course work, the courses I was taking
6 and planning to take, and also my developing thoughts about
7 what my dissertation would be about.

8 Q Did you have some sense coming into the university what
9 your dissertation would be about?

10 A Yes.

11 Q What was that in very general terms at the time you
12 decided to accept the university's offer to admit you as a
13 student? What sense did you have of what you wanted your
14 dissertation to be?

15 A I wanted my dissertation to be about multilingual
16 education policy in Nepal.

17 Q Had you expressed that either to Dr. Hornberger as part of
18 the admissions process or to any other faculty members in the
19 interviews you did?

20 A Yes.

21 Q And generally speaking we heard some testimony throughout
22 this proceeding that sometimes people's research interests
23 change. But generally speaking with respect to your
24 dissertation, it hasn't changed all that much from the time you
25 came to the time you hopefully, as you said --

1 A Yes.

2 Q -- will be done in the fall?

3 A Generally speaking it has stayed the same.

4 Q This letter also outlined the funding package that you had
5 received from GSE, correct?

6 A Yes.

7 Q And generally speaking with respect to the funding
8 package, you received tuition remission, fee waivers, student
9 health insurance, a stipend, the elements -- generally speaking
10 the elements of the funding package, as well as the fact that
11 you would have to be part of a research and teaching
12 apprenticeship. Do you see that?

13 A Yes.

14 Q Now in that same paragraph, it says your 20-hour per week
15 apprenticeship rounds out your experience as a graduate student
16 by providing structured opportunities for you to engage in
17 active scholarship, research, and teaching. Do you see that?

18 A Yes.

19 Q That was your understanding of what the apprenticeship
20 would involve at the time you decided to enroll as a student?

21 A Yes.

22 Q You understood that as a condition for accepting that
23 package that you would be involved in academically related work
24 with a faculty member pursuant to that apprenticeship?

25 A I understood that I would engage in active scholarship,

1 research, and teaching, yes.

2 Q If you turn to Page 2, this essentially looks like
3 something that you would sign in order to accept the terms of
4 what had been offered to you, is that right?

5 A Yes.

6 Q Did in fact you sign this form and submit it to the
7 university saying you accepted it?

8 A Yes.

9 Q About four bullets down it talks about in order to
10 continue to receive your funding package you had to continue to
11 be a student in good academic standing within GSE, correct?

12 A Is this the bullet point that says you must maintain
13 full-time enrollment?

14 Q Right.

15 A Yes, that I must meet satisfactory academic progress, yes.

16 Q At each point that you receive the stipend and other
17 elements in this funding package, were you a student in good
18 academic standing within GSE?

19 A Yes.

20 Q And you continue to do that?

21 A Yes.

22 Q It also said you must also meet satisfactory academic
23 progress including the apprenticeship to continue your program
24 and support. Do you see that?

25 A Yes.

1 Q In signing this to come to the GSE PhD program, you
2 understood that the apprenticeship was part of the academic
3 program, correct?

4 A I understood it was part of the terms of my scholarship.

5 Q According to this, it said you must also meet satisfactory
6 academic progress including the apprenticeship. That would
7 suggest that the apprenticeship is part of your academic
8 progress, would it not?

9 A That seems to be what the sentence suggests.

10 Q Did you sign this document?

11 A I signed this document.

12 Q Now the third bullet up above that, it says for the
13 research and teaching apprenticeship you will perform
14 academically related work with a faculty member for an average
15 of 20 hours each week during the academic year. Do you see
16 that?

17 A Yes.

18 Q Would you describe the work that you've done on your
19 apprenticeship generally speaking as academically related?

20 A It's academically related in that it's related to the work
21 that we do in the university, yes.

22 Q When you say the work that we do in the university, would
23 you be more specific to say the work that's done within GSE at
24 the university?

25 A Sure, yes.

1 Q Would you narrow it even further to the work that's done
2 within the educational linguistics division at GSE, at the
3 university, or just keep it broader than that?

4 A I would keep it broader because the TAing work that I've
5 done has been outside of educational -- some of it has been
6 outside of educational linguistics.

7 Q So some of it has been outside educational linguistics,
8 the TA work. All of it has been within GSE, correct?

9 A Yes.

10 Q And with GSE, just so we're all on the same page, I'm
11 talking about the Graduate School of Education just for
12 purposes of the record.

13 A Yes. I am also talking about the Graduate School of
14 Education.

15 Q Just want to make sure we're talking about the same thing.

16 A Absolutely.

17 Q Okay. So you came in under this funding package, you
18 signed it, and you were admitted to the university, correct?

19 A Yes.

20 Q So you start then in your first year. You're taking
21 courses, I assume.

22 A Yes.

23 Q Is that both fall semester and spring semester you were
24 taking courses?

25 A Yes.

1 Q If you could look at Exhibit U-62? U-62, does this relate
2 to the apprenticeship that you were performing in your first
3 year at GSE?

4 A Yes.

5 Q Looking down in the second section of bullets, it says
6 your duties with Dr. Hornberger will include assisting with the
7 Anthropology and Education Quarterly, developing research on
8 multilingual education in Nepal, and assisting with Working
9 Papers in Educational Linguistics. I'm going to break that
10 down but I want to make sure that generally speaking that's
11 what you were doing with Dr. Hornberger that first year?

12 A Yes.

13 Q With respect to developing research on multilingual
14 education in Nepal, I believe you testified to this but I want
15 to make sure I'm understanding it. That was research that
16 ultimately was going towards what you believed to be your
17 dissertation topic and which has ultimately resulted in what
18 your dissertation is, correct?

19 A Yes.

20 Q As part of the research you were doing that was going
21 towards your dissertation topic, would you regularly consult
22 with Dr. Hornberger concerning that research?

23 A Occasionally, yes.

24 Q So with respect to those occasional consultations with
25 her, would you discuss with her what you were doing and the

1 areas you were interested in, is that right?

2 A Yes.

3 Q With respect to those areas that you were researching,
4 this was an area that you were developing the topic and you
5 were coming up with whatever your thesis is going to be. Dr.
6 Hornberger wasn't telling you, you need to research this topic
7 and you need to write this. Correct?

8 A She certainly gave me suggestions of what to read, but it
9 was my research.

10 Q And it's your dissertation.

11 A It's my dissertation.

12 Q Whatever the conclusions are in that dissertation they are
13 yours and yours alone, correct?

14 A Yes.

15 Q In fact in order to obtain a PhD degree you're required,
16 yourself, to come up with a project and to write a piece of
17 academic scholarship that is your idea alone, correct?

18 A Yes.

19 Q So Dr. Hornberger was providing advice to you with respect
20 to that research as part of this apprenticeship, correct?

21 A Yes.

22 Q It also says you were assisting with Anthropology and
23 Education Quarterly. Is that right?

24 A Yes.

25 Q I just want to talk a little bit about what that involved

1 particular the first year, but if you can sort of break it down
2 and tell me how that evolved over time that would be great as
3 well.

4 A Sure. Dr. Hornberger was editor-in-chief of Anthropology
5 and Education Quarterly. I was assistant managing editor,
6 which as I previously testified involved receiving submissions,
7 suggesting things that were desk rejects, writing letters for
8 the desk rejects, and tracking papers through the review
9 process, communicating with reviewers and authors.

10 Q You would review scholarship in the areas of anthropology
11 and education, is that right?

12 A Yeah, educational anthropology is what we often say, but
13 your phrasing works.

14 Q I'll go with whatever you want, okay. Yours sounds easier
15 to say, educational anthropology.

16 A A little faster.

17 Q You were reviewing scholarship in that area as part of
18 your work on that journal, correct?

19 A Yes.

20 Q Would you also consult with Dr. Hornberger if you had
21 questions concerning that scholarship and whether or not a
22 submission was appropriate for the journal?

23 A Yes.

24 Q At the time you were admitted to the university, you did
25 not have the intention to get a dual degree in education and

1 anthropology, correct?

2 A Correct.

3 Q It was only at some point during the process of being a
4 student at the university that you decided you know what, that
5 might make sense. Is that a fair statement?

6 A Part of what you were doing in working on that journal was
7 as I said reviewing scholarship in the area of educational
8 anthropology, is that right?

9 A Yes.

10 Q It's hard to ignore the fact that you're doing this in
11 your first year, reviewing scholarship and that, and it's at
12 some point after that first year that you decided that perhaps
13 I should pursue a dual degree at Penn with respect to both a
14 PhD in education and a PhD in anthropology, correct?

15 A I'm sorry, what was the question?

16 Q The first year you start, you begin -- you're only seeking
17 a PhD in education, right?

18 A Correct.

19 Q You come in. You're working with Dr. Hornberger on the
20 apprenticeship. Part of that is your dissertation stuff. Part
21 of that is your work on this Quarterly. What I'm really trying
22 to get at is in performing this work on the Anthropology and
23 Education Quarterly, did that inform your decision ultimately
24 to decide on a dual degree program at the university?

25 A When I applied to graduate schools, I applied half to

1 anthropology programs and half to education programs. I would
2 say my interests were really interdisciplinary. The program in
3 educational linguistics incorporates a lot of anthropology
4 courses. And even the courses within educational linguistics
5 include a lot of readings that we might consider to be -- that
6 might be within the discipline of anthropology. So they are
7 very closely linked. Certainly I was working on Anthropology
8 and Education Quarterly at the time that I decided to pursue
9 the dual degree, but I think the rest of that is also relevant.

10 Q So it's all relevant. But that was part of the
11 consideration as well, correct?

12 A I was working on Anthropology and Education Quarterly when
13 I decided to pursue the dual degree.

14 Q Just so I'm clear, I don't think you said this before, at
15 the time you were applying to become a PhD student at various
16 universities, you said half you applied for anthropology and
17 half you applied for education, is that right?

18 A That's correct.

19 Q Did you apply to the anthropology department at the
20 University of Pennsylvania?

21 A No.

22 Q So at the time that you went through the admissions
23 process in GSE, did you express to the professors who
24 interviewed you that you also had an interest in anthropology?

25 A Yes.

1 Q So going through that admissions process, you tell them
2 you have an interest in anthropology. You tell them you have
3 an interest in doing research with Dr. Hornberger. And you
4 tell them as well in general terms you have an interest in
5 doing research on multilingual education in Nepal. Is that
6 fair?

7 A Yes.

8 Q Then you come in, you get your apprenticeship, and the
9 assignments are working on the Anthropology and Education
10 Quarterly, doing research on multilingual education in Nepal,
11 as well as assisting with Working Papers in Educational
12 Linguistics. Is that fair?

13 A Yes.

14 Q At least of the first two they specifically put you into
15 work that would meet what you had expressed as your educational
16 interest, correct?

17 A The research on multilingual education in Nepal
18 definitely, yes.

19 Q Okay, keep going.

20 A Anthropology and Education Quarterly, it's within the
21 discipline that I was studying certainly.

22 Q Well, you had expressed as you said that you had dual
23 interest in both education and anthropology as part of the
24 application process and then you got assigned to that journal,
25 correct?

1 A I was assigned to that journal, yes.

2 Q So Working Papers in Educational Linguistics, tell me
3 about that. What did that involve this first year?

4 A The first year I was what we call a contact editor, which
5 meant that I was assigned to a paper that -- it's a slightly
6 modified version of a standard peer review process but I was
7 essentially working with an author to do a couple of rounds of
8 revision on their paper, as well as doing some work with the
9 copy editing and layout for the journal.

10 Q This was a journal unlike the education -- or Anthropology
11 and Education Quarterly, this was a journal that was published
12 at the university?

13 A Yes.

14 Q Were there oftentimes graduate students at the University
15 of Pennsylvania that were submitting papers for this?

16 A Yes.

17 Q And educational linguistics broadly speaking is the
18 department or the division of GSE that you were obtaining your
19 degree, your PhD degree in, correct?

20 A Yes.

21 Q At the time that you received this appointment, Dr.
22 Hornberger was already assigned as your faculty advisor,
23 correct?

24 A Yes.

25 Q Does the faculty advisor play a specific role in the

1 dissertation process?

2 A The faculty advisor, yes, the faculty advisor works with
3 -- I guess the reason I'm having trouble answering the question
4 is that the faculty advisor has, as I explained, two roles.
5 One is as an academic advisor and one is as a work supervisor,
6 so the --

7 Q Well, I was asking you specifically as to the
8 dissertation, so do you believe dissertation is as a work
9 supervisor?

10 A No, as an academic advisor, yes.

11 Q So I would appreciate your answer as to what is the role
12 of a faculty advisor as to a student's dissertation.

13 A Your academic advisor should be working with you to
14 develop your ideas for dissertation. Not everyone sticks with
15 the same faculty advisor throughout their whole time. Not
16 everyone's initial faculty advisor is part of their
17 dissertation committee. Mine was because I stayed pretty
18 consistent in my interest.

19 Q And Dr. Hornberger remains your faculty advisor to this
20 day, correct?

21 A Yes.

22 Q Is knowing how to write well an important part of being a
23 PhD student?

24 A Yes.

25 Q So I guess that takes us through to the summer after you

1 were first year, correct?

2 A Yes.

3 Q If you could look at U-63 which you were shown by Ms.
4 Rosenberger. You were appointed as a research fellow for Dr.
5 Hornberger again in the summer of 2012?

6 A Yes.

7 Q You received a certain stipend relating to that?

8 A Yes.

9 Q And that was for two months' efforts.

10 A Yes.

11 Q Looking back to U-62, there is no statement in U-62 that
12 you would keep track of the number of hours, correct?

13 A There is no statement that I will keep track of the hours,
14 though it does mention that it will be 20 hours per week.

15 Q That wasn't my question. My question is there's no
16 statement that you would keep track of the number of hours,
17 correct?

18 A Correct.

19 Q With respect to that would your hours vary from week to
20 week with respect to the duties you would do for the
21 apprenticeship with Dr. Hornberger?

22 A Yes.

23 Q You received the same stipend regardless of what your
24 hours were for those weeks, correct?

25 A Yes.

1 Q In fact some of those hours would involve you doing
2 independent research toward the development of your
3 dissertation topic, correct?

4 A Yes.

5 Q That could take lots of hours as you're working on that I
6 would assume, correct?

7 A That could take many hours.

8 Q Okay. So then let's look at U-63. You received a summer
9 appointment after your first year, correct?

10 A Yes.

11 Q And you received a stipend in that year?

12 A Yes.

13 Q Now U-63, unlike U-62, does have a statement that you will
14 keep track of the number of hours.

15 A Yes.

16 Q You said you submitted timesheets relating to U-63, is
17 that right?

18 A Yes.

19 Q You'd never submit them to Dr. Hornberger?

20 A I submitted them to the program manager, to the
21 administrative assistant.

22 Q So you didn't submit them to Dr. Hornberger?

23 A No.

24 Q Did each of the timesheets you submitted for that entire
25 summer show 20 hours of work each week?

1 A I don't remember.

2 Q You don't recall what you put down?

3 A I mean I don't recall. This was --

4 Q Did you put the actual number of hours you worked or did
5 you put 20 hours based on this letter?

6 A I don't recall.

7 Q Did you receive payment for 20 hours each week regardless
8 of the amount of hours you actually did?

9 A I received the amount per month that you'll see on the
10 final page of this document.

11 Q I believe it's also in the first page of the document as
12 well. There is a living stipend of \$4,624.

13 A Yes.

14 Q To be allocated based upon your work schedule.

15 A And then the --

16 Q So you received that regardless of the number of hours you
17 put in each week, correct?

18 A The hours averaged 20 hours. They I'm sure added up to
19 160 hours. I don't recall what I put down each week.

20 Q That wasn't important to you?

21 MS. ROSENBERGER: What's the relevance of that question?

22 MR. JOHNS: Well, clearly the Union believed it to be
23 relevant to ask questions about and the question of every time
24 that she was keeping track of her hours. The truth of the
25 matter is she wasn't based on this. It does not appear to have

1 been important to her to have kept track specifically of actual
2 hours worked.

3 HEARING OFFICER LEACH: I'll overrule that and allow the
4 question since there was other testimony about this particular
5 issue. You can respond.

6 THE WITNESS: I'm sorry. Could you ask the question
7 again?

8 BY MR. JOHNS:

9 Q Sure. It wasn't important to you to remember or to keep
10 track of specifically the number of hours you worked each week?

11 A I worked many more than 20 hours the week. I only
12 submitted timesheet for the amount that I was able to get paid
13 for.

14 Q So your timesheets did say 20 hours then?

15 A I don't recall exactly what I wrote but that seems
16 plausible.

17 Q So then the work you did was again with Dr. Hornberger in
18 that summer?

19 A Yes.

20 Q And it says you were examining language revitalization
21 initiatives involving I think it's Lenape but you tell me if
22 I'm mispronouncing that.

23 A Lenape works.

24 Q In Pennsylvania, New Jersey, and Delaware, the complete
25 data collection analysis. That's academically related work,

1 correct?

2 A Yes.

3 Q In fact you were doing research on a project that was
4 ultimately going to result in a paper?

5 A Yes.

6 Q The initial paper that was written concerning this work,
7 Dr. Hornberger was not a co-author of that paper, correct?

8 A Correct. The first paper that came out was me and another
9 student.

10 Q So you and another student were credited with the
11 authorship of the paper that characterized the research that
12 you had done that started in this summer of 2012, correct?

13 A The research, the project began in January 2012 as is
14 noted in the exhibit.

15 Q But you and another student and not Dr. Hornberger were
16 credited essentially with publishing the results of this
17 research study, is that fair?

18 A Yes.

19 Q For graduate students, is publishing articles, is that a
20 good thing?

21 A Yes.

22 Q That's something that if you were creating a CV to go get
23 a job would you include articles you published on that?

24 A Yes.

25 Q Is it important to someone who is a PhD student to show

1 proof that they're able to publish academic articles?

2 A Yes.

3 Q Why is that?

4 A Because that's much of the work that we do as doctoral
5 students, as scholars.

6 Q Is it also true because it relates to training for which
7 many of the students seek employment after they graduate as
8 students in academic, correct?

9 A I'm sorry. Could you ask the question again?

10 Q Is it also important because it relates to the types of
11 positions that many students who are seeking PhD degrees will
12 seek to get in academic after they graduated?

13 A Yes.

14 Q So then we get to your second year which I think is U-64.

15 A Yes.

16 Q Your assignment again was with Dr. Hornberger then?

17 A Yes.

18 Q And again you're receiving the stipend, fees, tuition
19 remission, and health insurance?

20 A Yes.

21 Q Is that right?

22 A Yes.

23 Q And again part of the duties of this apprenticeship was
24 you doing research for your own dissertation, correct?

25 A Yes.

1 Q Was that a big portion of the time you were spending in
2 all of the years you've been, research towards your
3 dissertation and ultimately writing your dissertation?

4 A That has been a large portion of what I spent my time on.

5 Q You were also again assistant managing editor for
6 Anthropology and Education Quarterly?

7 A Yes.

8 Q And you were also assisting with Working Papers in
9 Educational Linguistics again?

10 A Yes.

11 Q You signed and accepted this?

12 A Yes.

13 Q Then I guess we get to the summer between your second and
14 third year.

15 A Yes.

16 Q You are again assigned to be a research fellow for Dr.
17 Hornberger?

18 A Yes.

19 Q Dr. Hornberger at this time is still your faculty advisor?

20 A Yes.

21 Q So duties involved working with Dr. Hornberger on an
22 ongoing project on language revitalization initiatives. Is
23 this the same project from the summer before?

24 A Yes.

25 Q And the same project for which you co-authored with

1 another student an article concerning the research results?

2 A Yes. We also co-authored a paper with Dr. Hornberger.

3 Q Right. I'm going to get to that.

4 A Okay.

5 Q So there were two papers that came out of this particular
6 research project. The initial one, publishing the results was
7 you and the student. Dr. Hornberger was not credited as an
8 author to that, correct?

9 A Correct.

10 Q Later on there was another paper that you, that other
11 student who was co-author of the one, and Dr. Hornberger were
12 all co-authors, correct?

13 A That's correct.

14 Q So your work here resulted in two publications for you,
15 correct?

16 A Actually three. There is another one where I was single
17 author sort of tangent to this.

18 Q Oh, okay, so a third in which you were sole author?

19 A Yes.

20 Q This work resulted in three publications for you, correct?

21 A Three peer review publications, yes.

22 Q And peer review publications for someone who is a PhD
23 student, that's the type of publication you seek to get,
24 correct?

25 A Yes.

1 Q Because peer review publication would mean that other
2 peers within academic have reviewed it and have deemed the
3 research worthy of publication.

4 A Correct.

5 Q That's essentially what you did during the summer?

6 A Yes.

7 Q It says at the end you should also plan to write a paper
8 about the education space provided by the Lenape language class
9 at Swarthmore College. Is that one of those three papers that
10 you just spoke about?

11 A Yes.

12 Q Which one of them is it?

13 A I think this was we were thinking about the one that was
14 co-authored with Dr. Hornberger.

15 Q So the second one. What was the difference between the
16 first article and the second article?

17 A They emphasized different aspects of -- they answered
18 different questions basically.

19 Q Which questions were answered in the first and which
20 question was answered in the second?

21 A The one co-authored with Dr. Hornberger was about the
22 educational space provided by this course at Swarthmore College
23 as you'll see described on this document here, Exhibit 65. The
24 one that was co-authored with another student was more about
25 the ways that non-Lenape students studying the course navigated

1 their -- navigated sort of issues of identity around studying a
2 Native American language.

3 Q When you were asked questions earlier, you were asked
4 questions about whether or not those papers and that research
5 specifically related to your dissertation and you said no.

6 A Correct.

7 Q Do you recall that testimony?

8 A I do.

9 Q Generally speaking though they relate to your overall
10 field of study at the university which is educational
11 linguistics, correct?

12 A They relate to educational linguistics.

13 Q Now before I move onto what you did the next year, I think
14 it was at this point that Ms. Rosenberger asked you questions
15 about your addresses and there are three addresses that I've
16 seen on different letters. One is in Brookline, Massachusetts,
17 one is on Spruce Street, and one is on South 48th Street.

18 A Yes.

19 Q My question is for the addresses that were in
20 Philadelphia, at some point during your time in the graduate
21 school, you moved?

22 A Yes.

23 Q Was that during the summer?

24 A Yes.

25 Q I'd like to look at Exhibit U-66. Do you have that?

1 A Yes.

2 Q So U-66 now is summer of 2014. You again receive research
3 monies to work with Dr. Hornberger?

4 A Yes.

5 Q Looking again, the assignment, these duties again relate
6 to the same project by which you -- ultimately resulted in
7 three articles for yourself?

8 A Yes.

9 Q And that's what you spent that summer doing with Dr.
10 Hornberger?

11 A Yes.

12 Q Were you also working on your dissertation during these
13 summers?

14 A Yes.

15 Q Is that something, your work on your dissertation, you're
16 thinking about it, doing research all the time?

17 A Yeah.

18 Q That would bring us then I think to the fall of 2014.

19 A Yes.

20 Q Is it at this point, Ms. Weinberg, that you decided in
21 that fall of 2014 that you would think about deferring some of
22 your funding to a later time?

23 A Yes.

24 Q Why was that?

25 A Because I had external grant funding for the calendar year

1 of 2015.

2 Q How did you come to get that external grant funding for
3 that calendar year?

4 A I applied for money grants and I got those two.

5 Q You were applying for grants that would enable you to go
6 to Nepal to perform research ultimately that would result in
7 your dissertation?

8 A Yes.

9 Q You did obtain that funding?

10 A Yes.

11 Q How long did you spend in Nepal at that time?

12 A Thirteen months.

13 Q Did the research you performed in Nepal at that time, did
14 that ultimately end up directly relating to the dissertation
15 that you're completing right now?

16 A Yes.

17 Q You asked to defer one semester of your fellowship. That
18 would have been the spring semester of that fourth year, is
19 that right?

20 A Yes.

21 Q So then you had funding, external funding for that spring
22 semester and the following fall externally?

23 A Yes.

24 Q At that point, you were working on the dissertation
25 related to --

1 A Multilingual education in Nepal.

2 Q You got it. I appreciate that, multilingual education in
3 Nepal. That again related to each of your other fellowship
4 years. That was listed as part of your duties is doing
5 research on that area, correct?

6 A Yes.

7 Q And you made the specific request to your program to defer
8 that funding?

9 A Yes.

10 (Employer's E-73 identified.)

11 BY MR. JOHNS:

12 Q Ms. Weinberg, I've shown you a document that we've marked
13 as Exhibit E-73. Do you recognize this document?

14 A Yes. This is an email I wrote to Joyce Cook (ph.).

15 Q Who is Joyce Cook?

16 A Joyce Cook is an administrator in GSE. She works on
17 things related to money.

18 Q With respect to Joyce Cook, you had testified earlier that
19 you had made a request to defer some of your funding. Is this
20 what you were talking about with respect to that request?

21 A Yes.

22 Q If you see this email is dated October 8 of 2014.

23 A Yes.

24 Q Comparing that to Exhibit U-67 which has been put into
25 evidence, that's December 22, 2014.

1 A Yes.

2 Q So I take it based on your testimony before that there was
3 an initial letter sent out about your funding package for that
4 full academic year, fall and spring. You then sent a letter in
5 October asking to defer part of it. And you then get a revised
6 letter in December essentially accepting your proposal?

7 A Yes.

8 Q Is that a fair way to characterize it?

9 A Yes.

10 Q Okay. With respect to the revised letter, are the duties
11 that are listed as to what you were supposed to be doing for
12 that one semester, were they substantially similar to what was
13 in the initial letter that was eventually revised, the initial
14 letter for the full academic year?

15 A To the best of my recollection, yes.

16 Q Those duties included again working with Dr. Hornberger,
17 assisting with literature review or state of the art paper on
18 ethnography and policy. That was part of it, correct?

19 A Yes.

20 Q Again research pertaining to multilingual education in
21 Nepal, correct?

22 A Yes.

23 Q Your dissertation topic?

24 A Yes.

25 Q And then you were again working with faculty assisting

1 with Working Papers in Educational Linguistics?

2 A Yes.

3 Q Was Dr. Hornberger still your faculty advisor at this
4 point in time?

5 A Yes.

6 Q So in the fall you received funding from Penn and at least
7 partially that funding was to work on your dissertation,
8 correct?

9 A Yes.

10 Q You then go, you get external funding and you go to Nepal
11 to work on your dissertation funding (sic), correct?

12 A Yes.

13 Q That was for more than a year?

14 A Yes.

15 Q The research that you did there as you said directly --
16 will go directly towards your ultimate completed dissertation,
17 correct?

18 A Yes.

19 Q Something I forgot from before that I wanted to ask. At
20 some point, you became the editor-in-chief of the
21 anthropology --

22 A Of Working Papers in Educational Linguistics.

23 Q Okay. So I misunderstood you. When was it in this
24 sequence that you became editor-in-chief of that?

25 A That was during my third year.

1 Q During your third year. So at this point in time you're
2 already past the point when you had served as editor-in-chief,
3 is that right?

4 A Yes.

5 Q Is that something you would put on your CV as well that
6 you were editor-in-chief of the Working Papers journal?

7 A Yes.

8 Q When serving in that role, were you supervising other
9 graduate students who were working on that journal?

10 A Yes.

11 Q So I think that brings us then to when you returned from
12 Nepal. Before I do that though, we've talked about -- I think
13 you talked about on direct examination most of the funding you
14 received from the University of Pennsylvania but not all of it,
15 correct?

16 A I'm sorry. Which funding?

17 Q We didn't talk about all the funding you received from the
18 university, correct?

19 A We didn't talk about all the funding I received from the
20 university. I received funding from the anthropology
21 department for summer research.

22 MR. JOHNS: We would move for the admission of
23 Exhibit E-73.

24 MS. ROSENBERGER: No objection.

25 HEARING OFFICER LEACH: Employer's 73 is received.

1 (Employer's E-73 received.)

2 (Employer's E-74 identified.)

3 BY MR. JOHNS:

4 Q Ms. Weinberg, I've shown you a document we've marked as
5 Exhibit E-74.

6 A Yes.

7 Q What is this document?

8 A This is a letter informing me that I received anthropology
9 department field funds in the summer of 2013.

10 Q Did you accept this award?

11 A I did.

12 Q What are anthropology field funds?

13 A The field funds are for students to conduct preliminary
14 research for their dissertation.

15 Q With respect to anthropology students, does that often
16 involve research that's away from the University of
17 Pennsylvania?

18 A Yes.

19 Q Was that the case for you?

20 A Yes.

21 Q Where did you study?

22 A I was in Nepal.

23 Q That included the time that you were in Nepal or was this
24 separate from the time that you went and got external funding
25 to go to Nepal?

1 A This was separate from the time that I had external
2 funding.

3 Q So the summer of 2013, you received funding from the
4 anthropology department to go to study in Nepal, is that right?

5 A To conduct research in Nepal, yes.

6 Q Excuse me, that's what I meant, to conduct research in
7 Nepal. Did the research that you conducted in Nepal relate to
8 your dissertation?

9 A Yes.

10 Q This monies that you received with respect to that, is
11 that separate and apart from other monies you may have received
12 from the Graduate School of Education?

13 A Yes.

14 Q In fact were you in Nepal for one of the times that you
15 were receiving summer finding from the Graduate School of
16 Education?

17 A No. We managed to work it so that I would do all of those
18 required hours for the School of Education before I went to
19 Nepal.

20 Q How long were you in Nepal?

21 A I was in Nepal for -- I believe it was about five weeks.
22 It was a short trip because I had to do the work for education
23 as well.

24 Q You were in Nepal for five weeks. If you could look at
25 Exhibit U-65? Exhibit U-65 appears to relate to the summer

1 funding that you received for that summer of 2013. Do you see
2 that?

3 A Yes.

4 Q It states you will be assigned duties for an average of 20
5 hours per week of 160 hours total over the three months summer
6 session from June 1, 2013, through August 31, 2013. Do you see
7 that?

8 A Yes.

9 Q And in fact you did not do any work towards the summer
10 apprenticeship with Dr. Hornberger for part of that summer
11 because you were in Nepal receiving monies from the
12 anthropology department?

13 A Yes. In Exhibit U-65 it says the stipend is equivalent to
14 two months' effort. I put in those two months and then I went
15 to Nepal.

16 Q So you worked 160 hours in 2 months?

17 A Yes.

18 Q How did you submit timesheets for that summer?

19 A I emailed the timesheet to the program manager.

20 Q Did you submit a 20-hour timesheet as you stated earlier
21 for each of the weeks of the summer including the time that you
22 were in Nepal?

23 A No, for the two months that I was working.

24 Q So on those timesheets it's your testimony now that you
25 submitted greater than 20 hours on those timesheets?

1 A I never submitted more than 20 hours per week.

2 Q So how is it if you never submitted more than 20 hours per
3 week and this involves essentially this award, U-65, a
4 statement that you'd be working 20 hours per week from June
5 until August, how is it that you were submitting timesheets for
6 20 hours for part of that when you were doing field research in
7 Nepal funded by the department of anthropology?

8 A It doesn't say that I'll do it from -- it said that I
9 would do it for June and July, 20 hours per week for 4 weeks in
10 June, 20 times 4 is 80; in July, 20 times 4 is 80. So that
11 added up to 160 hours. I completed my research assistantship
12 in June and July. And then I went to Nepal in August and I
13 believe into the beginning of September. I returned right
14 before I started classes.

15 Q Oh, it would have to be, would it not, Ms. Weinberg,
16 because you stated you were in Nepal for five weeks and August
17 has five weeks, does it?

18 A Yes. I returned right before I started classes. I
19 remember being very jet lagged.

20 Q The academic term at Penn actually starts in August,
21 correct, the fall academic term?

22 A Yes, I believe it does. But I communicated with my
23 instructors that this is -- as you've been pointing out the
24 dissertation is very important. And so I was able to miss the
25 first week of classes.

1 HEARING OFFICER LEACH: I'm sorry. Just so I'm clear,
2 this is all about U-65, right?

3 MR. JOHNS: U-65, as well as E-74.

4 HEARING OFFICER LEACH: Okay, I have that before me.
5 Okay.

6 BY MR. JOHNS:

7 Q So then let's talk about E-74. The monies you received
8 from the department of anthropology, that was to go towards
9 faculty research, correct?

10 A Yes.

11 Q And it states upon your return you're required to submit a
12 short report, approximately 1,500 words, double-spaced, to
13 Clark Erickson, the graduate group chair of the department of
14 anthropology. Do you see that?

15 A Yes.

16 Q Did you in fact submit that?

17 A Yes.

18 Q And there were research results that were contained in
19 that?

20 A Yes.

21 Q And those are research results that also were going toward
22 your dissertation, correct?

23 A Yes.

24 Q Contacts made and locations visited, was that also part of
25 that report?

1 A Yes.

2 Q And that also had to do with research for your
3 dissertation, correct?

4 A Yes.

5 Q Were those contacts made and locations visited, did that
6 assist you then for when you returned to Nepal for the year or
7 so later on?

8 A Yes.

9 Q It set you up to be able to do the research or to hit the
10 ground running with respect to the research you'd be doing on
11 your dissertation then, correct?

12 A Yes.

13 Q Did it also include a discussion of how that preliminary
14 research has helped you prepare for future dissertation
15 research?

16 A Yes.

17 Q Generally speaking how did it help you?

18 A As you've stated it helped me be better prepared to start
19 my research when I actually arrived for the full research
20 period.

21 Q You're then in Nepal for a period of time.

22 MR. JOHNS: I would move for the admission of
23 Exhibit E-74.

24 MS. ROSENBERGER: No objection.

25 HEARING OFFICER LEACH: Employer's 74 is received.

1 (Employer's E-74 received.)

2 BY MR. JOHNS:

3 Q You're then in Nepal for a period of time and you had
4 deferred funding. You come back and you get funding for spring
5 2016 under the same fellowship funding that you had received
6 before?

7 A Yes.

8 Q Is that reflected in Exhibit U-68?

9 A Yes.

10 Q Exhibit U-68 appears to have been sent to an address on
11 South 48th Street, correct?

12 A Yes.

13 Q But you would not have received it there at that time,
14 would you have?

15 A No. It was emailed to me as well.

16 Q You were emailed because you were in Nepal?

17 A Yes.

18 Q With respect to Exhibit U-68, again were you supposed to
19 be working on your apprenticeship with Dr. Hornberger?

20 A Yes.

21 Q And with respect to that again generally speaking it
22 appears to talk about the Lenape language, education and
23 research.

24 A Yes.

25 Q As well as multilingual education in Nepal. Is that fair?

1 A Yes.

2 Q That again with respect to research was going towards your
3 dissertation?

4 A Yes.

5 Q And the other Lenape language education that was going
6 towards the publications that you had, both the ones you
7 published with a fellow student, by yourself, and then together
8 with Dr. Hornberger, correct?

9 A This one appears to be referring to the one co-authored
10 with Dr. Hornberger.

11 Q It's after that that you ran out of funding?

12 A Yes.

13 Q When was the first time that you sought to TA?

14 A That I sought to TA? I TAd for Dr. Hornberger in my third
15 year. I also was a TA during the -- during the semester that
16 we've been talking about.

17 Q so the first time you TAd, you were still under the
18 initial funding package that you received from GSE, correct?

19 A Yes.

20 Q In fact the first time you TAd was immediately before you
21 also received monies from the department of anthropology to go
22 to Nepal for the summer, correct?

23 A It was the fall of my third year and I received that field
24 fund for the summer after my third year, yes.

25 Q The courses that you TAd in and the courses that you

1 taught yourself as you spoke about before, these were all
2 courses within the Graduate School of Education?

3 A Everything at Penn, yes.

4 Q With respect to those courses, none of them were for
5 undergraduate students?

6 A Correct.

7 Q They were either master's or PhD students in all of those
8 courses?

9 A Yes.

10 Q With respect to any of the funding packages you received
11 during the regular academic term, did you submit timesheets for
12 any of them?

13 A No.

14 Q Some of those letters that we've looked at and that you
15 were shown by Ms. Rosenberger do appear to have the same
16 language about keeping track of your hours.

17 A They do.

18 Q Why didn't you submit timesheets for those?

19 A I was never asked to.

20 HEARING OFFICER LEACH: I'm sorry. Which ones are you
21 referring to that she didn't submit timesheets for?

22 MR. JOHNS: She did not submit timesheets for any
23 fellowship appointment during an academic year. She only
24 submitted them for the summer.

25 HEARING OFFICER LEACH: Okay.

1 BY MR. JOHNS:

2 Q Is that fair, Ms. Weinberg?

3 A Yes.

4 Q Now with respect to one of your funding packages, I think
5 it's Exhibit U-67 -- if you'll bear with me I need to find
6 Exhibit U-67 as well. Exhibit U-67, I think for one of your
7 funding packages that you stated that what you were doing, one
8 of the things you were doing was -- and it may not be U-67 but
9 you tell me if I'm wrong, was essentially you were being paid a
10 stipend so that you would work on grant proposals to fund your
11 own research in Nepal?

12 A What this letter states is that I would work an average of
13 15 hours per week with Nancy Hornberger assisting with the
14 literature review and research on language, citizenship, and
15 indigeneity in Jhapa district, Nepal, with the 5 hours on
16 Working Papers in Educational Linguistics. In fact what I did
17 was I spent five hours a week TAing for Dr. GK, as we've
18 previously discussed.

19 Q Right.

20 A The five hours for WPEL. And then the remainder was for
21 Dr. Hornberger on the literature review and then for my own
22 research. Part of what I was doing was writing grant
23 proposals. But --

24 Q So part of your --

25 MS. ROSENBERGER: Can she finish her answer?

1 MR. JOHNS: Oh, I'm sorry. I thought she was.

2 MS. ROSENBERGER: She wasn't.

3 BY MR. JOHNS:

4 Q Go ahead.

5 A As you've mentioned, we spend a lot more than five hours a
6 week on our own dissertation work so I'm not sure exactly where
7 you would divide what was part of those five hours a week and
8 what was my own work towards progress on my degree.

9 Q Well, correct me if I'm wrong but I didn't elicit that
10 testimony. You testified under direct examination for Ms.
11 Rosenberger that your assistantship in that year went in part
12 out allow you to work on your own grant proposals to fund your
13 own research in Nepal, correct? These were your duties, part
14 of your duties?

15 A Yes.

16 Q Would you say that it's important for a PhD student to
17 obtain experience in teaching?

18 A Not everyone does.

19 Q That wasn't my question.

20 A I'm not sure how to evaluate what's important for a PhD
21 student.

22 Q Was it important to you to obtain --

23 A It was important to me, personally, yes.

24 Q Why is that?

25 A Because I enjoy teaching and I would like to have a career

1 in teaching.

2 Q That's a good segue to my next round of questioning and
3 that is what do you hope to do after you graduate from the
4 university?

5 A I would like to have a faculty position.

6 Q At a college or university?

7 A Yes.

8 Q And on the CV that you are starting to create, you'll
9 include publications you have. Correct?

10 A Yes.

11 Q You'll include experience you have in teaching on that CV,
12 correct?

13 A Yes.

14 Q That would include experience as a TA, correct?

15 A Yes.

16 Q That would also reflect the dissertation you completed,
17 correct?

18 A Yes.

19 Q And the dissertation itself, that's a document that you
20 have the right to publish, correct?

21 A Yes.

22 Q Are you going to seek to publish your dissertation?

23 A A very revised version of it probably.

24 Q Now you spoke earlier that you didn't have training before
25 the first time you TAd. Did you ever attend any seminars at

1 the Center for Teaching and Learning at the university?

2 A I've attended I think two of their workshops.

3 Q When was that?

4 A That was in the 2016, the fall of 2016.

5 Q Why did you choose to attend those workshops at that time?

6 A Because it was the first time I was teaching as instructor
7 of record and I felt that I needed some more preparation.

8 Q So training to be an instructor of record?

9 A I was already instructor of record, but I was looking for
10 I guess you could call it in-service training.

11 Q You talked a little bit about master students serving as
12 TAs occasionally in GSE, correct?

13 A Yes.

14 Q With respect to that there are no undergraduate courses in
15 GSE, correct?

16 A Correct.

17 Q The master students would TA in graduate level courses,
18 correct?

19 A Yes.

20 Q In order to serve as a TA, a master student would have had
21 to first complete that course themselves?

22 A Yes.

23 Q And the normal course of that would be that a master
24 student would take the course in their first year and then TA
25 in the course in their second year?

1 A Yes.

2 Q The master's program in GSE is a two-year program,
3 correct?

4 A They vary. The one I was talking about in that case is a
5 two-year program.

6 Q The TAs in that program that you were talking about would,
7 to the extent they were doing it, the master students who were
8 TAing would always be doing it in the last year of their
9 program and would not be continuing in the program after that,
10 correct?

11 A Yes.

12 (Employer's E-75 identified.)

13 BY MR. JOHNS:

14 Q Ms. Weinberg, I've shown you a document we've marked as
15 Exhibit E-75. Do you recognize this document?

16 A Yes. This is my unofficial transcript.

17 Q I don't have too many questions about this other than just
18 to get some confirmation at the top. It shows your
19 concentration as educational linguistics.

20 A Yes.

21 Q And it does show the dual degree program with anthropology
22 graduate group?

23 A Yes.

24 Q At this point there appear to be courses and the grades
25 are redacted. As you go down below the redacted grades, we

1 talk about dissertation. It says staff and dissertation
2 seminar. At some point, turning to the next page, it says
3 dissertation work abroad, Hornberger; dissertation work abroad,
4 Hornberger; dissertation, Hornberger. Do you see that?

5 A Yes.

6 Q Does that reflect that Dr. Hornberger was still your
7 faculty advisor through that time?

8 A Yes.

9 Q And she remains that to the time you sit here today?

10 A Yes.

11 Q I assume it's your intention that she will remain your
12 faculty advisor through the completion of your PhD program in
13 the fall?

14 A I certainly hope so.

15 MR. JOHNS: We would move for the admission of Exhibit
16 E-75.

17 MS. ROSENBERGER: No objection.

18 HEARING OFFICER LEACH: Employer's 75 is received.
19 (Employer's E-75 received.)

20 MR. JOHNS: No further questions. Thank you, Ms.
21 Weinberg.

22 THE WITNESS: Thank you.

23 HEARING OFFICER LEACH: Does the Union have any?

24 MS. ROSENBERGER: Just a few follow-up, please.

25 HEARING OFFICER LEACH: Okay.

1 REDIRECT EXAMINATION

2 BY MS. ROSENBERGER:

3 Q You and Dr. Hornberger collaborated on authoring an
4 article, right?

5 A Yes.

6 Q Was it you, and another student, and Dr. Hornberger?

7 A Yes.

8 Q In fact, Dr. Hornberger had authored articles before you
9 ever met her, right?

10 A Yes.

11 Q That's how you first encountered her, right?

12 A Yes.

13 Q Is it important for faculty to author articles?

14 A Yes.

15 Q On your CV, do you include relevant work experience?

16 A Yes.

17 Q Among the relevant work experience, do you include the
18 work you did in Nepal before you came to graduate school?

19 A Yes, when I was at an NGO there, yes.

20 Q I think you said on cross you include your teaching
21 assistantships?

22 A On my CV, yes.

23 Q And you also include on your CV your actual teaching as
24 instructor of record?

25 A Yes.

1 Q Why did you seek external grant funding for your work in
2 Nepal?

3 A Because there was no way I was going to finish the program
4 in the four years so I needed to have some source of funding
5 during that time. It's also there are costs that come with
6 doing research, like transportation, living somewhere, research
7 assistants, the things that come along with doing research and
8 so I needed funding to be able to cover those things.

9 Q While you had that external funding were you providing any
10 apprenticeship service?

11 A No.

12 Q So you weren't doing any work on anthropology and
13 education?

14 A No.

15 Q And you weren't doing any work on the Working Papers?

16 A No.

17 Q And you weren't doing any work on Dr. Hornberger's Lenape
18 language research?

19 A No.

20 Q With regard to our apprenticeships, the 20 hours per week,
21 did your -- during the period of time when you had the
22 apprenticeship, did you spend only 20 hours per week on the
23 combination of things that are listed on the appointment
24 letter?

25 A No. I spent well over 20 hours a week on those things.

1 Q Have you observed whether other students in your program
2 travel for their research?

3 A Within educational linguistics, I'd say it's about 50/50.
4 In anthropology, it's much more common.

5 Q So let's talk about within educational linguistics in
6 particular. Does that travel occur in the summer on occasion?

7 A Yes.

8 Q Does it occur in the fall?

9 A Yes.

10 Q Does it occur in the spring?

11 A Yes.

12 Q Is that also true in anthropology?

13 A Yes.

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

15 HEARING OFFICER LEACH: Does the Employer have anything
16 else?

17 MR. JOHNS: No.

18 HEARING OFFICER LEACH: Okay. I have a couple of
19 questions. Are you okay?

20 THE WITNESS: Sure.

21 HEARING OFFICER LEACH: Some of this may be a little but
22 summary, but I just want to be sure that I understand the
23 testimony. Your funding comes with what's called a research
24 fellowship which is outlined in the letters with the 20 hours,
25 right?

1 THE WITNESS: Yes.

2 HEARING OFFICER LEACH: So we've talked about that pretty
3 extensively. I just want to pull out one of the letters that
4 lists the duties, your duties because I just have like just
5 some questions about those duties. I think most of them will
6 say generally the same. But when you were assisting with the
7 Anthropology and Education Quarterly, were you ever evaluated
8 in any way for the work you did?

9 THE WITNESS: Not that I know of.

10 HEARING OFFICER LEACH: At any time you did that work?

11 THE WITNESS: Correct.

12 HEARING OFFICER LEACH: What about your work with Working
13 Papers in Educational Linguistics?

14 THE WITNESS: I don't know of any time I was evaluated.

15 HEARING OFFICER LEACH: Okay. Then just so I'm clear,
16 when it says developing research on multilingual education in
17 Nepal, you said that's work that you were doing towards your
18 own dissertation?

19 THE WITNESS: Yes.

20 HEARING OFFICER LEACH: That's what you did with Dr.
21 Hornberger or is that just -- is the other answer correct, just
22 work towards your own?

23 THE WITNESS: It was work towards my dissertation.

24 HEARING OFFICER LEACH: Okay, that clears a lot of things
25 up for me. I appreciate it. I believe it may have been the

1 summer letters. I think it's the letters where it talks about
2 your summer funding and it says that you have to you know, you
3 work a certain number of hours, you keep record of those hours,
4 which you said. And then it says have your supervisor sign off
5 on a document. Did anyone ever sign off on your hours?

6 THE WITNESS: I submitted it to an administrative
7 assistant and I don't know what happened after that.

8 HEARING OFFICER LEACH: Just in the context of this
9 letter, do you know who your supervisor -- who that referred
10 to?

11 THE WITNESS: Dr. Hornberger.

12 HEARING OFFICER LEACH: Why do you think that?

13 THE WITNESS: Because she was supervising my research. We
14 use supervisor and advisor interchangeably in conversation.

15 HEARING OFFICER LEACH: Okay. I was going to ask you why
16 do you call her your supervisor. Is it the reason -- tell me
17 why you call her your supervisor.

18 THE WITNESS: Because she supervises the work I do.

19 HEARING OFFICER LEACH: In what way?

20 THE WITNESS: For instance, Anthropology and Education
21 Quarterly, in like the various duties that we've had listed,
22 she was the person who was making sure that the work was
23 completed.

24 HEARING OFFICER LEACH: Any other reason why you would
25 refer to her as a supervisor?

1 THE WITNESS: No. I can't think of anything.

2 HEARING OFFICER LEACH: When you mentioned when you were a
3 TA, do I understand it correctly that you only TAd after your
4 funding ran out?

5 THE WITNESS: No. I TAd during my funding as well.

6 HEARING OFFICER LEACH: The one time?

7 THE WITNESS: Two times.

8 HEARING OFFICER LEACH: Oh, okay, okay. So let's see, at
9 one point you -- the third year, is that your first time doing
10 the TA?

11 THE WITNESS: Yeah.

12 HEARING OFFICER LEACH: I have notes about that. You TAd
13 a graduate level course. You mentioned what you did. 20
14 students in the course about, right?

15 THE WITNESS: Yeah.

16 HEARING OFFICER LEACH: And I don't know remember if you
17 said this, is this something that you did, were you in the
18 classroom alone?

19 THE WITNESS: No.

20 HEARING OFFICER LEACH: So this wasn't a recitation
21 section?

22 THE WITNESS: No, it was not.

23 HEARING OFFICER LEACH: All right, understood. You
24 mentioned that -- I think one of the parties asked you about
25 grading papers and I think you said that you and Dr. Hornberger

1 did that together. How did that work?

2 THE WITNESS: The way it worked was -- actually, the first
3 round of students grading each other's papers or commenting on
4 each other's. They weren't giving grades. They commented on
5 each other's papers. Then I would do a round of comments and
6 assign a score. And then Dr. Hornberger would also comment and
7 generally leave my score standing. Occasionally, she was more
8 generous than I was and increased their scores.

9 HEARING OFFICER LEACH: When you say papers, these are
10 just like I guess research papers?

11 THE WITNESS: No. So these were actually -- what I just
12 described was a weekly assignment about their -- what they had
13 read. And then they also had a final assignment which was
14 actually to write a book review. In that one I wrote comments
15 and provided a score and then Dr. Hornberger also write
16 comments and generally agreed with my score.

17 HEARING OFFICER LEACH: That's how the student received
18 their grade? Well, how did they receive their overall grade?

19 THE WITNESS: Their overall, Dr. Hornberger entered
20 online.

21 HEARING OFFICER LEACH: That was based on the grading that
22 you did?

23 THE WITNESS: Yes.

24 HEARING OFFICER LEACH: With her?

25 THE WITNESS: Yes.

1 HEARING OFFICER LEACH: The other times you TAd was it the
2 same class with Dr. Hornberger?

3 THE WITNESS: No.

4 HEARING OFFICER LEACH: Then, I'm sorry, I'm going to have
5 to go over this.

6 THE WITNESS: Sure.

7 HEARING OFFICER LEACH: The second year you TAd, is that
8 when you were the instructor of record?

9 THE WITNESS: No. After I came back from being away, so
10 it was --

11 HEARING OFFICER LEACH: Oh, okay, I have that in my notes.

12 THE WITNESS: Okay, great.

13 HEARING OFFICER LEACH: Spring 2016?

14 THE WITNESS: Spring 2016, yes.

15 HEARING OFFICER LEACH: So you were a TA that semester.

16 THE WITNESS: Yes.

17 HEARING OFFICER LEACH: Was that Dr. Hornberger's class?

18 THE WITNESS: No. That was Dr. GK, Dr. Ghaffar-Kucher.

19 HEARING OFFICER LEACH: 20 students about?

20 THE WITNESS: Yes.

21 HEARING OFFICER LEACH: Not a recitation section?

22 THE WITNESS: No.

23 HEARING OFFICER LEACH: So then Dr. GK was in the class
24 with you?

25 THE WITNESS: Yes.

1 HEARING OFFICER LEACH: Explain to me how the grading went
2 with Dr. GK.

3 THE WITNESS: With Dr. GK, there -- let's see.

4 HEARING OFFICER LEACH: Well, let me tell you what my
5 notes say.

6 THE WITNESS: Okay.

7 HEARING OFFICER LEACH: I have you graded assignments,
8 made comments, told professor your thoughts about final grade,
9 professor made final decision about the grade.

10 THE WITNESS: Yes.

11 HEARING OFFICER LEACH: Is that how that went?

12 THE WITNESS: That is accurate.

13 HEARING OFFICER LEACH: You told her your thoughts. Would
14 you assign a grade or a point value to something or was this
15 just strictly conversation?

16 THE WITNESS: Yes. The way it works in the online cross
17 management system we use, Canvas, you can hide your comments on
18 your grades from the students. So I would write my comments,
19 write what I thought was a fair grade, all without the student
20 seeing it. And Dr. GK would look at it and again generally
21 uphold the grades that I was giving.

22 HEARING OFFICER LEACH: That's for assignments?

23 THE WITNESS: Yes. They had a handful of short
24 assignments and about curriculum theory, and then longer
25 assignments about their project.

1 HEARING OFFICER LEACH: What about their final grade?

2 THE WITNESS: Their final grade, Dr. GK assigned.

3 HEARING OFFICER LEACH: Is the final grade based on the
4 assignments?

5 THE WITNESS: Yes.

6 HEARING OFFICER LEACH: Then the next time you TAd, that's
7 where you were the instructor of record?

8 THE WITNESS: No. The next time I TAd was one of these
9 graduate assistant letters. It was spring of 2017. It's U-71
10 is the exhibit.

11 HEARING OFFICER LEACH: I may have missed that. Who were
12 you TAing with?

13 THE WITNESS: That was Dr. Crystal Strong.

14 HEARING OFFICER LEACH: Let me just look and see. I'm
15 sorry. There were a lot of different -- okay, I don't want to
16 make you repeat something that you talked about. Just let me
17 check. Grad level class, eight students?

18 THE WITNESS: Yes.

19 HEARING OFFICER LEACH: Okay, I do have that. This is not
20 a recitation section so this means this is where the professor
21 was with you?

22 THE WITNESS: Yes, except for one week that she wasn't
23 able to attend that I led.

24 HEARING OFFICER LEACH: You said you do the first round of
25 grading. She would look at comments and then assign grades.

1 THE WITNESS: Yes.

2 HEARING OFFICER LEACH: This is similar to the other ways
3 that you described.

4 THE WITNESS: Yes.

5 HEARING OFFICER LEACH: You would offer some sort of
6 comments or grade and then the professor would look at that and
7 sometimes adopt your comments and grade.

8 THE WITNESS: Yes.

9 HEARING OFFICER LEACH: Then those were assignments. What
10 about final grade?

11 THE WITNESS: Final grades, we met in her office and
12 discussed each student. It was a small class.

13 HEARING OFFICER LEACH: Are their final grades based on
14 the other assignments?

15 THE WITNESS: Yes.

16 HEARING OFFICER LEACH: Is the next time you TAd when you
17 were instructor of record?

18 THE WITNESS: That was the next time I taught, yes.

19 HEARING OFFICER LEACH: For GSE, okay. And you did
20 everything so that means you assigned the grades on your own.

21 THE WITNESS: YES.

22 HEARING OFFICER LEACH: Without consulting with anyone
23 else.

24 THE WITNESS: Correct.

25 HEARING OFFICER LEACH: I believe you said this was the

1 only time you received an evaluation?

2 THE WITNESS: Yes.

3 HEARING OFFICER LEACH: That was from the students, right?

4 THE WITNESS: Yes.

5 HEARING OFFICER LEACH: Okay. After you received the
6 evaluation, did anyone in your department talk to you about
7 that?

8 THE WITNESS: No.

9 HEARING OFFICER LEACH: I believe you were asked why you
10 took on TA assignments and you responded you needed money.
11 Would you say that's why you took on each TA assignment?

12 THE WITNESS: After the completion of the first four years
13 or the first -- the first four years that took five years of
14 funding, if that makes sense. So after the funding package
15 expired, that's why I took on duties.

16 HEARING OFFICER LEACH: Okay. So there could have been
17 times where you were doing the TA while you still had funding,
18 is that what you're saying?

19 THE WITNESS: Yes.

20 HEARING OFFICER LEACH: I believe you already mentioned
21 why you taught the other times so I won't make you repeat that.
22 Can you clarify the time when you were away in Nepal during the
23 13 months. What's the like calendar?

24 THE WITNESS: The calendar? Yeah, so I left like halfway
25 through December of 2014 and I came back in mid-January of

1 2016, so it was all 2015 plus like half a month on each end.

2 HEARING OFFICER LEACH: Just give me one moment please,
3 I'm almost done. I appreciate your time. Okay, I don't have
4 any other questions. Does the Union?

5 MS. ROSENBERGER: No.

6 HEARING OFFICER LEACH: Employer?

7 MR. JOHNS: No.

8 HEARING OFFICER LEACH: Okay. You're done for today.
9 Thank you very much. I appreciate your time.

10 THE WITNESS: Thank you. You can get up now. Thank you.
11 (Witness excused.)

12 HEARING OFFICER LEACH: Before we go off the record do the
13 parties have anything else they'd like to add for today?

14 MR. JOHNS: Not from my end.

15 MS. ROSENBERGER: Not today.

16 HEARING OFFICER LEACH: Okay. We can go off the record
17 today.

18 (Whereupon, at 5:31 p.m., the hearing in the
19 above-entitled matter adjourned, to reconvene on Thursday,
20 June 29, 2017, at 11:00 a.m.)

C E R T I F I C A T E

This is to certify that the attached proceedings done before the NATIONAL LABOR RELATIONS BOARD REGION 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 28, 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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