

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

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In the Matter of:)
)
TRUSTEES OF THE UNIVERSITY OF)
PENNSYLVANIA,)
) Case No. 4-RC-199609
Employer,)
)
And)
)
GRADUATE EMPLOYEES TOGETHER-UNIVERSITY)
OF PENNSYLVANIA (GET-UP), a/w AMERICAN)
FEDERATION OF TEACHERS,)
)
Petitioner.)
)
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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 Thursday, June 15, 2017, at 9:00 a.m.

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Tobias Baumgart	193	211	238	260
Eve Troutt Powell	263	319	394/420	404

E X H I B I T S

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E X H I B I T S

EXHIBIT IDENTIFIED IN EVIDENCE

Petitioner/Union

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P R O C E E D I N G S

(11:11 a.m.)

HEARING OFFICER LEACH: On the record. All right. The Employer can call their next witness, please.

MR. JOHNS: We call Dr. Baumgart.

HEARING OFFICER LEACH: Good morning. Can you state your first and last name and spell it, please.

THE WITNESS: My first name is Tobias, T-O-B-I-A-S, and the last name is Baumgart, B-A-U-M-G-A-R-T.

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

TOBIAS BAUMGART,

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

DIRECT EXAMINATION

BY MR. JOHNS:

Q Good morning, Dr. Baumgart.

A Good morning.

Q By whom are you employed?

A I'm employed by the University of Pennsylvania.

Q And can you tell us what positions you hold at the University of Pennsylvania?

A I'm an associate professor of chemistry and I'm also the chair of the chemistry graduate group.

1 Q Can you tell us what your job duties are as an associate
2 professor of chemistry?

3 A My -- so this involves two major components, which are
4 research. I direct a research lab. And the second major
5 component is teaching. I regularly teach courses in chemistry.
6 And additionally, as already mentioned, there are administrative
7 roles.

8 Q And with respect to your administrative roles, can you
9 tell us what administrative duties you have with respect to the
10 chemistry graduate group?

11 A So I'm the chair of the graduate committee.

12 Q And what does being chair of the graduate committee or
13 the chemistry graduate group involve, what types of
14 responsibilities?

15 A This involves numerous different things. The graduate
16 committee itself meets at least twice per semester to review, to
17 oversee student progress in the program. It regularly reviews
18 the performance of the program itself. It oversees the
19 evolution of the program and it responds to -- problem
20 suggestions that may arise in the program. So this -- that is
21 the graduate committee component.

22 In addition, of course, I function as a liaison between
23 the chemistry department and the School of Arts and Sciences.
24 So this involves communication with SAS graduate studies
25 leadership team directed by Professor (indiscernible). And

1 additionally I'm also a member of the counsel of the faculties
2 for graduate studies where I am involved in evaluating graduate
3 programs.

4 Q Can you generally describe the chemistry graduate group,
5 just a general sort of, you know, what study, those types of
6 things? What schools is it housed in or affiliated with?

7 A Well, we are part of the School of Arts and Sciences,
8 and obviously we are the science component. So chemists
9 typically work with molecules, which can be either small
10 molecules or they can be part of larger assemblies that form
11 biological compounds or that form materials.

12 Q Approximately how many graduate students are in the
13 chemistry graduate group?

14 A We typically have on the order of 150 to 170 students.
15 This makes us the largest graduate group in the School of Arts
16 and Sciences. Obviously, this fluctuates because students enter
17 and leave.

18 Q How many faculty members are affiliated with the
19 community graduate group, approximately?

20 A It is approximately 30 faculty members, a little bit
21 more, depending on how you count.

22 HEARING OFFICER LEACH: What was the number?

23 THE WITNESS: Approximately 30.

24 HEARING OFFICER LEACH: Thirty?

25 THE WITNESS: On the order of 30. Three zero.

1 Q Because the air conditioner kicks in, if you could keep
2 your voice up a little bit, we'd appreciate it. What types of
3 degrees can be earned in the chemistry graduate group?

4 A The primary degree, obviously, is a Ph.D. degree. The
5 large majority of our students end up leaving the program with a
6 Ph.D. degree, but there are situations where that does not
7 happen. And the most probable alternative to that degree is
8 leaving with an M.S. degree.

9 Q And do you admit any students just for the purpose of
10 attaining that M.S. degree?

11 A We do not. The chemistry department, however, also
12 houses master in chemical sciences program, which however is --
13 administratively is separate from the graduate program. So I do
14 not oversee that program, but those M.C.S. students take the
15 same courses.

16 Q So let's focus then on Ph.D. students, which you said
17 are essentially the bulk of the students and -- students are
18 admitted --

19 A That's right.

20 Q -- to the Ph.D. program -- or to the graduate group for
21 the Ph.D. program. Can you generally tell us what are the
22 degree requirements of a Ph.D. student of the chemistry graduate
23 group?

24 A Yes. So this begins in the first year with students
25 typically taking six lecture courses, as well as teaching for

1 two semesters. In the second year of their time at Penn
2 students then would have to pass a candidacy exam and students
3 will engage in a research project, either an experimental or a
4 theoretical research project, and students will make progress in
5 their research projects which has to be documented by yearly
6 meetings with the student's dissertation committee as well as
7 with much more frequent meetings, typically weekly meetings with
8 their research advisor.

9 And then of course towards the end of their tenure at
10 Pennsylvania, academic requirements are -- involve writing and
11 submitting a dissertation for approval, as well as presenting in
12 a public lecture their research findings and defending them to
13 the dissertation committee.

14 Q And does that dissertation -- the eventual dissertation
15 that results from the student's academic progress through the
16 years they're in the program, does that result from the research
17 they're doing in labs along the way to get to that point?

18 A Yes.

19 Q And you mentioned teaching. Let me come back to both
20 teaching and research in a second. You said there's -- teaching
21 occurs in the first year. Is teaching an academic requirement
22 of the Ph.D. degree in the chemistry graduate group?

23 A Two semesters of teaching constitute an academic
24 requirement in our program.

1 Q And does the chemistry group have a description of the
2 degree requirements on its web page?

3 A Yes.

4 (Employer's 5 identified.)

5 BY MR. JOHNS:

6 Q Dr. Baumgart, I'm showing you a document that has been
7 marked as Exhibit E-5. If you could just take a moment to look
8 at this document and then tell us what it is.

9 A This is a description of the academic -- well, it is a
10 short description of the academic requirements in our program.
11 A much longer description is available to students in our
12 program in the form of our graduate handbook.

13 Q Okay. My next question to you was going to be does the
14 group also have a handbook that applies to graduate students?

15 A I think I just answered that.

16 Q You did. Give me one moment. Before we get to that,
17 though, it's a short description. The general categories that
18 are listed as degree requirements in E-5, are these the
19 categories that you spoke of earlier with respect to what's
20 required of Ph.D. students in the chemistry graduate group?

21 A By and large, yes.

22 (Employer's 6 identified.)

23 BY MR. JOHNS:

1 Q Dr. Baumgart, I'm showing you a document we've marked as
2 Exhibit E-6. Could you take a moment and tell us if you
3 recognize this document?

4 A I do.

5 Q What is it?

6 A This is our graduate handbook.

7 Q And is this handbook provided to Ph.D. students who
8 enter the program in the chemistry graduate group?

9 A Yes.

10 Q And I don't know if you need to look at it now or not,
11 but does this also accurately describe the requirements of the
12 Ph.D. degree for chemistry students in your graduate group?

13 A It does inasfar as the cohort was concerned that entered
14 in August 2016, but obviously we make minor adjustments
15 typically on a daily basis.

16 Q Do you recall any adjustments with respect to the
17 categories that are required for students to complete in order
18 to get a Ph.D., meaning the different things?

19 A No.

20 Q So nothing since August of 2016?

21 A No.

22 Q Okay. I want to talk about funding for chemistry Ph.D.
23 students for a second. Do your Ph.D. students receive funding
24 from the graduate group?

25 A Yes, they do.

1 Q What are the typical components of the funding that your
2 students will get?

3 A Those components consist of the following four elements.
4 A stipend in the amount of currently \$30,000. Tuition. We pay
5 for student health insurance. And we also pay for a small
6 amount of additional fees to the university.

7 Q With respect to your Ph.D. students, does that funding
8 package remain the same regardless of whether they're serving as
9 a TA or not serving as a TA during the time they're there?

10 A It does.

11 Q Or stated another way, when the students are fulfilling
12 their requirements to teach in your department, do they receive
13 any additional funding during that time in order to be in that
14 teaching role?

15 A In addition to the \$30,000 stipend --

16 Q Right. The normal stipend, do they get any more when
17 they're serving in that role?

18 A No. Every single student in the department gets the
19 same stipend.

20 Q And do you students receive an admission letter from the
21 group at the time that they're admitted to the program?

22 A Yes.

23 Q And does that also outline the funding package that
24 they'll receive during the time --

25 A It does.

1 (Employer's 7 identified.)

2 BY MR. JOHNS:

3 Q Dr. Baumgart, I'm showing you a document that we marked
4 as Exhibit E-7. Can you tell us if you recognize this document?

5 A I do. This is our admissions letter.

6 Q And is a letter that is similar to this sent to all
7 Ph.D. students who are admitted into the chemistry graduate
8 group?

9 A It is. There is a slightly different letter for
10 international students.

11 Q This is the one that would go to domestic students?

12 A Correct.

13 Q And if you look on the second page, are you the one who
14 signs these letters on behalf of the chemistry graduate group?

15 A That is correct.

16 Q With respect to this letter, does it set forth what the
17 funding package is contingent upon, meaning what students need
18 to do in order to continue to receive the funding package?

19 A It does. It emphasizes that satisfactory academic and
20 research progress is a requirement.

21 Q I want to talk about research activities in the
22 chemistry graduate group. First, are students matched up with a
23 faculty advisor with whom they do research in a lab typically?

24 A Absolutely. Not typically, exclusively.

1 Q Exclusively, okay. And when does that happen during the
2 time that you have your students?

3 A That's a formal process. Students enter the program,
4 interview -- well, you didn't ask for the process. So this
5 typically happens during December of their first semester at
6 Penn.

7 Q Can you describe that process that happens in December?

8 A Okay. So as students -- there's a formal process and
9 there are informal components of this. The formal components
10 involve interviews with faculty members. Every student has to
11 document having interviewed, having met with at least six PIs.
12 We have weekly seminars where PIs present their research and
13 student attendance is required and is documented.

14 The more informal components involve interviewing
15 additional lab members, graduate students, post-docs, reading
16 publications from the lab, reading through the web page. And
17 then we have a rank list form that every student has to submit
18 sometime in November, and we assign students to labs primarily
19 looking for student interest. But of course considerations have
20 to be made regarding available funding for individual labs.
21 Because all of our students are funded, fully funded.

22 Q I just want to follow up on a couple things. You said
23 meet with PIs. What is a "PI"?

24 A A PI is a director of the research lab.

25 Q Is that also principal investigator?

1 A Yes.

2 Q Okay. And are these faculty members who essentially are
3 running the particular labs that students might be interested
4 in?

5 A Yes.

6 Q Once a student gets assigned to a laboratory, do
7 students work closely with faculty members in performing
8 research in that lab?

9 A Yes.

10 Q Is one of the goals of that process to train students in
11 learning how to perform academic research?

12 A Absolutely.

13 Q Can you generally describe how that process works, when
14 a student comes in to a lab and starts to do research?

15 Generally, you know, just give us an idea of the process.

16 A Yes, so the way this works in my lab is that there are
17 numerous meetings with students and residents and mutual
18 interests are being evaluated. And then the student typically
19 works on a couple different projects simultaneously to evaluate
20 where are we being most productive, what remains in the most
21 mutual interest. But this is a process that involves both ideas
22 from the PI as well as contributions from the students. It's
23 very much a synergistic process, a process that is based on
24 finding resonance.

1 Q After that process starts, does the student research
2 performed in the faculty labs result in student's dissertation?

3 A It does.

4 Q And does it often or does it also result -- I won't use
5 the "often." Does it also result in jointly published papers
6 between student and faculty advisors?

7 A It does, yes.

8 Q Can you give us an idea, when we're talking about
9 dissertation, in the chemistry graduate group, what does a
10 student's dissertation typically look like? Not the specifics
11 of what it is, but what does it look like?

12 A Formally in terms of the chapters?

13 Q Yes, just in general, what do they need to complete to
14 complete their dissertation?

15 A They need to complete their research projects, which are
16 then documented in terms of their research findings through the
17 chapters of the dissertation. And this is complimented with an
18 overarching introduction as well as an outlook at the end.

19 Q Does some of the content of that dissertation sometimes
20 track jointly published papers that the students and faculty
21 member have done in the laboratory?

22 A Yes, this is -- this is basically -- that is the
23 situation, yes.

24 Q So basically 100 percent of the time?

25 A Yes.

1 Q Is there any way to distinguish between research
2 performed by students on behalf of faculty grants versus
3 research that ultimately results in a dissertation, or is it
4 just one and the same?

5 A That's one and the same.

6 Q I want to talk about teaching for a second. I think you
7 said earlier that teaching is an academic requirement of the
8 chemistry graduate group Ph.D. --

9 A That's correct.

10 Q Why has the graduate group decided to make teaching an
11 academic requirement?

12 A Well, so all of us in this room who have served in a
13 teaching role will probably know that once you are tasked with
14 teaching about the subject that you are an expert in, you get
15 very strong feedback regarding your proficiency with the
16 specific subject. So the best test whether you understand
17 complex scientific concepts is for you to teach those concepts.

18 That is one component, proficiency with the subject
19 matter. But of course there are components, skills, that go far
20 beyond the subject matter, and these involve communication
21 skills, language skills, teamwork skills, skills to empathize,
22 to resonate, to form a mentor/mentee relationship, skills that
23 go far beyond the graduate student's time in the graduate group.

1 Q When students are serving and completing that academic
2 requirement of teaching, do faculty provide mentoring to them in
3 that role?

4 A Absolutely.

5 Q Can you give us some examples of how that works?

6 A Well, so we begin our graduate program, the first year
7 with an orientation meeting. There is an entire week filled
8 with workshops, some of which are delivered by the Center for
9 Teaching and Learning. Those involve -- include teaching
10 workshops. And we also do a lot of training. There are several
11 workshops specific to our department. So that happens during
12 the orientation week, which occurs in this second half of
13 August. But then individual teachers also have their own
14 training workshops typically, the training components, and
15 frequently meet with their TAs.

16 Q Dr. Baumgart, if a student came into the chemistry
17 graduate group, was admitted to the chemistry graduate group
18 with let's say 100 percent funding by an external force such as
19 -- an external source such as a foreign government, would they
20 still be required to teach to obtain his or her degree?

21 A Yes.

22 Q I want to talk for a moment about whether the chemistry
23 graduate group is interdisciplinary. Does the chemistry
24 graduate group have any faculty members from outside of the
25 School of Arts and Sciences?

1 A Yes.

2 Q Can you give us some examples of -- from where the
3 chemistry graduate group has faculty members with appointments
4 in other schools?

5 A For example with the School of Engineering, there's a
6 lot of interaction with the physics department and with the
7 School of Medicine.

8 Q Within the School of Medicine, any particular programs
9 which there's interaction?

10 A With the graduate group of biophysics and biochemistry,
11 that's probably the largest interaction. But there are
12 immunology programs that we interface with, drug delivery, drug
13 development programs that -- there are lots of opportunities to
14 interface.

15 Q You said there's a lot of connections between chemistry
16 and engineering. Can you just explain in very general terms why
17 that is with respect to the two disciplines?

18 A Well, there's a long tradition at Pennsylvania for
19 interdisciplinary research. The LRSM Institute, for example, is
20 a center funded by the National Science Foundation. The
21 Laboratory for Research on Structure of Matter is also called
22 MRSEC, is a program that has existed for dozens of years and
23 whose goal it is to bring different schools together to develop
24 new materials and characterize existing materials. That's just
25 one example.

1 Q Do graduate students from different schools and
2 different departments interact within that LRSM program?

3 A Absolutely.

4 Q Now, the chemistry graduate students sometimes work or
5 join laboratories outside of the chemistry graduate group?

6 A Yes, they do.

7 Q Can you give us some sense of how often that happens
8 within the chemistry graduate group?

9 A So this is typically a couple of students per year. It
10 happens on -- basically essentially every year.

11 Q Every year. Where do -- what would be the typical place
12 that they might go to a laboratory outside the chemistry
13 graduate group?

14 A So again this would be labs in the School of Medicine or
15 the School of Engineering.

16 Q So based on what you're saying -- I want to make sure I
17 understand. Do chemistry graduate students sometimes perform
18 research in labs within the engineering department?

19 A Yes, they do.

20 Q And in doing so, would they be working with PIs from the
21 engineering department?

22 A Yes.

23 Q And might they be their own faculty advisor with respect
24 to their research?

25 A Yes.

1 Q I'm going to talk about your own research as a faculty
2 members. Have you ever jointly written any grant proposals with
3 faculty from the School of Engineering?

4 A Yes, I have.

5 Q Again, in very general terms, can you tell us the
6 subject matter of one of the --

7 A Well, so this MRSEC, this material science program, is
8 one where I've contributed to several grant proposals. Most
9 recently there is a physical sciences and oncology center that
10 is mostly in the engineering school, but we get funding from
11 that center. And it's a very, very interdisciplinary research
12 group, again combining the Schools of Medicine, Engineering, and
13 some schools of the -- some departments of the School of Arts
14 and Sciences, including chemistry and -- including chemistry,
15 physics and biology.

16 Q So are there students from all those different graduate
17 groups working together on research projects?

18 A Yes.

19 Q Do you have any joint research right now with the
20 engineering department?

21 A Yes, I do.

22 Q Are there graduate students from the chemistry group
23 performing research on that grant in your laboratory right now?

24 A Yes.

1 Q Do you have any graduate students from the engineering
2 department also working on that grant in your laboratory right
3 now?

4 A Yes.

5 Q Would they be working side by side in the same lab
6 performing research on the same research project?

7 A Yes.

8 Q And ultimately the goal with that research for the
9 students would be the development of a dissertation either in --
10 for the engineering student or for the chemistry student?

11 A That's right.

12 Q With respect to the engineering students who are in your
13 laboratory right now, are you serving as the facility advisor
14 for those students?

15 A In part, yes. So the current engineering student
16 working in my lab is literally 50/50 co-advised with a faculty
17 member with primary appointment in engineering.

18 Q So I'm understanding, so it's a jointly supposed
19 research project between the chemistry department and the
20 engineering department?

21 A That's correct.

22 Q And the faculty advisor position is being filled about
23 50 percent from chemistry and 50 percent by engineering?

24 A That's correct.

1 Q One last question. We talked about students working on
2 the grants. With respect to the research that the students
3 would perform in your laboratory under the umbrella of a grant,
4 does the grant specifically dictate exactly the research
5 projects that they need to undertake under that grant?

6 A The grant frames the overall scope. However, within
7 that overall scope there's a lot of freedom for students to come
8 up with their own ideas, to plan their own ideas, to carry out
9 research following that idea, and to publish that research.

10 Q Biophysics and immunology that you spoke about earlier,
11 those graduate groups, are they part of the program of
12 biomedical graduate studies in the medical school?

13 A Yes.

14 MR. JOHNS: No further questions. We would move for the
15 admission of Exhibit E-5, Exhibit E-6 and Exhibit E-7.

16 MS. HOYE: No objection from the Union.

17 HEARING OFFICER LEACH: Okay. Employer 5, 6 and 7 are
18 moved into evidence.

19 (Employer's 5, 6 and 7 received.)

20 MR. JOHNS: And Dr. Baumgart, the Union's lawyer may
21 have some questions for you.

22 HEARING OFFICER LEACH: Ready?

23 MS. HOYE: I'm ready.

24 CROSS-EXAMINATION

25 BY MS. HOYE:

1 Q Good morning, Doctor. My name is Lauren Hoyer. I'm one
2 of the lawyers that's representing the union in this case. We
3 just have a few additional questions for you. In terms of the
4 overall mission of the university, part of that mission is to
5 generate new knowledge. Is that right?

6 A That's right.

7 Q Okay. And the university achieves that portion of its
8 mission at least in part through original research. Correct?

9 A We do. Yes.

10 Q Okay. And that would include research that's taking
11 place in, for example, your lab or other chemistry labs. Is
12 that right?

13 A That's right.

14 Q Do you know how much the university spends annually on
15 research?

16 A I do not know that.

17 Q Can you walk me through what personnel participate in
18 conducting original research?

19 A So this goes all the way from visiting high school
20 students, visiting other graduate students, permanent U Penn
21 undergraduate students through graduate students, post-docs,
22 other types of visiting scholars, to faculty members.

23 Q What are post-docs?

24 A Those are individuals who have completed their Ph.D.
25 program and are looking for additional research opportunities to

1 complement their CV and to improve their standing on the job
2 market.

3 Q And do you have any research fellows in your group?

4 A How do you define research fellows?

5 Q Well, that would be my next question. Is there a
6 distinction between a research fellow and a research assistant?

7 A I don't think so.

8 Q Okay. And in your particular group, you have graduate
9 students. Is that right? You have post-docs? Is that right?
10 Do you have any other graduates working in your lab?

11 A I do.

12 Q Yes or no?

13 A Yes.

14 Q For the court reporter.

15 A Yes.

16 (Union's 6 identified.)

17 BY MS. HOYE:

18 Q Okay. I'm going to show you a document that I've marked
19 as 6. Doctor, take a moment to review this document and let me
20 know when you've had a chance to do so.

21 A Yeah, I'm fairly familiar with this.

22 Q I would say you probably are, yes.

23 Q Can you tell us what this is?

24 A It's a list of my current lab members.

1 Q And at the top there, under the box, that would be you,
2 right? That photograph?

3 A Yes, that would be me. Little younger then --

4 Q And I see listed here on page 1 and 2 are graduate
5 students in your group?

6 A Mm-hmm.

7 Q Is that right?

8 A That's right.

9 Q Okay. And then on the third page of this packet are two
10 post-docs and an undergraduate student. Is that right?

11 A Yes. That's right. So we have a couple additional
12 undergraduate students. This includes two students who are just
13 visiting over the summer.

14 Q Okay. Working in the lab this summer, okay. And then
15 the net page, these are alumni of the group? Is that right?

16 A That's right.

17 Q So these would be people graduate students,
18 undergraduates or post-docs that have moved on from your group
19 assets. Is that right?

20 A That's right.

21 Q Okay. And with respect to the current members of your
22 group, the graduate students that are listed here and the post-
23 docs and the one undergraduate that's listed, are these students
24 working in your lab this summer?

25 A Yes.

1 Q They're not on vacation or --

2 A No.

3 Q -- anything this summer?

4 A Well, there are lab members who are taking a couple
5 weeks off. I mean, obviously that's on a very individual basis.
6 But we don't close the lab over the summer.

7 Q Okay. You would agree with me that the research that is
8 conducted by the research assistants in your group that are
9 listed here on Union Exhibit 6, they help fulfill the
10 university's mission of generating knowledge. Is that right?

11 MR. JOHNS: I'd object to the form of the question. I'm
12 not sure that there's any foundation laid that everyone would
13 necessarily be considered a research assistant or listed within
14 that document.

15 HEARING OFFICER LEACH: Are you just referring to the --
16 would it be better if she just referred to them as graduate
17 students?

18 MS. HOYE: I can certainly --

19 HEARING OFFICER LEACH: Can you rephrase that --

20 MR. JOHNS: I just don't think the way it's phrased
21 is --

22 MS. HOYE: Sure, I can rephrase it.

23 BY MS. HOYE:

24 Q With respect to the graduate students that are working
25 in your lab, would you agree with me that the research conducted

1 by those graduates students helps to fulfill the university's
2 mission of generating new knowledge?

3 A Yes.

4 Q Okay. Does research in the sciences sometimes generate
5 patents?

6 A Sometimes, yes.

7 Q Okay. And does the research that graduate students in
8 your lab perform result sometimes in the generation of patents?

9 A It hasn't happened in my lab quite yet, because we are a
10 basic science research lab, but that certainly happens in other
11 labs.

12 Q And ultimately who owns those patents?

13 A I mean, not having been involved in the patent process,
14 I do not know about those procedures.

15 Q I'm going to show you a document that I'll mark Union 7.
16 (Union's 7 identified.)

17 BY MS. HOYE:

18 Q Take a moment to review this document and let me know
19 when you've had a chance to do so. You're probably familiar
20 with this one, as well.

21 A I am.

22 Q Okay. And what are we looking at here?

23 A We are looking at a list of publications from my lab.

24 Q What is the importance to a research scientist such as
25 yourself to being published?

1 A It is of critical importance.

2 Q How so?

3 A It is important to document research progress for
4 maintaining the funding of your lab.

5 Q And does it ultimately benefit your career to be
6 published?

7 A Absolutely.

8 Q Is it easier to get funding if you are published?

9 A Yes.

10 Q Does it bring recognition and notoriety to the
11 university if you are published?

12 A It does.

13 Q How so?

14 A Well, I mean it -- as you've already mentioned, it helps
15 fulfill our mission. It helps to get exposure at scientific
16 conferences, in the general public if they are really high
17 impact for research findings.

18 Q When you submit -- have you submitted a grant
19 application to say NIH?

20 A Yes.

21 Q I'm sure you've submitted stuff. Right? When you
22 submit a grant application to NIH, is it given an initial score?

23 A Yes.

24 Q Okay. And is that score based in part on an
25 institutional component of the grant application?

1 A It is. There is a scoring component regarding the
2 quality of the environment in which the research is taking
3 place.

4 Q And the quality of environment, that refers to the
5 institution at which the research is taking place?

6 A For the most part, yes.

7 Q So are you more likely to get a favorable score on your
8 grant application if you are scoring well in that institutional
9 component of the grant application?

10 A Yes. Although that is a very small, a very minor
11 contribution to the overall score. The research project that is
12 being described is by far the major component.

13 Q I'd like you to take a look at this document, U-7, and I
14 see there are 66 publications listed here. Is that right?

15 A That's what it says.

16 Q Okay. And let's just look at the first publication
17 there, number 66. It looks like there are three authors listed.
18 Is that right?

19 A That's right.

20 Q Okay. And you're the third author on this publication?

21 A Correct.

22 Q The first author listed is a post-doc in your group? Is
23 that right?

24 A Yes, that's correct.

1 Q And the second author listed is a graduate student in
2 your group. Is that right?

3 A Yes, a former graduate student.

4 Q Let's look at number 62. This one has -- one, two,
5 three, four -- five authors listed. Right?

6 A Mm-hmm.

7 Q And again, you're the final author on the group. Is
8 that right?

9 A Correct.

10 Q On the paper. Is that right?

11 A Correct.

12 Q Okay. And the first author listed there, that's a
13 graduate student in your group?

14 A Correct.

15 Q And how about the second author?

16 A Also a graduate student. And the third one is an ungrad
17 student. And the final non-senior author is a graduate student.

18 Q Okay. What's the significance of the order in which
19 the names are listed?

20 A The fractional contributions of the individuals to the
21 research project.

22 Q So an example of, say, number 62, Z. Chen, the first
23 author listed, that would be the person who is considered to
24 have made the largest contribution to the research. Is that
25 fair to say?

1 A That's fair to say.

2 Q Okay.

3 A I should qualify this, though. There's a major
4 distinction between the senior authorship and the other authors.
5 Obviously those contributions can be quite different. As a
6 senior author, you're much more involved in the design of the
7 project, which obviously is a very important component in the
8 research itself. Towards the first author positions, you're
9 more -- the weight is different in that you're more involved in
10 carrying off the research.

11 Q Okay. So let's say on that number 62, Z. Chen, listed
12 as the first author there. That's -- he or she -- is that a man
13 or a woman?

14 A He.

15 Q He would be the person who performed most of the
16 research underlying this paper. Is that right?

17 A Mm-hmm.

18 Q Okay. And --

19 MR. JOHNS: You should say "yes" instead of --

20 THE WITNESS: Yes.

21 MS. HOYE: Sorry. Thank you.

22 MR. JOHNS: No problem.

23 BY MS. HOYE:

1 Q Now, with respect to these publications listed, can you
2 give me an average or an estimate on how many lab hours goes
3 into an individual publication?

4 A That would be really hard. I mean I don't -- as a
5 research director, I don't sit in my office with a stopwatch,
6 obviously. I do not monitor when people come in or when people
7 leave. I monitor the progress towards our research goals. But
8 obviously many, many hours on the time scale of -- I mean,
9 typically at least half a year of lab work goes into a high
10 quality publication, at least, but this can -- I mean, this can
11 take many years.

12 Q So a half a year up to many years potentially --

13 A Yeah.

14 Q -- of lab work? Is that right?

15 A Lab work or theoretical work, yes.

16 Q And that would include a graduate student potentially
17 working in a lab six days a week or five days a week? How many
18 days a week do your graduate students work in the lab?

19 A Probably five to six. I do not have a requirement for
20 students to come in on weekends, but many choose to do so.

21 Q So could a PI such as yourself realistically perform
22 your duties as well as putting in that number of man hours, that
23 amount of time on the research underlying a publication?

1 A Not with this magnitude. There would be additional time
2 available on top of teaching. But it obviously helps to have
3 help.

4 Q So with respect to, say, publication number 62 listed
5 here, that publication isn't really possible without the work of
6 the graduate students in your lab that worked on that research.
7 Correct?

8 A No, that's not correct. That work could be performed by
9 different coworkers other than graduate students.

10 Q Okay. And that particular case, Item Number 62, three
11 of those individuals are graduate students. Correct?

12 A Mm-hmm.

13 MR. JOHNS: Yes?

14 THE WITNESS: Yes. But of course it would be possible
15 to carry out similar work by -- through undergraduate students,
16 through post-docs, and potentially in some cases through
17 technicians, although that would be very, very different
18 settings --

19 Q Do you have any --

20 A Technicians --

21 Q Pardon me. Do you have any technicians in your group?

22 A I do not, but some chemistry faculty members do.

23 Q And according to your group, the description of your
24 group from your group web page, you have two post-docs, is that
25 right?

1 A That's right.

2 Q Currently? And then you have -- is it five current
3 graduate students?

4 A Yes.

5 Q Okay. Now you have been awarded numerous grants from
6 NSF and NIH. Correct?

7 A Correct.

8 Q And these are federal government agencies that fund
9 scientific research. Is that correct?

10 A Yes.

11 Q Okay. I want to show you a document that I'm marking 8.
12 (Union's 8 identified.)

13 BY MS. HOYE:

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

16 A Yes. So this is a document that describes our research
17 funding. I have to qualify this, because it's not actually up
18 to date. There are several more recent grants that are not
19 listed here.

20 Q Okay. And when were those grants given to the group?

21 A Over recent years. There is one grant that is not
22 listed here that was awarded six years ago. So this document
23 really is not fully to date.

24 Q Okay. So there have been some more recent grants that
25 you've --

- 1 A Several. Yes.
- 2 Q Several, okay. Through NIH or NSF or both?
- 3 A Most exclusively NIH, yes.
- 4 Q Okay. And have any graduate students in your lab worked
5 on research that is funded either by the grants listed in U-8 or
6 the more recent grants that you just talked about?
- 7 A Yes.
- 8 Q Yes?
- 9 A Yes.
- 10 Q Okay. Do you have any graduate students in your lab
11 that are working on research that is not funded through NIH?
- 12 A Yes.
- 13 Q What percentage of the work being done by graduate
14 students in your lab would you say is being done pursuant to an
15 NIH grant versus some other funding source?
- 16 A Currently -- the vast majority is funded through NIH.
- 17 Q Okay. And to get funding through NIH and NSF, as you
18 have done, that requires submitting a grant application.
19 Correct?
- 20 A (No audible response.)
- 21 MS. ROSENBERGER: He needs to say --
- 22 BY MS. HOYE:
- 23 Q Yes or no?
- 24 A Yes.

1 Q Okay. And in that grant application you are required to
2 describe the nature of the research that you're planning to do
3 or doing; is that right?

4 A That's right.

5 Q Okay. And you have to -- at least in the context of
6 NIH, you have to describe how public health generally will
7 benefit from this research. Is that right?

8 A That's right.

9 Q Okay. And you also have to, with your grant
10 application, submit a budget. Is that right?

11 A Yes.

12 Q Okay.

13 (Union's 9 identified.)

14 BY MS. HOYE:

15 Q I'm going to show you a document that I've marked Union
16 Exhibit 9. Take a moment to review that, and let me know when
17 you've had a chance to do so.

18 A Okay.

19 Q Have you had a chance to review this?

20 A Yes.

21 Q Okay. And what are we looking at here?

22 A We are looking at a budget description.

23 Q Okay. And this would be the type of budget that you
24 would submit along with your grant application to NIH or NSF.
25 Is that fair to say?

- 1 A Yes.
- 2 Q Yes?
- 3 A Yes.
- 4 Q Okay. And who prepares the budget?
- 5 A The budget is prepared in collaboration between the PI
6 and the chemistry department business office. So technically,
7 the business office will fill in the final numbers, but with
8 influence from the PI.
- 9 Q Okay. And in a budget like this, there are both direct
10 costs and indirect costs. Correct?
- 11 A That's correct.
- 12 Q Okay. And among the direct costs are personnel costs.
13 Right?
- 14 A Yes.
- 15 Q Okay. And so looking at the first page of this packet,
16 U-9, I see "B, other personnel," about halfway down the page.
17 Do you see where I'm referring to?
- 18 A Sorry. Could you say that again?
- 19 Q About halfway down the page on page 1, it says, "B,
20 other personnel." Do you see that?
- 21 A Yeah.
- 22 Q Okay. And underneath that, there are four categories of
23 personnel listed.
- 24 A Mm-hmm.

1 Q And they're post-doctoral associates, graduate students,
2 undergraduate students, and secretarial/clerical. Is that
3 right?

4 A Yes.

5 Q Okay. And if we move to the right there, then are a
6 number of columns including "requested salary." Is that right?

7 A Mm-hmm. Yes.

8 Q Yes? Okay. So when you submit your budget for grant
9 funding, you have to propose the requested salary for graduate
10 students. Is that right?

11 A Yes.

12 Q As well as, for example, secretarial staff. Is that
13 right?

14 A Yeah, I'm not quite sure that we usually -- that I
15 usually have numbers in that section, but certainly for
16 post-doctoral associates, graduate and undergraduate students.

17 Q Okay. I also see there's three columns. It says
18 "months" and then "cal" period, "acad" period and "sum" period?

19 A Mm-hmm.

20 Q What do those refer to?

21 A Calendar months, summer months and academic months, I
22 guess.

23 Q So you would have to designate here, if I'm
24 understanding this form correctly, which months your students
25 are performing research during?

1 A Yes.

2 Q Okay. And that would include the summer?

3 A Yes.

4 Q Can you go to the third page of this packet? When you
5 get there, do you see there's Item "G, direct costs." And then
6 below that is "H, indirect costs." Do you see where I'm
7 referring to?

8 A Yes.

9 Q Can you tell us what "indirect costs" are?

10 A Indirect costs are costs that do not -- that are not
11 directly available to spend on -- in the particular PI's lab

12 Q What would that include?

13 A Okay. So I'm not an expert in direct costs spending,
14 but of course they are components that are absolutely essential
15 to the success of the lab that are not directly funded from a
16 grant. And these include infrastructure. This includes the --
17 these include building costs, heating, administrative personnel.
18 And those are some of the things that the indirect cost fraction
19 would contribute to it.

20 Q Do indirect costs have to be itemized?

21 A No, not in the grant proposal.

22 Q And this is -- indirect costs are money that goes to
23 Penn that can be used for -- as you said, things like
24 infrastructure, building costs, heating, that sort of thing?

25 A Including those components, yes.

- 1 Q Are there any limits on what that money can be spent on,
2 as far as you know?
- 3 A I'm not familiar with that.
- 4 Q And there is an indirect cost rate. Is that right?
- 5 A Yes.
- 6 Q Do you know what that rate is at Penn?
- 7 A I do not currently know what is the exact number or no?
- 8 Q Do you know a ball park figure or no?
- 9 A It's on the order of 40 percent.
- 10 Q So does that mean -- if I'm understanding indirect costs
11 correctly, that you're asking for a \$500,000 grant, that 40
12 percent of that \$500,000 would go to indirect costs?
- 13 A Some fraction would go to the indirect costs. As I
14 said, I'm not exactly familiar --
- 15 Q I understand.
- 16 A -- with the exact numbers.
- 17 Q Okay. So whatever rate it is for indirect costs, if,
18 under my hypothetical, you were asking for \$500,000 and you were
19 granted \$500,000, some portion of that would be allocated to
20 indirect costs based on --
- 21 A That's right.
- 22 Q -- what the indirect cost rate is?
- 23 A That's right.
- 24 Q Now with respect to the direct costs, you as the PI are
25 responsible for ensuring that the funding for the direct costs

1 is used to further the research that's described in the grant
2 proposal?

3 A That's correct.

4 Q Is that correct? Okay. And that would include ensuring
5 that the work performed by graduate students in your lab
6 furthers that research. Correct?

7 A That's correct.

8 Q Okay. Now I want to switch gears to the teaching that
9 you described in your direct examination. You testified that
10 students in the chemistry graduate group are required to serve
11 as a teaching assistant for at least two semesters. Is that
12 correct?

13 A Yes, that's correct.

14 Q Okay. That's true regardless of which research group
15 they're in?

16 A Yes.

17 Q And that's true for students who intend to go into
18 academia as well as students that intend to never teach in their
19 career. Is that true?

20 A Yes, that's true for every single student in the
21 program.

22 Q You testified that students in the chemistry graduate
23 group are given what amounts to an offer letter? I think it's
24 in the record as Union Exhibit -- or sorry, Employer Exhibit 7.

25 A Mm-hmm.

1 Q You also said that there's a separate letter that goes
2 to international students. Is that right?

3 A Yes. It's an amended letter that evolves from this
4 letter. And this is due to the fact that of course there are
5 additional aspects that need to be covered with incoming
6 international students.

7 (Union's 10 identified.)

8 BY MS. HOYE:

9 Q Okay. I'm going to show you a document I've marked
10 Union Exhibit 10. Take a moment to review this. And when
11 you've had a chance to do so, let me know.

12 A I did.

13 Q I'm looking -- what are we looking at here?

14 A This is a version of a letter that we share with
15 international incoming students.

16 Q Okay. And let's go to the -- one, two, three -- fourth
17 paragraph of this letter. Let me know when you're there. Are
18 you there?

19 A Yes.

20 Q I see that in the fourth paragraph it says, "By
21 Pennsylvania state law, our offer of a teaching assistantship is
22 conditional on your successful completion of an English language
23 teaching training program given at the University of
24 Pennsylvania beginning at the end of June 2017."

1 Can you explain what the English language teaching
2 training program is?

3 A It is a program that is delivered by the English
4 department that prepares students to communicate effectively
5 with other students and with faculty.

6 Q And international students must complete this program in
7 order to be a teaching assistant in the lab. Is that right?

8 A By Pennsylvania state law, yes.

9 Q In the program, I should say, because they're not
10 teaching in the lab. Correct?

11 A Yeah, that's --

12 Q Teaching in the classroom.

13 A Yeah, that's right.

14 Q And if they don't complete -- so if they don't complete
15 the program, they can't teach. Is that fair to say?

16 A It depends on how you define completing the program.
17 You can be physically there but fail the English proficiency
18 test. So that -- passing that test, which has two components,
19 the so-called speak test and then the IBT test. If a student
20 fails that series of tests, then they're not eligible to teach.

21 Q And if they're not eligible to teach, they'll be
22 dismissed from the Ph.D. program. Correct?

23 A No, that's not correct.

24 Q Okay. I'm looking at this letter and I'm looking at the
25 fourth paragraph. It says -- let's see. Sentence -- one, two

1 -- three in that paragraph. "Please be advised that failure to
2 achieve the required standard in our English language program
3 could lead to dismissal from the Ph.D. program and revocation of
4 student status." Correct?

5 A That's correct, and the key word here is "could."

6 Q Okay.

7 A In practice, for as long as I can remember -- I've been
8 chair of the graduate group for on the order of five years now.
9 I've been a member of the graduate committee since I joined the
10 University in 2005. It has not happened that a student has been
11 dismissed from the graduate group exclusively because of their
12 IBT test performance.

13 Q Okay.

14 A But of course -- if I'm allowed to elaborate?

15 Q Yeah, go ahead.

16 A Being able to efficiently communicate in English, which
17 is what the IBT test measures, is a requirement that goes far
18 beyond the student's teaching. It is a requirement for being
19 successful in your research. Because you have to communicate
20 with lab members. You have to communicate with your PI. You
21 have to communicate with the scientific community.

22 Q In this case, however, the teaching assistantship, at
23 least in the chemistry graduate group, is conditional on the
24 completion of that English language program. Correct?

25 A That's correct.

1 Q Okay. But you stated that in your experience -- and
2 correct me if I misunderstood your testimony. In your
3 experience, there hasn't been anyone that's been dismissed from
4 the program for failing to complete this program?

5 A Let me qualify this. The IBT test is delivered several
6 times a year. Usually incoming students take this IBT test over
7 the summer, and the majority of international students will pass
8 that IBT test and is then eligible to function as a TA, a
9 regular TA in the chemistry department during the fall
10 semesters.

11 However, this test is delivered again towards the end of
12 the fall semester and basically every case that I remember has
13 enabled students to then pass the IBT test.

14 Q Okay. So you haven't then had anybody who has been
15 unable to pass the test, period?

16 A Eventually, yes. That's right.

17 Q So for that first semester then when they haven't passed
18 the test, they're working in the lab but not teaching?

19 A That could be one possible scenario, yes. That has
20 happened.

21 Q The handbook, the graduate student handbook. Let me
22 know when you have that in front of you. It's Employer --

23 A I do.

24 Q -- Exhibit 6.

1 HEARING OFFICER LEACH: Is there any objection to moving
2 in 6, 7, 8, 9 or 10 into evidence from the Employer?

3 MR. JOHNS: No objection.

4 HEARING OFFICER LEACH: Okay. Those exhibits are
5 received into evidence.

6 (Employer's 6, 7, 8, 9 and 10 received.)

7 BY MS. HOYE:

8 Q Could you go to page 21 of this document?

9 A Mm-hmm.

10 Q Let me know when you're there.

11 A Okay.

12 Q About halfway down the page, there's a section called
13 "Graduation Procedures." Do you see where I'm referring to?

14 A I think so.

15 Q And the second paragraph there states, "You may defend
16 your dissertation at any time but there are such dates on which
17 GAS will confer your degree." Can you just tell us what's
18 "GAS"? If you know?

19 A I'm embarrassed to blank on this acronym.

20 Q It looks like in the prior paragraph it refers to
21 Graduate Division of Arts and Sciences?

22 A Yes, I guess that's --

23 Q Okay. And the next sentence says, "These occur three
24 times a year, mid May, early August and late December." Do you
25 see where I'm referring to?

1 A Yes.

2 Q So GAS can -- at least with respect to graduate students
3 in the chemistry graduate group -- can confer the Ph.D. in the
4 middle of the summer? Is that fair to say? Or early August?

5 A Yes, that's fair to say.

6 Q Okay. Just a few final questions, Doctor. The process
7 of students being matched up in the lab with an advisor, do
8 students always get their first choice on who they want to be
9 matched up with?

10 A The large majority of students get associated with their
11 first choice, but this cannot always happen, because we have
12 guaranteed funding and this -- and funding is limited. So if
13 all -- in the hypothetical scenario that all our students wanted
14 to join one single lab, that would not be possible, because of
15 limited availability of funding and resources, lab studies for
16 example.

17 Q Okay. So there are students the don't always get their
18 first choice?

19 A Yes.

20 Q Okay. And you talked briefly on direct examination
21 about students that are funded externally. When a student is
22 funded externally, does that funding come in to Penn or does
23 that funding go to a student or to the particular research
24 group? How does that work in practice, if you know?

1 A Well, technically it comes to Penn, but of course the
2 student is the beneficiary of the funding.

3 Q And you said that you had had a couple of students a
4 year who do research in another lab, for example, engineering?
5 Is that right?

6 A That's right.

7 Q And is that a couple of students in your specific group
8 or within the chemistry graduate group generally?

9 A Generally.

10 Q Generally. And that's out of, you said, between 150 and
11 170 total students in the chemistry graduate group?

12 A Yeah.

13 Q Is that right?

14 A Yeah, but let me qualify this. What I meant each year
15 is in each class. Okay? So there can be -- so I haven't looked
16 into the numbers, but there can be on the order of -- well, we
17 would have to look at the numbers, but it is several students
18 typically.

19 Q It's what?

20 A It is typically several students that --

21 Q Okay. So it's several have, not a couple? Several or
22 a couple?

23 MR. JOHNS: Objection. I'm not sure there's much
24 difference between several and a couple.

25 HEARING OFFICER LEACH: I'd like to hear what --

1 THE WITNESS: Well, it can be --

2 HEARING OFFICER LEACH: -- the answer, please.

3 THE WITNESS: It can be more than two students, if
4 that's --

5 MS. HOYE: Okay.

6 MR. JOHNS: And I must note for the record that the
7 witness just testified that it was per year, not necessarily at
8 any given time. Meaning per academic year.

9 HEARING OFFICER LEACH: Okay. I think that's clear.

10 MS. HOYE: Thank you, Doctor. I don't have any other
11 questions for you at this time. Thank you very much.

12 REDIRECT EXAMINATION

13 BY MR. JOHNS:

14 Q I just have a couple of follow-up questions, Dr.
15 Baumgart, and we'll get you out of there.

16 HEARING OFFICER LEACH: Oh, no, I have questions too.

17 MR. JOHNS: Do I go first?

18 HEARING OFFICER LEACH: You.

19 BY MR. JOHNS:

20 Q Okay. I want to start where we sort of ended, which is
21 I believe you said there are several or a couple, depending on
22 the term, per class that may be in engineering labs. When you
23 say "per class," what are we talking about with respect to that?

24 A Well, again, I'm hesitant to speak in terms of hard
25 numbers because whenever you deal with small numbers there are

1 large amounts of fluctuations. But it can happen that two or
2 three students per class might join engineering labs.

3 Q When you say "per class," you're talking about the first
4 year class, the second year class, third year, like that?

5 A (No audible response.)

6 Q Is that yes?

7 A Yes.

8 Q You were asked some questions about students who go on
9 to academia have to teach and students who don't go on to jobs
10 in academia also have to teach. Can you tell us what the
11 majority of your students do after they get out of the program?

12 A Yeah. I wanted to clarify that statement as well.
13 Students do typically not enter our program knowing exactly what
14 their trajectory will be. So it may be that at the time that
15 students enter the program, they are committed to an academic
16 career but this may change. We are a five-, six-, seven-year
17 program and students evolve and mature and their career
18 ambitions may change.

19 Regarding job placement, the majority of our students
20 will find their first next appointment in academia typically in
21 the form of a post-doctoral position. More than five years down
22 the road, the majority of our students do end up working in the
23 chemical -- in the life sciences industry, but there's a
24 significant fraction of students who do end up with an academic
25 position.

1 Q Is it the graduate groups position that there's
2 pedagogical value for all students with respect to learning how
3 to teach regardless of where they end up in their career?

4 A Absolutely.

5 Q Does teaching develop communication skills?

6 A Absolutely.

7 Q Are communication skills important for the performance
8 of academic research?

9 A Absolutely.

10 Q I'm going to refer to a few of the union exhibits that
11 were put before you. First, if you could look at Union Exhibit
12 6, which is your group members.

13 A Is it number 6?

14 Q It says U-6.

15 A U-6. Okay.

16 Q Okay. Do you have that in front of you?

17 A Yes, sir.

18 Q I just want to look up at the top under where your name
19 is listed. There are different faculty appointments that are
20 listed there. Do you see that? One says associate professor of
21 physical and biological chemistry?

22 A Yes.

23 Q What is the other faculty appointment that's listed?

24 A Professor in chemical and biomolecular engineering. So
25 I do have a secondary appointment in the CBE department at Penn.

1 Q So do you have a secondary appointment within the school
2 of engineering at Penn?

3 A Yes.

4 Q Okay. If you could look at Exhibit U-7 for a second,
5 which is the list of publications.

6 A Okay.

7 Q On Exhibit U-7, I think the Union's lawyer asked you
8 certain questions about students who are listed on that. With
9 respect to the papers that are listed on here, did any of the
10 research that's reflected in these papers, was it also used for
11 students to write dissertations and hopefully get Ph.D. degrees?

12 A Yes.

13 Q Is that true in every one of these cases?

14 A We --

15 Q Let me ask you. I don't want you to have to go read
16 each particular -- the majority of these --

17 A The majority, yes.

18 Q Okay. With respect to these listed, is it important for
19 students to get publications during the time that they're at the
20 university?

21 A Yes, it is.

22 Q Why?

23 A Because it demonstrates skills. It demonstrates
24 productivity. And it demonstrates a value on the job market
25 that is of critical importance no matter whether the student

1 proceeds into an academic setting or into an industrial setting.
2 Corporate recruiters will absolutely look through the
3 publication page and will use very, very similar, if not the
4 same criteria, to evaluate the publication list as someone -- as
5 a recruiter in admissions committee, a recruiting committee in
6 academia would.

7 Q Have you ever co-authored any publications with
8 engineering students?

9 A Yes. In fact --

10 Q You were asked -- what's that?

11 A In fact, publication number 65 is one that is first
12 authored by an engineering student.

13 Q Okay. You were asked some questions about when graduate
14 students work in the lab. Do graduate students in your group --
15 do stipends change based on the number of hours that they're in
16 the lab?

17 A No.

18 Q I think you said I don't have a stopwatch. Do you track
19 the number of hours that these students place in the lab?

20 A I do not.

21 Q Do you track the number of hours that students put in to
22 write their dissertation?

23 A No.

24 Q Do you track the number of hours that students take to
25 study for classes?

1 A I never track hours. I track progress.

2 Q Do undergraduates who have been in your lab, do they
3 also participate in the development of new knowledge?

4 A Yes, they do.

5 Q Do visiting scholars participate in the development of
6 new knowledge within your laboratory?

7 A Not currently, but they certainly have in the past and
8 will in the future.

9 Q When you have visiting scholars within your laboratory?

10 A That's right.

11 Q Okay. Do you have any immediate plans to travel during
12 the summer, Dr. Baumgart?

13 A I do.

14 Q Are you leaving anytime in the near future on a trip?

15 A I am.

16 Q When is that?

17 A That is tonight.

18 Q Okay. Where are you going?

19 A I will be leaving for a brief visit in Germany.

20 Q Okay. And do you take any other vacation during the
21 summer?

22 MS. HOYE: Objection. Relevance.

23 MR. JOHNS: There were questions asked about, you know,
24 is the lab open during the summer and there were questions asked
25 about whether students take vacations. He said they do. I

1 think it's fair to show that the vacation season during the
2 university is it's heaviest during the summer as demonstrated by
3 faculty members who do their traveling during the summer.

4 MS. HOYE: We're not trying to bring --

5 HEARING OFFICER LEACH: But they're not bring in
6 faculty --

7 MS. HOYE: Yeah.

8 HEARING OFFICER LEACH: -- members. They're bringing in
9 students. So I'm going to sustain that.

10 But you're free to ask -- I can't tell you how to put in
11 your case of course, but if you wanted to get some information
12 about students in his lab, whether or not they're going away or
13 on vacation, I think that would be appropriate.

14 BY MR. JOHNS:

15 Q To the extent your students take vacation or travel at
16 all, is that more common during the summer or during the
17 academic terms?

18 A No. It's not more common. I mean, the graduate student
19 is -- I mean, they aren't really no seasonal changes related to
20 the academic program. There may be opportunities that may be
21 different, private opportunities that are different in the
22 summer, but it's not otherwise regulated.

23 Q Do students sometimes take internships during the
24 summer?

1 A None of my students has taken internships yet, but we
2 would on a case-by-case allow such action.

3 Q Does your graduate group offer any classes to Ph.D.
4 students in the summer, or are they all taken during the fall
5 and the spring terms?

6 A They are all taken in the fall and spring terms. Well,
7 I should -- so the English language program though, that occurs
8 during the summer.

9 Q During the summer before their first year?

10 A That's right. But that is only for international
11 students.

12 Q Right. With respect to the TA requirements you spoke of
13 earlier, do any of your graduate students perform TA duties
14 during the summer?

15 A Yes, they can.

16 Q How many perform TA duties during the summer versus
17 during the fall semester and the spring semester? Give us some
18 sense of the magnitude of difference if there is one.

19 A I have not experienced a difference.

20 Q You're not sure?

21 MS. HOYE: Well, he said --

22 HEARING OFFICER LEACH: He said he hasn't experienced a
23 difference, but I think the record's clear on that.

1 THE WITNESS: There are fewer students, fewer TA --
2 there are fewer classes taught over the summer so that very
3 likely there are going to be fewer TAs over the summer.

4 MR. JOHNS: Okay. That was my question. Thank you.

5 HEARING OFFICER LEACH: Does the Union have any other
6 questions?

7 MS. HOYE: No additional questions for this witness.
8 Thank you.

9 HEARING OFFICER LEACH: Okay. Sir, don't leave. Okay.
10 Everybody's ready to get off the chair. But I don't have a lot,
11 just some follow-up questions, please.

12 Okay. So the Employer 7, the offer letter, it discusses
13 teaching assistants. And I wonder can you tell me in your lab
14 what do teaching assistants do?

15 MR. JOHNS: I must say I'm not sure they teach in your
16 lab. That might not be --

17 HEARING OFFICER LEACH: I'm sorry. Well, he can explain
18 it. If I'm using wrong terminology, please forgive me. If it's
19 not lab, what would you call it?

20 THE WITNESS: Well, it would be a different lab. Many
21 of our students teach general chemistry lab. These are
22 introductory labs that are not meant to generate new knowledge,
23 but that are meant for students to obtain skills. Chemistry
24 students, of course, have to develop skills to handle molecules,
25 and that is something that is being taught in general chemistry

1 labs and our TAs are our support during that process. So they
2 are lab classes the TAs teach. There are also large,
3 introductory lecture courses where TAs support the teaching
4 process.

5 HEARING OFFICER LEACH: Okay. So if a TA is teaching a
6 lab, about how many students are in the lab?

7 THE WITNESS: So that is a question I'm not exactly
8 familiar with. There are maybe -- I have to defer that
9 question. I mean, it's --

10 HEARING OFFICER LEACH: Okay. If they're teaching a
11 lab, are they teaching it by themselves as a TA?

12 THE WITNESS: No. There always is a professional
13 employee who either -- a faculty member or a lecturer who is the
14 main teacher.

15 HEARING OFFICER LEACH: Okay.

16 THE WITNESS: For each lab class and for each lecture
17 class.

18 HEARING OFFICER LEACH: Okay. I was going to ask that
19 for lecture classes too. Okay. So there's always -- there
20 would be two people in the room?

21 THE WITNESS: No, not at the same time. So recitations,
22 for example, which are review sections that TAs are involved
23 with would not always have the main teacher in the room. But
24 it's very typical that -- particularly during the beginning of a
25 TA's recitation assignment, the head teacher would function as a

1 mentor and join a couple of the recitations. But it can
2 certainly happen that the TA would have student contact in the
3 absence of the main teacher.

4 HEARING OFFICER LEACH: Is a chemistry lab different
5 from a recitation or is that --

6 THE WITNESS: Yes. Yes.

7 HEARING OFFICER LEACH: What's the difference?

8 THE WITNESS: Recitation happens in the classroom. The
9 lab occurs in a laboratory.

10 HEARING OFFICER LEACH: Okay. So if a TA is in a lab,
11 you're saying it's the TA and another faculty member? Or would
12 they be --

13 THE WITNESS: Or a lecturer, yes.

14 HEARING OFFICER LEACH: Okay. But if a TA is in a
15 recitation, they could do that alone?

16 THE WITNESS: Yes.

17 HEARING OFFICER LEACH: Okay. What about the large
18 intro lecture courses, would a TA do that alone or with another
19 faculty member?

20 THE WITNESS: Always with another faculty member. The
21 faculty member would give the lectures and a TA will be involved
22 in reading sessions, in grading exams and tutoring.

23 HEARING OFFICER LEACH: Okay. Then I want to go back to
24 -- I'm not clear on what does a TA do in the lab?

1 THE WITNESS: Assist students in carrying out little
2 projects that again are not meant to generate new knowledge but
3 are exploratory assignment to an undergraduate student with the
4 main purpose to obtain skills. So to assist in that process.
5 And also in grading reports and being helpful during the
6 development of reports that accompany each experiment that is
7 being carried out in the general chemistry lab.

8 HEARING OFFICER LEACH: What does a TA do in a
9 recitation?

10 THE WITNESS: Reviewing material that the main teacher
11 lectured about in the lecture class.

12 HEARING OFFICER LEACH: How often is the TA in the -- or
13 teaching the chemistry lab? How often does that happen?

14 THE WITNESS: A week for a year?

15 HEARING OFFICER LEACH: First per week.

16 THE WITNESS: Probably a couple of times a week.
17 Overall, if you talk about an hourly commitment, our TAs
18 typically spend 10 to 15 hours per week on teaching.

19 HEARING OFFICER LEACH: Does that include the lab and
20 the recitation as well?

21 THE WITNESS: This would be either a recitation
22 assignment or a lab TA assignment.

23 HEARING OFFICER LEACH: Okay. So in Employer 7 when it
24 says that the individual has a duties of a teaching assistant,

1 that's either in the chemistry lab or as a recitation, in a
2 recitation. Is that --

3 THE WITNESS: Yes, that's correct.

4 HEARING OFFICER LEACH: Yes. Okay. Okay. And each of
5 those would be 10 to 15 hours per week?

6 THE WITNESS: Yes.

7 HEARING OFFICER LEACH: Employer 7 also says in the
8 third paragraph during the summer you would get a teaching
9 assistantship or research fellowship. What's a research
10 fellowship?

11 THE WITNESS: So there's no difference between the two
12 categories that you mentioned insofar as the funding is
13 concerned. But with the research assistantship/fellowship, the
14 student would exclusively work in the research lab. If the
15 student were to obtain a teaching assistantship, there would be
16 some fraction that would be spent on teaching.

17 HEARING OFFICER LEACH: Is the research lab the
18 chemistry lab?

19 THE WITNESS: It is a chemistry lab, but we have to
20 distinguish between teaching labs and research labs.

21 HEARING OFFICER LEACH: Are they the same physical
22 location?

23 THE WITNESS: Yes.

24 HEARING OFFICER LEACH: Okay. Then what is a
25 research --

1 THE WITNESS: Well, it is the same physical location
2 inasfar as the building is concerned, but the two rooms would be
3 different.

4 HEARING OFFICER LEACH: Okay. What is different -- what
5 would a research assistant or research fellowship, what would
6 the person be doing that's different than teaching?

7 THE WITNESS: Being involved in the process of
8 generating new knowledge. That is the primary difference.

9 HEARING OFFICER LEACH: Okay. Not instructing anybody?

10 THE WITNESS: Functioning as a research assistant, being
11 involved in generating knowledge, can certainly involve
12 mentoring, but in a setting that would be very different from a
13 formal classroom setting. This would be mentoring visiting
14 summer students. Would be mentoring a high school student.
15 This would be mentoring new students, graduate students who have
16 entered the labs. So there is a teaching component there, but
17 it is not a formal class.

18 HEARING OFFICER LEACH: Okay. It also says -- okay --
19 it says that if you're doing the research fellowship, it says
20 providing support for stipend, tuition and fees. Is that
21 additional money?

22 THE WITNESS: It is additional money that doesn't go to
23 the student, but helps support the student indirectly.

1 HEARING OFFICER LEACH: How much is it? I don't
2 understand. You're saying it's not money in the form of --
3 well, here it says "stipend, tuition and fees."

4 THE WITNESS: That's right.

5 HEARING OFFICER LEACH: It's different from the \$30,000
6 that's listed above in the letter. Right?

7 MR. JOHNS: I misunderstood the question.

8 HEARING OFFICER LEACH: Okay. So how much is it?
9 What's the additional -- what's the value of that? Because in
10 the top it says your annual stipend is \$30,000. Then below it
11 says in the summer you could have a TA or research fellowship
12 providing for a stipend, tuition and fees. How much is that in
13 the summer?

14 THE WITNESS: It is -- I mean, the monthly salary is not
15 different in the summer compared to it during the academic
16 semesters. So, I mean, the only number that is relevant here is
17 the \$30,000 stipend.

18 HEARING OFFICER LEACH: Is the \$30,000 stretched out
19 between nine months or 12 months?

20 THE WITNESS: 12 months.

21 HEARING OFFICER LEACH: Oh, okay. So it all --
22 essentially all of the money is coming out of the \$30,000?

23 THE WITNESS: That's right.

24 HEARING OFFICER LEACH: Okay. I'm going to preface this
25 with I understand this may be a reaching question, but there's

1 been talk about these grants and I guess they come from NIH and
2 NSF, I believe. And then how they may relate to, I guess, the
3 student's work.

4 Does the Employer have any copy of any of these grants
5 or some sort of document that would show something that comes
6 from one of these agencies just to kind of lay out just basic
7 information? I wouldn't necessarily need numbers so much. Just
8 for the Regional Director to have an idea of, well, what does an
9 NIH grant look like?

10 MR. JOHNS: I would have to look. I mean, I'm sure
11 there's something. I'm not entirely certain what you're asking
12 about, but we could try to see if there's something like that.

13 HEARING OFFICER LEACH: I'm just looking to see
14 something like a document that shows when the grant comes into
15 the university or the department, what does it say? And does it
16 say how much the -- how much money is being given and what --
17 because I believe the testimony from the witness was something
18 to the effect that their -- that I guess the grant is given for
19 some sort of work and that's what I'm looking for. Just that.
20 Like how much money is given and what the grant is for and maybe
21 have some sort of -- something to compare it to, the work that's
22 actually done, that's produced in the end.

23 I don't know if that would be maybe one of these, like
24 for instance Union 7. If you were to say that or -- okay. Let
25 me think. Okay. If I were to look at Union 8, for instance, it

1 lists these various grants. Is it possible to get -- I don't
2 know how long these are, but something that shows the grant
3 document when it comes into the -- does it come to the
4 university or to the chemistry department?

5 THE WITNESS: It comes to the university.

6 HEARING OFFICER LEACH: Okay. So when that grant comes
7 in, something that would say it comes from NIH, forgive me, or
8 NSF and then it goes to this department or it lays out this
9 amount of money for this department for this type of research.
10 And then maybe another document that shows, well, what research
11 was actually done pursuant to that? Whether that may be one of
12 these publications or something.

13 MR. JOHNS: We can take a look to see what we have.

14 HEARING OFFICER LEACH: Okay. All right. I would
15 appreciate that.

16 Okay. Back to the witness, please. I believe when the
17 union asked you questions about -- in the beginning of their
18 questioning to you, they asked you -- you talked about whether
19 -- who performs original research and you said that could be
20 performed anywhere from high school students on up. Right?

21 And I had in my notes, I highlighted, research fellows
22 versus research assistants there's no difference. Was that your
23 testimony that they're essentially doing the same type of work?
24 A research fellow versus a research assistant? Or I may have
25 heard wrong.

1 THE WITNESS: I think so.

2 HEARING OFFICER LEACH: Okay. Okay. I just wanted to
3 be sure I'm correct. So that would be what we talked about a
4 few minutes ago. Right?

5 THE WITNESS: Yes.

6 HEARING OFFICER LEACH: Okay. Okay. In U-7, there was
7 talk about the order of the authors. And I'm not clear on the
8 first author listed is the first name and that indicates the
9 person that put in the most work?

10 THE WITNESS: That's right.

11 HEARING OFFICER LEACH: What is a senior author?

12 THE WITNESS: A senior author is the last author on the
13 publication and this is typically the senior scientist who
14 oversees the entire project.

15 HEARING OFFICER LEACH: Okay. How would you compare the
16 role of the senior author to the first author?

17 THE WITNESS: Basically, it's different weights. As
18 I've explained, the first author would carry out the bulk of
19 many contributions to the research progress. Whereas the last
20 author is more involved in design aspects and in other aspects.
21 But this is a shifting of weights. It's not an exclusive --
22 it's not a black and white kind of thing.

23 HEARING OFFICER LEACH: I understand. But I appreciate
24 the, you know, the explanation. Okay. I want to move to Union
25 9, this budget form.

1 THE WITNESS: Okay.

2 HEARING OFFICER LEACH: And I just want to be clear and
3 understand, in Part B where it says "other personnel," who fills
4 that in?

5 THE WITNESS: So this would be filled in by the
6 chemistry department business office in collaboration with the
7 PI. The PI plans what kind of personnel would be required to
8 carry out the research and then the business office would fill
9 in this information.

10 HEARING OFFICER LEACH: You said you were the PI.
11 Right?

12 THE WITNESS: Yes.

13 HEARING OFFICER LEACH: So you've been involved in
14 filling that out?

15 THE WITNESS: Yes. And guiding business administrators
16 to fill out these forms.

17 HEARING OFFICER LEACH: Okay. Just a few more
18 questions, please. So just so I'm clear, in your lab you have
19 teaching assistants and research assistants?

20 THE WITNESS: Yes.

21 HEARING OFFICER LEACH: Okay. Would you say that the
22 term "teaching assistant" or "teaching fellow" and "research
23 assistant" and "research fellow" are one and the same?

24 THE WITNESS: A teaching assistant and research --

1 HEARING OFFICER LEACH: No, I'm sorry. I just meant
2 "teaching assistant" versus "teaching fellow," and then
3 "research assistant" versus "research fellow."

4 THE WITNESS: I've never heard the term "teaching
5 fellow."

6 HEARING OFFICER LEACH: Oh, okay.

7 THE WITNESS: But I think RF and RA are essentially the
8 same.

9 HEARING OFFICER LEACH: Okay. And when you have your
10 teaching assistants or research assistants in your lab, who
11 oversees their research?

12 THE WITNESS: I do.

13 HEARING OFFICER LEACH: What happens -- have you ever
14 had a situation where one of those categories of individuals
15 didn't do a good job?

16 THE WITNESS: Yes.

17 HEARING OFFICER LEACH: And what did you do?

18 THE WITNESS: Well, this depends on the individual
19 situation.

20 HEARING OFFICER LEACH: So let's start with the teaching
21 assistant. Let's say a teaching assistant did not fulfill their
22 duties properly.

23 THE WITNESS: Okay. So I have not personally had in my
24 own labs students who have not done a great job in their
25 teaching. But in our graduate program this does occasionally

1 happen. We view -- as I've emphasized, we view the teaching
2 part as a -- the teaching assistantship as a learning
3 experience. And that is documented by the fact that our TAs
4 actually obtain a grade, a letter grade, after they're -- after
5 each semester. And the large majority of our students obtain an
6 "A" grade. We have -- our students typically are great
7 teachers.

8 But in case there are problems, this is the individual
9 that -- the main teacher typically shares this information with
10 the graduate office. I have an administrative assistant, a
11 graduate coordinator whom I'm working with closely. She relates
12 those concerns to me. We then typically have discussions among
13 the teacher and the student and myself. And in most situations
14 through sufficient feedback, coaching and mentoring, those
15 situations can be remedied.

16 HEARING OFFICER LEACH: Has there ever been a situation
17 where it was not remedied?

18 THE WITNESS: There was a situation that I recall where
19 we felt that there had been a violation that was sufficiently
20 significant to undermine the trust among undergraduate students
21 and the TA, so the TA was removed from that specific assignment
22 and was moved into an alternative assignment that involved less
23 direct student contact.

24 HEARING OFFICER LEACH: The removal of the TA, were they
25 moved to another teaching assignment or something non-teaching?

1 THE WITNESS: They were removed to another teaching
2 assignment that did not involve direct student contact.

3 HEARING OFFICER LEACH: What does that mean?

4 THE WITNESS: So this could involve grading, for
5 example.

6 HEARING OFFICER LEACH: Oh, okay. Was the funding that
7 they received affected by their removal to the alternate
8 assignment?

9 THE WITNESS: In this specific case, I believe their
10 funding remained the same, although we would have to review the
11 specific situation.

12 HEARING OFFICER LEACH: Okay. I'd like to move on to
13 the same question for a research assistant. Have you had a
14 situation in your -- lab? Is that the right term?

15 THE WITNESS: It is the right term.

16 HEARING OFFICER LEACH: Okay. In your lab where a
17 research assistant wasn't doing -- was performing poorly. Okay,
18 what do you do in that situation?

19 THE WITNESS: So I have been in the fortunate situation
20 that I have always been able to remedy through individual
21 tailor-shaped mentoring to remedy those situations through a
22 discussion, through encouragement, through recommending
23 additional courses to be taken, changes in research directions,
24 those were all things that should be considered.

1 But it does occasionally happen that a research
2 assistant's performance is so significantly below the threshold
3 that the graduate committee would make the -- would have to make
4 the decision to release the student from the program.

5 HEARING OFFICER LEACH: Has that happened?

6 THE WITNESS: Absolutely.

7 HEARING OFFICER LEACH: That means they're dismissed
8 from the university entirely?

9 THE WITNESS: Yes.

10 HEARING OFFICER LEACH: What happens to their funding?

11 THE WITNESS: The funding would stop at the moment the
12 student is dismissed from the program.

13 HEARING OFFICER LEACH: Okay. Do you know whether the
14 funding that is listed in Employer 7, does that money have to be
15 repaid? THE WITNESS: Employer 7?

16 HEARING OFFICER LEACH: The award letter.

17 THE WITNESS: Oh. It does not have to be repaid, no.

18 HEARING OFFICER LEACH: Okay. Do you know whether or
19 not that money is taxable?

20 THE WITNESS: I do not know that.

21 HEARING OFFICER LEACH: Okay. That's all I have. The
22 Employer or the Union may have some follow-up.

23 MS. HOYE: I just have a few very quick follow-ups.

24 RE CROSS-EXAMINATION

25 BY MS. HOYE:

1 Q Those introductory courses that you were talking about
2 in response to questions from the hearing officer, are those
3 undergraduate courses?

4 A Yes.

5 Q Okay. And are those part of the core curriculum for
6 chemistry at Penn?

7 A They can be, but they don't have to be. So pre-med
8 students, for example, have certain curricular requirements that
9 are not necessarily exclusively chemistry requirements. But
10 several chemistry course can be part of -- are part of that
11 pre-med curriculum.

12 Q And those introductory courses, with respect to those
13 courses, are teaching assistants required to hold office hours?

14 A Yes. In some cases, yes.

15 Q Okay. And also with respect to these introductory
16 courses, is there an exam or a final that is given either the
17 end of the course or the end of the semester?

18 A Yes.

19 Q Okay. And is that a written exam?

20 A Those exams are written exams, yes.

21 Q Okay. And can you tell me a little bit about what that
22 exam typically looks like?

23 A It typically -- it depends on the course. I mean, there
24 can be calculations that students have to perform. These can be
25 synthetic procedures that students have to complete. These can

1 be derivations, symbolic derivations of equations. All sorts of
2 those things.

3 Q Okay. Are there any multiple choice exams in the
4 chemistry field?

5 A I can't speak for all of my colleagues, but I would --
6 I'm confident to say that that would be rare.

7 Q Okay. That's all my questions to followup. Thank you.

8 HEARING OFFICER LEACH: Does the Employer have any
9 follow-up?

10 MR. JOHNS: No follow-up.

11 HEARING OFFICER LEACH: Okay. We're done. Thank you.
12 I appreciate your time today.

13 THE WITNESS: Sure.

14 (Witness excused.)

15 HEARING OFFICER LEACH: Can we go off the record.

16 (Luncheon recess taken at 12:52:15 p.m.)

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

(Proceedings resume at 2:08 p.m.)

HEARING OFFICER LEACH: Good afternoon.

THE WITNESS: Good afternoon.

HEARING OFFICER LEACH: Okay. If you would just say and spell your name for the record, please.

THE WITNESS: My name is Eve Troutt Powell and Eve is spelled E-V-E, and Troutt is spelled T-R-O-U-T-T, and Powell is P-O-W-E-L-L. No hyphen.

HEARING OFFICER LEACH: Okay. Can you raise your right hand, please.

(Whereupon,

EVE TROUTT POWELL,

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

DIRECT EXAMINATION

BY MR. FRYMAN:

Q Good afternoon, Dr. Troutt Powell.

A Good afternoon.

Q Where are you currently employed?

A I am currently employed at the University of Pennsylvania.

Q And in what position?

1 A I am Associate Dean of Grad Education in the School of
2 Arts and Sciences. And I am also a professor in the history
3 department and in the Department of Africana Studies.

4 Q Let's start with your associate dean position. What
5 does that mean? What do you do?

6 A I supervise the graduate programs in 33 graduate groups
7 in the School of Arts and Sciences.

8 Q And --

9 A What does that mean?

10 Q -- could you drill down a little bit further for us? If
11 you would.

12 A Okay. So my office, which is the graduate division, is
13 in charge of all the admissions, whole admissions, process of
14 bringing students in. My office and I are also in charge of
15 monitoring the trajectory of all graduate students through the
16 university in all of the 33 grad groups. We do this in
17 coordination with the grad chairs and the grad coordinators, and
18 as often as possible with the graduate students themselves.

19 I also represent the graduate program within the School
20 of Arts and Sciences in a university-wide level, so I'm in
21 monthly meetings with the other grad deans of other parts of the
22 university of the Ph.D. programs. I'm primarily concerned with
23 the Ph.D. programs. And we have a very small masters program.

24 Q You mentioned grad chairs. Is that a shorthand
25 reference for a grad group chair?

1 A That is a shorthand reference for a grad group chair or
2 the director of graduate studies in a group.

3 Q Okay. Sometimes the graduate chair uses director of
4 graduate studies?

5 A Sometimes they like all those extra syllables, so, yes.

6 Q Okay.

7 A Yes.

8 Q You also mentioned another position and I don't think
9 we've heard much about this position, "grad group coordinator."

10 A Right.

11 Q What's that?

12 A Grad group coordinators are members of the staff who
13 also monitor the funding for the students within each grad
14 group. They are the ones to whom -- so they let graduate
15 students know what the deadlines are for certain things, if
16 there are fellowships. We send messages. It's the grad
17 coordinator who's really the hands-on coordinator for each
18 student in the grad group negotiating Penn.

19 Q And when you say "staff," so this is not a faculty --

20 A This is not a faculty position. The graduate chairs or
21 the directors of graduate studies are all faculty and the
22 graduate coordinators are not faculty.

23 Q Okay. You mentioned you're also a faculty member.

24 A I am. Right.

25 Q And I think you mentioned two appointments?

- 1 A I am a full faculty member in two departments.
- 2 Q And what are those two departments?
- 3 A The history department and the Department of Africana
4 Studies.
- 5 Q And both of those departments reside in the School of
6 Arts and Sciences?
- 7 A Both of those departments are in SAS.
- 8 Q Do you still have responsibilities as a faculty member
9 notwithstanding you're associate dean?
- 10 A Yes, I do.
- 11 Q So do you still teach?
- 12 A Yes, I do.
- 13 Q And do you teach undergraduates, graduates, both?
- 14 A I teach both.
- 15 Q And so you interact with graduate students?
- 16 A All the time. Yes, all the time.
- 17 Q And that was probably an imprecise question because I
18 suspect you interact with graduate students in your associate
19 dean role?
- 20 A I interact with graduate students in my associate dean
21 role. And I also interact with graduate students in my role as
22 a faculty member. So I have -- I also mentor and teach graduate
23 students who have come to Penn to work with me.
- 24 Q And is that unusual? You say come to Penn to work with
25 you. How does that come to be?

1 A Most of our students, almost all of our students, but I
2 would say most of our students apply to the university to work
3 with particular faculty members. And that actually helps their
4 application if they have carefully identified faculty members in
5 particular grad groups or departments who work on something
6 similar to what they would like to work on or who they feel can
7 foster the work they hope to write their dissertations about.

8 Q What is your particular area of expertise?

9 A Modern Middle Eastern History.

10 Q How long have you been at Penn?

11 A I've been at Penn 11 years.

12 Q Could you tell us your educational background?

13 A I have my B.A., M.A. and Ph.D. from Harvard University.
14 Before I came to Penn, I taught for ten years at the University
15 of Georgia. And I've been at Penn for 11 years.

16 Q I just want to go back to your interaction with graduate
17 students. You said you also interact with grad students in your
18 associate dean role.

19 A That's right.

20 Q Could you tell us about the nature of that interaction?

21 A So when graduate students have questions about their
22 research projects or -- or this is probably more typical of the
23 kind of conversations I have with graduate students who are not
24 in my particular grad group -- I meet with all of the new
25 students in the beginning of the year. I run the new student

1 orientation. I interact and email the students throughout the
2 year. I have increased this over this last year in particular
3 because the campus environment became to tense after the
4 presidential elections in November. I host events and parties
5 for the graduate students. I host and also contribute funding
6 for the Fontaine Fellowship meetings. And these are to
7 encourage fellowship and support among our diverse students of
8 under -- students who are under-represented minorities to make
9 sure that once they come to Penn not only do they come but they
10 feel that they're in a place where they're supported. So I help
11 supervise that.

12 And I am also the point of -- I'm one of the first
13 points on grievances. So when students have a problem with a
14 faculty member in their department, they come -- and they feel
15 that they cannot go to their graduate chair or their graduate
16 chair has encouraged them to come to me, they come and they meet
17 with me. If the students, for instance, feel that there is some
18 problem in the curriculum in a department and they're not
19 getting a clear message, they come to me. I meet with the
20 representatives of GAPSA, which is the graduate and professional
21 students association, and I meet regularly with the
22 representatives of SASgov, which is the students School of Arts
23 and Sciences governance body for graduate students.

24 I'm also the point person if there is -- if students
25 need to go on medical emergency or medical leave. If there is

1 an emergency, a crisis of mental stress, I am often the first
2 point students come to or faculty suggest that students come to
3 me so that I can help the students guide through student
4 intervention services or other things. All completely discreet
5 and anonymous. So I am the ally of the students in this way.
6 If there is a grievance between students, they also have to
7 bring it to my office and then I coordinate where that should go
8 and help the students.

9 Q And just so the record's clear, all these
10 responsibilities, interactions you're talking about, this is
11 with respect to graduate students within the School of Arts and
12 Sciences?

13 A Within the School of Arts and Sciences, that's correct.

14 Q And do you have counterparts in the other schools?

15 A I do. Would you like me to name those schools?

16 Q Sure.

17 A Okay. I've counterpart in nursing, in biomedical and
18 graduate studies, in the graduate school of education, in
19 Wharton Business School, in design and in Annenberg school of
20 communications. And I think that's all the schools, their grad
21 deans.

22 Q And to your knowledge, they perform similar roles?

23 A Similar. They do.

24 Q You mentioned 33 grad groups and so I understand if you
25 don't have this at your fingertips, do you know approximately

1 how many grad students are in degree programs in those 33 grad
2 groups?

3 A I believe it's approximately with all 33 grad programs
4 right now, I think it's about 1,365 roughly.

5 Q Before your current associate dean role -- and how long
6 have you held that role?

7 A Four years.

8 Q Before holding, before being appointed to the associate
9 dean role -- and who do you -- do you report to somebody in that
10 role?

11 A I report to Steve Fluharty who is the dean of the School
12 of Arts and Sciences.

13 Q And before being appointed to this associate dean role,
14 did you hold any other administrative positions at Penn?

15 A I was the grad chair in history. And actually I was an
16 interim undergrad and graduate chair in Africana studies before
17 it became a department.

18 Q And what was it before it became a department?

19 A It was a program. And it became a department about five
20 years ago.

21 Q And when you say a program, is that distinct from a grad
22 group?

23 A Yes, it is. Although it can be distinct from a grad
24 group, although this program had a grad group. That's why I was
25 the interim director of the graduate studies in that group.

1 Q And I hesitate to bring in yet another distinction, but
2 for the record, what is a program?

3 A A program is a program that can actually -- a program
4 can do many of the things that a department can do or a group
5 can do, but a program does not have faculty lines and that is
6 the big difference. So a program will have affiliated faculty,
7 but they will not be able to hire faculty.

8 Q I put in front of you Dr. Troutt Powell, what we've
9 marked as Employer's 8.

10 A Okay.

11 Q What is this?

12 A This is a list of the graduate programs in the School of
13 Arts and Sciences, a list of the graduate groups.

14 Q So this is the 33 that you testified to about earlier?

15 A It should be.

16 Q You don't have to go --

17 A Yeah. It should be. There's one that is no longer in
18 existence and that is folklore and folk life. It's just not --
19 it says admission suspended. It doesn't exist anymore.

20 Q Okay. And looking on the second page, it looks like
21 there are few others that say admissions suspended?

22 A Yes. Yes. Right.

23 Q So then I take that --

24 A They've been suspended so long I don't even know when
25 they were, so.

1 Q So not only are they not admitting new Ph.D. students,
2 they don't currently have any. They don't exist.

3 A They don't exist. That's right.

4 Q And taking a look at this list of graduate groups, some
5 of the graduate groups co-extensive or with an academic
6 department?

7 A Most of them are.

8 Q So for example, there's an English department.

9 A And there's an English grad group, right.

10 Q Got it.

11 A Right.

12 Q But are there then those that cut across more than one
13 academic --

14 A Yes. So if we go down alphabetically, applied math and
15 computational science is it's own program. There are members of
16 the department of math in that program but it is not a part of
17 the math program. Art and Archeology in the Mediterranean World
18 is its own program and it is not a department.

19 Q And I'm just going to stop you because sometimes I just
20 want to make sure I'm being precise without our words. You said
21 program there.

22 A It's a graduate program. It's a -- I'm sorry, you're
23 right. It's a grad group. It's a grad group but it is not a
24 department.

25 Q I'm sorry to interrupt you. Go ahead.

1 A So Art and Archeology in the Mediterranean World.

2 Comparative literature is a grad group. Demography is a grad
3 group. Jewish studies is a grad group.

4 Q And let me stop you for a moment on Jewish studies if I
5 could -- if we could turn back there.

6 A Sure.

7 Q There's a column that says degrees awarded.

8 A Right.

9 Q And all of them have something that I think we've talked
10 about here that represents some form of master's or Ph.D., but
11 then Jewish Studies says "interdisciplinary." Why is that?

12 A Jewish Studies draws from faculty just like Comparative
13 Literature does. In Near Eastern Languages and Civilizations.
14 In perhaps Art and Archeology in the Mediterranean World. In
15 history. In Religious Studies. So that's what that means.
16 It's very interdisciplinary. Africana Studies is also very
17 interdisciplinary.

18 Q Okay. Is there any particular reason why Jewish Studies
19 has the phrase "interdisciplinary" there?

20 A I really don't know.

21 Q Okay.

22 A You know.

23 Q Now if I'm -- if I've got my school lines correct, all
24 of the interdisciplinary interaction that you talked about in
25 terms of faculty members has been within the School of Arts and

1 Sciences. Is there sometimes collaboration where grad groups
2 collaborate with faculty outside the school?

3 A Yes. Yes, there is.

4 Q Could you describe that?

5 A I'll start from sort of the 30,000 foot level first. So
6 the University of Pennsylvania tries to distinguish itself from
7 other ivy league institutions by having a program that's about
8 11 years old now called the Penn Integrates Knowledge. And we
9 have now PIK professors. That's Penn Integrates Knowledge, the
10 PIK professors who are in two or more schools.

11 And so you will have a faculty member, for instance, who
12 can be in the law, in the School of Law, and in the Department
13 of Africana Studies and the Department of Sociology. You can
14 have a professor who is in biology and in Horton and in
15 medicine. And these are all faculty who have graduate students.
16 Those graduate students, however, have to work with those
17 faculty through the department that they were admitted into.

18 But you can -- and also another level is that there are
19 part -- you can be an affiliated faculty member in one -- you
20 can be a member of the faculty in one department and be
21 affiliated with a grad group of another group. So because I do
22 Modern Middle Eastern History I am on the grad group of Near
23 Eastern Languages and Socialization, which means that my courses
24 are cross-listed with NELC, and many of their faculty are also
25 on the graduate group in history.

1 Q Okay. And I'm going to pick another nib with something
2 that you said --

3 A Pick away.

4 Q -- to just make sure we're being precise.

5 A Okay.

6 Q I think you said the department to which the graduate
7 students are admitted. Are graduate students admitted to
8 academic departments?

9 A They are. But if they're -- but they can -- so comp lit
10 admits graduate students.

11 Q So they're admitted into graduate groups?

12 A They can be admitted into a graduate group that's not a
13 department. That's right.

14 Q Now you said the vast majority I think of graduate
15 students in SAS -- and we use SAS as a shorthand for School of
16 Arts and Sciences?

17 A That's correct.

18 Q The majority are Ph.D. students as opposed to master's?

19 A That's right. That's correct.

20 Q Let's just talk a little bit about the master's
21 students. Are they typically paying their own way?

22 A They are self-pays. They're self-pays. We have a
23 tendency in SAS to favor veterans who are paid for by the V.A.
24 so we've been -- but, yes, they are self-pays. They are not
25 paid by the university.

1 Q So now let's talk about Ph.D. students. How does a
2 Ph.D. student come to be admitted to a graduate program in the
3 School of Arts and Sciences?

4 A They send their applications through a software called
5 CollegeNET. The application consists of a personal statement, a
6 statement of purpose, a writing sample, three letters of
7 recommendation and a list where the grades are, the transcript.
8 Thank you. Right. I would have gotten there. A transcript.

9 Q How is this -- go ahead.

10 A So this is -- so this is all sent to a pool that is run
11 through the graduate division, which is my office, and then
12 these, the applications -- so they identify, the students
13 identify on their application which department they're applying
14 to or which grad group they're applying to. And then those are
15 all sent to the graduate groups. Admissions open on the middle
16 of October. They close December 15th.

17 And then it is over the holidays that these files are
18 looked at by grad committees. Sorry to add more committees to
19 the whole thing. The grad committees within each grad group and
20 department who go and vet the different applications and then
21 those grad chairs and their grad committees then sort of come up
22 with a primary list. And then the departments or the grad
23 groups Skype with students who they are -- in whom they're
24 interested. And then following the Skype interviews, most of
25 the departments are now encouraged to admit after the Skype

1 interviews. So I would say most admissions are made by middle
2 February across all 33. Those decisions have been sent to the
3 students. Some students are -- some perspective students are
4 wait-listed. And the students have, if they have been admitted,
5 until April 15th to make up their mind whether or not they're
6 coming. There is of course a wait list which can make that week
7 between April 7th or 8th and April 15th very taxing for --
8 literally, pun intended -- for both the grad, the faculty and of
9 course the perspective students.

10 Q And how is the applicant advised of their admission?

11 A They receive -- the graduate division is informed of the
12 decision and then we send out the letters. We ask that the grad
13 group chairs email the students and let them know so that they
14 can know quickly and then we follow up with letters.

15 May I just add also part of the application is also test
16 scores, of course. So English language test scores, if these
17 are international students, and then the GREs which are
18 standard.

19 Q And when you're using the word "we," to whom are you
20 referring when you say "we send out"?

21 A We. We. Okay. So it is the staff of the graduate
22 division. And that was -- I probably shouldn't say we because I
23 don't send these. I sign them but I don't send them. This is
24 my Pat Ray, Patricia Ray, who is the director of admissions in
25 the graduate division.

1 MR. FRYMAN: And before we get to this, could I move the
2 admission of E-8?

3 HEARING OFFICER LEACH: Any objection from the Union?

4 MS. ROSENBERGER: No.

5 HEARING OFFICER LEACH: Okay. Employer 8 is received.

6 (Employer's 8 received.)

7 BY MR. FRYMAN:

8 Q E-9, is this an example of one of those letters that you
9 sign and the graduate division sends out?

10 A Yes, it is. This is a letter from the most cycle from
11 the history department.

12 Q And who else signs the letter?

13 A The graduate chair or the grad -- so this is the -- this
14 is Peter Holquist in this case who was the director of graduate
15 studies in history.

16 Q And is this letter or this form of letter consistent
17 with the letters that go out to the incoming students in the
18 other grad groups throughout SAS?

19 A There are many consistencies within this letter and
20 other letters. This would be a very typical letter for the
21 humanities grad group. It would be a fairly typical letter for
22 the social sciences. It is not the same letter. There are many
23 differences in the admissions letters for the sciences, the
24 science groups.

1 Q So let's just briefly review those three categories if
2 we could because we need more categories to talk about.

3 A Okay. So all of these --

4 Q So the humanities, let's do humanities?

5 A Okay. So humanities is Africana studies, ancient
6 history, art and archeology in the Mediterranean world,
7 classical studies, comp lit, east Asian languages and
8 civilizations, English, history of art, history, Germanic
9 languages. I missed those. Near eastern languages and
10 civilizations, religious studies, romance languages, south Asia
11 regional studies. Those would be the humanities.

12 Q Okay. And what about --

13 A Comparative literature. I think I mentioned that.
14 Yeah.

15 Social sciences would be Anthropology, political
16 science, econ, demography and sociology.

17 Q And then you said "science." Is that also sometimes
18 referred to as natural science?

19 A It is. But Penn is funny in who is in the sciences. So
20 it's physics and astronomical studies, biology, chemistry, AMCS
21 or applied math and computer science. That is a science.
22 Linguistics is a science department and math is a science
23 department. So those are the science groups. And earth and
24 environmental studies is also a science group.

1 Q The letter in the first paragraph makes reference to
2 something called a "Ben Franklin Fellowship."

3 A Correct.

4 Q What is that?

5 A So may I use this moment to explain the different kinds
6 of funding that we do in package groups and in block groups?

7 Q Certainly.

8 A Okay. So the Benjamin Franklin Fellowship is a
9 fellowship that is used in all of the package groups. These are
10 all of the humanities and most of the social sciences. And this
11 means a package group means that each student represents a
12 package of five credits, one credit per academic year. And so
13 that's why it's a five-year Benjamin Franklin Fellowship.

14 So all of the humanities would have this -- all of the
15 humanities seem to have this kind of letter as would the
16 students in political science and anthro and sociology and
17 demography in those social sciences.

18 But then we have block groups. And what that means is
19 that those departments, and that is chemistry, biology, physics,
20 psychology now and econ, ecomonics, all are given a block. They
21 are given a budget. They're given money, usually several
22 million dollars, and which they handle the exact appropriation
23 of stipends. And through their block, the student's tuition is
24 paid through their block. The health insurance is paid. That's
25 the big difference here.

1 Q Let me just go back to the Ben Franklin. Those grad
2 groups don't have the discretion.

3 A Exactly.

4 Q There is a specified amount of funding that is
5 designated for each incoming grad student?

6 A That's correct.

7 Q Let's stick now with E-9 --

8 A Okay.

9 Q -- and this --

10 A Okay.

11 Q -- the fellowship letter.

12 A Okay.

13 Q Is the -- how long is the funding for?

14 A Five years.

15 Q And is that funding uniform in each of those five years?

16 A Where it is not uniform is in summers. So three summers
17 are funded by the School of Arts and Sciences. So that's here
18 at the end of the first -- the second paragraph where it says,
19 "In addition to three of your years as a Penn student, we're
20 happy to provide an additional 4,530 of summer fellowship
21 support." So that would be -- and the students have the right
22 to figure out when they want to use that funding after they have
23 matriculated into their program.

24 Q Okay. Let's the hold the thought of the summer
25 fellowship. I want to talk some more about that.

1 A Okay.

2 Q So the -- what are the elements of the five-year --
3 putting aside the summer, the three years of summer -- what are
4 the elements of the Ben Franklin Fellowship?

5 A Tuition, fees and health insurance and stipend.

6 Q And is -- the amount of this funding, is that tied in
7 any way to the activities in which the student is engaged?

8 A Yes. It is given on the -- this is given on the hope
9 that students will perform through the different benchmarks that
10 each grad group clarifies for their students. And as they go
11 through all of these benchmarks, yes, they will continue to get
12 their funding.

13 Q Understood. But in other words, the student's funding
14 isn't going to go up or go down based on whether they're just
15 completing their dissertation or their engaging in some
16 instructional activity?

17 A No. Their tuition goes down after they've passed their
18 comprehensive examinations and tuition does go down. But the
19 other things do not go down.

20 Q The stipend does not?

21 A The stipend, no.

22 Q Let's, if we could, run through the different elements
23 of the funding. You mentioned tuition.

24 A Right. So that's for their course work.

25 Q Stipend.

1 A Right. So they can live.

2 Q Well, what is the purpose of the -- the entire funding
3 package, what is the purpose of that?

4 A The purpose of the entire funding package is to give
5 students what they need to be able to -- it's an investment in
6 the student's field of study and program of study and successful
7 completion of study. And so the hope and the intention of
8 providing a five-year package is that this will enable the
9 students to be as secure as possible in order to effectively
10 complete their fields of study.

11 Q And health insurance, is that also provided?

12 A That is provided for the student.

13 Q And we've heard Penn operates on an academic year.

14 A That's right.

15 Q That's from either August or --

16 A That's right.

17 Q -- and August being a September --

18 A Right.

19 Q -- through sometime in May?

20 A That's right. Right.

21 Q And we've already heard you mention something called a
22 summer fellowship.

23 A That's right.

24 Q I'm going to start at the 60,000 foot level. What are
25 the grad students in SAS doing during the summer?

1 A Well, it really depends which programs they're in. But
2 I would say for the majority of -- almost the whole majority of
3 the students in the humanities, and that's 15 grad groups, and
4 the majority of students in the social sciences, they are
5 encouraged to and are very good at leaving campus. Usually,
6 often Philadelphia, if that's not what their work is about, and
7 conducting their research. For the sciences, that can be
8 different.

9 Q Okay. Well, let's just stay for a moment with the
10 humanities and social science.

11 A Okay. Okay.

12 Q Is there any requirement at any point during their five
13 years that they stay on campus during the summer?

14 A There is not.

15 Q And you mentioned this three years of summer fellowship.

16 A That's correct.

17 Q What is that?

18 A \$4,530 given to them in addition. Given to them to
19 support their research. And there are also -- so because that
20 can only happen for three of the five years, we also have other
21 competitive opportunities for students to apply for grad
22 division funding to conduct their research. And that is always
23 for travel.

1 Q So going back to the summer fellowship, this additional
2 funding is provided, what is required of the student in
3 exchange?

4 A Nothing.

5 Q Are they to be working on their own research?

6 A That is the hope, yes.

7 Q And in the humanities and the social sciences, what does
8 that entail?

9 A So I can give you an example of one of my students.

10 Q Sure.

11 A So one of my students is using her summer money right
12 now to travel. She is an Iranian-American and she's using her
13 summer funding to travel to Tehran to continue working in an
14 archive in Tehran. And this money is very helpful to her to be
15 able to continue her research.

16 Q Now you mentioned that graduate students in the natural
17 sciences is a little different in terms of the summer. What are
18 they doing during the summer?

19 A So my sense is -- and I do want to say I am not a
20 scientist as the scientists remind me constantly, and so I
21 really had to learn the difference in their graduate training --
22 is that they become much more -- they're more tied to their
23 individual lab work or the faculty project. And it is my sense
24 -- and this depends on the science part -- chemistry is a very
25 different department than say biology or physics -- that

1 students devote more time in summer for their own work and then
2 contribute if they can, and that's often additional, contribute
3 to a faculty member's lab work. That is my sense of the
4 flexibility that the students are given in the science groups in
5 the summer.

6 This would be different, however, for one science group,
7 linguistics, because these are not students who tend to spend
8 time in labs. And they're certainly not working necessarily in
9 the faculty's lab. The expectation is different in linguistics.
10 And in linguistics, it is -- I know that the grad group chair
11 encourages his students to spend that summer working on their
12 own research. So even the sciences are complicated and diverse
13 in their research projects.

14 Q And the linguistics grad student who's working on his or
15 her own research, where would he or she be doing that?

16 A It really would depend on what the project was. So I
17 know for instance there are several graduate students in the
18 linguistics department who are working with Professor Meredith
19 Tamminga on sort of the Philadelphia dialect and sort of the
20 muscles used in the mouth for a certain kind of Philadelphia
21 dialect, measured by age and which part of Philadelphia the
22 speaker is from. And so these students are going out into South
23 Philadelphia and other places and doing comparative work in this
24 and then bringing that back. Any more than that I don't know.

1 But that's my sense. That's one prize-winning kind of project
2 that comes out of the linguistics department.

3 Q Would there be other linguistics students who wouldn't
4 be in Philadelphia?

5 A There would be. There would be students who for
6 instance are studying different Spanish dialects or I know
7 middle eastern dialects who would be getting out to these
8 regions to collect their data to bring that back.

9 Q Can you give us any sense of just the relative numbers
10 of grad students, spring semester versus how it drops in the
11 summer?

12 A So that's going to be a kind of opaque estimate on my
13 part, but let me try to think it through out loud. So if the
14 students say are getting ready for their language exams in their
15 second year, they might stay for much of the summer, for about
16 maybe six weeks of the summer to take a preparatory language
17 class in the summer. So they would stay for that part and then
18 usually they go. They often also go home if they're not from
19 the United States or they go home to other states if they're
20 from different states in the U.S.

21 So I would say about a third don't go and two thirds do
22 go. That would be my rough estimate.

23 Q Getting back to E-9, you mentioned the health insurance.

24 A Right.

25 Q That's consistent across all of SAS?

1 A It's consistent across the university. Health insurance
2 is consistent throughout the university.

3 Q That was going to be my next question.

4 A Yes.

5 Q You know this.

6 A Yes.

7 Q It's consistent throughout the university?

8 A Yes.

9 Q In this form of letter, does Penn attempt to put a total
10 monetary value on the entire funding package?

11 A Yes, they do. Yes. Those are the sentences that read
12 "We anticipate the total value of your fellowship package in
13 2017/18 alone would be at least \$65,000."

14 And I think all of the letters at some point, or many of
15 them, I notice that science letters say our investment in you is
16 equivalent to half-a-million dollars, \$600,000, sort of things
17 like that. So, yes, they do.

18 Yes. Right here in Paragraph 4 of E-9. "Over five
19 years, the value of Penn support for your doctoral education
20 will be over a quarter of a million dollars."

21 Q So the students are coming to get a Ph.D. degree -- and
22 again I want to speak generally, but if it's more helpful for
23 you to use your own academic home as an example -- what
24 generally are the requirements for that student in order to
25 obtain the Ph.D.?

1 A So I will speak to history. But if you would like me at
2 some point to speak to other groups, I think I can fairly well.
3 But for history, so at the end of -- so history students take
4 courses in their first year. At the end of their first year,
5 they're required to meet with their committee. They're required
6 to create a committee of faculty to sort of discuss with them
7 the courses they've taken, the progress they think they've made,
8 what are their plans for the summer, what are their plans for
9 fulfilling the language requirement, and then what other courses
10 they plan to take in their second year, and how are they
11 progressing on their idea of their project. We just like to
12 keep people focused throughout their time.

13 So that is the requirement. No exams at the end of the
14 first year in history. Although there are in some departments
15 first year exams that are taken at the end of the semester or at
16 the end of the summer. Economics being one of those.

17 In the second year --

18 Q Okay. Let me stop you before you get to year two.

19 A Okay.

20 Q That's quite all right.

21 A All right.

22 Q Are they engaging in any instructional --

23 A Not --

24 Q -- activities the first year?

1 A Not in the first year. Not in history. Not in the
2 first year.

3 Q And are they performing any research for any faculty?

4 A Not in the first year.

5 Q And this first year that you just described for history,
6 does it work that way in other graduate groups throughout the
7 humanities or social sciences?

8 A It works that way throughout most of the groups. And,
9 in fact, the -- yes, most of the humanities do that because they
10 think the students need the first year of course work in order
11 to better prepare them for teaching. This is not the case
12 necessarily in some of our science departments or in some of our
13 science departments or in some of our social science
14 departments. But I would say in humanities it is the case.

15 Q So let's go to year two. So year two in history the
16 students are still taking course work but they are also taking
17 one more course than they would every semester because it is a
18 requirement within the department that they are teaching as
19 assistants in the first year -- first and second -- second and
20 third year. Those are called service years in the history
21 department.

22 Q Okay. And is that consistent in other graduate groups?

23 A Yes, it is.

24 Q In the humanities?

25 A Yes, it is.

1 Q In the social sciences?

2 A For the most part, yes.

3 Q What about the natural sciences, are there teaching
4 requirements in any of the natural sciences?

5 A There are teaching requirements in all of the natural
6 sciences with the exception of physics and astronomical studies.
7 And within the social sciences, there are two departments that
8 do not have teaching requirements. That's demography and
9 economics.

10 Q All right. I want to talk a little bit more about
11 teaching but we'll get to that in a few minutes.

12 A Okay. Okay.

13 Q Let's move on to the third year.

14 A Yeah.

15 Q What happens in the third year?

16 A In the third -- I'm sorry, the second year in history
17 and in other humanities you have to pass one of your language
18 exams or both.

19 MS. ROSENBERGER: One of your what?

20 THE WITNESS: Language exams, I'm sorry.

21 A And I stumbled because I realized actually at the end of
22 your first year it is encourage in history to pass one and in
23 your second year to pass the other. So language exams.

24 And then the third year is a service year so students
25 are TA-ing, which is short for teaching assistants. And then

1 they are also preparing for their comprehensive examinations.
2 And in the end of the second year, the students have also had a
3 committee meeting, usually with the same faculty at the end of
4 their first year, who will now be the directors of certain
5 fields that they are going to be examined in with the idea that
6 these fields will help them do the research and the completion
7 of the dissertation project that we hope that they have
8 finalized and are ready to write a prospectus for also by the
9 end of the third year, by the end of the summer of their third
10 year. So that once they have passed that, you are called "all
11 but dissertation" or ABD. You are no longer taking course work
12 so your tuition goes down.

13 And the idea in history is that you're fourth year is
14 devoted to your research.

15 And the fifth year it is hoped it will be devoted to
16 writing your dissertation.

17 Q So let's go back to that fourth year for a moment. Is
18 that student expected or required in any way to engage in any
19 instructional activities?

20 A No.

21 Q And the research that they working on, developing their
22 dissertation in the fourth year, is that their own research?

23 A That is.

24 Q Are they performing any research for faculty members?

1 A If they have asked, and it is usually by application, to
2 work as a research assistant for a faculty member, that can
3 happen. And that can often take place during the summer. Of if
4 a student feels that they need additional. So that can happen.
5 And that can be very helpful for the student.

6 Q And additional what?

7 A Additional research. And that would be the faculty's
8 research, an additional, and the faculty would pay them out of
9 their own funding.

10 Q And again there's no requirement --

11 A There's requirement. And all the departments are
12 mindful that if there's a member of the faculty who is trying to
13 assign too much work to his student, if they are doing this kind
14 of additional research assistantship, that that has to be
15 monitored very carefully because we have had examples of faculty
16 really misinterpreting the lines between much work a student can
17 do and still do their own work. And that faculty member in
18 those cases, that faculty member no longer has the privilege of
19 working with research assistants.

20 We just recently had a case in the department where we
21 had told the faculty member you will no longer get research
22 assistants because you're hurting your department's time to
23 degree measurement and we can't have this. It's abusive and we
24 can't have that.

1 Q So then the fifth year, the student is writing their
2 dissertation?

3 A Should be writing their dissertation.

4 Q And again we're really focused on this is really the
5 humanities and the social sciences?

6 A That's right. Right.

7 Q And again that would just be on their own?

8 A Right.

9 Q Could a student -- does a student necessarily have to be
10 on campus or in Philadelphia?

11 A No, they don't.

12 Q And again any instructional activities, that would be at
13 the student's option?

14 A And that would be a very hard thing for a student to
15 negotiate because the faculty and the graduate chair would be
16 like, no, no, no. This is a year that should be used towards
17 the completion of your dissertation.

18 Q And then the same deal for additional research as a
19 research assistant as in the fourth year?

20 A I'm not sure I quite follow that question.

21 Q That was not well-phrased. You talked about how in the
22 fourth year there are some students who may seek approval to --

23 A Right.

24 Q -- act as a research assistant with a professor?

25 A Right. Right.

1 Q Does that also happen in year five?

2 A It can. It's really -- but the graduate chairs are all
3 very vigilant about this. If it's going to get in the way of
4 the dissertation, it can't happen.

5 Q So then all dissertations -- are all dissertations
6 completed in five years?

7 A No. Unfortunately not.

8 Q So what happens then?

9 A So there are several options that the students have. So
10 sometimes -- and this happens quite a bit because we have super
11 intelligent students who are very, very good at getting external
12 funding -- so I'll give you an example of my student. Many of
13 my students actually get the Social Science Research Council
14 Fellowship which gives them an entire year of funding, tuition,
15 stipend, health insurance. It's equal to the package that we
16 offer. And so that means that they can defer one of their years
17 so that they will come back from their research and have -- we
18 will hold for them the Ben Franklin Fellowship. So that happens
19 quite a bit in the department of history and in other
20 departments. And this is actually across the board.

21 So SSRC and ACLS and other big grants like that can help
22 a student defer for a year so they have more time to complete
23 their dissertation. The science students can also win one- to
24 three-year packages of the NSF or the NIH, mostly the NSF, that
25 goes directly to the student, not to the department or the grad

1 group or to the student. And that student can also use some of
2 that time, and will let us know and we make sure that the
3 graduate chair knows because then part of the block is held for
4 them as well so that -- so that they can extend some of their
5 funding.

6 Although I'll be honest, the sciences tend to finish
7 within five years. It's the humanities that have the hardest
8 time finishing within five years.

9 HEARING OFFICER LEACH: Can we just take a break? Can
10 go off the record. I just need to get a chair. I'm sorry.

11 (Whereupon, a brief recess was taken.)

12 HEARING OFFICER LEACH: We can go back on the record.
13 Okay. Sorry. I'm ready.

14 BY MR. FRYMAN:

15 Q So we're talking about situations where a student is
16 able to secure some funding --

17 A That's right.

18 Q -- for a year --

19 A That's right. Or two.

20 Q -- or two --

21 A Right.

22 Q -- either before the conclusion of their Ben Franklin so
23 that they have an additional year of the Ben Franklin?

24 A That's correct.

1 Q Or does this sometime happen after that they'll be able
2 to secure this funding after the completion of the Ben Franklin?

3 A That tends not to happen as much. What I would say is
4 our students get funding -- if they have -- if they -- how to
5 organize this answer -- there are all kinds of different ways on
6 campus that students can either get -- they can get external
7 funding. They can also get internal funding.

8 So we have a competition called the Dissertation
9 Completion Fellowship which is different from the Dissertation
10 Research Fellowship that I mentioned earlier that students apply
11 for. It's very competitive. We give about 30 every year. And
12 that gives students an additional year. But they have to finish
13 within that academic year and then they cannot accept any more
14 funding from the School of Arts and Sciences.

15 Q And what's the quid pro quo or what are they required to
16 do --

17 A Finish their --

18 Q -- in exchange for that funding?

19 A Finish their dissertation.

20 Q So do nothing other than work on that dissertation?

21 A That's right. There's also -- and now here is also what
22 I think is actually a very important part of the five-year
23 package year program -- is that if a student doesn't have any
24 more funding but a department has been careful with the amount
25 of credits that they have, the department can also give a half a

1 credit for an extra semester for a full credit for a full year
2 of funding for what we call the later students, those in the
3 sixth year or the seventh year. And departments do do that with
4 great frequency and that gives them that flexibility to sort of
5 look out for the students.

6 Q And are there any service attached -- service
7 requirements attached to the granting of those funds?

8 A The only service is please finish your dissertation.

9 Q And going back to the other -- you talked about the
10 science students --

11 A Right.

12 Q -- and sometimes they --

13 A Right.

14 Q -- secure their own funding --

15 A Right.

16 Q -- is there any service required of those students other
17 than research that will further their dissertation?

18 A You know, they're a little different in some of their
19 more -- in some of their group. They really focus and say wet
20 labs or dry labs in which there might be so much -- so closely
21 related to the work of their faculty member that it's actually
22 helping them and the faculty member. It's a mutual help. But
23 the faculty member can then fund someone else with their faculty
24 funding because that student has their own funding. Which can

1 actually in the natural sciences with the NSF, that can actually
2 be up to three years.

3 Q But the research they're doing in that lab with that
4 funding is also part of their own research?

5 A Yes. Oh, yes. Right. May I add that part of the
6 incentive for this for all of the departments is that we can
7 change the amount of block budget if we see that students are
8 not being able to use this time for their own research. We can
9 shrink that. So the departments are extremely mindful -- when I
10 say departments, I also mean the grad groups, are extremely
11 mindful of the fact that they're being watched to make sure that
12 the time to degree of their students and the mentoring
13 precessing the department is effective so that it is -- so that
14 we are getting students out in competitive fashion so that they
15 are better situated in the job market.

16 Q And is it that you want to -- and maybe this is an
17 obvious question, but I'll it anyway -- why is it you're so
18 focused on moving students quickly to their degree?

19 A I would rather not say quickly. I would rather say
20 efficiently.

21 Q Better word.

22 A Why are we so --

23 Q Yeah.

24 A You know, being -- especially after your course work is
25 done is one of the challenges of being a graduate student how to

1 keep the momentum going for your own work. And it can be -- and
2 I know back in the days when I was a graduate student and we
3 didn't have graduate funding it was very easy to lose your focus
4 because you were hustling all the time trying to get different
5 kinds of funding. This is part of what we see as a better
6 pedagogical way, making sure that students never feel that they
7 are dropping through the cracks, that there is a group behind
8 them, a university behind them that is really supportive of
9 their scholarship.

10 Q I want to turn back for just a moment to the letter,
11 E-9, I think it is.

12 A Okay.

13 Q On the second page there's a paragraph at the top that
14 starts "The Benjamin Franklin Fellowship."

15 A Yes.

16 Q So is that describing the teaching assistantship to
17 which you testified?

18 A That is correct.

19 Q And then that again summarizes the second and third year
20 service of which you spoke?

21 A That is correct.

22 Q And then it also mentions that the first and the fourth
23 year there is no requirement?

24 A That's correct.

1 Q And again this is consistent with the model throughout
2 the humanities and most of the social sciences?

3 A That is correct.

4 Q Going down to the -- not the next paragraph, but the one
5 after that that starts "We intend." Do you see that?

6 A Uh-huh.

7 Q In the second sentence it mentions that SAS discourages
8 and strictly limits compensated employment --

9 A Mm-hmm.

10 Q -- while students are supported by fellowships.

11 A Mm-hmm.

12 Q The first question is what do you mean there by
13 "compensated employment"?

14 A Taking a different kind of job.

15 Q Okay. And why is that discouraged and strictly limited?

16 A Because we do not want anything to get in the way of the
17 time for study and completion of research. So we limit that to
18 ten hours. Sometimes students will write to me and ask if they
19 could do a little bit more and I write to their graduate chairs
20 or their graduate advisors and say if it's a little bit more, is
21 that okay with you? If they have faith that the students can do
22 it, then that's fine. But no more than 15. We really try to be
23 mindful of that.

24 MR. FRYMAN: I think I'm done with it. Can I move for
25 the admission of E-9.

1 HEARING OFFICER LEACH: Any objection?

2 MS. ROSENBERGER: No objection.

3 HEARING OFFICER LEACH: Okay. E-9 is moved into
4 evidence.

5 (Employer's 9 received.)

6 Q Now you mentioned in connection with the Ben Franklin
7 that the student is serving in this teaching assistant role in
8 years two and three. And is that student sometimes called a
9 "teaching assistant"?

10 A May I answer this by exploring a problem of terminology
11 that I have noticed?

12 Q You may answer it in whatever way you'd like.

13 A May I answer that? Okay. So faculty all say teaching
14 assistantship. Everyone thinks it's a teaching assistantship.
15 Actually it should read in here teaching fellowship or teaching
16 fellows because this funding is based on fellowships. Actual
17 teaching assistants would be additional teaching. So we have a
18 discrepancy between the letters that are drawn up by the faculty
19 and the -- and what is understood in the business offices of
20 each group. So one of the tasks ahead of me is to make sure
21 that the terminology is more unified because there is -- so I
22 say I have a TA, you know. I mean, I introduce my TA to my
23 undergraduates in a certain way but they really should be -- if
24 it's in their service year -- teaching fellows.

1 Q Okay. And you mentioned the business office. Is that
2 where the grad --

3 A That's where it all --

4 Q -- coordinator sits?

5 A No. The grad coordinator sits in the department. There
6 are business offices tied to each grad group and they are the
7 ones who actually distribute all this, put all this in payroll
8 or through the students' own systems.

9 Q So they would be the one who would --

10 A Right.

11 Q -- designate a certain code --

12 A They don't know the term "teaching assistant." They see
13 teaching fellows in the business office.

14 Q Does the same hold true for research assistant and
15 research fellow?

16 A Yes, the exact same.

17 Q So why do these grad groups require students to engage
18 in teaching activities?

19 A I'd like to answer that on a pedagogical level and then
20 if I may explore my own experience. Is that okay?

21 Q Sure.

22 A So it's one thing to think you know how to run a lecture
23 course that has say a hundred undergrads in it to actually
24 structure course, by that I mean the syllabus, the Powerpoints,
25 the lectures, twice a week. Looking at the syllabus, thinking

1 exactly what is it that you're hoping that the undergraduates
2 will begin with and what you're hoping that they're going to get
3 from the course, what are the outcomes that you're hoping that
4 these students are going to get. This is what the process of
5 being a teaching assistant helps the graduate students to be
6 able to create -- first of all how to handle a recitation which
7 is a small off conversation in which the faculty member is not
8 present which are really small seminars. These kind of
9 experiences help students understand -- graduate students on
10 their way to professionalization understand how to create a
11 seminar. And then the larger experience, coming to the lectures
12 every day, of watching the professor go through the lectures,
13 helps students figure out how to write a syllabus, helps
14 students figure out how to create their course.

15 So on a personal level, I teach a survey course in the
16 modern middle east that is -- I've changed it over the years
17 since I've been in a teach for about 22 years, a professor for
18 22 years -- but it's very much modeled -- I mean, I learned how
19 to craft the spine of it from being a teaching assistant for my
20 supervisor back when I was in graduate school. And so it's
21 really part of -- it's learning how to teach.

22 We also have training for all of the students in their
23 first experience as teaching assistants. And we take it very
24 seriously. It's a very important part of becoming professional.

1 I also think in addition to the way that we construct
2 our comprehensive examinations, which is that students meet in
3 front of a committee and discuss for half an hour per faculty
4 member, you know, different parts of their different fields, but
5 that enables students to develop the experience to handle a
6 campus interview for instance. Or maybe not a campus interview,
7 maybe a big corporate interview, you know.

8 So I think these skills, this is part of why this is
9 required.

10 Q And why is it important for these grad students to
11 develop or learn these skills?

12 A Why is it important for them to develop these skills?

13 Q Yes.

14 A Well, if they want to go on into academia, it's
15 absolutely crucial. But I think having been -- actually I had a
16 different kind of job before I went into graduate school. That
17 there is a great value in learning how to present one's thoughts
18 in an orderly fashion, in a clear fashion and in a careful
19 fashion. That could be gained from this kind of experience.

20 I actually think that -- I increasingly think more and
21 more that the way we train grad students actually gives students
22 a great handle on organizing big data, on how to -- how to
23 express that, how to communicate that, give great analytical
24 skills or helps foster already strong analytical skills. So I
25 just -- I think it works.

1 Q Do students, grad students within SAS go on to careers
2 in academia?

3 A Two thirds of them do. Actually, three quarters of them
4 do, like 72-73 percent.

5 Q Now you mentioned -- I want to go back a second. I
6 believe you testified earlier that when the teaching -- when the
7 grad student is required to teach -- and when we say "required,"
8 is that an academic requirement for them to get their degree?

9 A Yes.

10 Q And when they're doing that in the second and third
11 year, their course load is reduced?

12 A By one. That's right. May I add though that -- and
13 this is important because we have more and more students with
14 perhaps certain kind of physical challenges or disabilities in
15 which -- so for instance we had a student recently who had such
16 a bad concussion she could not fulfill the teaching requirement.
17 And so we are flexible about that. We change that. We can
18 either move that or we can make another requirement to meet the
19 student's own needs in case they are physically unable at that
20 point to fulfill that requirement.

21 Q So who oversees the students instructional activity?

22 A The faculty member for whom they are working, for whom
23 they are teaching, for whom they're assisting.

24 Q So whose course --

25 A That's right.

1 Q -- is the primary instructor in the course?

2 A Exactly. Exactly. And each of those faculty members
3 are required to observe at least one, if not -- we really like
4 three recitations over the course of the semester and then they
5 write us -- they write to the grad group chair -- this is very
6 important for the teaching assistant's file -- so that their
7 progress can be noted. And in many cases are awarded by special
8 teaching awards.

9 Q And will we find situations where a grad student is
10 serving as a teaching assistant for a faculty member outside
11 their particular graduate?

12 A We will.

13 Q Are there courses in which grad students TA where
14 there's more than one TA?

15 A Oh, yes, absolutely.

16 Q And will we find TAs in those same courses who are in
17 different grad groups?

18 A Yes, we will. Not that often, but, yes, we also do.

19 Q Okay. Are there situations where we have SAS grad
20 students who are TA-ing in a course with a grad student from
21 Wharton?

22 A Yes.

23 Q And in that situation, are those two TAs, one from
24 Wharton and one from let's say economics, would that be a
25 situation?

1 A That's right. Correct.

2 Q And economics is SAS?

3 A Economics is SAS. And those economic students would be
4 teaching with Wharton students in Wharton courses. Now the
5 Wharton students don't teach for econ.

6 Q So in that situation --

7 A They don't need to they have so much. I'm sorry.

8 Q In that situation, the econ Ph.D. student, his or her
9 teaching assistant activities are overseen by a Wharton
10 professor?

11 A That's right. That's right.

12 Q Will we find a situation where we have a TA who's
13 pursuing a Ph.D. in SAS, in one of the SAS grad groups, TA-ing
14 in a course where we'll also find a Ph.D. student in
15 engineering?

16 A Teaching in a class will you also have a TA from
17 engineering?

18 Q Yes.

19 A Yes. Probably in applied math and computer science.
20 That would be a place where that could happen.

21 Q And there would be a single faculty member who's
22 responsible for that course?

23 A That's correct.

24 Q And that single faculty -- let me just finish this
25 question --

1 A Sure.

2 Q -- that single faculty member would oversee the teaching
3 activities of both the engineering Ph.D. student and the applied
4 math --

5 A Correct.

6 Q -- grad student?

7 A Correct. But there would still be oversight. Because
8 the faculty or the grad group chair of let's say of applied math
9 and computer science would have to be in coordination with the
10 grad group chair in engineering of that student so that there
11 was oversight and so that student -- so that that student would
12 get feedback.

13 Q You mentioned training. Could you just elaborate a
14 little bit more on the training that grad students in connection
15 with serving as teaching assistants?

16 A Well --

17 Q Teaching fellows.

18 A -- I can elaborate in the sense that -- a really helpful
19 environment, mentoring environment, is created when the faculty
20 member actually asks the graduate student, the teaching fellow,
21 to take a look and help revitalize the syllabus. Okay. And so
22 that the student actually can sit down and really think about
23 what -- does this work this way, should we do something here,
24 what assignment would actually bring out the most in the

1 readings that we're looking at or in the materials that we're
2 experimenting with, et cetera?

3 And so as I said before I think that this kind of
4 training really helps for graduate students envision how to
5 teach the courses they want to teach when they -- when you go in
6 the market, you have to present a syllabus of a course that you
7 would like to teach or have already taught. But it's usually
8 one you would like to teach. And you can't do that without this
9 kind of training. You can do it. I mean, you can write up
10 something. But for something to be really instructionally
11 coherent and pedagogical and imaginative, this kind of training
12 is of great help.

13 Q Do some of the grad groups provide their own formal
14 training?

15 A Some of the graduate groups do, but all of the entire
16 university has the center for teaching and learning which
17 requires that the graduate students, all of them, come and take
18 a week-long course. And also makes itself available to the
19 graduate students at all times. If the graduate students feel
20 they need to be filmed, if faculty feel they need to be filmed,
21 or if you think something's not working right with this course,
22 you can have someone from the center for teaching and learning
23 come and help you with it.

24 One of my students in particular was having a very
25 difficult time her first year of teaching, actually sort of

1 engaging the students when she on her own initiative asked the
2 head of the center for teaching and learning to come and observe
3 her and she was able to come up with a whole lot of really
4 different ideas just having felt intuitive to her before she had
5 sought out some consultation.

6 Q And how do you mentor your own graduate students?

7 A My students. I revise -- I teach the history of the
8 modern middle east every other year and I send the old syllabus
9 to my TAs and say does it work here, what would you like to add,
10 what is it that you work on that you think -- so I'm a
11 specialist mostly in the Levant, especially in the Nile valley.
12 I mean, the late Ottoman Empire in Egypt so that's where I'm
13 home. But I have students who are working on different aspects
14 of Iranian history. I do not speak Persian. They do. So they
15 -- so I'll say I have two weeks here I'd like to play with. How
16 would you do this? How would you teach the Iranian Revolution
17 for example? Run with it. And that's their time and they do
18 that.

19 And then what I've done with two of my students is we've
20 actually had them filmed so that when they go in the market they
21 can show that they've done a lecture in -- they've created a
22 lecture and that they contributed to the service of this course.

23 Q What about the grad student who's engaged in these
24 instructional activities -- and let's just quickly review --
25 what is -- what are the actual assistantship --

1 A Duties?

2 Q -- activities in which the student is engaged?

3 A If they're teaching assistants for a large lecture
4 course, and that's usually the case across the divisions, they
5 have to attend all of the lectures so they know exactly what was
6 going on. In some cases, they give lectures. Although they
7 really should only give one lecture, possibly two. And then
8 they are responsible for the oversight of recitations. These
9 are the breakout groups of undergrads that usually do not number
10 more than 20. And then they are responsible for the grading of
11 the assignments.

12 Q Did you ever have a graduate student who struggles --

13 A Yes.

14 Q -- performing as a teaching assistant?

15 A Yes.

16 Q How do you address that?

17 A We usually don't. If something happens in the middle of
18 the course, we have to switch teaching assistants, this has
19 happened. If someone gets sick, this has happened. But we just
20 had a case in the School of Arts and Sciences in which a student
21 really did not care to participate as a teaching assistant, who
22 just kind of went intellectually AWOL on the course and it was
23 -- it was more work for the other students. But there was
24 nothing -- there was no -- the student was asked to come talk to

1 me and we talked about what had he felt was wrong with this.
2 But there's no punishment.

3 Q So --

4 A There's punishment if there's harassment. There's
5 punishment if there's some kind of disciplinary problem. But
6 not for just not being into it.

7 Q So not removed from the program?

8 A No.

9 Q Didn't jeopardize funding?

10 A No.

11 Q Didn't jeopardize the degree?

12 A No.

13 Q Do any of the grad groups --

14 A Which is not -- I mean, it would be better if -- well,
15 we hope not that this would jeopardize students, but that there
16 will be an intervention so that the students know this should
17 not continue.

18 Q Do the grad groups admit -- any of the grad groups admit
19 their Ph.D. students based on undergraduate enrollment?

20 A The graduate groups would like to admit the graduate
21 students -- the graduate programs, all of them down to the last
22 one, would very much like to tie graduate admissions to the
23 needs of undergraduate education. We do not do that. And we
24 explicitly do not do that and we say that we have decoupled the
25 undergraduate education needs from graduate admissions. And the

1 reason that we don't do that is because that in many ways it's
2 not fair to -- it's not a good idea to have huge grad incoming
3 cohorts who we won't be able to help place into jobs.

4 Q When the SAS grad students are engaged in these teaching
5 activities, are they doing so within their own field of study?

6 A Usually.

7 Q Is it somewhat rare for them not to be?

8 A So it depends actually on the group. Because let's give
9 Africana studies -- Africana studies is very interdisciplinary.
10 You can be a sociologist and be in Africana studies. You can be
11 a historian like I am and be in Africana studies. You can be in
12 the English -- you can be a literature person and be in Africana
13 studies. And, yes, sometimes in Africana studies we do ask that
14 some of the students teach perhaps not necessarily a course in
15 sociology, but a course in -- that's more, seems more literary
16 oriented. That can happen.

17 But they're -- the students in these interdisciplinary
18 courses actually sort of need to have a fluency in all of the
19 different disciplines, the interdisciplinary part, and that's
20 why they chose an interdisciplinary department to come to.

21 Q Does the -- do the grad groups keep track of the hours
22 that the students devote to their teaching activities?

23 A They do not.

24 Q And do their stipends vary based on the number of hours
25 a student engages in teaching activities?

1 A They do not.

2 Q Let's talk about research.

3 A Okay.

4 Q Social sciences, humanities, is the research that those
5 students, grad students are performing always their own?

6 A Yes. For the most -- yeah, yes. To the extent that I
7 know the social sciences, I believe it's very similar to the
8 humanities, and they come working on their own. It's when you
9 have a lab. Labs complicate it.

10 Q Just give me a second if you would. And the natural
11 sciences, those students, what are they doing in their first
12 year?

13 A My sense is that in physics and in biology, and
14 chemistry in particular, the most important outcome of the first
15 year, it is the hope that the students have picked the lab that
16 they will be working in. Or that they have been picked, they
17 have been chosen. And it can be -- so that is I think the most
18 important item for those departments.

19 I know in linguistics it is important for the students
20 to have picked a field. And in math, there's no lab work, but I
21 know by the end of the first year it's hoped that they have
22 picked primary faculty members with whom they're going to work.
23 Yeah. I think that's right.

24 Q And is the thought that they're picking a lab or picking
25 a faculty member because they share a research interest?

1 A They share a research interest, that's right.

2 Q And that that will be a place where they can, under the
3 guidance of that faculty member, perform their own independent
4 research?

5 A Yes, that's correct. Or publish with a faculty member.

6 Q And why is it that that's important?

7 A Well, I am not a scientist but my understanding is
8 that's very important in terms of I think the management of a
9 lab is a very special thing. It requires different kinds -- in
10 many ways similar skills, I mean in teaching, but also a
11 different awareness of the environment around you, sort of how
12 things are interacting. If it's a chem lab, you know, how
13 they're interacting with different chemicals and things like --
14 how they interact with each other. And I think being a team
15 player is something that's very valued in the sciences in a way
16 that humanities just don't understand.

17 And that's part of why the scholarship is also reflected
18 with a different kind of team work than you see in the
19 humanities. In humanities, we are valued by the single author
20 books that we write and the single authored articles that we
21 write. In the sciences, that is not the case. And so my
22 understanding is that a faculty member will often have an
23 umbrella lab in which there are all kinds of different research
24 that's being done, but it has to be within a certain kind of
25 field. And when the relationship works well, the faculty and

1 the graduate students and the post docs, because they're much
2 more part of the academic life than they are in the humanities
3 or in social sciences, actually work together towards finding
4 certain results.

5 And then based on how much work everyone did, and of
6 course based also on the networks of the senior faculty member,
7 that's how things get published. And I know that the sciences
8 have a way of sort of looking at where are you the principal
9 author or where are you not the principal author and this is how
10 they gauge -- which would be very, very different. A history
11 professor would have -- would be like -- so it's a very specific
12 set of skills.

13 Q Earlier you testified with respect to funding years the
14 term "credit."

15 A Right.

16 Q Which I understood to be different than talking about
17 course credit.

18 A Right. Right. Right.

19 Q What did you mean when you talked about a credit for
20 funding purposes?

21 A So this is the particular labyrinthian vocabulary of the
22 School of Arts and Sciences grad division that was invented by
23 my predecessor, Professor Jack Nagel, who is a political
24 sciences. And what he did was created what's called a "bank."
25 Okay. So all of these -- the way we count the graduate students

1 funding is in a bank for these groups that are on the package.
2 And each student counts for five units or credits in that bank.
3 And there are a lot of credits for admission in that same bank.

4 So let's say the department of anthro has an allotment
5 of 40 credits to bring in new students. Which means -- well, it
6 wouldn't be 40 -- so let's 35, which means they can bring in up
7 to 7 students because 5 times 7 is 35. And so that's part of
8 the banking and that's what we mean by credit. It is really --
9 I understand if it's confusing because it took me two years to
10 figure it out in this world. It is confusing. Because you can
11 break those credits up as well. So a student -- let's say a
12 student needs to go -- does not finish in time in the five years
13 or they have -- and so we save -- we actually have another bank
14 which is called the "fellowship relief bank" which is that a
15 department can use some of its credits that it saved up to
16 extend the funding for a student. I could go on and on but I'm
17 assuming you don't want that.

18 Q That was fine.

19 A Okay.

20 MR. FRYMAN: Thank you, Dr. Troutt Powell. That's all
21 the questions that I have.

22 MS. ROSENBERGER: But I'm going to add some.

23 MR. FRYMAN: Sure.

24 MS. ROSENBERGER: Do you need a break before we start?

1 THE WITNESS: I'm okay. But if you all need -- I'm
2 good.

3 MS. ROSENBERGER: No, I'm fine. You've been on the
4 stand a long time.

5 CROSS-EXAMINATION

6 BY MS. ROSENBERGER:

7 Q Let's start where you left off. I want to make sure I
8 understand that bank notion.

9 A Okay.

10 Q Because I haven't had two years to hear about it. So if
11 -- you used the example of the Anthropology department gets 35
12 credits, that's seven -- five into 35 is seven, so that's seven
13 students they could bring in --

14 A Right.

15 Q -- for that group for that year?

16 A That's right.

17 Q And then you talked about sort of a reserve that they
18 have. So if someone -- the reserve comes from where?

19 A Okay. The reserve comes from -- we just created this
20 about three years ago. The reserve comes from -- let's say a
21 student leaves before their five years are up. Let's say the
22 student said they don't want to attend anymore, the department
23 gets back some of those credits. We put those credits back into
24 now what is called the "fellowship relief bank," that cannot go
25 into the admissions group though. That does not change the

1 allotment credits which can be used by the department to help
2 students who are further along in their time, in their
3 trajectory. It can also be used -- they also -- let's say the
4 Department of Anthropology brings in four students, those can go
5 as well, the extra credits. And often that is most of the time
6 where the departments are able to save their credits. They put
7 some aside. So the history department in particular is very
8 good at putting them aside for later.

9 Q Okay. And where in that formula of five credits does --
10 for example, on Employer Exhibit 9 --

11 A Okay.

12 Q -- you talked about how on the first page it talks about
13 a five-year package, but then three of those years have that
14 summer fellowship.

15 A Right.

16 Q Is that a separate set of credits or how does that work?

17 A That's not counted among the credits.

18 Q Okay.

19 A That's the whole -- that's just -- yeah, that's not --
20 it's tuition fees and health insurance are each in credit -- and
21 stipend.

22 Q Tuition fees and health --

23 A Stipend. That's right.

24 Q -- and health insurance and stipend for five --

25 A Yeah.

- 1 Q -- spring and fall academic years?
- 2 A That's correct.
- 3 Q Okay.
- 4 A That's correct.
- 5 Q You described your experience of when you are teaching
6 with a teaching assistant or teaching fellow. Right?
- 7 A Mm-hmm. Mm-hmm.
- 8 Q How you might have that graduate student help review
9 your syllabus.
- 10 A Mm-hmm.
- 11 Q Is that -- that's to -- you also talked about
12 revitalizing your syllabus.
- 13 A Mm-hmm.
- 14 Q That's what you're trying to do. You wanted to
15 revitalize your syllabus?
- 16 A Mm-hmm.
- 17 Q You need to say yes or no for the court reporter.
- 18 A Yes. I'm sorry.
- 19 Q That's okay.
- 20 A I'm sorry. Yes. Yes.
- 21 Q It makes a better transcription.
- 22 A Yes. Yes. Yes.
- 23 Q And you -- and the example you gave of the I think it
24 was the Iranian -- the student who's --
- 25 A Specializing in Iranian.

1 Q -- specialized in Iranian studies, you had that student
2 work on that part of your syllabus and actually present part of
3 it. Right?

4 A That's right.

5 Q And then when that -- this was some years ago?

6 A This was two years ago.

7 Q Okay. Did you take -- after that student was no longer
8 your teaching assistant or teaching fellow, did you take that
9 out of your syllabus or does it still remain in your syllabus?

10 A I took it out.

11 Q Okay. So for that year, it was specialized to that
12 teaching assistant?

13 A That's right. That's right.

14 Q But in the times when you have had someone review your
15 syllabus, a teaching assistant or a teaching fellow --

16 A Right.

17 Q -- review your syllabus to revitalize it, you keep the
18 changes or --

19 A That year.

20 Q Just for that year?

21 A Just for that year.

22 Q And then you go back to your old syllabus?

23 A No. No. I always change it. Every year I change it.

24 Q Okay.

25 A Every year with every group of students I change it.

1 Q Okay.

2 A And if the students decide they don't want to do that,
3 they don't have to. It's not a requirement that they have to do
4 this. I ask them if they want to do this. And the students who
5 want to do it or volunteer to do it, but they do not have to do
6 it.

7 Q Okay. And so let's say there's a year where they
8 decline to do it --

9 A Right.

10 Q -- you've got your syllabus from the previous year?

11 A I change it according to how I want to change it.

12 Q Okay. So if a teaching assistant isn't revitalizing
13 your syllabus --

14 A I have to revise it.

15 Q -- you are?

16 A Yeah. Right.

17 Q Because you want to keep it up to date?

18]A Right.

19 Q Okay. You said that -- let me skip that for the moment.
20 Sorry. You testified about an unfortunate example I guess where
21 one of the graduate students had -- this is my paraphrasing, I
22 don't think you used this term or you used something like it
23 maybe -- sort of checked out of the teaching assistant role --

24 A Right.

- 1 Q -- and it didn't jeopardize their funding or their
2 degree?
- 3 A Not at this point.
- 4 Q Okay.
- 5 A Not at this point.
- 6 Q Are they in a program -- I'm sorry. Are they in a
7 graduate -- is there a graduate degree program, one that
8 requires teaching assistantship?
- 9 A Yes, it is.
- 10 Q Okay.
- 11 A Yes, it is.
- 12 Q So they're going to have to finish that at some point?
- 13 A Yes, they are.
- 14 Q Okay.
- 15 A Yes, they are. Or do that kind of work as a research
16 assistant. That can happen as well. But the student is on
17 notice that they have to honor this requirement. So they have
18 not been kicked out at all. But they're -- we are aware.
- 19 Q Yeah.
- 20 A Right.
- 21 Q So it's -- so they have to honor a service requirement?
- 22 A They have to honor a service requirement.
- 23 Q But if they're not going to be up to the task of doing
24 teaching --
- 25 A Right.

- 1 Q -- or teaching assistantship --
- 2 A That's right.
- 3 Q -- as their service requirement, they may end up doing
4 research?
- 5 A They may. But that will -- if it happens -- if it
6 happens more than once, that can mean that they are not a
7 student in good standing.
- 8 Q And when you say if it happens more than once, you mean
9 if they were to be given another chance at the teaching
10 assistant --
- 11 A That's right.
- 12 Q -- and failed?
- 13 A That's right. That's right.
- 14 Q And then they could lose their funding?
- 15 A They would be asked to leave the program.
- 16 Q Which means they'd lose their funding?
- 17 A It means they'd lose their funding.
- 18 Q Okay.
- 19 A That's right.
- 20 Q You used a -- you referred earlier in your testimony to
21 GAPSA and SASgov. You said that SASgov was the graduate student
22 association in the school of --
- 23 A SASgov. So it's capital S, capital A, capital S, then
24 little gov. SASgov.
- 25 Q That's the student --

1 A That's the School of Arts and Sciences student advocacy
2 group. SASgov. They are the representatives, elected
3 representative from the School of Arts and Sciences.

4 Q Are they graduate or --

5 A They are graduate students.

6 Q Okay.

7 A GAPSA is the larger university organization and they
8 also include professional students. So for example they would
9 include students from Fels Institute. Or they would include
10 students from organizational dynamics which are out of my
11 purview in the School of Arts and Sciences.

12 Q Why are they outside of --

13 A Because I only do the -- the School of Arts and Sciences
14 only deals with the graduates in the School of Arts and
15 Sciences. So GAPSA is the grad and professional students. So
16 they would include nursing. They would include Annenburg School
17 of Communications. They would include engineering. They would
18 include -- we are -- SASgov is smaller.

19 Q It's just for the school of arts and --

20 A It's just for the School of Arts and Sciences.

21 Q And do you -- when you talked about meeting with
22 GAPSA --

23 A Right.

24 Q -- do you meet with them in your role as associate dean
25 for the School of Arts and Sciences?

1 A Yes, that's correct.

2 Q Do they meet with all of the associate deans?

3 A I know they meet with our vice provost for education
4 quite regularly. I do not know if they meet with the other
5 associate deans. I know they meet with the associate dean of
6 biomedical graduate studies, but I don't know about the rest.

7 Q Does the department of Africana studies have an
8 undergraduate program?

9 A It does. It does.

10 Q Just so the record is clear, I know what you mean, but
11 just so that everyone knows what you mean, what's a faculty
12 line?

13 A A faculty line is when the dean's office gives the
14 department or the grad group, the group, permission to hire a
15 faculty member. And that line can either be for a junior
16 faculty member, so that would be a tenured-track line, or it
17 could be for a line with tenure, either associate professor, or
18 a line for full, with full, and those tend to be the more
19 expensive line, meaning the salaries are higher.

20

21 Q When you said health insurance is consistent across the
22 entire university, student health insurance, is that for all
23 students or just all graduate students?

24 A That's for all students. And that is determined by a
25 university-wide committee, that is the student health insurance

1 -- health insurance advisory committee, that literally
2 negotiates -- which AETNA, et cetera -- and the university for
3 co-pays, et cetera. That is university wide and undergraduates
4 are represented on that as well.

5 Q I didn't understand one thing that you said about --
6 when you were talking about -- going through the years of a
7 five-year Ph.D. program and you said -- and you were -- giving a
8 specific example of the history department. You said that in
9 the fourth and fifth year, if I understood you correctly, once
10 the person is ABD, all but dissertation, the tuition goes down.

11 A The tuition, they are reduced tuition.

12 Q So are they then paying their tuition?

13 A There tuition is still being paid for them.

14 Q So it's less money for them?

15 A But it's less money, right. They don't know this. The
16 student. This is totally administrative.

17 Q Okay.

18 A Or some students know it because they find out. They do
19 good homework.

20 Q Okay.

21 A But it doesn't reflect their package.

22 Q Okay. With regard to the external funding that you
23 described, so I want to ask you some questions specifically
24 related to your testimony that if a student brings in external
25 funding, they could defer their fellowship funding?

- 1 A That's right. That's right. That's right.
- 2 Q If a -- let's say that an anthropology student such as
3 the one who received this offer letter that is Employer Exhibit
4 9 --
- 5 A That's a history student.
- 6 Q I'm sorry, history student.
- 7 A Okay.
- 8 Q Yeah. Sorry. Let's say that this history student got
9 some external funding in year three --
- 10 A Right.
- 11 Q -- to do some research in the middle east -- somewhere
12 elsewhere.
- 13 A Okay.
- 14 Q So that's in the middle of one of their service years.
15 Right?
- 16 A Right.
- 17 Q So what happens to the -- during that externally funded,
18 let's say it's funding for a year --
- 19 A Right.
- 20 Q -- during that externally funded year, what happens to
21 the service requirement?
- 22 A They would defer it.
- 23 Q So that student would have done their service in year
24 two --
- 25 A Right.

1 Q -- then they do their externally funded research in year
2 three --

3 A Right.

4 Q -- and then they come back and at some point in four or
5 five they're going to do their service?

6 A This could happen, but it doesn't because we don't
7 really -- they really need that extra year so they can apply for
8 the funding because it takes a year to get the funding. So we
9 have maybe one example over the last 11 years of a student who
10 went -- who was offered an opportunity in a foreign university
11 that they took -- that they took for a semester, but they had to
12 come back. They deferred that semester's funding and they had
13 to come back and continue that service year.

14 But for the great majority of the history students, it
15 takes that third year of service, during that year, you are
16 writing the proposals for the external funding. So it really
17 doesn't happen.

18 Q Okay. Or at least it's happened once in the history
19 department?

20 A Right. Right. Correct. I'm sorry.

21 Q And then you described how it works in the sciences and
22 I got confused at where it ended up because you started talking
23 about science students can win NIH, NSF grants themselves.

24 A That's right.

1 Q Right? And you had said they could use that to defer
2 part of their block.

3 A Yeah. Maybe I -- I think I can see why -- where
4 clarification might be needed. So what happens when that
5 happens, they let the graduate chair know. The graduate chair
6 comes to our office or the student also lets us know and shows
7 us the actual contract or shows us the acceptance letter that
8 they got. And then what we do is we negotiate. The student
9 will have so many years on that NSF that is marked as such in
10 the business office. And so that student is removed within the
11 block negotiations that the department does with its own
12 business office so that when the student is off the NSF there is
13 a guarantee that that student will still get funding for that
14 year.

15 Q I see. So it's not like they defer to extend.

16 A To the student in their way it is, but we try not to
17 impose the office too much on the students. And since this
18 happens often enough in the sciences -- because really they're
19 very good at it -- I hope that clarifies it.

20 Q Yes. Yes. So when a science student, graduate student
21 gets -- I'm just going to use an example of an NIH grant.

22 A Okay. Okay.

23 Q Before you were here today, we heard testimony about how
24 that process works generally for a faculty member's grant

1 application, but is does the student -- the student completes
2 the application and submits it to NIH --

3 A Yes.

4 Q -- with the budget that goes with it and all of that?

5 A Yes.

6 Q And then when -- when it's awarded does the money just
7 go to the student or does it --

8 A It should go to the student.

9 Q It doesn't go to Penn?

10 A It should go to the student. The student -- we have to
11 see that letter. But I have to tell you that there are --
12 there's lab funding, NSF funding, there's faculty funding which
13 some of that goes to Penn. I do not understand the specifics of
14 how that would work for a student. Because in our office we
15 emphasize that that should go to the student. And I know you're
16 probably going to have people who are more affluent in business
17 administration, in the actual terminology here that might be
18 more helpful.

19 Q Okay.

20 A More able to clarify that. Okay?

21 Q Okay. Okay.

22 A Yeah.

23 Q Because I mean --

24 A Because to make it even worse --

25 Q Yes.

1 A -- I'm sorry, students can come in to the program that
2 have already gotten their NSF funding.

3 Q Okay.

4 A And so we have to honor that as well. So we don't want
5 that to be taken away from the student. In fact, it's not. It
6 can't be legally.

7 Q You talked about the business officer for each graduate
8 group when you -- let me step back a bit. When you were talking
9 about the technical meanings of teaching assistant versus
10 teaching fellow, you said the business office for each graduate
11 group puts all of this in payroll or the student's own --

12 A I believe it comes out of payroll. I know the students
13 get their stipends through payroll and I think it is through the
14 payroll, the payroll part of each of these business offices.
15 And I think what I was saying was that the terminology for the
16 business offices is always fellows.

17 Q Okay.

18 A Right.

19 Q And if you know is the money that gets disbursed to the
20 students through the payroll system subject to taxation?

21 A In the service years. In the service years, correct.

22 Q In the School of Arts and Sciences when those -- when
23 the service -- in those service years is teaching assistantship
24 or teaching fellowship?

25 A Mm-hmm.

1 Q Is that -- are they by-in-large serving as teaching
2 assistants or teaching fellows in undergraduate courses?

3 A Yes. In fact, graduate students are not allowed to
4 teach graduate students.

5 Q And have you taught sort of the big lectures courses
6 where there are recitation sections?

7 A I have.

8 Q Okay. And do you always have a teaching assistant or
9 teaching fellow to do those recitation sections?

10 A I do.

11 Q Is there ever an occasion in the School of Arts and
12 Sciences where a faculty member does not have a --

13 A If the --

14 Q Just for the transcription --

15 A I'm sorry.

16 Q -- let me finish my question.

17 A Sorry.

18 Q Is there ever an occasion where a faculty member in the
19 School of Arts and Sciences would have a lecture course with
20 recitation sections that were not led by a teaching assistant or
21 teaching fellow?

22 A If the course has under 40 students, you could still
23 have breakout recitations and you could not have a TA. That can
24 happen and it sometimes does happen and the faculty member then
25 either cancels the recitations and adds one more lecture that

1 can also be for discussion or oversees the recitations
2 themselves. And one of my colleagues in history does that on a
3 regular basis.

4 Q You talked a lot about the benefit to the graduate
5 student engaging in the teaching assistant or teaching
6 fellowship. There's also a benefit to the faculty member.
7 Isn't that true?

8 A What do you mean by benefit?

9 Q Well, if the teaching assistant is doing the grading,
10 the faculty member doesn't have to do that. Right?

11 A Mm-hmm. Mm-hmm.

12 Q You need to say yes or no.

13 A Yes. Yes. Yes.

14 Q And you gain the benefit of a particular teaching
15 assistant or teaching fellow's specialization in Iranian studies
16 when you had that teaching assistant who did a piece of your
17 course. Right?

18 A Let's remember that I am a specialist in all of modern
19 middle eastern studies so I can teach any aspect of Iranian
20 history, any of it. But the benefit that I have is that I
21 enabled this student's -- and this is my choice as an individual
22 faculty member -- to showcase their talents. I have to tell you
23 honestly that I don't really see it as getting me out of extra
24 work. All right. No. I think that's important though. I
25 think that there's a distinction I would just like to make that

1 and then because I also teach seminars in which I do do the
2 grading. And so there are some circumstances. Mine in
3 particular is that I'm an administrator. And so it would be --
4 I can't offer the course without a teaching assistant.

5 Q Okay. I think you did testify that there were between
6 1350 and 14 -- I think you said 1365 --

7 A I did. Yes, I did.

8 Q -- graduate students this year in SAS.

9 A Ph.D. students.

10 Q Ph.D. Did you say -- I don't think you said or if you
11 did I didn't write it down, how many master students?

12 A I think the number is 95, 95 students.

13 Q Okay. Can you tell me for the Ph.D. students what
14 proportion of them do teaching assistantship or teaching
15 fellowship or research assistantship or research fellowship
16 outside of the School of Arts and Sciences?

17 A To the best of m knowledge, there are really only two
18 departments in which that happens: economics as I testified
19 earlier and applied math and computer sciences. And I would say
20 if -- and I did not testify this before because it's a
21 complicating factor -- we also have students who try to get dual
22 degrees. So you can have a student who's in the graduate school
23 of education who is also in the School of Arts and Sciences.
24 Those students can TA. And it's very important during their --
25 when they're admitted that those service years are marked

1 clearly in their letters so that they are asked to do double the
2 service.

3 Q So their service -- if they're admitted in two Ph.D.
4 programs in that way --

5 A That's right.

6 Q -- do they still do a five-year package then or four-
7 year package?

8 A They still do a five-year package.

9 Q So they're completing two different curricular?

10 A They cannot complete two fully different curricular. It
11 has to be -- so that would be for the graduate school of
12 education. That curricular has to be carefully monitored by the
13 grad deans as well to make sure that they are not doing double,
14 but that they are doing a nice mix, that mixture, so they are
15 using the same amount of time that any other graduate student.

16 That's different though with the med school and
17 anthropology. And we have Ph.D./M.D.s. And what happens is
18 their package, their funding package is broken up so that SAS
19 will cover say the first three years. And then the last two
20 years the school of medicine will pick because those degrees
21 take longer. So we still do a five-year package from SAS, but
22 the medical school will do its own package in the middle or at
23 the end, however that's negotiated for a student.

24 Q Okay. So then let me ask a broader question than my
25 earlier question that got us down this road. Can you give me --

1 first of all, of the 1365 Ph.D. students in the School of Arts
2 and Sciences, how many of them are either doing joint degree
3 programs or in an interdisciplinary program that crosses with
4 another school?

5 A I have to estimate.

6 Q Yeah.

7 A Out of the 1365, I would say 20, maybe 25.

8 Q And I appreciate your clarifications to make sure it
9 wasn't an under-representative amount.

10 A Thank you.

11 Q I gather -- you testified that one of the things that in
12 your role as associate dean is that your signature appears on
13 basically all the offer letters that go out of the School of
14 Arts and Sciences?

15 A That's correct.

16 Q Okay. And are you also familiar with the program
17 requirements from the various graduate groups and the fact that
18 they have -- and their handbooks generally?

19 A On a general basis, yes.

20 Q Are they documents that you could identify if they were
21 placed before you?

22 A I could try.

23 Q Okay.

24 MR. FRYMAN: Would this be a good place to take --

25 HEARING OFFICER LEACH: Absolutely.

1 MR. FRYMAN: -- a five-minute break?

2 HEARING OFFICER LEACH: Yes. Yes. Indeed.

3 MS. ROSENBERGER: Do you need a break?

4 MR. FRYMAN: Please.

5 HEARING OFFICER LEACH: Okay. We'll go off the record.

6 (Whereupon, a brief recess was taken.)

7 HEARING OFFICER LEACH: Back on the record.

8 BY MS. ROSENBERGER:

9 Q Actually, doctor, I'd like you to turn to Employer
10 Exhibit 9 that I think you still have in front of you because I
11 forgot I had a couple of questions about that.

12 So in looking at the second page, at the very top,
13 you've talked a lot about the Benjamin Franklin Fellowship, and
14 it says that the fellowship requires two years of service in
15 assistantship conducive to your professional development as a
16 teacher or a researcher. So that's a condition of the
17 fellowship. Right? You need to say --

18 A Correct.

19 Q Okay. And then as I understand it -- but correct me if
20 I'm wrong -- the graduate group, in this case the history
21 graduate group, decides what that -- what form that service will
22 take?

23 A That's right.

24 Q Okay. And the graduate groups determine when that will
25 happen too. Right? When the service will happen?

1 A They do, but it's usually, almost always in the second
2 and third years.

3 Q But you talked some about sometimes there's some where
4 it strikes the first year.

5 A That does not happen in the humanities. That does not
6 happen in the history department for example.

7 Q Right. But in the sciences it may?

8 A One department in the sciences that happens in and
9 that's the physics department.

10 Q Okay. Then looking at the third sentence it says, "Most
11 Benjamin Franklin Fellows teach in both the second and third
12 years with the first and fourth years free of service so you
13 can" -- focus your course work and -- "focus on your course work
14 and dissertation respectively." This letter is a five-year
15 package. Right?

16 A Yes. Yes.

17 Q I don't see anything in here that talks about the fifth
18 year.

19 A In addition to -- you don't see anything that refers in
20 addition to the first part of the five-year Benjamin Franklin
21 Fellowship?

22 Q But what you're saying, if I understand your testimony
23 correctly, in actuality for this particular candidate who this
24 letter was sent to their first and fourth and fifth years were
25 free of service?

1 A That's correct.

2 Q And then there's an attachment to this letter that I
3 don't think you talked about that says -- it's the last page of
4 this packet or the last two pages, I'm sorry -- that says at the
5 top, "Policies concerning SAS funded fellowships for Ph.D.
6 students." Do you see that?

7 A Yes.

8 Q Okay. And it includes for example under B, Employment,
9 you had talked about that outside employment is not permitted.
10 That's that policy. Right?

11 A If that employment is not compatible with continued
12 progress toward the degree at a full-time rate and then, again,
13 the hours are limited.

14 Q Right. And then number two under that talks about --
15 and I think this is what you were -- I'm guessing this is what
16 you were referring to on your direct examination but I want to
17 confirm it -- it talked about that people can accept some
18 additional employment and I think you had said it was like a
19 grader or something like that.

20 A Correct.

21 Q This is what -- this is the policy that you were
22 referring to in number two?

23 A Yes.

24 Q Okay. And that is -- that's where it mentioned that
25 it's limited to ten hours which we had talked about?

1 A Right.

2 Q And you said sometimes that gets eased up to 15
3 depending on the circumstances?

4 A Right. And as you can see of course it's the next
5 sentence. Any exception has to come through our office to me.

6 Q Okay. And that's a policy that applies to all Ph.D.
7 students in SAS. Isn't that right?

8 A Yes, it does.

9 Q And it's just in SAS. It's not a policy that applies in
10 other schools?

11 A I don't know if it applies in other schools.

12 Q Okay. Other schools may have their own policies?

13 A I really -- other schools function very differently than
14 we do. The school I know best is biomedical graduate studies.
15 I don't know if they have the same rule.

16 Q But in any event, this particular policy that's attached
17 to the offer letter is a policy developed in the School of Arts
18 and Sciences? If you know.

19 A This is when being a historian is a complicating thing
20 because I'm feeling like this is actually a provostial rule.
21 And if that's the case, then it would apply to all of the
22 schools so that's my hesitation in answering.

23 Q Yes. Yeah.

24 A And I'm not exactly sure, so.

25 Q Okay. And I'm not asking you to guess.

1 A Okay.

2 (Union's 11 identified.)

3 BY MS. ROSENBERG:

4 Q So that's fine. Okay. I've handed you a packet that
5 I've marked Union Exhibit 11. Take a minute to look at that and
6 let me know when you've had a chance to look at it.

7 A Okay. Okay.

8 Q Okay. And let me just say at the outset so you
9 understand, I will represent to you that the documents I'm going
10 to show you I received from the counsel for the university in
11 this case. So I'm not like trying to like create any tricks.

12 Do you recognize this document to be the graduate
13 handbook for the anthropology graduate group?

14 A I recognize it and I have seen it before. I'm under the
15 -- I believe that there are revisions being made to this
16 currently. But I do recognize it, sure.

17 Q But at least to the best of your knowledge --

18 A To the best of my --

19 A -- that's the most recent version?

20 A To the best of my knowledge, right.

21 Q If you would turn to Page 11 of that policy or handbook
22 rather.

23 A Okay.

24 Q Section 1.9 titled Teaching Assistant.

25 A Yes.

1 Q In the first paragraph of that, it talks about the
2 teaching service requirement. That's for the anthropology
3 department. Correct?

4 A Correct.

5 Q And if you look at -- well, it talks about a minimum of
6 four semesters of TA work preferably during the second and third
7 years, which you referred to.

8 A Yes.

9 Q And then the next sentence says, "Self-funded graduate
10 students are exempt from this requirement, but teaching
11 experience even if voluntary is strongly recommended."

12 Is that what the current policy is in Anthropology?

13 A I believe it is.

14 Q Okay. So not -- so self-funded students don't have to -
15 - don't have to but are encouraged --

16 A Right.

17 Q -- to have a teaching assistantship?

18 A Right.

19 Q And if it was a self-funded student as I understand your
20 testimony from before, they would -- and they did choose to be a
21 teaching assistant, they would be a teaching assistant, not a
22 teaching fellow because they're self-funded. Right?

23 A I believe that is correct. I believe your
24 interpretation is correct.

25 Q Okay.

1 A I would add that in my capacity as associate dean in my
2 interaction with Anthropology they have not -- this has not
3 occurred --

4 Q In the four years --

5 A -- very often.

6 Q -- in the four years that you've been associate dean?

7 A Right. So I'm just bringing it from that experience.

8 Q Okay. Right. Then in the next paragraph it talks about
9 teaching assistants are expected to contribute on average 20
10 hours of work per week. Is that because they're also taking
11 courses and they need to be pursuing -- let me rephrase that
12 question. Is that reflective of the concern you expressed on
13 direct examination that you don't want a faculty member to be
14 overreaching in terms of the time commitment from a teaching
15 assistant when they have things to do like taking class and
16 working toward their degree?

17 A May I take a moment to review this just a little bit
18 more carefully?

19 Q Sure.

20 A Because that's an important question and I want to -- I
21 want to see what is here. Okay. And I went into the next
22 paragraph too because it just seemed like that was related as
23 well.

24 Q Okay. Mm-hmm.

25 A So now if you don't mind repeating the question. Okay.

1 Q So I was talking specifically about the 20 hours per
2 work week expectation of the contribution of the TA.

3 A Right.

4 Q Is that related to your -- the concern that you
5 expressed that faculty members who have a teaching assistant not
6 place too many demands of time on the teaching assistant to
7 place those kinds of limits of 20 hours per week?

8 A I would think so. I would say yes to that. I would
9 also -- if I may?

10 Q Yeah.

11 A I would also say that this is also something that the
12 faculty are expected to read and that this would also be an
13 important memo to the faculty as well.

14 Q Okay. And in the next paragraph that you said you had
15 read -- obviously I'm not going have you go through every
16 sentence of this policy because we can all read it --

17 A Thank you.

18 Q -- but I do want to ask you one thing just so we know
19 what we're reading.

20 A Okay.

21 Q Where it says, "To complete the teaching requirements,
22 student TAs will be assigned to serve alongside faculty and
23 teach the department's introductory and undergraduate courses
24 and other select 100-plus level courses." What's a 100-plus
25 level?

1 A So 100-plus, that would be a bit more advanced than an
2 under 100. So let's say -- so for instance if it was anthro 60
3 -- I'm making it up -- but if it anthro 60 that would be
4 considered an introductory course. Anthro 160 would be a more
5 advanced course.

6 Q But still an undergraduate course?

7 A But still an undergraduate course.

8 MS. ROSENBERGER: Does the Employer object to Union 11?

9 MR. FRYMAN: We do not.

10 HEARING OFFICER LEACH: Okay. Union 11 is received.

11 (Union's 11 received.)

12 (Union's 12 identified.)

13 BY MS. ROSENBERGER:

14 Q So, doctor, I've handed you a document marked Union
15 Exhibit 12.

16 A Right.

17 Q You have a chance to look at that?

18 A Well, okay. Okay. I'm good.

19 Q Okay. So at least purports to be an offer letter to
20 someone in the biology Ph.D. program?

21 A That's right.

22 Q And it looks like your signature's on this one too on
23 Page 2.

24 A It's on this one. It's on them all. Right.

1 Q So you had talked about Employer Exhibit 9 being
2 reasonably representative of offer letters in the humanities?

3 A That's correct.

4 Q This one is -- fair to say this is reasonably
5 representative of what would be found in the sciences?

6 A Reasonably.

7 Q Okay. They vary a fair amount. Don't they?

8 A They do. They do.

9 Q Okay. And this one has no mention, I don't believe, of
10 the Benjamin Franklin Fellowship?

11 A Because this is not a Benjamin Franklin Fellowship. So
12 this would be an example of the funding that's a block funding.
13 So a block budget, a block of money, basically a check is given
14 to the department. And there's a letter, a block letter, to the
15 department that stipulates how that is supposed to be used. So
16 this is typical of not only the science groups that use that
17 kind of funding, but also the social science groups that have
18 block funding.

19 Q And so I think you testified on direct that they have
20 discretion, they have at least more discretion than the
21 humanities folks, the Benjamin Franklin Fellowship. Correct?

22 A Yes. Correct.

23 Q In how they divvy up the money?

24 A That is correct. And you can see that in a way I think
25 -- if you don't mind if I -- the minimum annual stipend here and

1 these are from the same spring of 2017. This stipend in biology
2 is higher than the stipend in history.

3 HEARING OFFICER LEACH: Does the Employer object to
4 Union 12?

5 MR. FRYMAN: No objection.

6 HEARING OFFICER LEACH: Okay. Union 12 is received.
7 Thank you.

8 (Union's 12 received.)

9 (Union's 13 identified.)

10 BY MS. ROSENBERGER:

11 Q Okay. I've handed you a document marked Union Exhibit
12 13. Take a moment to look at that.

13 A May I please?

14 Q Yes.

15 A That would be great. Thank you. I apologize for taking
16 a long. I wanted to just compare it to Union 11, you know, just
17 sort of look at what was going on with Anthropology to see how
18 much -- if there was any overlap.

19 Q Take your time.

20 A So if you wouldn't mind one more minute. Okay. I'm
21 good.

22 Q Thank you.

23 A Thank you for the time.

24 Q Sure. So before I ask you questions about this specific
25 document, in general, each graduate group has policies that may

1 be called a graduate student handbook or graduate student
2 procedures or some name like that. Right?

3 A That is correct.

4 Q And those policies for the graduate programs, do they
5 have to be approved? Is there a level of approval for that up
6 through the hierarchy within the school?

7 A There should be. When the system works, there is. But
8 I say that because as I was comparing them, I noticed there was
9 a lot of drawings and some of the same websites across the
10 university. And I also would like to say there is going to be a
11 general book update of the graduate -- the handbook on graduate
12 advising that all of the departments are helping revise right
13 now that we are going to put forward to the provost office in
14 the fall so that we can have more -- a more updated version of
15 what mentoring means and resources for graduate students that
16 everyone has.

17 Q Is that a policy that exists that is updated, being
18 updated for the School of Arts and Sciences?

19 A Yes. Yes. Yes.

20 Q Okay. And if you know just from your involvement on the
21 council of graduate deans or from whatever, your role as
22 associate dean, do other schools within the university have
23 their own sort of overarching policies about mentoring?

24 A Yes, they do.

25 Q Okay.

1 A In fact, that handbook is one that was distributed to
2 all of the grad deans so we could all take a look, reach out to
3 all of our grad chairs, and then we will be bringing it back to
4 the council of grad deans to make sure that everyone is thinking
5 along things in the same ways.

6 Q Okay. I just want to make sure I'm understanding your
7 testimony.

8 A Okay.

9 Q So there's -- so all of the graduate deans got a policy
10 from the provost's office?

11 A All of the graduate deans got a policy from the
12 provost's office that was given to us by the vice provost for
13 education. Actually we were given the book and asked to go
14 back, look at our groups, have them take a look, what's
15 outdated, what's not, bring it back to one of our fall meetings
16 of grad deans and then look into -- just make sure that everyone
17 has -- that everything is updated.

18 For instance, there's no reference in the -- and this is
19 of course separate from these handbooks.

20 Q Right.

21 A There's no mention in the handbook of the student
22 interventions services part of the counseling and psychological
23 services part of the university that has to be put in. There's
24 some updates that are needed from the vice provost, university
25 life office that we need to make sure that the students are in.

1 There's student groups that did not exist when that book was
2 first created that need to be included. That's what I mean.

3 Q So the one thing I just want to make sure I'm not
4 confusing is the policy that you are updating is specifically
5 for the School of Arts and Sciences or university wide?

6 A So this -- the one that I am speaking about --

7 Q Yes.

8 A -- is university wide.

9 Q Okay.

10 A And the School of Arts and Sciences was asked for input
11 as was the school of engineering. That's what I meant.

12 Q Okay. So then I want to go back to my earlier question
13 which is is there -- I was just prompted by something that you
14 just said -- is there a specific -- is there a policy handbook
15 or rules or procedures that is specific to School of Arts and
16 Sciences graduate programs as an umbrella over the graduate
17 group specific handbooks?

18 A There is a -- there is I believe a School of Arts and
19 Sciences website. I think there are practices and handbooks
20 that you can refer to in this other website and I don't have it.

21 Q Thank you for clarifying that. So there are overarching
22 university policies, school policies or procedures and grad
23 group or departmental policies reflected in handbooks or what
24 have you?

1 A Though we would prefer to have it all be much more
2 uniform. We would prefer that. Because many of the policies
3 that we have to reinforce are issued from the provost's office.

4 Q But some things necessarily are different because of the
5 nature of the distinctions between departments and fields of
6 study or what is sort of the norm --

7 A I think one --

8 Q -- for a particular program?

9 A I'm sorry to interrupt you.

10 Q That's okay.

11 A I think that's a big and a complicated question. And I
12 think, yes. So for instance the school of medicine has two
13 different kinds of faculty in a way that the School of Arts and
14 Sciences does not. They have clinical faculty and they have
15 research faculty. We just have faculty. You know. I mean, so,
16 yes, there would be differences like that.

17 Q Okay. Now with regard to Union Exhibit 13,
18 unfortunately these exhibits are not numbered so I'm going to
19 tell you how many pages to flip back. Okay.

20 A Okay. All right.

21 Q Okay. If you would go to the fifteenth, the front side
22 of the fifteenth sheet of paper in this stapled packet.

23 MR. FRYMAN: What's it say on it, Amy?

24 MS. ROSENBERGER: It says "Teaching Requirement" on it.

25 BY MS. ROSENBERGER:

1 Q Yeah. Thank you. That would be a better way to say it.
2 Go to that page. On the front side of the page. And actually I
3 should have asked you this purports to be the department of
4 biology graduate students handbook. Do you recognize it to be
5 that?

6 A I do.

7 Q So on the page that we have here that says Teaching
8 Requirement, again, I'm not going to ask you about every
9 sentence on here because we can all read, but I want to ask you
10 a couple of questions. In the first paragraph, again we have --
11 it talks about the teaching requirement. But the last sentence
12 says "The teaching requirement applies to all students including
13 any who have outside support and thus are not supported by
14 teaching assistantship funds."

15 So for those -- for this graduate group, unlike the last
16 one we saw, that's required regardless of financial help?

17 A That's right.

18 Q Okay. And then if you go down, let's see --

19 A May I say one thing about that?

20 Q Yes.

21 A Although as with Anthropology, self-funded students are
22 -- oh, I see this is not necessarily implying self-funded
23 though. This is saying outside support. And there's a -- I
24 wonder what they think the difference is here because they tend
25 not to have self-funded students. So I would be --

1 Q Well, they could have --

2 A But they could have external support.

3 Q -- biology could have external funding. Right?

4 A That's right. That's right. That's right. And so I
5 wonder what Anthropology -- anyway, thank you for pointing out
6 that difference in the --

7 Q So if you go a little more than half way down the page
8 because it doesn't -- it's not really easy to count the
9 paragraphs -- there's a paragraph --

10 A It's not easy to read this either, but.

11 Q I know. Well, that's the way we got it. I think it's
12 printed off the web.

13 A It's against aged eyes.

14 Q I hear you. So there's a paragraph that starts
15 "Graduate students supported on teaching fellowships and working
16 as TAs." Do you see that?

17 A Okay. I do.

18 Q "Are expected to perform their duties." Again, I'm not
19 going to read the whole thing. But then at the end, the last
20 sentence in that segment there says "In such rare cases" --
21 they're talking about when someone -- I guess I should read it.

22 A Yes.

23 Q "Given the teaching support provided" by the biology
24 department, teaching assistants, I'm sorry, "provided to the" --
25 it is getting late -- "provided to the biology department

1 teaching assistants, it is expected to be unusual for a TA to do
2 an unsatisfactory job at teaching." One would hope so. And
3 then it says "In such rare cases responses to unsatisfactory
4 teaching will proceed along the following sequence." It talks
5 about a verbal warning, written warning, second written warning,
6 loss of funding for the following semester, and then probation
7 from the program due to unsatisfactory academic performance.

8 Are you aware whether any other graduate group in the
9 School of Arts and Sciences has this sort of explicit -- I mean,
10 you talk about one way that problems get handled, but this is
11 sort of an explicit progression or practice along these lines?

12 A Off of the top of my head, I am not aware.

13 Q Okay.

14 A I would imagine they do. But of the top of my head, I
15 can't refer you to a specific department at this moment.

16 Q Okay. But in any event, the biology department had --

17 A Right. That's right. Am I allowed to guess?

18 MR. FRYMAN: No.

19 A Okay. I just wanted to ask. Okay.

20 Q So under teaching assistant policies, it says that
21 advanced students who are being funded through teaching
22 fellowships have the option of working double duty in one
23 semester in order to do field work during the following
24 semester. Are you familiar with policies or practices that
25 allow someone in their service years to double up basically so

1 that they can then travel? Have you seen that happen? Travel
2 for field work.

3 A Right. To be honest, I am very unfamiliar with
4 biologists doing field work. So in my understanding of this
5 word, it seems to be this would be a very rare occasion. But,
6 no, I am not familiar with any other departments using the
7 language "double duty."

8 Q Okay.

9 A And this student would be very far along in the process.
10 This would be an advanced dissertation student.

11 Q Who would be --

12 A This student -- so if you go --

13 Q -- double duty on their -- on their teaching?

14 A Well, I'm must looking at this paragraph that you -- in
15 this. And it says, "However, to qualify for this option, the
16 student must have passed the candidacy exam and beyond
17 dissertation status."

18 So this would not be a student -- this would probably
19 be a student in their fourth year. So they would have -- "to
20 request this arrangement, the student must notify the graduate
21 must notify the graduate coordinator at least one month prior to
22 the start of the semester. Every effort will be made to fulfill
23 this request." So from how I read this, this is for advanced
24 candidates.

1 Q So there would be some advanced students who are doing
2 teaching fellowships later in their career?

3 A There could be. That's right. That's right.

4 Q If you would turn, flip back two pages to the page the
5 page that has Student Support at the top.

6 A Okay.

7 Q How many pages am I flipping through --

8 MR. FRYMAN: A few I think.

9 A I just want to make sure.

10 BY MS. ROSENBERGER:

11 Q I'm just like two more pages.

12 A I'm going to start again.

13 MR. FRYMAN: Which direction are you going?

14 Q Toward the back.

15 A Toward the back. Okay. I have it.

16 Q Okay. Okay. So in this about midway through this page,
17 there's a paragraph -- again, I'm not going to like have you
18 read through everything, but it talks about in some cases second
19 year students receive funding from other sources such as
20 research fellowships or training grants for either external or
21 internal sources. In these cases, it is possible for students
22 to postpone fulfilling their teaching requirements until later
23 in their academic career. So, I mean, obviously biology allows
24 that. And maybe that's where someone would get to the place

1 that we just talked about where they'd be doing teaching
2 requirements in their fourth year.

3 A I was just thinking the same thing.

4 Q Right.

5 A I was just thinking that. Yeah.

6 Q Is this something that is typical in the sciences, this
7 kind of approach to the service requirement? If you know.

8 A I think it -- I think it happens often enough.

9 Q Okay.

10 A I don't know how typical, I'd probably say that, but I
11 think it happens often enough. I know it's happened in physics.

12 Q Okay.

13 HEARING OFFICER LEACH: Did we receive Union 13? Okay.
14 Any objection to Union 13 from the Employer?

15 MR. FRYMAN: No.

16 HEARING OFFICER LEACH: Okay. Union 13 is received.

17 (Union's 13 received.)

18 (Union's 14 identified.)

19 BY MS. ROSENBERGER:

20 Q Now, you had talked about -- you had talked some -- you
21 obviously had some familiarity with economics.

22 A I have not a familiarity with economics.

23 Q Okay. So take a look at the document I've just handed
24 you marked Union 14 and tell me if you recognize it.

25 A Okay. I recognize it.

1 Q Can you tell us what it is?

2 A It is the rules and policies for the Penn Economics
3 Department.

4 A Okay. Now economics I think you said was within the
5 block?

6 A They are. That is correct.

7 Q Okay. And am I correct, if you know, am I correct in
8 understanding that part of the way that economics administers
9 their block is that for some students they don't get funding in
10 their first year until they pass the qualifying exam?

11 A That is correct.

12 Q So they are self-funded in their --

13 A That is correct. They also offer some students half
14 tuition in the first year. Then they have ten fellowships they
15 offer ten incoming students on specific fellowships. Then they
16 have another fellowship that has a Spanish name, like Ifah (ph)
17 or something like that, that is also for a group of students.
18 That is correct. They have a very varied way of funding their
19 students.

20 Q And if someone does not have funding in their first year
21 of their Ph.D. program in economics, but they pass the
22 qualifying exam --

23 A That's right.

24 Q -- they don't retroactively get funded?

25 A No, they don't. They don't.

1 Q It's their investment, their education.

2 A Yes.

3 Q Okay. And if you would turn to -- and I think these are
4 actually numbered -- page 6 of 9 -- but they're small, I know.

5 A Okay. I'm there with you.

6 Q At the bottom where it says "financial support," it says
7 that the department "provides financial support in two ways to
8 students after they pass the preliminary examinations."

9 A Do they not provide --

10 Q No. You said they sometimes provide in the first --
11 before the preliminary examination some people get some funding.

12 A It's a varied cast system, if you will.

13 Q Okay. "Tuition support is awarded to students based on
14 their performance in the program." And then it says, "The
15 department also appoints a substantial number of students as
16 teaching assistants." And it goes on to describe how they do
17 that -- how they determine that. And then it says, "A large
18 number of students find other support by acting as research in
19 economics or in other parts of the university."

20 A Right.

21 Q Or by teaching at other local institutions?

22 A Right.

23 Q So in economics, people can get outside employment? You
24 look disappointed.

1 A How to phrase this? This is a department that my
2 division we have a lot of serious questions, serious issues with
3 how they mentor their students. And what is so interesting to
4 me is that we get no complaints from the students. So it is --
5 but it is a department about which I will tell you honestly I
6 have concerns.

7 Q Okay. But there -- I guess I --

8 A This is --

9 Q Explains some of your earlier testimony, I supposed.
10 But I don't -- I'm not asking for the details --

11 A You don't want me to throw them under the bus.

12 Q -- of your concerns. I'm really looking at sort of what
13 it is that's currently in place for the students, the graduate
14 students in that department.

15 A I understand. I understand.

16 Q I'm not trying to dish.

17 A Throw them under the bus.

18 Q But in any event, and I guess you have some familiarity
19 that in that department students obtain funding by providing
20 service?

21 A Yeah.

22 Q Either to Penn or to some other institution?

23 A Yes. Some of them. And that's important.

24 Q Okay.

1 A That really is an important distinction I think we have
2 to keep in mind. Some of them have full funding throughout
3 their time. A third of each incoming class I would say has
4 funding full time.

5 Q Do you know how many -- I mean, I'm only thinking you
6 might know this because of your familiarity with this particular
7 department, but you know how many Ph.D. students there are in
8 economics as you sit here today?

9 A As we sit here today? I would say there are at least as
10 we sit here today a hundred twenty five students in economics.

11 Q Okay.

12 HEARING OFFICER LEACH: Are those Ph.D. students?

13 THE WITNESS: Yes.

14 HEARING OFFICER LEACH: This was Union 14?

15 MS. ROSENBERGER: Yes.

16 HEARING OFFICER LEACH: Does the Employer have any
17 objection to it being move into evidence?

18 MR. FRYMAN: No objection.

19 HEARING OFFICER LEACH: Okay. Union 14 is received.

20 (Union's 14 received.)

21 (Union's 15 and 16 identified.)

22 BY MS. ROSENBERGER:

23 Q I'm actually doing double duty here and I'm handing you
24 two exhibits.

25 A Okay. All right. Okay.

- 1 Q So I've handed you two documents. One entitled -- one
2 labeled Union Exhibit 15 and one labeled Union Exhibit 16. Take
3 a minute to look at them if you would.
- 4 A Okay. Thank you.
- 5 Q Have you had a chance to review them?
- 6 A I did.
- 7 Q So do you know what they are?
- 8 A These are teaching assignments that are -- these are
9 teaching assignments being given to students for a particular
10 course.
- 11 Q In the Department of Economics?
- 12 A I'm sorry. In the Department of Economics.
- 13 Q Okay. The document that is -- they look like they are
14 these assignments are made by email?
- 15 A Yes, they do.
- 16 Q And the document that is marked Union Exhibit 15 says --
17 it has an acronym I haven't seen before. It says at the
18 beginning of the email, "You've been assigned as an RI, in Econ
19 102 for spring 2017." Do you know what an "RI" is?
- 20 A I've been told not to guess. I don't know.
- 21 Q But in any event, they are --
- 22 A Recitation Instructor.
- 23 Q Oh, okay. Would that make sense given what --
- 24 A Yes. Yes. Yes. I'm inferring, not guessing.

1 Q And then Union Exhibit 16 looks like it's an assignment
2 of a TA?

3 A That's right.

4 Q A teaching assistant.

5 A That's correct.

6 Q I'm not going to have you read all the details.

7 HEARING OFFICER LEACH: Any objection to Union 15 or 16
8 from the Employer?

9 MR. FRYMAN: No objection.

10 HEARING OFFICER LEACH: Okay. 15 and 16 are received.

11 (Union's 15 and 16 received.)

12 (Union's 17 identified.)

13 BY MS. ROSENBERGER:

14 Q I've handed you a document marked Union Exhibit 17. Go
15 ahead and take a minute to look at that.

16 A Okay. Thank you. Okay. I've looked at it.

17 Q Do you recognize it?

18 A I recognize it as something from their website, I
19 believe, from the philosophy department's website that is geared
20 towards students who might be thinking about applying. So I
21 think this comes under admissions part in the Department of
22 Philosophy's website.

23 Q Okay. And at the bottom of the first page, it talks
24 about the financial aid.

25 A Mm-hmm.

1 Q You see that?

2 A Yes, I do.

3 Q And the paragraph that starts, "In your application for
4 doctoral work," it has a sentence that reads, "Our five-year aid
5 package offers two and one half years of fellowship support
6 without teaching or other duties, though first year student's
7 help monitor the library, and two and a half years as a teaching
8 fellow or assistant." Do you know that to be -- so you've
9 talked about other schools have a two-year service requirement,
10 two service years.

11 A Mm-hmm.

12 Q Do you know Philosophy to have a two and a half year
13 service requirement?

14 A To be honest, I did not know.

15 Q But you don't have reason to believe that that's not
16 accurate?

17 A I think it's a funny thing to tell prospective students,
18 honestly. And I think that the --

19 Q But you don't know it to be not accurate?

20 A I don't know it to be not accurate.

21 HEARING OFFICER LEACH: Any objection to Union 17 from
22 the Employer?

23 MR. FRYMAN: No objection.

24 HEARING OFFICER LEACH: Union 17 is received.

25 (Union's 17 received.)

1 (Union's 18 identified.)

2 BY MS. ROSENBERGER:

3 Q I've handed you a document marked Union Exhibit 18, if
4 you want to take a look at that and let me know when you're
5 done.

6 A This is an admissions letter from the Department of
7 Philosophy.

8 Q This one doesn't have your signature.

9 A It should.

10 Q Okay.

11 So this, if you look at the second -- Philosophy is
12 another one where there's not a Benjamin Franklin fellowship.

13 A There is a Benjamin Franklin fellowship.

14 Q Oh, there is?

15 A So that's why I'm really concerned about this letter.
16 And -- because there is a Ben -- it's a five-year unit. They
17 have Benjamin Franklin fellows, so --

18 Q Okay. Oh, you know what I'm noticing?

19 A A more formal letter.

20 Q Yeah.

21 A Right, okay.

22 Q From time to time is there a pre-offer letter that says
23 something along the lines of, hey, just letting you know you're
24 going to be getting an offer letter?

1 A We discourage it. The philosophers are poets of their
2 own management. So I know that their graduate chair thinks that
3 this looks better for prospective students than an email does.
4 Most of the others just do an email.

5 Q I see.

6 A And that's why he does this. So that's his thinking
7 behind that.

8 Q So most of the graduate chairs send an email to --

9 A That's right.

10 Q -- successful candidates saying keep an eye out for our
11 offer?

12 A That's exactly -- that's correct. That's correct.

13 Q The second paragraph -- the first paragraph talks about
14 the package, and then -- with regard to the stipend in
15 particular, the second paragraph says, "The stipend is in the
16 form of teaching and non-teaching fellowships."

17 A I see that. Right.

18 Q "During the first and fourth years, and one semester at
19 the fifth, you have no teaching responsibilities. For the
20 second and third years and one semester at the fifth year, you
21 will serve as a teaching fellow for one course per semester."

22 So the way I do the math, I get the two and a half years --

23 A That you saw earlier, right. The prospective students.

24 Q And do you know that to be the norm in the philosophy
25 department?

1 A I do not know that to be the norm in philosophy because
2 they often have a hard time peopling their teaching assignments.

3 So --

4 Q What do you mean by that?

5 A -- what I mean by that is that my sense of the
6 trajectory of the philosophy students is really two years and
7 not two and a half. That's why I was quite surprised when you
8 showed me this, and I continue to be a little surprised by
9 seeing this.

10 Q Okay. But just so I understand what you're saying, when
11 you say they have trouble "peopling their teaching assignments,"
12 you mean they have not enough faculty for the number of
13 teaching fellows?

14 A Or not enough teaching fellows, so -- or not enough
15 faculty, that's correct. That's right. That's correct. May I
16 explain that a little bit?

17 Q Sure.

18 A Why I think that this is the case and why there's a --
19 so the department of philosophy used to have more of -- there
20 was a more institutionalized link with the law school in which
21 students were able to sometimes teach for the law school, or
22 vice versa, or actually study with the law school. That has
23 really plummeted because of funding. The law school changed the
24 way it was doing its funding. And I wonder if this is a vestige
25 from that. But --

1 (Pause.)

2 HEARING OFFICER LEACH: Does the Employer have an
3 objection to Union 18?

4 MR. FRYMAN: No objection.

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

6 (Union's 18 received.)

7 (Union's 19 identified.)

8 BY MS. ROSENBERGER:

9 Q I've handed you a document marked Union Exhibit 19, if
10 you could take a minute to look at that and let me know when
11 you've had a chance to do that.

12 A Okay. I have.

13 Q Do you recognize it?

14 A This is the graduate manual from the grad group in
15 psychology.

16 Q If you would turn to the second sheet front side that
17 has at the top "research" and then "teaching experience."

18 A Okay.

19 Q Under "teaching experience," the paragraph read,
20 "Students supported in the Schools of Arts and Sciences are
21 required to assist in the teaching of one undergraduate course
22 per semester of support."

23 So is it your understanding that -- if I understand that
24 correctly, if someone comes into psychology with a five-year --

1 I don't know if it's four-year or five-year package, do you
2 know?

3 A They have moved into a block. They are now block.

4 Q Oh, okay.

5 A So this has changed as of this year.

6 Q Okay.

7 A That's right.

8 Q When you say "as of this year," do you mean the coming
9 year or --

10 A So the students who came in, who were admitted this
11 spring, will come in and will be funded in a block funding that
12 is the equivalent -- the best monetary equivalent we could make
13 of the previous package deal that this group had.

14 Q So they were Benjamin Franklin fellows?

15 A They were Benjamin Franklin fellows and they have been
16 moved into a block grant.

17 Q So people who are currently in the program --

18 A So everyone but the first year's -- first year this
19 September --

20 Q Everyone but the first year's who aren't here yet?

21 A Exactly. Exactly.

22 Q So everyone else -- and I want to make sure I'm clear.
23 Everyone else is covered by this policy that we have in front of
24 us in Union Exhibit 19?

25 A That's right. That's right.

1 Q So the current graduate students are required to assist
2 in teaching of undergraduate courses -- I'm sorry -- are
3 required to assist in the teaching of one undergraduate course
4 per semester of support in psychology.

5 A Okay. Yes.

6 Q Okay. Except -- it doesn't apply to people in the first
7 year, is what the next sentence says. Right?

8 A That's right.

9 Q So the maximum number for any student -- that any
10 student is required to teach is eight. And then it says,
11 "Students who are supported by external funds generally do not
12 have to serve as a teaching assistant."

13 Do you know that to be the case for the current group of
14 graduate students in psychology?

15 A Can you walk with me down the complicated road of what
16 goes on in psychology?

17 Q Sure.

18 A Because it's actually very different from other groups.
19 This is why we switched over to a block group. So what happened
20 -- and psychology is such an interesting science because the
21 clinicians, clinical psychology, they don't tend to get external
22 funding. But they do have graduate students. But in
23 developmental psych or in other kinds of psych they do get a lot
24 of -- the faculty get a lot of outside funding.

1 So what was happening was that the department was doing
2 something that they called a "bake sale," in which they'd ask
3 all the faculty who had external funding to put a percentage of
4 their fellowship into a bake sale. And then they would
5 distribute this among all of the students. And we were losing
6 track, as were they, of who was teaching, who was not, and who
7 was eligible, who was not.

8 And this is why they have been moved into a different
9 kind of package which they can have more discretion about it,
10 but this was a problem. We were having trouble keeping up with
11 the service years because if a student got moved in the middle
12 of the year, an academic year, into a faculty's funding kitty
13 that was put into the pool, then it created all kinds of
14 problems with the business office. Is one example.

15 So that's why this is exactly why we've moved them into
16 a block group. Does that make any sense? I hope it does.
17 Because I --

18 Q Yes.

19 A It took them a while, took me a while, and took all of
20 us a while to sort of figure out how that worked monetarily.

21 Q So, if I understand you correctly then, the upshot was
22 students who were supported by external funds, it was hard for
23 the business office to figure out --

24 A Right.

25 Q -- which students were supported --

1 A That's right. Because it was usually not the students
2 funding, it was faculty funding. So external for psychology is
3 a little different --

4 Q It's not student external funding, but it's --

5 A Right.

6 Q -- faculty external funding?

7 A That's right. That's it. That's right.

8 Q And you talked about there being clinical psychology.

9 A Right.

10 Q Versus development --

11 A All of the other ones. Everything, right.

12 Q They're all in one graduate group, though, right?

13 A They're all in one graduate group. That's right. And I
14 think the answer here -- if I may -- lies in the sentence under
15 -- it's I guess the -- well, it's the sentence that says, "The
16 two-semester minimum is intended to ensure that all grad
17 students acquire teaching experience." I think this is the
18 group's way of trying to handle how --

19 Q And that two-semester minimum is referring to -- even
20 folks who were supported by external funding had to do two
21 semesters, or one --

22 A That's correct.

23 Q I just have a few more of these and then we'll get you
24 out of here.

25 HEARING OFFICER LEACH: No. I have questions, too.

1 MS. ROSENBERGER: I am realizing -- I want to go off the
2 record for a minute to talk about time.

3 HEARING OFFICER LEACH: Sure. We can go off the record.
4 (Off the record from 4:59 to 5:01 p.m.)

5 HEARING OFFICER LEACH: So did the Employer -- did we
6 move 19 or no? Are we done with 19 or we're still talking about
7 19? Okay. Does the Employer object to Union 19?

8 MR. FRYMAN: No.

9 HEARING OFFICER LEACH: Okay. Union 19 is received.

10 (Union's 19 received.)

11 (Union's 20 identified.)

12 BY MS. ROSENBERGER:

13 Q I've handed you a document marked Union Exhibit 20. Go
14 ahead and take a look at that, and let me know when you've had a
15 chance to do that.

16 A It doesn't have a title, but I'm guessing this is the
17 handbook for the Department of Political Science.

18 Q And you're guessing that based on -- just so the
19 record's --

20 A I saw some of the programs, the Browne Center for
21 International Politics, and some of the others. So I just
22 looked at the faculty and -- this must be political science.

23 Q Okay.

24 A Oh, and it says "political science" in the introduction.

1 Q If you -- oh, this is another one without numbered
2 pages. So if you would turn to the sixth page -- the back of
3 the sixth page, and what you're looking for is the section
4 that's entitled "Exchange Programs for Doctoral Students."

5 A You said the sixth page?

6 Q The sixth sheet. The sixth sheet -- one, two, three,
7 four, five, six. That's how it is on mine anyway.

8 HEARING OFFICER LEACH: What is the --

9 THE WITNESS: Oh, I see it. I see it. Okay. "Exchange
10 Program for Doctoral Students."

11 BY MS. ROSENBERGER:

12 Q Yes. It refers to -- you see it says, "The University
13 of Pennsylvania is a participant in the exchange scholar
14 program," and then has a block quote that refers to something
15 described on the graduate division's website. That's the
16 website for your office. Right? And then it goes on to
17 describe this exchange scholar program. Could you just tell us
18 what the exchange scholar program is.

19 A This is a program that allows Penn students to take a
20 class in any given semester after their first year in the
21 schools listed in the -- who participate in the exchange.

22 Q And some of these schools are not within easily -- easy
23 commute distance, let's say?

24 A Right. Right.

25 Q Like Berkeley or --

1 A Right, Stanford. Right.

2 Q So if a student after their first year takes a class at
3 Stanford during their second year --

4 A It's very hard to do.

5 Q Okay.

6 A That's right. It's very hard to do. They can do that
7 perhaps in the summer. But it is not -- because they have
8 requirements they have to fulfill. So unless it is an online
9 course, and that -- they can do that. I mean, if it's an online
10 course. But I'll be honest with you, most graduate courses are
11 not yet online. So I would say that that's very difficult to do
12 unless it's summer.

13 Q Okay. But if they do it, it's basically treated -- they
14 still pay Penn the tuition --

15 A Yes. That's part of the exchange. Everyone's -- pay
16 that tuition.

17 Q And students from other universities can come to Penn --

18 A Absolutely. Absolutely.

19 Q And then if you would flip forward to the third sheet
20 beyond that that has a section starting down toward the bottom
21 of the page where it says, "Teaching fellows and research
22 assistantships."

23 A Okay. I got you.

24 Q The first paragraph talks about the teaching fellowships
25 for two of the five years, which we talked about before. I

1 don't need to go over that again. But then the second
2 paragraph, the two-line one says -- I guess it's one sentence,
3 says, "Students may also receive financial support by working as
4 research assistants for individual faculty members on projects
5 organized by various research centers at the university."

6 Are those outside the service year requirements?

7 A Well, that's a very good question. And my first
8 response to that is that the Department of Political Science has
9 one program which I think is here on the -- it should be here on
10 the table of contents, which it's the Center for the Democratic
11 and Constitutional -- something like that, DCCC is what that is.
12 And this is -- they also have several -- Center for the Study of
13 Contemporary China, Fox Leadership, Alice Paul Center for
14 Research on Women and Gender, the Center for the Advancement of
15 India -- here it is, the Program on Democracy, Citizenship and
16 Constitutionalism. There is no longer an African studies center
17 outside of Africana Studies department.

18 But it is particularly -- I think the emphasis here is
19 on the Program on Democracy, Citizenship and Constitutionalism,
20 students get paid for that. That's separate. They apply for
21 that, there'd be competition. And if they get that, that is
22 separate.

23 Q And is that an assistantship?

24 A That would be an assistantship, that's correct. Because
25 that would be in addition to their -- in fact, they usually

1 can't get that unless their Benjamin Franklin fellowship has
2 already been done. So they apply for that usually their fifth
3 or sixth year.

4 Q Then you had testified on direct, I think, about
5 students from time to time getting a research assistantship
6 separate from their own research --

7 A That's correct.

8 Q -- that might have its own funding.

9 A That's correct.

10 Q Would that fall in this category too?

11 A No, it wouldn't, because this would be about their own
12 research. So, for instance, the DCCC has its own themes every
13 year, and students apply based on the closeness, the proximity
14 of their work to that theme. Then they have seminars together
15 and invite faculty and other graduates in, but this would be
16 their work.

17 Q That they get paid for separately.

18 A That they get paid for separately.

19 Q Separately from their fellowship.

20 A They're usually done with the fellowship.

21 HEARING OFFICER LEACH: Any objection from the Employer
22 regarding Union 20?

23 MR. FRYMAN: No objection.

24 HEARING OFFICER LEACH: Okay. Union 20 is received.

25 (Union's 20 received.)

1 (Union's 21 identified.)

2 BY MS. ROSENBERGER:

3 Q I've handed you a document marked Union Exhibit 21.

4 Take a minute to look at that.

5 A Okay. I've looked at it and I recognize this as a
6 teaching assistant assignment from the graduate coordinator in
7 psych.

8 Q And I'm sorry. Somehow this one got out of order. And
9 again, similar to economics, is this -- it looks like it was
10 probably an email. I don't know.

11 A It does. And I'm sure it was.

12 Q Is that typically the way these kinds of things are --

13 A Yes, it is. I would -- I don't know about psych or
14 econ. I will put this in, I know for history that the students
15 were given a list before -- and then this goes out -- and asked
16 to put their first, second and third choices. So, I don't know
17 if that happens in psychology. My guess is that it happens in
18 all the groups, but --

19 Q Do you know -- in history, since you are familiar with
20 that --

21 A Yes.

22 Q Do you know -- presumably their first, second and third
23 choice is considered, but also in conjunction with the needs of
24 the department.

25 A Right. But they really do try to honor it.

1 Q Do you know with what degree of frequency students get
2 their first choice, in history?

3 A I would say -- that's a good question. I would say
4 about 75 percent, because some of us encourage our students to
5 move out of the comfortable and into general history and TA for
6 say an Americanist course, so they can see that history is
7 history, even if it's not regionally -- the same region that
8 they study. But we do try to honor -- if they didn't get it
9 their first time around, they'll get their first choice their
10 second time around. And we prefer to have the students be able
11 to do it in -- you know, most of their teaching within their
12 field because of -- as they develop their own sense and what
13 they want to teach.

14 Q That also would be inducive to their effectiveness as a
15 teaching assistant, too.

16 A It would. That's right. That's right. That's right.

17 HEARING OFFICER LEACH: Any objection to Union 21?

18 MR. FRYMAN: No objection.

19 HEARING OFFICER LEACH: Union 21 is received.

20 (Union's 21 received.)

21 (Union's 22 identified.)

22 BY MS. ROSENBERGER:

23 Q I've handed you a document marked Union Exhibit 22. Go
24 ahead and take a look at that. Let me know when you've had an
25 opportunity to do that.

1 A Okay. I'm skimming through it and this is the -- I
2 believe the handbook for the graduate program in sociology.

3 Q And if you would turn to page 5, at the bottom. It
4 talks about financial support -- the paragraph that talks about
5 financial support comes in the form of Benjamin Franklin
6 fellowships. Do you see that?

7 A I do see it.

8 Q Okay. Some of this looks familiar, but some looks a
9 little different. So I just want to ask you about that. In
10 reference to Benjamin Franklin fellowships. It says, "These
11 typically provide non-service support in the first and fourth
12 years and service-based support, a teaching or research
13 assistantship, in the second and third years." It talks about
14 it taking the form of monthly stipend, tuition and health
15 insurance. We've heard about that.

16 And then it says, "Occasionally, students may be called
17 upon to serve as teaching assistants in their fourth year if
18 needed as a requirement for continued support." Is that
19 consistent with what you understand to be the case in sociology?

20 A This is worded terribly. No, it's not consistent. And
21 -- right, this would -- can I take just a minute to look at this
22 more carefully?

23 Q Sure.

24 A So I would -- knowing this group, that this is --
25 addresses when students have been on leave, medical leave, or

1 teaching -- I'm sorry, medical leave or have to take a semester
2 off during a service year, and which that has to be made up.

3 Q Okay.

4 A It's not as clearly written as I would like, but that's
5 what I'm guessing this is getting at.

6 Q And whether in fact -- again, I appreciate your attempt
7 to make a best guess at what this is getting at.

8 A Right. Right.

9 Q I gather, though, that that is informed by your
10 understanding of what happened in --

11 A This group.

12 Q -- some groups --

13 A Right.

14 Q -- where someone has to take a leave, for whatever
15 reason.

16 A Right. Right.

17 Q Medical leave or what have you.

18 A Right.

19 Q And then they come back and they have to make up --

20 A That's right.

21 Q -- their teaching assistantship.

22 A Right.

23 Q There might be a break in that two years -- two and
24 three service years --

25 A That's right.

1 Q -- and they're finishing up their service requirement in
2 year four.

3 A That's correct. And the reason we would do this --
4 because this is a group that is on the Benjamin Franklin
5 fellowship, so what happens is the graduate division, the staff
6 and I, meet with all of the graduate group chairs and
7 coordinators once every semester, in the fall and the spring, to
8 go through with each and every student, and each and every
9 cohort of each and every graduate, to see how they're doing.
10 And this helps us -- something like this, that's why we need
11 careful wording about this, so that we can change in their
12 fellowship bank exactly what's going on. And that's important
13 for taxes, as well.

14 Q Oh, because it depends --

15 A That's right. Exactly.

16 Q -- whether they're doing service or not.

17 A That's right.

18 HEARING OFFICER LEACH: Any objection to Union 22?

19 MR. FRYMAN: No objection.

20 HEARING OFFICER LEACH: Union 22 is received.

21 (Union's 22 received.)

22 (Union's 23, 24 and 25 identified.)

23 BY MS. ROSENBERGER:

24 Q I'm handing you three at once, but I'm going to take
25 them one at a time.

- 1 A Okay.
- 2 Q So let's start with the document I marked Union 23.
- 3 Take a look at that and let me know when you've had a chance to
- 4 look at it.
- 5 A Okay. I've looked at it.
- 6 Q Do you recognize it?
- 7 A This is an assignment -- a teaching assignment from
- 8 criminology.
- 9 Q And it's addressed to --
- 10 A Criminology MS student.
- 11 Q Yeah, these were all -- so you understand, these were
- 12 all de-identified so that we weren't releasing student names.
- 13 A Yes. Yes.
- 14 Q Or so that the university wasn't releasing student
- 15 names.
- 16 A Right. No, I understand.
- 17 Q But in that it was listed as "criminology MS student," I
- 18 wanted to ask you, from time to time do master's students in the
- 19 School of Arts and Sciences get teaching assistantships?
- 20 A Only in criminology.
- 21 Q Oh, okay. From time to time do master's students get
- 22 research assistantships?
- 23 A Not that I'm aware of. Yes. I'm sorry. Yes, they do.
- 24 Yes. Yes. Yes.
- 25 Q Where?

1 A From time to time -- master's students do get -- yes, I
2 have one who was a master's student in art history. Yes. Yes.
3 Yes, they do. Sorry about that. I'm getting a little tired.

4 Q I'm almost finished.

5 A Okay.

6 Q I'm not going to guarantee you that you're almost
7 finished.

8 A Yes.

9 MS. ROSENBERGER: So then I'd move for the admission of
10 Union Exhibit 23.

11 HEARING OFFICER LEACH: Any objection?

12 MR. FRYMAN: No objection.

13 HEARING OFFICER LEACH: Union 23 is received.

14 (Union's 23 received.)

15 (Union's 24 identified.)

16 BY MS. ROSENBERGER:

17 Q And then the next one you have in front of you is Union
18 Exhibit 24.

19 A I see it.

20 Q Do you recognize what that is?

21 A This is an appointment as a research assistant for a
22 particular faculty member in -- I'm sorry, I don't know the
23 department.

24 Q I think at the top it says Department of Linguistics.

25 A There it is. Yes. Okay.

- 1 Q And it looks like that was for the month of June.
- 2 A Right.
- 3 Q For a total of 25 hours, paid --
- 4 A That's right. That's right.
- 5 Q Is that a way that doctoral students can do additional
6 work?
- 7 A Yes. That's right.
- 8 Q By doing summer work?
- 9 A That's right.
- 10 Q And in addition to --
- 11 A That's quite common.
- 12 Q I'm sorry.
- 13 A That's quite common.
- 14 Q Is it particularly common in the summer?
- 15 A Yes. Yes.
- 16 MS. ROSENBERGER: I'd move for the admission of Union
17 Exhibit 24.
- 18 HEARING OFFICER LEACH: Any objection from the Employer?
- 19 MR. FRYMAN: No objection.
- 20 HEARING OFFICER LEACH: 24 is received.
- 21 (Union's 24 received.)
- 22 (Union's 25 identified.)
- 23 BY MS. ROSENBERGER:

1 Q If you look at the next document, Union Exhibit 25.
2 Take a look at that and let me know when you've had a chance to
3 look at it.

4 A Okay. And this is a teaching assignment from the head
5 of the department of political science to a particular student.

6 Q And is that -- and this one says it's for fall semester.

7 A Mm-hmm.

8 Q But the person has been designated to work with a
9 particular professor as a teaching assistant.

10 A Mm-hmm.

11 Q And then it says, "You will receive a stipend of \$5,000
12 for TA three sections in this class."

13 A Mm-hmm.

14 Q Is that also something that happens from time to time,
15 that someone may get a teaching assistant --

16 A With additional stipend --

17 Q -- with a stipend that's outside their fellowship?

18 A And this would have to be to a student who was out of
19 their five-year funding.

20 Q So let me explore that a little bit.

21 A Sure.

22 Q So someone who perhaps is past their fifth year but has
23 not yet completed their dissertation and defended it.

24 A Correct.

1 Q So they have to -- they don't get their funding package
2 anymore. They have to find some other way to --

3 A Correct.

4 Q -- put food on the table?

5 A Correct. Correct.

6 Q Do they still get tuition at that point?

7 A Yes. They do. Yes. And that would be announced -- now
8 what's unusual about this is that would usually come -- the
9 reason I know this has to be a later student is this is coming
10 from the department chair. Usually the department chairs don't
11 get into the mechanics of TA assignments. It's the graduate
12 group chair, not the department chair.

13 Q But an additional TA assignment outside stipend, say if
14 it were summer --

15 A Right.

16 Q -- or after the fifth year --

17 A Right.

18 Q -- is something -- if it weren't after the fifth year,
19 as long as it's outside the stipend, is it something that goes
20 to the department chair? Is that what you're saying?

21 A I'm a little surprised that it went to the department
22 chair, which means that the department chair was probably
23 negotiating with the grad chair, because the grad chair probably
24 said, "Ann, could you please give up a credit for this student."
25 And Ann said, "I don't think I can." And we have this -- we

1 have this -- because I think they'd used up a lot of their
2 credits. So probably the graduate chair had to say I need some
3 money, and Ann said then this is the way we'll do this --

4 Q Here's a way to do it.

5 A That's right.

6 MS. ROSENBERGER: Move for the admission of Union
7 Exhibit 25.

8 MR. FRYMAN: No objection.

9 HEARING OFFICER LEACH: Okay. 25 is received.

10 (Union's 25 received.)

11 (Union's 26 identified.)

12 BY MS. ROSENBERGER:

13 Q I've handed you a document marked Union Exhibit 26.

14 A Yes.

15 Q Would you take a look at that and let me know when
16 you've had a chance to review it.

17 A Okay. This is the grad program Ph.D. procedures from
18 the Department of Near Eastern Languages and Civilization, which
19 we also call NELC, just to save time.

20 Q I may have heard you use that acronym earlier today.

21 A Okay, yes.

22 Q So if you would turn to the second page. Where it talks
23 about teaching.

24 A Right.

1 Q Again it talks about the second and third years that you
2 referred to earlier. And then -- although they refer to it as a
3 four semester rotation during the second and third years. But
4 that's when they're doing teaching assistantships. Correct?

5 A Right.

6 Q And the last sentence in that paragraph says, "The four
7 semester teaching rotation may be interrupted or shifted if, for
8 example, students go abroad for field work or programs of
9 language study."

10 I think you testified on direct examination that in this
11 particular program that occurs from time to time, that students
12 will go abroad.

13 A I don't know if I did, but they do. And particularly in
14 this department the kind of language programs that they're
15 talking about are year-long language programs in other
16 countries. So, for instance, if a student who's doing Modern
17 Arabic has to go abroad to -- it used to be Egypt, now Jordan --
18 this program has moved to Jordan. That is a year-long program
19 that is funded by the program itself so that would -- and these
20 students need so many languages that they all can take that year
21 and do that.

22 So it's quite common in Near Eastern Languages and
23 Civilizations, and perhaps Art and Archaeology, the
24 Mediterranean World, particularly those groups that do Middle
25 East.

- 1 Q I want to understand one piece of what you just said.
2 You said it's funded by the program.
- 3 A That's right.
- 4 Q You're talking about that program in Jordan?
- 5 A That's right.
- 6 Q Okay.
- 7 A That's right.
- 8 Q And is that a situation where the person -- let's say
9 they go and do a course in -- one-year course in Arabic in
10 Jordan in their third year.
- 11 A That's right.
- 12 Q So when they would normally be doing their --
- 13 A That's right.
- 14 Q -- last two semesters of that teaching rotation.
- 15 A That's right.
- 16 Q So they come back and then in their fourth year they're
17 doing the teaching?
- 18 A The department would try to find a way for that to
19 happen. Right.
- 20 Q Okay. And is that one where if the program in Jordan is
21 funding it, then that extends their --
- 22 A That's correct.
- 23 Q -- Benjamin Franklin fellowship?
- 24 A That is correct.
- 25 HEARING OFFICER LEACH: Any objection to Union 26?

1 MR. FRYMAN: No objection.

2 HEARING OFFICER LEACH: Okay. Union 26 is received.

3 (Union's 26 received.)

4 MS. ROSENBERGER: One more.

5 (Union's 27 identified.)

6 BY MS. ROSENBERGER:

7 Q I've handed you a document marked Union Exhibit 27.

8 A Correct.

9 Q Can you take a look at that and let me know when you've
10 had a chance to review it.

11 A This is a letter of admission from the Program in South
12 Asian Studies -- South Asian Regional Studies.

13 Q And this is another one with a Benjamin Franklin
14 fellowship. Right?

15 A That's correct. It's a humanities group.

16 Q And if you turn to the second page, it looks like this
17 one again is one where there is -- if you look at the first full
18 paragraph --

19 A All right.

20 Q -- the one that talks about the Benjamin Franklin
21 fellowship.

22 A Okay.

23 Q It's one again that allows for, at the discretion of the
24 graduate group, the fifth year of support to involve up to one
25 semester of service. Right?

1 A That's correct.

2 MS. ROSENBERGER: I'd move for the admission of Union
3 Exhibit 27.

4 MR. FRYMAN: No objection.

5 HEARING OFFICER LEACH: 27 is received.

6 (Union's 27 received.)

7 MS. ROSENBERGER: And that's all the questions I have
8 for you at this time. Thank you.

9 HEARING OFFICER LEACH: Does the Employer have any?

10 MR. FRYMAN: Yes, just a few on redirect. First thing I
11 want to do --

12 HEARING OFFICER LEACH: A new exhibit?

13 MR. FRYMAN: Yes. I do.

14 HEARING OFFICER LEACH: Okay.

15 (Employer's 10 identified.)

16 REDIRECT EXAMINATION

17 BY MR. FRYMAN:

18 Q Just very quickly, Dr. Troutt Powell. I wouldn't want
19 you to feel left out, that we left History out.

20 A History can never be left out.

21 Q So what we've marked as E-10. What's E-10?

22 A It is the program guidelines for the Department of
23 History. For the Ph.D. program.

24 Q And do these essentially summarize the degree
25 requirements in the program of study that we discussed --

1 A Yes.

2 Q -- during your testimony earlier?

3 A Yes, they do.

4 HEARING OFFICER LEACH: Excuse me. What is that noise?

5 Is somebody's phone --

6 (Pause.)

7 HEARING OFFICER LEACH: I'm sorry. Sometimes that
8 interferes with the recording, so they like us to be really
9 careful about that.

10 BY MR. FRYMAN:

11 Q So let me go back to -- there were some questions about
12 sociology, which -- on the U-22, the graduate program there,
13 about that wording on page 5 with respect to "called upon to
14 serve" in the fourth year as teaching assistants.

15 A All right.

16 Q And I think your testimony was something about based on
17 your experience with this group. Have you in fact had
18 experience with that graduate group, that they've had grad
19 students who have needed time off during the service years?

20 A Yes. Yes. Yes.

21 HEARING OFFICER LEACH: Are you referring to sociology
22 or history?

23 MR. FRYMAN: Sociology.

24 HEARING OFFICER LEACH: Okay.

25 MR. FRYMAN: Union 22.

1 BY MR. FRYMAN:

2 Q There were some questions about -- in connection with
3 emails regarding teaching assignments, in particular psychology.
4 Ms. Rosenberger asked you about how often students get their
5 first choice. And I think you testified about 75 percent of the
6 time. And you talked about students -- you encourage students -
7 - you want them to get out of their comfort zone.

8 A In history. Yes.

9 Q In history.

10 A Yes, that's right.

11 Q So let's talk about history.

12 A That's right.

13 Q First of all, are students' first choice, in your
14 experience with respect to TA assignments, in their comfort
15 zone?

16 A Yes.

17 Q And by "comfort zone," what their particular area of
18 academic interest is?

19 A The Europeanists prefer to TA for the European history
20 courses. The Americanists prefer to TA for the American history
21 courses. The East Asianist prefers to teach for the East Asian
22 courses. The Africanists and the Middle East students teach
23 each other, teach both Africa and the Middle East, because many
24 of our courses are African and Middle Eastern. And it is
25 actually really the people who do world history, because there

1 aren't as many faculty in these fields, that they end up. So I
2 try to sugar-coat it by saying this is a good thing, you know,
3 in courses -- large courses. Because as most history
4 departments in the United States, most history departments are
5 Western-centered.

6 Q When you say "sugar-coat" it, do you in fact believe it
7 is a good thing pedagogically?

8 A I do. I do.

9 Q Why is that?

10 A I do because I feel -- as I started to say before --
11 that these enable students to actually think about different
12 kinds of sources that might be possible in a different field --
13 in a different region or area. I feel that having to come to
14 recitation not necessarily knowing that much more than your
15 undergraduates do can actually keep you really clear on how you
16 do the reading for the recitation, what kind of questions you
17 use to lead the recitation.

18 So, for example, one of our students in Middle East
19 studies taught for a huge course that was offered. It was
20 called "The '60s." And she would complain. She said, "You'd
21 think the '60s didn't happen anyplace except the United States."
22 But that enabled her actually to learn quite a bit about what
23 was going on in the United States and compare it to what was
24 happening in the Middle East, because the '60s is a tremendously
25 important decade in 20th Century Middle Eastern history.

1 So it actually helped her think about some of the issues
2 that were facing the U.S. government in dealing with the Middle
3 East in this decade. And she would not have gotten that from my
4 course.

5 Q When it comes to careers in academia, when a faculty
6 member is just starting out --

7 A Right. Right. Right.

8 Q Bottom of the ranks, so to speak. Are they often
9 getting their first choice in what they want to teach?

10 A Oh, in our department, yes. The junior faculty, the
11 faculty who first come in?

12 Q Yes.

13 A Yes.

14 Q What about at other universities? In other words, for
15 your grad students, when they go off into careers in academia,
16 would it be uncommon that they would have to teach at that
17 university somewhere outside of their comfort zone?

18 A Absolutely. But when you say "my" graduate students, I
19 would say the difference is I don't think most of those trained
20 in U.S. history really -- I don't think departments worry about
21 whether or not they can teach a general course on say the Third
22 World, you know, post 1970. But any Middle Eastern historian or
23 Africanist historian or perhaps Latin Americanist historian
24 would have -- they're world historians, as we call -- do often

1 have to teach a broader range of courses and have to demonstrate
2 that they have that ability.

3 One example is we have a search going on in a history
4 department right now -- we're about to in the fall -- for an
5 Ottoman history faculty member. This will be a junior person.
6 We are not specifying what period of Ottoman history. It's a
7 600-year empire. So they can be specialists in the late Ottoman
8 period, like 1908, 1909 or whatever. But they have to teach the
9 whole Empire.

10 That's an expectation that does not necessarily happen
11 for Americanists or Europeanists. So there is some difference
12 in terms of what that means on the job market, for which kind of
13 specialization you have.

14 Q I've got it. Thank you. Going back to Political
15 Science, U-20, you mentioned the Program on Democracy,
16 Citizenship and Constitutionalism.

17 A That's right, the DCCC.

18 Q And you said that with respect to the research
19 assistantship in connection with that, that that research would
20 be the student's, quote, "own" research?

21 A That's right. That's right.

22 Q And what do you mean by -- when you say the student's
23 "own" research?

24 A So the students apply based on their application --
25 what's considered is what their dissertation project is, and how

1 does that dissertation project relate to the theme. But it has
2 to be their dissertation project and they have to demonstrate
3 that this is something they are interested in. That's not to
4 supplement a faculty's research.

5 Q I understand. There was some testimony earlier about a
6 student being asked to leave the program for failure to perform
7 their teaching activities satisfactorily. Leaving the program,
8 that is leaving the academic program as a student?

9 A Yes.

10 Q You also testified about -- I don't want to put words in
11 your mouth, the concerns or frustrations with the economics
12 graduate group.

13 A Yes.

14 Q The economics graduate group, would it be fair to
15 characterize those concerns or frustrations as an anomaly within
16 SAS?

17 A Yes.

18 Q If you wouldn't mind pulling out U-13, if you could.

19 A That's the Department of Biology?

20 Q That is the Department of Biology, which of course has
21 no page numbers.

22 A Okay. Right.

23 Q We've got to go back --

24 A We were frustrated by that before.

1 Q Maybe if I -- I can help. I wanted to go to that page
2 that says "teaching requirement."

3 HEARING OFFICER LEACH: You can share mine. I used the
4 sticky to mark it. You can look at mine.

5 MR. FRYMAN: Oh, there you go. Fabulous. Thank you.

6 HEARING OFFICER LEACH: Sure.

7 BY MR. FRYMAN:

8 Q You were asked some questions about the unusual,
9 unsatisfactory performance and then there's this language about
10 -- in these rare cases, this is how we're going to address this
11 unsatisfactory performance.

12 A Mm-hmm. Mm-hmm.

13 Q And there's reference there to things being placed in
14 the, quote, "student's file." Do you see that?

15 A Yes.

16 Q Is that an academic file?

17 A Yes.

18 Q And are you aware of those actions being taken?

19 A Students being asked to leave a program or --
20 specific --

21 Q Let's start with that, being asked to leave the group.

22 A Yes. Yes.

23 Q And what about these --

24 A Yes.

1 Q Okay. I'd like to go now, if we could -- if you want to
2 give that back to Mary -- to U-11. That's the Anthropology.
3 Page 9, if you would. On page 9 it talks about what happens the
4 first year, second year, third year. Do you see that?

5 A Yes.

6 Q And then it talks about the first, second and third
7 summer over on the right?

8 A Yes.

9 Q And it mentions field work?

10 A Right.

11 Q That is literally out in the field?

12 A That is for them -- they coined the phrase, the
13 anthropologists. That is literally out in the field doing the
14 work, doing the research.

15 Q And that could be anywhere in the world?

16 A It could be anywhere in the world.

17 Q And on page 11, fourth paragraph, "TA appointments are a
18 key part."

19 A Okay.

20 Q Ms. Rosenberger was asking you some questions about
21 this. That sentence actually goes on to say that "TA
22 appointments are a key part of the process of
23 professionalization." Can you explain what the anthropologists
24 were talking about when they say "the process of
25 professionalization"?

1 A Well, I know that part of that process is being able --
2 you cannot be an anthropologist if you can't do successful field
3 work. So that's one part of the professionalization. But
4 anthropologists, like all of the other -- or almost all of the
5 other groups in SAS, believe that learning how to teach is a key
6 component of becoming a professional academic.

7 Q And finally, Doctor, you were asked questions about
8 revisions to the --

9 A Right, right.

10 Q -- updating or revising the syllabus. Pedagogical value
11 to that?

12 A Is there a pedagogical value to that? There is in the
13 sense that we want our faculty to be very mindful about what it
14 means to be a mentor towards students' professionalization. So,
15 for instance, in this guidebook, we wanted to be clear it is not
16 a good idea to encourage students to take incompletes because
17 you don't have time to grade the classes. Or it is not a good
18 idea to take a semester to grade your students. They need
19 feedback quickly and on a regular basis.

20 So that's part of the pedagogy. It's just helping the
21 faculty be better educators in that way. And also -- I don't
22 know if this is exactly related to pedagogy, but it's related to
23 wellness. We have to be much more careful in looking at the
24 emotional atmosphere on campus and making sure that our students
25 are aware of the resources they have, and that the faculty are

1 aware of signs or distress or stress or all kinds of different
2 things, being sensitive to pregnancy among their students, et
3 cetera. Just being able to be -- not always look at the prism
4 of graduate student life through their own experience, but
5 looking at it through the multiplicity of experiences.

6 MR. FRYMAN: That's all the questions I have. Thank you
7 very much.

8 THE WITNESS: Okay.

9 HEARING OFFICER LEACH: Okay.

10 MS. ROSENBERGER: Just to clarify -- and really very
11 brief.

12 HEARING OFFICER LEACH: Okay.

13 RE-CROSS-EXAMINATION

14 BY MS. ROSENBERGER:

15 Q So while you're on that paragraph that talks about
16 professionalization --

17 A Back in Anthropology?

18 Q Yes. And Union Exhibit 11, on Page 11.

19 A Right. Okay.

20 Q It goes on to talk about that process and says they
21 provide -- "they" being TA appointments -- provide crucial,
22 hands-on opportunities for student who hope to progress to
23 academic careers. That's essentially what you were saying.
24 Right?

25 A That's right.

1 Q Students can learn about and contribute to effective
2 undergraduate education while working alongside of experienced
3 teachers. Working together with the teacher is part of what
4 helps them become better in their professionalization process.

5 A Right.

6 Q And then it goes on to describe some of the things that
7 I think you've talked about. Design of syllabi, counseling
8 students, et cetera.

9 A Right.

10 Q We can all read that.

11 A Right. Did that clarify it?

12 Q Yes.

13 A Yeah. Okay.

14 MS. ROSENBERGER: I think that's all I have. Yeah.
15 That's all I have.

16 HEARING OFFICER LEACH: Okay.

17 MS. ROSENBERGER: Sorry.

18 HEARING OFFICER LEACH: No problem. Okay.

19 So I need to clarify some things. And in Employer 8
20 which is this, I just wanted to clarify, when it says "degrees
21 awarded," what does "A.M." mean?

22 THE WITNESS: That's a master's degree.

23 HEARING OFFICER LEACH: Oh, it is. Okay. As well as
24 M.S. is also a master's. Right?

25 THE WITNESS: Yes. That's right.

1 HEARING OFFICER LEACH: Okay. You talked a little bit
2 about master students and the funding and I wrote "self-pay."
3 Is that -- does that mean that they're not funded?

4 THE WITNESS: Master students are not funded.

5 HEARING OFFICER LEACH: Okay. How would they pay for
6 their tuition and fees and medical?

7 THE WITNESS: That's their -- that's their budget, their
8 finances. That's right.

9 HEARING OFFICER LEACH: Does that mean like student
10 loans or something like that?

11 THE WITNESS: Usually, yeah.

12 HEARING OFFICER LEACH: Okay. You talked a lot about
13 the process, the application process for a Ph.D. student.
14 What's the application process for master students? Is it
15 similar?

16 THE WITNESS: It is similar. It's the same writing
17 samples, statement of purpose, but they are -- it's I would say
18 -- I'm sorry, I'm really tired. Pay to get in. Let's put it
19 that way. And only if they can prove that they can self-pay.

20 HEARING OFFICER LEACH: Fewer get accepted.

21 THE WITNESS: Right. Few get accepted. So we're very
22 small. If you compare Penn's School of Arts and Sciences master
23 program to say NYU, NYU has about 2400 master students. The
24 MacCracken Fellowship that funds the Ph.D. programs, the 2100
25 Ph.D. programs in the School of Arts and Sciences at NYU is

1 based on the tuition revenue from the master programs. We don't
2 do that at Penn.

3 HEARING OFFICER LEACH: Okay. How many master students
4 does SAS have?

5 THE WITNESS: 95.

6 HEARING OFFICER LEACH: Okay. Okay. And they also have
7 the assuming submit an application, you take the GRE for high
8 scores?

9 THE WITNESS: We do all that. We do all that.

10 HEARING OFFICER LEACH: Okay.

11 THE WITNESS: That's right.

12 HEARING OFFICER LEACH: And in Employer 9, I wanted to
13 clarify the funding.

14 THE WITNESS: Okay.

15 HEARING OFFICER LEACH: I had a question about how was
16 the person funded after -- it says the base stipend is 27-5. Is
17 that just -- okay, that's for the entire -- is that for all five
18 years?

19 THE WITNESS: Each year. So the first year they get 27-
20 5. That will go up by three percent. It always goes by three
21 percent. And we sent out notices tuition this year will be
22 blah-blah-blah.

23 HEARING OFFICER LEACH: Okay.

24 THE WITNESS: It's three percent.

25 MR. JOHNS: You mean stipend?

1 THE WITNESS: The stipend amount goes up every year by
2 three percent.

3 HEARING OFFICER LEACH: But they're funded all five
4 years?

5 THE WITNESS: That's correct.

6 HEARING OFFICER LEACH: Okay.

7 THE WITNESS: Okay.

8 HEARING OFFICER LEACH: There was a lot of talk about
9 the Benjamin Franklin Fellowship as a method to fund students.
10 Are students funded in other ways?

11 THE WITNESS: So the Benjamin Franklin Fellowship
12 describes the way students are funded in the package programs.

13 HEARING OFFICER LEACH: Okay.

14 THE WITNESS: And the ways students are funded in other
15 ways is through the block grants to the departments.

16 HEARING OFFICER LEACH: Okay.

17 THE WITNESS: To specific departments.

18 HEARING OFFICER LEACH: Okay. The summer fellowships
19 that we talked about, I just wanted to clarify, is there a
20 service requirement for that?

21 THE WITNESS: No. There is not.

22 HEARING OFFICER LEACH: Okay. When the doctoral
23 students get their package, I've noticed that they're -- you
24 know, it will say that they have a I guess a teaching -- you
25 call them a teaching fellowship.

1 THE WITNESS: Right. It's put in the letters that
2 they'll have a teaching assistantship, but as I was saying, in
3 the business office, it's a teaching fellowship because it's
4 based on their Ben Franklin Fellowship.

5 HEARING OFFICER LEACH: Do they receive research
6 fellowships or research assistantships in the same way as part
7 of their funding?

8 THE WITNESS: The research assistantships can be an
9 alternative to the teaching fellowships, but usually the
10 research assistant in my experience tend to be separate, faculty
11 bringing them on and hiring them. Some of the letters were
12 examples of where that -- some of the letters of notification
13 that -- that I think you presented.

14 HEARING OFFICER LEACH: So typically when a Ph.D.
15 student in SAS is getting the five-year -- or getting their
16 funding, it usually comes -- the service requirement is a
17 teacher?

18 THE WITNESS: It's usually teaching. That's right.

19 HEARING OFFICER LEACH: But if it -- if they do get an
20 RA, you're saying they may come from a professor who has funds
21 to pay them for that?

22 THE WITNESS: That's correct. Or if they cannot teach,
23 we will try to find a way for them to get a research fellowship
24 that we pay for.

25 HEARING OFFICER LEACH: Okay.

1 THE WITNESS: Right. Or they can grade.

2 HEARING OFFICER LEACH: When you talked about the TA job
3 duties, you said they attend lectures.

4 THE WITNESS: Mm-hmm.

5 HEARING OFFICER LEACH: Did you say that they give one
6 to two lectures on their own?

7 THE WITNESS: They can.

8 HEARING OFFICER LEACH: Okay. And that would be with
9 the professor present or without? Or either?

10 THE WITNESS: It could be either.

11 HEARING OFFICER LEACH: Okay.

12 THE WITNESS: Usually the professors are present for it.
13 But sometimes if a professor is sick, they will beg a graduate
14 student to give a lecture just in case or cancel the class.

15 HEARING OFFICER LEACH: When they are handling their
16 recitation sections, are they -- are TAs, are they alone when
17 they do that?

18 THE WITNESS: Yes. With the students, yes. The faculty
19 member is not there unless the faculty member comes to observe
20 the student which should happen between one to three times a
21 semester. And the faculty member tells the student I'm coming
22 so that they're not shocked..

23 HEARING OFFICER LEACH: Okay. You mentioned -- you gave
24 an example of the student who -- I think the terminology was

1 "checked out" but was no longer interested in doing the TA work.
2 When did that occur?

3 THE WITNESS: This past semester.

4 HEARING OFFICER LEACH: Okay. Was that a male or a
5 female?

6 THE WITNESS: It was a male student.

7 HEARING OFFICER LEACH: Okay. So I highlight things
8 when I have questions and I have -- there was a point where you
9 talked about students doing their own research and I highlighted
10 labs are different. Were you referring to science labs?

11 THE WITNESS: Yes.

12 HEARING OFFICER LEACH: Okay. I think the other witness
13 talked about that so I'm clear, I'm fine with that.

14 THE WITNESS: That's right.

15 HEARING OFFICER LEACH: Okay. In Union 15 and 16, I
16 just want to clarify something --

17 THE WITNESS: I'm sorry, I still don't find mine.

18 HEARING OFFICER LEACH: You can look at mine.

19 THE WITNESS: Oh, okay.

20 HEARING OFFICER LEACH: I remember what it said.

21 THE WITNESS: Oh, okay.

22 HEARING OFFICER LEACH: At the bottom, there's something
23 that talks about proctoring.

24 THE WITNESS: Right. Yes.

1 HEARING OFFICER LEACH: And I just want to be sure that
2 I understand what that says.

3 THE WITNESS: Okay.

4 HEARING OFFICER LEACH: So this is -- 15 and 16
5 represent letters to graduate students?

6 THE WITNESS: Right.

7 HEARING OFFICER LEACH: To TA?

8 THE WITNESS: Right. Or here RI. This one uses the
9 terminology RI.

10 HEARING OFFICER LEACH: But 15 is still -- is that still
11 teaching?

12 THE WITNESS: Yes.

13 HEARING OFFICER LEACH: Okay. And then it talks about
14 the fact that proctoring exams is your assignment. That means
15 proctoring for the section that they're teaching?

16 THE WITNESS: That means -- yes, proctoring for the
17 section that they're teaching and making sure that there is no
18 plagiarism or cheating going on.

19 HEARING OFFICER LEACH: Okay. And it says if an exam
20 conflicts with one of your classes, you miss your class.

21 THE WITNESS: Yeah.

22 HEARING OFFICER LEACH: That means that the student who
23 has his own individual class -- I'm trying to be sure I'm clear
24 what that means -- not the class that they're teaching but a
25 class that they may be enrolled in?

1 THE WITNESS: They're putting -- this is saying to the
2 teaching -- to the teaching assistant that a class that you're
3 enrolled in comes second and that the priority is attendance at
4 this class that they are assisting.

5 HEARING OFFICER LEACH: Okay. Union 18, this one, I
6 wrote down -- I highlighted teaching fellow. I think I just
7 wanted to clarify in Union 18, it talks about teaching which we
8 understand what that is. But non-teaching fellowship, how would
9 you describe that?

10 THE WITNESS: The non-teaching fellowship will be a non-
11 service year. So it would be the Benjamin Franklin Fellowship
12 that the student receives during a non-service year.

13 HEARING OFFICER LEACH: Okay. Union 21 which is this
14 document, I just wondered do you know when this assignment was
15 given because there's n date on it?

16 THE WITNESS: I do not.

17 HEARING OFFICER LEACH: Okay. Do you think -- I mean,
18 could it have been this year?

19 THE WITNESS: It could have.

20 HEARING OFFICER LEACH: Okay.

21 THE WITNESS: I just don't know.

22 HEARING OFFICER LEACH: Okay. No problem. Union 22 the
23 graduate program --

24 THE WITNESS: Sociology.

1 HEARING OFFICER LEACH: I think you said that your
2 explanation of Page 5 would have been a special situation where
3 someone, a student had to take off for medical leave?

4 THE WITNESS: That's correct.

5 HEARING OFFICER LEACH: And then return. I have
6 highlighted is there a service requirement. So these are
7 individuals that are getting the Benjamin Franklin Fellowship?

8 THE WITNESS: That's correct.

9 HEARING OFFICER LEACH: So would that mean they have to
10 return to fulfill their teaching requirements?

11 THE WITNESS: That's correct.

12 HEARING OFFICER LEACH: Okay. That's fine. Okay. The
13 next one I had a question about was Union 24. Was this offer
14 letter -- this is an offer letter to a doctoral student?

15 THE WITNESS: Number 24?

16 HEARING OFFICER LEACH: Yes.

17 THE WITNESS: This is an appointment to a doctoral
18 student as a research assistant for a specific NSF grant project
19 of the faculty member.

20 HEARING OFFICER LEACH: Okay. I just wanted to be --

21 THE WITNESS: Yeah.

22 HEARING OFFICER LEACH: -- sure it was for a doctoral
23 student. I think I may have just heard wrong and I thought you
24 said it was a faculty member when you were talking about it. I
25 just wanted to clarify that.

1 THE WITNESS: Okay. In fact, I think this is for a
2 student in the Italian program to come and just talk and be
3 taped.

4 HEARING OFFICER LEACH: Okay.

5 THE WITNESS: Yeah.

6 HEARING OFFICER LEACH: Okay. Almost done here. The
7 funds that students receive for the BFF or other funds that they
8 receive as part of their I guess funding packages, do they have
9 to repay it?

10 THE WITNESS: In what sense would they have to repay it?
11 If they were asked to leave?

12 HEARING OFFICER LEACH: No. Just in any sense.

13 THE WITNESS: No.

14 HEARING OFFICER LEACH: Maybe like a student loan I
15 guess that's kind of the question. This is just funds that they
16 receive that they don't --

17 THE WITNESS: This is --

18 HEARING OFFICER LEACH: -- they don't repay stipend
19 money?

20 THE WITNESS: This is the university's investment in
21 them.

22 HEARING OFFICER LEACH: Okay.

23 THE WITNESS: In their education. So, no, they're not
24 asked to repay it.

1 HEARING OFFICER LEACH: When someone is -- when there's
2 a TA or a research assistant, who oversees their work?

3 THE WITNESS: The faculty member of that course.

4 HEARING OFFICER LEACH: And I know you said that with
5 regard to a TA that the faculty member will come in once or
6 twice in the recitation course?

7 THE WITNESS: That's right.

8 HEARING OFFICER LEACH: To, could you use the word
9 "evaluate"?

10 THE WITNESS: Yes.

11 HEARING OFFICER LEACH: Okay. And then they tell them
12 their progress?

13 THE WITNESS: Right.

14 HEARING OFFICER LEACH: Is their continued funding
15 related to their evaluation?

16 MR. JOHNS: Objection. Do you understand the question?

17 THE WITNESS: I was going to ask -- I was going to say
18 one thing before I was going to ask though which was that I
19 think it's important to understand that the recitation is a part
20 of the course, it's not its own course.

21 HEARING OFFICER LEACH: Okay.

22 THE WITNESS: The recitation's basically the time
23 students have to discuss what went on in the lectures and the
24 reading assignments.

25 HEARING OFFICER LEACH: Like a section?

1 THE WITNESS: Yes, it's exactly that.

2 HEARING OFFICER LEACH: I remember that.

3 THE WITNESS: That's right. It's exactly that.

4 HEARING OFFICER LEACH: Okay. So did you -- I'm not
5 sure if she didn't understand my question because she didn't say
6 that.

7 THE WITNESS: I was so busy thinking about that part.

8 HEARING OFFICER LEACH: I think what I'm asking you is
9 that with regard to the evaluation does that have any affect on
10 whether or not -- whatever -- I don't know how -- whether people
11 receive a good or bad evaluation, does that have any affect on
12 the funding that they receive?

13 THE WITNESS: I would say unless there has been some
14 disciplinary infringement or something that, no, it does not.
15 This is simply a part of the process of professionalization.

16 In the case that I mentioned earlier, that was brought
17 up earlier of the student who wasn't performing, well, they sat
18 him down and then sent him to me to talk about what your duties
19 are as a teaching assistant. But he's still in the program.

20 HEARING OFFICER LEACH: Okay.

21 THE WITNESS: Yeah.

22 HEARING OFFICER LEACH: And still receiving funding?

23 THE WITNESS: And still receiving funding. Correct.

1 HEARING OFFICER LEACH: Okay. And what about for a
2 research assistant, who oversees -- is it the same answer, the
3 faculty member oversees their research?

4 THE WITNESS: That's right. That's right. But the
5 graduate chairs watch how much the faculty are assigning to the
6 graduate students. Because as I mentioned earlier, there were
7 applications where that was abused and that professor cannot
8 have research assistants.

9 HEARING OFFICER LEACH: In the case of research
10 assistants, if that's their service, are they evaluated on the
11 research that they do?

12 THE WITNESS: They are.

13 HEARING OFFICER LEACH: How often?

14 THE WITNESS: Oh, probably weekly considering that
15 they're in direct -- I mean, if that's research you're doing for
16 a faculty member, the faculty member's going to be right on top
17 of it.

18 HEARING OFFICER LEACH: Do you -- have you had a
19 situation where someone was doing, a research assistant did it
20 poorly?

21 THE WITNESS: I've had a case where -- and this was the
22 same faculty member who was eating up too much time -- three
23 students have quit. So that's when we had to step in.

24 HEARING OFFICER LEACH: When they left their research
25 assignment, did it have an affect on their funding?

1 THE WITNESS: It did not.

2 HEARING OFFICER LEACH: But this was specifically
3 related to the fact that a faculty member was giving them to
4 much?

5 THE WITNESS: That's correct.

6 HEARING OFFICER LEACH: Any other examples of research
7 assistants who've had issues or performed poorly?

8 THE WITNESS: Not that I can think of.

9 HEARING OFFICER LEACH: Okay. That's all I have.
10 Does the Employer have anything further?

11 MR. JOHNS: I just have one followup and then one
12 housekeeping. I don't think we've moved to admit E-10.

13 HEARING OFFICER LEACH: E-10?

14 MR. JOHNS: Yeah. Which was our last exhibit.

15 HEARING OFFICER LEACH: Okay. Do you have it? No?
16 Okay. That's the department of history guidelines?

17 THE WITNESS: Oh, right.

18 HEARING OFFICER LEACH: Okay. Does the union object to
19 the admission of E-10.

20 MS. ROSENBERGER: No. No.

21 HEARING OFFICER LEACH: Okay. E-10 is moved. Thank
22 you.

23 (Employer's 10 received.)

24 FURTHER DIRECT EXAMINATION

25 BY MR. JOHNS:

1 Q And just when you're talking about evaluation with
2 respect to a TA or an RA, does that consist of, for lack of a
3 better term, "feedback"?

4 A Yes.

5 Q And it's of a pedagogical nature?

6 A That's more research nature. That's more -- so where I
7 would say the pedagogical part of that is is if it -- if a
8 student's having trouble sort of getting to material that
9 answers a particular research question or topic, then part of
10 the pedagogy of the relationship between the faculty -- the
11 faculty member and the research assistant is maybe we should
12 approach this another way. You know, maybe we should try a
13 different methodology. Maybe we should try a different archive.
14 And maybe we should try a different way of going. That's where
15 I would say the pedagogical part.

16 Q And this part of this evaluation, whether it's a TA or
17 an RA, part of their academic or development of skills?

18 A Yes. Yes.

19 MR. JOHNS: That's all I have. Thank you.

20 HEARING OFFICER LEACH: Does the union have anything
21 else?

22 MS. ROSENBERGER: No.

23 HEARING OFFICER LEACH: Okay. You're done.

24 THE WITNESS: Thank you.

1 HEARING OFFICER LEACH: Thank you very much for your
2 time today.

3 THE WITNESS: Done? Done?

4 MR. JOHNS: Done. Done.

5 THE WITNESS: Okay.

6 HEARING OFFICER LEACH: For today, unless the Employer
7 wants you to come back another day. But for today, you are
8 done.

9 THE WITNESS: Thank you.

10 HEARING OFFICER LEACH: Thank you. I appreciate your
11 time and actually your patience.

12 THE WITNESS: I appreciate yours as well. Thank you.

13 (Witness excused.)

14 HEARING OFFICER LEACH: Okay. We'll go off the record.
(Whereupon, proceedings adjourned at 6:00:29 p.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 15 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