

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

UNIVERSITY OF PENNSYLVANIA,

Employer,

And

GET-UP UPENN, (GRADUATE
EMPLOYEES TOGETHER-UNIVERSITY
OF PENNSYLVANIA, A/W AMERICAN
FEDERATION OF TEACHERS.)

Petitioner.

Case No. 04-RC-109609

The above-entitled matter came on for hearing pursuant to Notice, before, HEARING OFFICER MARY LEACH, at the National Labor Relations Board, 615 Chestnut Street, 7th Floor, Hearing Room 3, Philadelphia, Pennsylvania, on Monday, June 19, 2017 at 10:00 a.m.

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A P P E A R A N C E S

On behalf of the Employer:

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
Carol Muller	684	732	795		
Julie Sochalski	799	836	869	879	

1

1

E X H I B I T S

EXHIBIT NUMBER	IDENTIFIED	RECEIVED
EMPLOYER'S:		
E-20	--	732
E-21	--	732
E-22	812	827
E-23	824	827
E-24	827	831
E-25	827	831
E-26	831	837
UNION'S:		
P-32	838	843
P-33	847	848
P-34	849	855
P-35	855	856
P-36	858	864

2

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

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

3 HEARING OFFICER LEACH: Back on the record.

4 The Employer can call your next witness.

5 MR. FRYMAN: Carol Muller.

6 HEARING OFFICER LEACH: Good morning.

7 MS. MULLER: Good morning. How are you?

8 HEARING OFFICER LEACH: Good. Could you say and spell
9 your first and last name?

10 MS. MULLER: My first name is Carol, as in C-a-r-o-l,
11 last name Muller, M-u-l--l-e-r.

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

14 CAROL MULLER,
15 having been called as a witness by and on behalf of the
16 Employer and, having been first duly sworn, was examined and
17 testified on her oath, as follows:

18 HEARING OFFICER LEACH: Okay, ready.

19 MR. FRYMAN: Thank you.

20 DIRECT EXAMINATION

21 BY MR. FRYMAN:

22 Q. Good morning, Dr. Muller. Where are you currently
23 employed?

24 A. I am from the Music Department at the University of
25 Pennsylvania.

1 Q. And how long have you been employed at the University of
2 Pennsylvania?

3 A. I'm going into my 20th year.

4 Q. And do you hold currently any administrative position?

5 A. I do. I am the Graduate Chair in Music.

6 Q. And how long have you held that position?

7 A. Sir, almost a year now, since July 1st of 2016. I was
8 Graduate Chair a number of years ago so it's a repeat.

9 Q. And these past 20 years you've been a faculty member that
10 entire time?

11 A. I have, yes.

12 Q. And if you could tell the Hearing Officer just generally
13 what do you do as the Graduate Group Chair? What are your
14 responsibilities in that role?

15 A. So my big responsibility is graduate admissions which is
16 take the case from -- we start reading applications in December
17 and it runs through the end of April pretty much. What that
18 is, we have four programs, so we are working on filling those
19 four programs with graduate students.

20 So that it's a pretty substantial activity with the
21 committee or faculty, but all the faculty have input into it.
22 And then the other part is administering exams for students,
23 administering the other related requirements, making sure
24 students are on the right path in terms of what program they
25 are involved in and participating in make sure that they're

1 getting the support that they need and fulfilling language
2 requirements.

3 I write -- well, as Graduate Chair sometimes I write
4 letters, just sort of administer the places, but quite often I
5 just write letters for students applying for jobs too. That's
6 a big part of my job, oversee the teaching. So our graduate
7 students do teach in their second and third year so I'm
8 involved in that process too.

9 MS. ROSENBERGER: Can I just ask that the witness to keep
10 her voice up because the system here makes it hard to hear?

11 THE WITNESS: Yeah, sorry.

12 MS. ROSENBERGER: That's okay.

13 BY MR. FRYMAN:

14 Q. So you mentioned four programs. Those are four graduate
15 degree programs?

16 A. Yes, so we offer a degree in music, but there are four
17 subdivisions, music composition which is actually a four year
18 fellowship degree, sometimes they take longer. And then we
19 have three programs that are five year degrees, music theory,
20 music history and musicology which is like an anthropology of
21 music, like music anthropologists.

22 Q. And are each of these four subdivisions describe the one
23 four year composition and then the three five years, theory,
24 history and ethnography, are those all Ph.D. programs?

25 A. They are all Ph.D. programs. We used to offer a Master's

1 Degree and, in fact, our graduate handbook still reflects the
2 Master's possibility, but the graduate school changed the
3 fellowship --= well, changed fellowships so that you need to
4 get a fellowship; to get into our program now. And if you get
5 a fellowship you are doing a Ph.D.

6 You'll get a Master's if you decide to leave our program
7 or if we -- it seems like you're not making it we'll give you,
8 you know, some requirements. Sometimes like we had a student
9 this year who decided to apply elsewhere, the program wasn't
10 fitting her needs and so she took a Master's just to have it on
11 record. So it varies why people -- it's not the goal, these
12 are Ph.D. students.

13 Q. And when you say take a Master's upon leaving is that
14 because they have satisfied a certain level of course work?

15 A. Absolutely. So you will have done your first year of
16 course work. Students would have done teaching in the second
17 year too if they -- you know, if it seems that they were ready
18 for it and they were equipped -- well, they would have done
19 some kind of teaching, some kind of service activity department
20 so they will have done one year of service and the course work
21 required. And then they are required to write some short essay
22 out of a seminar that they've done, but it's really flexible.

23 Q. And you used the phrase a couple of moments ago that if it
24 seems like they are not making it. Is that seems like they are
25 not making it in terms of academic progress?

1 A. I think there are a lot of reasons why students may not
2 seem -- quite seem not to be making it. Sometimes a student
3 decides this is not what they want to do and they don't seem
4 passionate about it anymore. Sometimes it is an academic
5 thing. Very rarely though do we have a student -- we're very
6 careful about how we pick students right at the beginning so
7 very rarely do we have a student who quite seems not to be
8 making it.

9 We had a student about ten years ago, I remember, she was
10 really just humanly struggling with the program and she said I
11 want to leave, just when I was Grad Chair. I want to leave,
12 but what will I take out of this? I don't have my Ph.D. And I
13 said, well, we could give you a Master's Degree.

14 And she was really happy that she could walk out with
15 something in hand after she'd done three years of course work.
16 So it was quite a straightforward process actually to -- on
17 what she had done and give her the degree.

18 Q. Approximately how many students does the Music Graduate
19 Group admit each year?

20 A. We target about six. Sometimes we have -- sometimes we
21 have up to eight. We do our targeting fairly carefully, how
22 many offers we'll make relative to how many we think we will
23 have returns on and had already good return this year, but it
24 isn't always that way. Sometimes we have fewer. One year we
25 had about ten students because of everybody we met and offered

1 it to, but that's rather unusual.

2 Q. And these students, they receive funding packages?

3 A. They do. Everybody who comes into our program gets a
4 fellowship package these days.

5 Q. And can you generally describe what those funding packages
6 look like?

7 A. Well, the funding packages come out of the Graduate School
8 of Arts and Sciences. They are -- you know, we are told by the
9 Dean what they include, but a four year package for a composer
10 will be -- well, everybody gets the same every year pretty
11 much. This year they get full tuition covered, they get their
12 own individual medical insurance covered, but I believe that
13 there's some extra money that was given this year by the
14 University to help families, if the graduate student has a
15 family.

16 I don't know what, I think there's a million dollars. I
17 don't know what they did if they run out, but they must have
18 made some estimation of what would be appropriate. So I
19 believe now they get free gym membership too, which is a
20 request apparently. And then they get a living stipend of
21 about \$27,000 for, the way the graduate school sees it, for
22 about ten months so that you have course work for nine months
23 plus one extra month of, you know, into the summer.

24 And then there's the three year summer funding package of
25 just over -- I believe it's just over \$4,000 if I'm remembering

1 correctly, which is for the other two months. Students can use
2 it to travel or they can use it just for living. There's no
3 stipulation on how that money gets used.

4 We also, if I could just say, for the two years they don't
5 get additional funding. We have a very small endowment in our
6 department where if students can give us a motivation for
7 research and research travel and our students do travel quite a
8 bit in the summer, if they can give us a motivation and a
9 budget we disburse this, you know, as generously as we can, but
10 it is a small endowment, but I think everybody who applied this
11 year got something from us.

12 Q. Okay. I want to talk about that a little bit more, but
13 let's hold that for a moment.

14 A. Yes.

15 Q. If I could I'd like to put a couple of documents in front
16 of you.

17 THE WITNESS: Am I loud enough?

18 MS. ROSENBERGER: Yes, you are now.

19 THE WITNESS: Thank you.

20 MS. ROSENBERGER: I appreciate it.

21 THE WITNESS: Sure.

22 MR. FRYMAN: The air will come back on in a couple of
23 minutes.

24 THE WITNESS: Yeah, and then I'll have to yell again.

25 MS. ROSENBERGER: And you'll feel like you're shouting.

1 THE WITNESS: Yeah, exactly. Thank you.

2 BY MR. FRYMAN:

3 Q. Okay. So I put in front of you what we've marked as
4 Employer's 20 and Employer's 21. Can you identify these two
5 letters for us?

6 A. So these are the letters of admission to the students that
7 we're making an offer to and in both music composition, which
8 is
9 E-21, which is the four year fellowship. And E-20 is the five
10 year fellowship. Am I -- oh, no, it's the other way around.
11 E-20 is the four year, E-25 is the five year -- E-21 is the
12 five year. I'm sorry.

13 Q. So just so we make the record clear, so let's start with
14 E-20. That references a four year Ben Franklin fellowship
15 covering the years '17/'18 through '20/'21, correct?

16 A. That is correct and that is for music composition.

17 Q. And tell us a little bit about the Ph.D. program in music
18 composition. What are those students doing?

19 A. So music composition students are basically learning the
20 craft of music composition. They're learning a range of
21 different styles of composition, they are learning sort of
22 mostly a history of contemporary music and of the 20th Century
23 because that's really where they are situated. They have a
24 couple of classes they can take as elective with non-
25 composition faculty, but composition is quite different from

1 the rest of our students in that it is really about craft.

2 So most of the classes that they have are -- even if the
3 seminars are very small or they are private lessons with the
4 three composition faculty that we have.

5 Q. And do composition Ph.D. students complete a dissertation?

6 A. So they will write a short essay, just a piece of writing
7 because writing is obviously important in the academic world,
8 but the main project that they do is a live performance of one
9 of their compositions. And it usually takes place at the
10 Curtis Institute because we don't -- we're not a school of
11 music, we're an academic program. We just don't have the
12 professional performers so these are, you know, a live
13 performance of one of their most important works. All this is
14 done in consultation, of course of the composition faculty.

15 Q. But the piece that is their own original?

16 A. Absolutely, absolutely. Yeah, they develop a portfolio of
17 works over the four years, but they will obviously do their
18 signal piece. And this is done sort of right from the
19 beginning. There's an individualized plan for each composer
20 depending on their interest, like if they want small form or
21 orchestral form and want to do a large song or an instrument of
22 music.

23 Some of them branch out into more adventurous stuff.
24 Right now that's the kind of music that gets composed.

25 Q. I'm sorry, you dropped off at the very end.

1 A. That's the kind of music that gets composed. It's like
2 more -- it is in the European art music tradition or the
3 American art music tradition is where most of the music. And I
4 could just say the student who left is really much more of a
5 popular music person, so she went to Columbia which is a
6 different program, it offers different things, which we don't.
7 I just wanted to explain why we had a student who left. It
8 wasn't really anything wrong with us, it just wasn't her
9 interest.

10 Q. Understand. So that is Employer's 20. Employer's 21 is
11 the five year funding letter?

12 A. It is.

13 Q. And so that would cover the theory and history and
14 knowledge?

15 A. Ethno-musicology, yes.

16 Q. I'm sorry, ethno-musicology.

17 A. That's fine.

18 Q. And then does each of these letters lay out the elements
19 of the funding that you covered earlier, the tuition, the
20 health insurance and this --

21 A. Yes, this is a letter written by the Graduate School of
22 Arts and Sciences. It doesn't cover what the Music Department
23 will do individually for students. Obviously I don't think it
24 covers what the graduates, the student organization -- you can
25 also get money from the Graduate Students -- what is it --

1 GSEC, I don't know what it stands for, but students can apply
2 for conference money so it tends not to be research money as
3 much as conference money.

4 And then that's not -- I don't believe that's articulated.
5 So there are other ways. Students always come in when they're
6 coming to ask what other ways can you get money. They're
7 always asking, but this is what the fellowship offers. I think
8 it is very clear about that.

9 Q. And does this funding that the students receive, in other
10 words the four year or the five year, is that funding
11 consistent throughout each of those years?

12 A. It's consistent. I believe it has a cost of living
13 increase which may be a small increase each year. It's re-
14 evaluated each year so there may be a slight increase, but I've
15 never known it to go down, but yeah, so it would be this or
16 just a little bit more for a cost of living adjustment.

17 Q. And that cost of living adjustment to which you're
18 referring, that is with respect to the stipend?

19 A. The stipend, exactly right. I don't know if this one has
20 the gym membership on it. I don't think it does, actually.

21 Q. Okay.

22 A. That was something -- this letter might have been -- this
23 letter would have been sent out like I think before the
24 decision was made. I don't -- I think we had already made
25 offers to students when that decision for the coming year was

1 made so this is probably a slightly earlier letter.

2 Q. Let's talk about the summer for the moment.

3 A. Sure.

4 Q. The letters also address what's referred to as summer
5 fellowship support. That consists of this -- at least in the
6 letters here for the summer of -- or for students admitted in
7 the fall of 2017 --

8 A. Right.

9 Q. -- that would be an additional \$4,530?

10 A. Exactly.

11 Q. And that would be during three or four summers so the
12 summer after their first, second and third years?

13 A. Three summers. The agreement is that it would come in the
14 end of year one, two and three. You can make an arrangement to
15 have it done at another time. That's currently -- she just
16 made an arrangement -- well, this is a student who got a six
17 year funding, but not enough to make it a full six years. We
18 modified this summer funding through the Graduates -- the
19 Dean's Office so that she can kind of benefit from the six --
20 from the money she was getting by moving around the summer
21 funding, so she will get the summer funding in year five and --
22 four and five, I believe, rather than two and three so that she
23 has a better allocation of money during the six years.

24 It's just the way they move this stuff around they were
25 able to do that. She got a Canadian fellowship so also with

1 the exchange rate it effectuates. So it really wasn't
2 equivalent to what a Pennsylvania six year would cost, but the
3 Graduate Dean's Office, I mean, worked amazingly I thought to
4 move things around. So it generally it's at the end of the
5 second and third years, but there have been moments where we
6 have worked with the Dean's Office to change it around for
7 whatever reason the student has.

8 Q. And staying with that student for a moment, shifting that
9 money around, that shift, that didn't have any relation to what
10 she was doing in terms of her course work, her teaching in any
11 particular year?

12 A. No, I think there's a very big sense right now among
13 students just from what I'm hearing from grad students about
14 six year funding. I'm hearing a lot from students, so I think
15 there's a bigger win that five years, you may need a sixth year
16 in the Humanities and so I think students are kind of thinking
17 about that.

18 So when she got the extra money she wanted to provide for
19 that. I mean she could have banked the money herself and just
20 used it in the sixth year, but we formally made an arrangement
21 with her for that.

22 Q. I want to talk about what students are doing in the six
23 year, but let's put that to the side for the moment.

24 A. Yeah.

25 Q. Let's continue talking about the summer. We were talking

1 about this summer fellowship money. What, if anything, are
2 students required to do in exchange for receipt of that summer
3 funding?

4 A. Well, to the best of my knowledge, this is -- it's a
5 student choice and if they want to use it for travel they can.
6 It simply goes -- I understand, I'm not the administrator here
7 of this particular money, but I understand it just gets
8 allocated to students and, you know, in their first, second,
9 and third years and they can use it. The way the letter is
10 worded I understand it is simply used for living expenses or
11 whatever you wish. There is no prescription on how that money
12 should be used.

13 Q. And can you tell us a little bit about what do your music
14 students, Ph.D. students do during the summer?

15 A. They're an amazing group of people. So the first and
16 second year students largely spend in the City of Philadelphia,
17 mostly in the City because they're preparing for exams. So the
18 end of the first year summer, so just before they start second
19 year, they have -- they work in the library.

20 We give them questions in May or questions that they have
21 developed themselves and they spend the summer preparing that
22 material. And obviously it's easier if they have access to the
23 Penn Library and so forth; quite often though they don't just
24 spend the whole summer here.

25 So ethno-musicology students are doing work. There are

1 some American music students who will go to the south or go
2 somewhere else in the United States to do some research in the
3 summer, but for example, we have ethno-musicology students like
4 a student from Japan, he's back in Japan for the summer now.
5 Two students are in Korea right now. We have a student who is
6 in Colombia, a student in South Africa, a couple of students in
7 Italy, so -- and then we have the composers -- we have a good
8 number of students from Asia in music composition.

9 They can go home for the summer if they choose. I can't
10 tell you if they have done it this summer for sure because it's
11 not really what I'm required to get information about, but the
12 combination of students who will travel abroad to do their
13 dissertation work and students who are international students.

14 I mean I think we're very generous actually in which an
15 international person like myself, the way in which we just look
16 for interesting, good students. They don't have to be American
17 born to get a fellowship in our program. So students travel in
18 the summer.

19 Q. And just trying to count up in terms of the ethno-
20 musicology students, you said there was one in Japan this
21 summer?

22 A. Yeah, he is Japanese and he's gone back to do his
23 research.

24 Q. And one in Korea or two in Korea?

25 A. Two in Korea. One who's actually -- he's an Arab music

1 specialist. He's from Israel actually, but his wife is Korean
2 and he had Visa issues, they had to go out of the country and
3 then come back, so he's in Korea. I just got an email from him
4 in Korea.

5 We have a student in Colombia, South America who's working
6 on Amazon. A student in Suita in Johannesburg, she's on her
7 way to do her dissertation research and she will be there for
8 the next 18 months.

9 Q. And I think you also mentioned --

10 A. A couple of students in Italy. We have two -- a couple of
11 students who are Italian citizens and who have gone back to
12 Italy.

13 Q. And then you also mentioned some Asian students, but
14 you're not sure which of those may --

15 A. Well, one of the Asians -- one of them is Korean and she's
16 in Korea doing her work right now too. We have a student who
17 is -- we have several Canadian students, but they don't all go
18 back to Canada so at least one of them I know is in Canada at
19 the moment.

20 I tend to know more about my own students, the composers.
21 I can't say for sure if the -- I think at the moment -- yeah, I
22 can't say for sure. But students go home and one of our
23 composers have gone back to Upstate New York. I know that
24 because I'm in contact with him for other reasons. So students
25 are -- yeah, some of our ethno-musicology students are working

1 on music in the south at the moment, some are in New York. I
2 mean the faculty we love to travel in the summer.

3 Q. Do you know how many are in the south, the ethno-
4 musicologists?

5 A. I know at least one.

6 Q. Okay. And you know of at least one who is in New York?

7 A. Yeah, she lives in New York City. She lives in Brooklyn.

8 Q. And just to clean up the record, when you mentioned the
9 students after their first or second year are, quote, "working
10 in the library," they're working on their research, they're not
11 shelving books?

12 A. Oh, no, not shelving books, absolutely not. No, no, no,
13 they have access to the library. I'm not even sure they're in
14 there because the library's so on line, right. I very rarely
15 go in the library, but I do work with library resources a lot.

16 No, what they are doing is doing the research for their
17 exams and writing essays that they have to do as part of the
18 exams. They could well be also preparing -- if it's their
19 first year of teaching they could be preparing for teaching.

20 Q. And I want to return to some of your earlier testimony
21 about some department funds for research. Can you tell us a
22 little bit more about that, what students are doing in
23 connection with that funding?

24 A. So these are modest amounts. I have a list somewhere what
25 people got, but I really don't even -- I don't administer that

1 much, that's done by the Departmental Business Administrator
2 who has -- she does all the budgeting and everything, but
3 pretty much what happens is people put in an application.

4 Like the student who went to South Africa, I think she got
5 the largest amount because she has the furthest to travel. And
6 I can't remember exactly, but it was a few thousand dollars.
7 It's not a lot of money, but -- then there's a student who
8 wants to work in archives in Italy or France and he got some
9 money to travel and actually got a very nice fellowship after
10 that too to do it, outside fellowship.

11 But the student -- yeah -- so for the most part it's just
12 to get you there, it's not going to pay for you to live
13 extravagantly anywhere. There are modest funds in the Music
14 Department, we're not rich, right? So yeah, it really is -- I
15 would say there were six or eight students who applied and
16 everybody got something, maybe between \$500 and \$3,000 or
17 \$4,000 were the awards.

18 Q. And is this in connection with these students conducting
19 their own independent research?

20 A. Oh, absolutely. This would be working towards
21 dissertation research, yes.

22 Q. And is this exclusively in the summer or could it be
23 during the academic year?

24 A. So the student from Colombia, he's amazing. So he took
25 spring break and he went back to the Amazon for spring break to

1 -- he made a film and he showed it. So he got -- I think the
2 Department gave him money then too because it was such an
3 exceptional thing. He also went to Turkey. He was going to do
4 his work in Turkey, but it's just too -- he felt too
5 politically unstable, so he's moved back to the Amazon for his
6 work.

7 So people will do it sometimes. Most students travel in
8 the academic year, but sometimes, sometimes if a person's done
9 with course work they have flexibility to travel and we will
10 support them then.

11 Q. Let's talk a little bit about the Ph.D. progression and
12 for the moment let's talk about your five year Ph.D. students.

13 A. Sure.

14 Q. Could you just briefly run us through what they're doing
15 year one, year two, in terms of their degree requirements?

16 A. In terms of course work, the first year is four plus four
17 courses, graduate seminars and then it's fairly
18 straightforward. They will do one classical music requirement,
19 which is a musicianship requirement, which is tailored toward
20 their ability -- not their ability, but their skills in what
21 they need for their degree.

22 So if you're a music series student you're obviously going
23 to have different requirements then if you studied Music of the
24 World's People. The music you're dealing with is different and
25 what kinds of skills you need is different. So the person who

1 teaches that will tailor the music to what the needs of the
2 student are at the time in terms of their field.

3 So that's first year. You also have to, in the back of
4 your mind, keep that we require -- well, slightly different
5 language requirements, but essentially the equivalent of three
6 scholarly languages that students have a reading knowledge. So
7 that's sort of at the back of people's minds that they need to
8 pass. Usually we try to get -- we like students to pass one
9 each year until they're done with course work, but it doesn't
10 always work that quickly.

11 But the graduate school does offer standard European
12 languages in the summer like English, French, German and
13 Italian, maybe Arabic, I'm not sure, but Latin. So the
14 standard European languages are offered in the summer where you
15 can take for six weeks and then they will even administer the
16 exam. We used to have to do that, but the School of Arts and
17 Science language instructors will administer the exam and if
18 the student passes, we take that as a pass for us.

19 So there is four plus four courses in the first year
20 class. You're thinking of, you know, the musicianship
21 requirement and language requirements. In the second year --
22 Q. Let me just stop you for a second. When you say four plus
23 four, I take it you mean four each academic semester, so four
24 in the fall, four in the spring?

25 A. Yes, exactly, because it's my understanding that the

1 graduate school doesn't allow students to take course work in
2 the summer. This was a rule made about, I think, eight or nine
3 years ago, somewhere in the past. And you used to be able to
4 take courses in the summer, but -- I don't know if I'm correct,
5 but I believe that you can't take it anymore during the summer.
6 Course work has to be in the spring or in the fall because they
7 want you to focus on your own work in the summer and exams and
8 whatever else is required.

9 And second year is when you start to do some kind of
10 service or teaching, some kind of teaching related activity.
11 And so our students will take three courses each semester plus
12 they're teaching. So anyway, taking one graduate seminar out
13 and substituting it in with teaching. Now, how the -- and the
14 same for third year.

15 Incorporated into there is people know that teaching a
16 class on your own can feel overwhelming so we have a number of
17 ways in which we help students with that. First of all, in the
18 first semester of teaching generally not -- graduate students
19 will sit in as teaching fellows. Rather than teaching the
20 courses themselves and taking full responsibility they watch a
21 full-time faculty teach that undergraduate class and they work
22 in support of the large class.

23 So they -- well, we always give -- as far as I know, all
24 faculty give the students some opportunity to practice teaching
25 so if you want the opportunity to teach two classes in that

1 semester you give them that opportunity, but there's no --
2 nobody's sort of forced to do that. And usually the students
3 want to do it.

4 That's been my experience. But they will do grading and
5 may -- we don't really do tutorials or that precept tutorials,
6 whatever you call it. We just tend to just -- it is office
7 hours, those kinds of things, just helping students with the
8 basic course content and assignments and getting some feel for
9 what it is to be a teacher of that class, but not actually
10 having to do it yourself the first semester.

11 The second semester, if we feel students are in terms of
12 English language skills ready and just communication skills,
13 that they just seem to be really ready to take responsibility
14 for teaching, we put them into a classroom. They have no more
15 than 30 students, they have their own section of 30 students.
16 Ideally, a graduate student will teach them material that they
17 learned the semester before or were exposed to the semester
18 before in the way in which it was taught.

19 We give some students the flexibility for three weeks in a
20 syllabus to teach what they feel they want to teach. The teach
21 the things maybe of their own research or maybe something that
22 they perform in that tradition. So they're given some
23 flexibility with the overall schedule. We oversee that
24 teaching.

25 Obviously they're teaching a course that has gone through

1 the Committee for Undergraduate Education so it's been
2 approved, the syllabus has been approved, so we have to keep
3 some oversight on what is being taught to make sure that all
4 courses are kind of equivalent in what they're giving to
5 undergrads so, you know, there is oversight.

6 We do listen in, attend the teaching, talk to them about
7 teaching so that all the teaching is done under the supervision
8 of a faculty member if he teaches that material.

9 Q. Okay. I want to return to that, but let's just keep going
10 then in terms of the progression of the five year degree
11 program.

12 A. I'm sorry.

13 Q. That's quite all right. So we talked about the first
14 year, the second year. Third year, I don't know, maybe that's
15 the same as the second one, but let's just --

16 A. It is except by then you're comfortable doing what you're
17 doing so probably a student in the third year will teach just
18 as they taught a section on their own in the spring semester,
19 in the fall and the next spring will teach the same material.
20 It's about by then they're more comfortable in the classroom,
21 have had enough feedback.

22 But sometimes a student will -- we can talk about this,
23 but will ask to teach different material because they want more
24 experience. We do that if we can, it's not always possible,
25 but we do. If they want to, for example, teach world music and

1 jazz because they think it will help them in the marketplace.
2 Often students just want to teach to become familiar with what
3 they're doing, so we leave it at that.

4 Q. And just going back for a moment, you said that the first
5 semester they're not out in front as the instructor, but the
6 second semester usually they will if they're ready. Are there
7 circumstances under which the student may spend another
8 semester in support of the faculty member?

9 A. Yeah. Sometimes -- well, sometimes -- well, I don't want
10 to -- sometimes there are a reasons a student brings to the
11 table, like if they struggle with mental health or something
12 there will be a reason why we hold them back a little just so
13 that we can support them better.

14 Sometimes it's English language doesn't feel -- the
15 student doesn't feel like they are -- but actually, all our
16 students have passed the English language requirements. You
17 know, if a student comes and English isn't their first
18 language, yeah, we haven't had too many instances where we
19 haven't felt students are ready, certainly not in my
20 experience, but we will -- you know, excellence in teaching is
21 very important in the Music Department.

22 It has been since the day I arrived. And we've turned
23 down people who have been brilliant scholars for jobs at Penn
24 because we felt they're not strong enough as teachers. I mean
25 that was when I came in, that was the ethic that every faculty

1 member teaches grad and undergrad. There's no -- but teaching
2 matters so I think it -- we do want to put the best possible
3 teachers in the classrooms for undergrads.

4 Q. So then why, if that is so important, why would you put
5 such inexperienced graduate students in front of an
6 undergraduate class?

7 A. Well, you might be surprised at how actually -- how --
8 okay. So when we -- when actual students who want to come to
9 our program, I always talk about the graduate student cohort,
10 which actually is a very supportive, almost always it's an
11 amazing culture of student support. People will share.

12 And graduate students are very good teachers. They take
13 teaching very seriously is what I would say. I think they do
14 it in the same way faculty do. You know, sometimes it takes a
15 while, but you are helping students. When I oversee the
16 teaching I teach on line. I have all of my materials archived
17 on line. I give student access to all my materials; they can
18 use whatever they want in whatever way they want to use it.

19 So it's not like we're just dangling them in front of a
20 class. And I think our students get it while we do the first
21 semester, see how we teach, see the material, learn the
22 material without it being -- without being overly demanding on
23 their time so that they can absorb the content and the motive
24 of presentation with a little bit of exposure just to do it.

25 And students also in the Grad Office which is, you know,

1 they share materials, they support each other. Sometimes they
2 will go into each other's classes and teach the things that
3 they're really good at. And I really think that our students
4 are well trained. They are -- and we give them support. We
5 give them input into how they teach. I think we model good
6 teaching to them too.

7 So yeah, I think it's a really important question that we
8 do keep at the forefront of how we think about it, that we
9 aren't just -- we aren't just dangling students. I really feel
10 that students -- they may feel it's a very big challenge, which
11 we all feel first walking into a classroom, but if they feel
12 challenged when they're graduate students, just get a job and
13 have to teach four new classes never having taught before and
14 see how you feel about that.

15 I mean I remember people -- I have colleagues who sit up
16 by the Ph.D., but never learned how to teach in the process and
17 I think that's what makes our program a very strong program and
18 say well, it is very hard. And then we do try also to support
19 that students don't feel I have three other huge graduate
20 seminars.

21 You can take an independent study, you can take teaching
22 for credit one semester. You can be -- either way that we can
23 help you carve up the time, especially in your first semester
24 of teaching if students are feeling overwhelmed by it, you
25 know.

1 Q. So why do you have this teaching requirement?

2 A. I just think it's part of -- if you're going to go --
3 well, teaching is also about communicating. I mean the other
4 skills that are learned, if you're going to go and do really
5 interesting work you want to be able to communicate it. And,
6 you know, when you start communicating it with very bright
7 undergrads who are open to learning I think it forces you to be
8 -- really care about what it is you're doing so there's a
9 communication skill.

10 It's like I said, if you're going to -- most of our
11 students get academic positions. If you're going to have to
12 teach, in order to -- you know, you're a research University,
13 but our students are teachers, are community engagement people,
14 they are -- you know, they do so much more than just research.
15 So research is important, but teaching is how you convey
16 knowledge about your field to a wide range of people.

17 It's how you disseminate information about what it is,
18 disseminate that knowledge to the public in a very real way in
19 my view. I mean I just -- a few years ago -- I'm working on it
20 now, redoing it, one six week period I reached 35,000 people.
21 Do you know what I mean? That's a huge thing of the knowledge
22 that I have that nobody would get otherwise. How else?

23 I mean there's a lot of popular media today, a lot of
24 people have access and I think the University is where you get
25 knowledge you wouldn't otherwise acquire in society so teaching

1 is the way in which you learn to communicate that knowledge.
2 That would be my view, but also that our students are going to
3 go -- I mean the University is getting harder and harder,
4 colleges are getting harder and harder.

5 You're having to teach more and more of a wider range of
6 things. At least if you've got -- if you've been in front of
7 students before and had to be really on your toes, be really
8 organized, you've got to manage your time, you've got to get
9 stuff done in the deadlines all the time, these are all good
10 skills I think for whatever you're going to do with your Ph.D.
11 afterwards.

12 Q. And notwithstanding your role as Graduate Chair do you
13 still have -- still teach courses where you have graduate
14 students who engage in teaching activities with you?

15 A. Absolutely, all the time.

16 Q. And using your own personal experience with your graduate
17 students can you tell us about how you work with these graduate
18 students and help develop their teaching skills?

19 A. So -- well, there's sort of three different contexts in
20 which I've worked with grad students in teaching. The one is
21 the regular undergraduate classes. I actually teach and I
22 think I was the first faculty member to do this, I teach Penn
23 undergrads not just College of Liberal and Professional
24 Studies, but Penn is -- Wharton students they take for
25 undergrads, I teach on line to them during the semester.

1 So they can take my class face-to-face or on line and I do
2 it in the summer as well, which is a different constituency of
3 students, increasingly less, but it is intended to be. So if I
4 teach World Music and Culture, the students, I had two TA's
5 last year in the fall, two graduate students, actually a
6 composer, not even an anthropologist and a musicologist, a
7 composer who had done work in Indonesia and was interested in
8 world music traditions.

9 And so she came in and she was my teaching fellow. She's
10 wonderful because she had this sort of the making of music
11 experience. She's studied Gummalon in Indonesia and put it
12 into -- in compositions. She was really wonderful.

13 And then I had a student, the student who's in Canada
14 right now. She -- so they come into my class, they see how I
15 teach the materials, they would -- so they were really a
16 support to the undergrads. If there were any questions they
17 come to me first because I had blended classes now, so I have a
18 mix of on line and face-to-face even in my face-to-face classes
19 so the student -- we're involved in a lot of grading actually.

20 I did a midterm and a final exam. Students had the choice
21 of doing it on paper or on line. They just had to bring -- and
22 you know, it's in a regular classroom so you're proctoring
23 that exam. So we had -- so I take the on line quizzes that I
24 had developed for the summer and I put them into the face-to-
25 face so after every class undergrads are taking an online quiz,

1 just a matching quiz, just making sure they're keeping up with
2 the material.

3 So there's nothing for the grad students to have to do
4 there, that's done. Where the grading came in and even if we
5 did the class on line a lot of the beginning part of an exam
6 now is done through a pool of questions that are randomly
7 selected. Every student has a slightly different exam, but at
8 the end you just have the writing at the end.

9 So there will be two short -- many essays and many means
10 two or four paragraphs each. And either I do it or the grad
11 students do it or just depending on the scheduling sometimes or
12 we share the load of that. So the grading isn't in my classes,
13 certainly not. I don't think students will complain about the
14 grading because we do it on one project, so either it's a
15 mapping, Google mapping project which is done digitally or
16 students attend the last performance and write about it. So
17 that's where I had students work with undergrads.

18 So you are getting exposed to material, you do some
19 grading, you see how an exam is set up, but you're not actually
20 having to grade that, I'm not handing all the grading to the
21 grad students in that sense. So it's a lot of just the kind of
22 office hours helping me with writing, helping deciding what
23 projects again to do and that kind of thing, but always in
24 consultation with me.

25 And then advanced grad students, these will be students

1 who will be beyond the fellowship package. In the summer my
2 daughter was born and she's 14, the last 1r summers I was asked
3 to develop an online class in world music. Like I say, it's a
4 long time ago and after a few years I realized I could have a
5 teaching fellow and in the fifth I just used an undergraduate
6 who volunteered and wanted to do it, but then I decided to use
7 grad students, but who are beyond and who want the online
8 teaching experience for their CV's and who need the money.

9 They have tended to be students -- they have always been
10 up until this summer, been a student who has taught this
11 material before so it's not overwhelming and I say to him
12 would you like to teach one or two of the sections so the class
13 runs two hours like I'm teaching tonight, runs two hours twice
14 a week and I say to them you pick what you'd like to teach,
15 whatever you're comfortable teaching.

16 If they want to develop a course around -- I let them do
17 it, but they tended recently just to teach what is already
18 there because they know it. So they're getting the online
19 experience. A lot of that again is self-grading with just the
20 little paragraphs, you know, the mini essays at the end that
21 either I do or they do. We split up the grading.

22 And then the final piece of experience that students have
23 had is when I've developed these online courses, two of --
24 actually one of my students and one Italian, another Italian
25 students we had who worked as my TA, listening to an all music

1 class which I taught now about four years ago, they helped
2 develop it. They got paid to do it. You know, it was a big
3 adventure for all of us. Everything was a good experience
4 because it -- you know, we had to learn what Corsara was doing,
5 what a muck was, 1 what teaching to literally a worldwide
6 audience who were online 24/7.

7 It's a very different kind of experience in a face-to-face
8 class. We have some semblance of maybe they will email you at
9 2:00 o'clock in the morning, but you don't answer. Here
10 people are -- and they're engaging with each other so when you
11 go to sleep, you wake up the next morning there can be a huge
12 eruption of a discussion forum, right, so it's a very different
13 experience.

14 But one of those students is back now working with me
15 again. She's finished her Ph.D. and she's sort of in between
16 things so she's going to work with me on the refilmed now that
17 Penn is putting more resources into these courses. She's going
18 to help me go on trips to run in September. So there's been
19 some nice experiences that I think the Graduate School of Arts
20 and Sciences values.

21 I mean they will contact me and say we can give your
22 students some online experience to learning. And I'd say my
23 students, my advance students already have that so it's, I
24 think, quite a nice opportunity.

25 Q. So just to be clear this last example you gave, you said

1 the student had finished her Ph.D.

2 A. Yes.

3 Q. So no longer a grad student?

4 A. No. And in fact, the student I -- well, she's not a
5 student, but before she finished there's a woman who came in as
6 a music history student who finished and I knew she didn't have
7 anything immediately and so I offered for her to TA with two of
8 my -- I'm teaching two classes this summer. I knew she needed
9 the money and on her CV it could be really good to have, on
10 somebody who's doing
11 European Recordry to have World Music and Cultures and Africa
12 on her thing as material that she's familiar with now and on an
13 online form, so she jumped at it.

14 She does -- I could have asked probably five other people,
15 but I also think it's important to give -- when you graduate
16 it's a little bit different than when you're just a faculty
17 member because you want to give a wider exposure to students.
18 And so she finished her Ph.D., she defended, she's done.

19 And then there's another student, actually, I have to say
20 did not -- didn't get the six year funding. He didn't get and
21 I was kind of trying -- I was doing everything I could to see
22 what we could find for him and there didn't seem very much.
23 And then I said to him, you know, we don't have any European
24 Repertory, the introductory class, an online section of that
25 class, would he be interested in developing it when his

1 dissertation is done?

2 So we have been in conversation with LPS on these summer
3 classes on line and once his dis -- he's planning to be done in
4 December. In the spring he will get a course development grant
5 and as a Ph.D. student he will develop the course in
6 conversation with faculty who teach the class regularly, get
7 their material, but teach in a way that is good online and he
8 will teach in the summer. But he won't own the class, as
9 nobody owns their classes.

10 When you leave the institution, you know, you leave the
11 class behind, but it will be a placeholder for students who are
12 looking for additional experience and funding and they'll be
13 able to teach that class, at least in the summer in the future.
14 So we try to create a place that could give students an
15 opportunity.

16 I don't think faculty are that interested in teaching in
17 these online classes because they would have developed them
18 themselves. I don't think we'd be taking classes away and I
19 think if there's a student who needs it, the class can be run,
20 we'll prepare for the class to be run.

21 Q. So that's in and he'll have received his degree in
22 December?

23 A. I can't say a hundred percent sure, but it is his goal to
24 have a December graduation and then to do it after he's
25 graduated, yes.

1 Q. So the idea being that when he's receiving this money and
2 this ring he will no longer be a student?

3 A. He will no longer be a student, yes, that's the plan. I
4 can't guarantee it, that a person will finish but that is the
5 plan and he feels that he will be done in that time.

6 Q. But you also do on occasion have students who have not yet
7 reached their Ph.D. Degree who are past five years of funding
8 who will engage in some teaching activity, correct?

9 A. Okay, in two ways. I personally, because I teach online,
10 I need TA's in the summer, teaching fellows. And so I will ask
11 students have taught the material before would you like to do
12 this? And I can tell you students jump at it because it's
13 fairly well compensated, it's not an onerous task. The class
14 is kind of set up, we -- you know, we modify, we tweak exams
15 and tests and sometimes we teach it in a different order, but
16 it's not like you're teaching a whole new class, so I will do
17 that, but they are -- so I have a student who's done this
18 with me several times and then I have also said you need to
19 finish your degree and I can't offer it to you.

20 I mean you have to finish and it's not happening fast
21 enough. And you know, the students understand. So the
22 priority is to get students finished, not to have then teaching
23 for us. That's not the priority at all. In fact, our time to
24 degree is pretty good, relative speaking, for scholarly things.

25 People don't -- some finish in five years, some in about

1 six so our time to degree is pretty good. We don't want to --
2 I mean I often get things where people say when you're teaching
3 you have something, we don't have somebody because our
4 stud3ents really have finished and have gone on to other things
5 like post Docs or jobs our students do.

6 They aren't easy to come by in music, no. So yeah,
7 sometimes we do. In the Music Departments if we find -- if we
8 have a section we feel we should add another section of music
9 theory, undergrad music theory or something like that somebody
10 who's a good student will value doing this, we will make the
11 offer to them, but nobody's ever obligated, nobody's ever
12 obligated to do anything, they do it because they need the
13 money or they want the experience or whatever it is, but we
14 really -- it is a high priority to get our students done.

15 Q. Earlier you mentioned something I think you referred to as
16 teaching for credit. What is that?

17 A. So we had one -- I can't remember the exact course number.
18 We had a course allocated and where you can just -- it's if
19 you're teaching and you just feel you can get credit for the
20 teaching, so you are teaching anyway so we will give you the
21 extra credit. If you just feel you need the extra time
22 basically that's what we're doing is giving you the space to do
23 your job to the best of your ability in the time that you have
24 allocated.

25 It's a one off, you take the course once and you will just

1 get -- you know, there will be a faculty adviser for you
2 underneath who will just make sure that your teaching is good
3 and it's there really to support the student teaching. You
4 have to be teaching your own section, it's not -- you don't get
5 it as a teacher just to sustain someone in a class, it's if
6 you're teaching your own section.

7 And often, not always, of ten students will take it in the
8 spring semester of the second year of teaching, which is the
9 first time they take full responsibility for their course.

10 Q. So if I'm understanding correctly that student, let's say
11 in the spring semester of their second year, that means that
12 student would be taking one course called teaching credit,
13 whatever that course is called and then two other courses?

14 A. Yeah. So sometimes there are even more personal reasons.
15 If a grad student has just added a child to their family or
16 something like that we -- a student -- we even try to help them
17 so they can take an independent study so there's more
18 flexibility in schedule.

19 If they need to be home at a certain time which overlaps
20 with grad seminars which would tend to be between 2:00 and 5:00
21 in the Music Department, if they're taking it ultimately it can
22 be at some other time, but you know, we have tried our very,
23 very best to really -- because we have small departments and I
24 think we are lucky that we can -- we have a wonderful Grad
25 Coordinator too who knows how to help students.

1 Q. But the teaching for credit or the independent study,
2 those serve as satisfying course requirements?

3 A. Yes, yes.

4 Q. You mentioned that the composing, music composition
5 students, they are also required to teach?

6 A. They are. They tend to teach the music theory sections,
7 introductory music theory sections because when you're out in
8 the academic world anyway and some people don't always get
9 attractive positions because they get commissions and they get
10 a little bit of teaching. Very often they're not teaching
11 composition per se, but they're teaching music theory because
12 theory and composition are intertwined.

13 So they do teach two sections or they could do a lab
14 section, an ear training section. So sometimes we started a
15 new class and we opened it up to Penn undergrads so they could
16 come and do ear training because that's part of your training
17 as a musician. So in one or two instances we'll have students
18 do something that is related, but not necessarily exactly being
19 an instructor in front of the classroom, but sitting in our
20 computer lab working on an ear training program with the
21 students.

22 Q. Do you think it important for the student composition
23 students to have to engage in these teaching activities?

24 A. Without doubt, with no question. And actually so I think
25 in music theory, in composition especially because any way

1 people are developed you learn a lot about music by the way in
2 which students respond to it too. The questions that students
3 ask about musical materials I think help you to think. I think
4 it's the same in the academic work too.

5 I think teaching is a great teacher of teachers because we
6 learn from our Interlocutors and we learn about repertoire
7 maybe you didn't know about. I mean I'll just give you the
8 parallel in the methodology of our online course. I did a
9 thing where I ask students because I literally have students
10 from 65 countries, whatever it was, something like that, very
11 high number and I said to them give me a link to music in your
12 local area that you think we wouldn't know about.

13 Oh, my goodness, it was amazing to just see what was out
14 there that we in the Academy didn't know about. And that's
15 what I'm saying, our students are coming from a wide range of
16 places. I just think there's much to be learned and there's a
17 20th Century German composer, Arnold Schaumberg who in the
18 beginning of his book he wrote something to the effect of -- it
19 was a book on music theory and at the beginning of the book he
20 said this book comes from my students or my pupils I think he
21 called them, but in other words this is a book comes out of
22 teaching process itself, you're learning by teaching.

23 Q. Does the Music Graduate Group admit Ph.D. students based
24 on undergraduate enrollment?

25 A. You mean do we do it according to the needs of our

1 undergraduates?

2 Q. Right.

3 A. Definitely not. No, we do not do that.

4 Q. Can you explain?

5 A. Well, I mean in the thing that we run introductory classes
6 and we will offer it, sections of World Music and Culture,
7 Music 50 or Music 21, which is the Thousand Years of Music
8 Listening, European stuff or Music 70 which is music theory
9 introductory, in the sense that we run introductory classes we
10 need to people those classes, but this is how we do it.

11 When we are working how many sections of Music 50 we're
12 going to do, we look to see, oh, there are three academic
13 musicology students, so we will run three sections plus how
14 many faculty are going to be on leave so we have two faculty,
15 so we have five sections altogether. We will run at least --
16 and sometimes we will say well, we don't have enough graduate
17 students so we can run a very large class.

18 So we adjust our -- we will run those core undergraduate
19 classes, but we will adjust according to the people that we
20 have rather than saying we need to staff this large music
21 introductory music theory class or introductory jazz class
22 which is going to get 150 students so we need to bring in so
23 many. No, we never do that. We really -- it's the privilege
24 of being part of an elite institution, really I do think it is.

25 We really need to bring in students that we are interested

1 in the way they think about music, whatever music they tend to
2 do. I really think we're very privileged in that position that
3 we can bring in interesting people or people that we think --
4 yeah, I think people with big minds and big ideas. That's what
5 we look for.

6 Q. Before that first semester of teaching the second year
7 are the music students, do they receive any training with
8 respect to teaching?

9 A. Okay, so two things. One, the Graduate School of Arts and
10 Sciences runs a teaching fellow workshop in August and we
11 require

12 -- I think it's three days in August like the 22nd to the 24th
13 or something this August. So we require our students to attend
14 that in their first year of teaching. When I taught the
15 classes when I -- I mean there's three ethno-musicologists so
16 we alternate whoever received the overseeing of teaching.

17 So when I've got that, I bring the students together
18 beforehand, usually at the beginning of the summer and say
19 here's my syllabus, do you want to take a look? I'll give you
20 access to it before we meet. So students have some time where
21 they can be exposed to the material before and then once the
22 syllabus is together they set up the candies you know.

23 You know, we meet once, it depends on the needs of the
24 students and it depends on the situation, but once a week or
25 once every two weeks faculty will meet with students to, you

1 know, make sure that everybody's on the same page about
2 teaching.

3 And increasing the technology, everything is available,
4 but the candasock that you used before, you can just have it
5 copied over and add the students to it, so technology is making
6 that process more expansive, I suppose, more supportive in a
7 way. I mean students have to work at how to use it, but to
8 teach them is their own, but the availability is there.

9 Q. Let's go back to years four and five of the program. Are
10 students engaged in any teaching activities in those years?

11 A. Not really. In the exceptional case we have had -- like
12 we have a student right now who has gone back to Japan and he -
13 - and although he passed the English language, I think it was -
14 - I can't remember because I wasn't right here, but I think it
15 was his decision to delay his teaching until he returned from
16 his research so he has got one --- he taught this year, his
17 third year and then he is doing his research and when he comes
18 back in his fifth year after his research he will do some
19 teaching then. So that's when he will follow the second year
20 of his teaching requirement.

21 But that was -- I think it was in a conversation that
22 happened, I'm assuming it was a conversation that happened with
23 what he wanted, right? It was an agreement between the grad.
24 I don't think there was any problematic reasons for doing it,
25 it might have been a personal decision there.

1 A few years ago, the one where I told you we yielded six
2 ethno-musicologists we made six offers and we wanted two and we
3 just hadn't been yielding a lot of people, we got all six.
4 Technically we had just too many people. We couldn't offer
5 that many sections and so we asked students if they would be
6 willing to teach in your fourth year instead of teaching in
7 second and third year and two students agreed to do that.

8 And with respect I'm not sure it was the best thing to do,
9 is my view, but they agreed and I mean I haven't heard them
10 complain. It's just more in my view off the program. It's
11 better to yield the right number of people, but it was
12 exceptional, it was an exceptional year, we didn't think we'd
13 have that many.

14 Q. So in all of those instances in which you testified that
15 there was some exception and the students were teaching in year
16 four or five, that was all because they had not yet satisfied
17 the full --

18 A. Exactly.

19 Q. -- two year requirement?

20 A. Right, yeah. This is part of the requirement. It just
21 didn't happen in the second and third year, it happened a
22 little bit later.

23 Q. And with respect to students who fulfilled the requirement
24 in years two and three, are they engaged in any teaching
25 activities in years four and five?

1 A. No, not to my knowledge. I would never let that happen as
2 Grad Chair.

3 Q. Why is that?

4 A. Well, because they must do their work, they must get --
5 while they're being funded they must get to work on research
6 that they -- yeah, that's the time to do your research and
7 writing. Teaching is great. I will tell you students love it.
8 My experience, I can't speak for everybody, I've had some
9 students who've gone back to teaching after a while and they
10 go, oh, gee, I missed this so much, I love this, what happens
11 with the class and interactions.

12 I'm not saying I'm speaking for everybody, I know that
13 there are students who don't really love to teach, but you
14 know, this is what you have to do in this profession so yeah, I
15 don't -- I'm pretty sure the policy of our Department is not to
16 allow that to happen and to the best of my knowledge it never
17 has, but I'm not always party to all those decisions.

18 Q. And then some students will finish in four or five years?

19 A. Okay. Composition students, some will finish in four
20 years. I would say a good number manage. They definitely
21 will finish in five mostly. I mean we have a student now who
22 had, when I was brought in as Grad Chair, she just finished
23 composition, she's kind of -- but she has had tons of
24 commissions, she's been all over which is what composers do,
25 right? She's had, I think this last year, seven different

1 commissions from seven different organizations.

2 I don't know what the size of the commission is, but she's
3 doing lots of work which is also, you know, part of her
4 profession, why she didn't come in and just finish off, not
5 care, because she had plenty of work. And it wasn't that we
6 didn't make contact with her, I don't know the circumstances,
7 but she's done and she's doing really well professionally. So
8 generally speaking, some students in the scholarly world will
9 finish in five years.

10 You know, I had a student, a very smart student, really,
11 really wonderful who came to me. I was on leave that year, I
12 remember and said, look, I could finish my Ph.D. now. There
13 are not a lot of jobs, but post Docs. Do you think I should
14 rush my dissertation or should I try and spread it out over the
15 next 18 months?

16 And I said to him it's really your choice what you want to
17 do. But he said I really want to apply for those post Docs so
18 I worked with him and we got him done in five years. It is
19 more efficient, I think five and a half to six years is more
20 the way students are.

21 Q. And for those students and again we're talking about
22 anybody other than the composition students --

23 A. Composers.

24 Q. -- who are not able to finish in five, not all of those
25 students are engaging in teaching in the following year, are

1 they?

2 A. No, no. I think it's the exception rather than the rule.
3 You know, the graduate school does have these dissertation
4 completion and dissertation fellowships for our students. We
5 let all our students equally apply. If you put in the
6 application we will support it and then we see what happens,
7 right. And this year we didn't get a lot of dissertation, I
8 think we got one dissertation completion fellowship, which is a
9 full supported year and then she, this person, got another
10 fellowship so she turned it down anyway.

11 Most of what students got was support for their research,
12 their dissertation research fellowship. I know everybody's
13 under pressure financially, but our students this year, they
14 did pretty well getting something for sixth year.

15 Q. And so when you say the exception being a six year
16 engaging in teaching activities?

17 A. It's mostly if a student comes to us and says do you have
18 something for me because I just can't make it financially. We
19 do what we can to find a place for them. We can't always, but
20 we do what we can.

21 Q. Now, we talked a little bit about research that the Ph.D.
22 students in music they are doing all their own independent
23 research?

24 A. Definitely.

25 Q. And are they ever conducting any research for a faculty

1 that is not -- a member that is not their own research or not
2 in some way related to their dissertation?

3 A. I wish we had huge fellowships and grants; then we could
4 hire people. We don't have. We just don't have the resources
5 to do it. I'm being a little bit facetious here, but no, to
6 the best of my knowledge this -- one faculty member used to use
7 I think mostly undergrads to work with him, sometimes a student
8 is used on a publication with a faculty member, but it's not
9 research that you're doing for another person, it's more -- how
10 can I say it? I'd have to check with them exactly what the
11 person does, but usually there is some work on a -- and it
12 hasn't been in a few years as far as I know.

13 There is one -- no, I think maybe, maybe some -- if it was
14 directly related to a student's work. So I don't think -- I
15 mean the person would be hired because there's a connection
16 between
17 what the faculty member is doing and what the student is doing.
18 It wouldn't be that the person would be hired to do the work
19 for the faculty. I think that's the difference and to me
20 that's a kind of labor issue.

21 This is an intellectual development issue which is I think
22 would be hard and it's only one person. I've never hired
23 anybody to do work for me on my own research, not a grad
24 student, no.

25 Q. And you're definitely not aware of that with respect to

1 other faculty?

2 A. No, not as far as I know, let me put it that way.

3 Q. Just a couple of additional things to return to teaching a
4 moment. You talked about occasionally a graduate student may
5 struggle a bit with respect to their teaching activities. Will
6 that in any way ever jeopardize that grant student's funding?

7 A. I've never known it to be that. I don't think so. I
8 think we'll just make it --

9 MS. ROSENBERGER: I'm sorry, I couldn't hear the
10 beginning.

11 THE WITNESS: I've never known that to happen. I think
12 what we try to do is find ways for the student to find some
13 alternative way to get the experience. So -- well, I don't
14 know if I can -- we admit ted a student who was blind and so to
15 put him in front of students was a challenge, all right, and it
16 was a challenge.

17 We did what, you know, -- so what we did was he's a very
18 gifted performer so we created a performance class for him,
19 we've given him other ways to do things, but there was never
20 any threat with teaching. No, I would never. I've never known
21 that to happen. We've always tried to work a way to support
22 the student to get some kind of experience that would be
23 helpful to them and that they're able to do. I really think
24 that everybody in our Department would be very much in
25 agreement with that, yeah.

1 MR. FRYMAN: I don't think we've moved 20 and 21.

2 HEARING OFFICER LEACH: No, we didn't. Any objection
3 from the Union to Employer 20 and 21?

4 MS. ROSENBERGER: No objection.

5 HEARING OFFICER LEACH: Okay, Employer 20 and 21 are
6 received.

7 (Employer's Exhibits 20 and 21 received.)

8 MR. FRYMAN: Thank you, Dr. Muller, that's all the
9 questions that I have.

10 THE WITNESS: Okay.

11 HEARING OFFICER LEACH: Does the Union have some?

12 MS. ROSENBERGER: I do have questions, but can we take a
13 short break?

14 HEARING OFFICER LEACH: Sure. Can we go off the record?
15 (Whereupon, a recess was taken from 11:31 a.m. to 11:32 a.m.)

16 HEARING OFFICER LEACH: Back on the record.

17 CROSS EXAMINATION

18 BY MS. ROSENBERGER:

19 Q. Good morning, Dr. Muller. My name is Amy Rosenberger and
20 I'm one of the lawyers for the Union in this case. I have
21 quite a few questions for you.

22 Let's start with sort of the structure of your -- where
23 you're at in the structure of the University. You testified
24 that you're a Graduate Chair for the Music Department, right?

25 A. I am.

1 Q. And the Music Department is one -- it only has one
2 graduate group in it, isn't that right?

3 A. Yeah, we are one single graduate group.

4 Q. With the separate programs?

5 A. Exactly, exactly.

6 Q. And you also, in your department, have a Department Chair?

7 A. Yes, we do.

8 Q. To whom you report?

9 A. I'm -- in some things. In some things the graduate
10 activity is my responsibility, but of course, ultimately she is
11 the overall authority, yes.

12 Q. She oversees for the department things like graduate and
13 undergraduate curriculums. You're not the final word, but she
14 has the responsibility over those kinds of things?

15 A. Yes, that would be, yeah.

16 Q. And making sure that faculty are engaged -- faculty are
17 engaged in teaching and research, yes?

18 A. Yes, exactly.

19 Q. And the overall functions of the department are being
20 carried forward appropriately?

21 A. Exactly.

22 Q. Okay. And then she reports to the Dean of the School of
23 Arts and Sciences?

24 A. She does.

25 Q. And the Dean reports to the Provost, right?

1 A. Correct.

2 Q. And the Provost to the President, etc., of the chain?

3 A. Right.

4 Q. As Graduate Chair who appointed you Graduate Chair?

5 A. I have a letter from the Provost. So a decision is made
6 by the Department -- well, actually by the Department Chair, I
7 believe who would then -- she came to me and said would you be
8 willing to serve, but the letter that I got of appointment came
9 from the Provost.

10 Q. She -- your Chair recommends to the Provost?

11 A. I suspect the Chair recommends not to the Provost
12 directly, but to the Dean, maybe even the Graduate Dean. I'm
13 not a hundred percent sure how that works because I also -- and
14 some may report to the Graduate Dean in a way that I don't know
15 who -- I don't know what the Chair's relationship to the
16 Graduate Dean is. So I'm not quite sure, I don't know.

17 Q. Okay.

18 A. Because I wasn't involved in that process.

19 Q. You just know your Chair asked you to do it and you ended
20 up getting a letter from the Provost appointing you?

21 A. Exactly.

22 Q. Okay.

23 A. That's exactly. I do think though that the conversations
24 have been with the SAS Dean too so in this case Steve Hartley,
25 because it would be about the staffing issues. You know what I

1 mean, highly distributing.

2 Q. And that's one of the roles of the Dean is to deal with
3 staffing throughout --

4 A. Exactly.

5 Q. -- this enormous school that is the School of Arts and
6 Sciences?

7 A. I would suspect the Dean makes the recommendations to the
8 Provost even though I directly get the letter. I can't
9 remember who it was cc'd to, but I'm sure the hierarchy.

10 Q. And in terms of your role, I mean you are serving in this
11 role as Graduate Chair, but you are primarily, your first role
12 with regard to the University is you're a faculty member,
13 right?

14 A. It is, because that will say I only have it for three
15 years.

16 Q. You only have the Graduate Chair position for three years?

17 A. For three years, it's a three year appointment.

18 Q. And your last round as Graduate Chair was for three years,
19 right?

20 A. Actually, it was just after I got tenure so my first
21 semester it was officially three years, but I didn't do the
22 first semester because I was on leave. I did two and a half
23 years.

24 Q. And as a faculty member you're reporting structure within
25 the University is to your Chair, yes?

1 A. Yes.

2 Q. And same thing then, to your Dean, to the Provost,
3 President, etc., right?

4 A. Yes.

5 Q. Now, you said the Department no longer offers -- used to
6 offer an AM Degree, which I would think of as an MA, right?

7 A. Exactly, yes, the same thing.

8 Q. And now you only do that, if I understand your testimony
9 correctly in a case where we've heard reference in these
10 hearings before you had the pleasure of being here to something
11 called a Terminal Master's. Is that what you were describing?

12 A. That's exactly. Yeah, we call it a Terminal Master's, the
13 same thing, the same language.

14 Q. And a Terminal Master's is essentially a term for when
15 someone is a Ph.D. student, but they stop early?

16 A. Yes. We do not accept student's intern Master's Program.
17 We don't consider that. If students inquire then we say we
18 don't offer it.

19 Q. And you said that recently there was a decision made in
20 the Music Department to have all of your graduate students be
21 funded through fellowships.

22 A. I don't know if that was a Music Department decision. I
23 think that's a Graduate School decision, the Graduate School of
24 Arts and Sciences. I don't know when it happened. I've been
25 at no faculty meeting when that was decided. I think it sort

1 of -- I've come to know this as I've been in the Grad Chair
2 this year and I do -- because I'm rewatching the handle right
3 now.

4 We kind of -- we're going to put the Ph.D. first before.
5 There's a lot of -- about the AM Degree in each of our
6 sections, I'm going to put the Ph.D. Program as the primary,
7 this is what you're aiming for. And then the end will say if a
8 Terminal Master's is for you and somebody decides to go, this
9 is what is
10 required.

11 So there has been a shift and I think it is with the Ben
12 Franklin Fellowship's across the board. I think it came when
13 the University decided to -- I don't know, that we need to
14 check with somebody else who knows.

15 Q. Okay, fair enough. And just because you referred to this
16 in your answer to that last question, I want to make sure we
17 all are -- because different witnesses have used different
18 terminology to talk about it.

19 A. Okay.

20 Q. You talked about the Graduate School or the Graduate
21 School of Arts and Sciences. You're talking about -- are you
22 talking about when you use those terms the Graduate Division in
23 the Dean's Office or what -- or something else?

24 A. Okay. In my mind what I see when I say the Graduate
25 School is the Graduate School of Arts and Sciences, which is

1 under the Dean, the Dean of the School of Arts and Sciences, so
2 yet the college and the Graduate School. So the college deals
3 with undergrads and the Graduate School of Arts and Sciences
4 deals with grads. That's what I mean.

5 Q. Okay.

6 A. I don't know, I think Graduate Division and GSAS are the
7 same thing, but I don't know how to use it. In my mind it's
8 the Graduate School of Arts and Sciences for which Eve Trampow
9 is the Dean.

10 Q. Okay.

11 A. The Associate Dean, I think she's an Associate Dean,
12 right.

13 Q. That helps us connect it up to prior testimony.

14 A. Okay.

15 Q. And then you said there's the College, the College of Arts
16 and Sciences is the undergraduate programs within the Scholl of
17 Arts and Sciences, right?

18 A. Yes, it's the undergraduate component of the School of
19 Arts and Sciences, yes.

20 Q. And you also referred to something on direct examination
21 called -- I think you said LPS or Liberal and Professional
22 Studies. Do you know what that is?

23 A. The non-traditional and Penn students who are not
24 admitted into the College of Arts and Sciences, they have both
25 undergraduate degrees and Master's Degrees. Don't know if you

1 can do a Ph.D., but they have an MLA Program so it's a non-
2 traditional and some of them are Penn staff, but some of
3 them are people from all over the country, frankly, because you
4 know that's not done online teaching.

5 It is part of the School of Arts and Sciences though. It does
6 come under the Dean. They have an Executive Dean more or less.

7 Q. And someone who gets their -- say, Bachelor of Arts Degree
8 from LPS, that's a Penn Bachelor of Arts Degree, right?

9 A. It is, but it -- this is tricky because right now I'm on
10 the Faculty Advisory Committee and I'm not deep. I go to a
11 couple of meetings a year. I know they are repackaging
12 everything with LPS now so anything I say, I'm not sure if
13 they're going to do a big rollout in August. That's what I
14 know.

15 I don't know yet what that is, but it is for non -- you
16 have to go through a different admissions program prices to get
17 in to the college than you do into LPS. It's a Penn Degree,
18 but it's not yet, but it is a Penn degree.

19 Q. Just to sort of close the loop on that admissions, setting
20 aside LPS, admissions of students is done not by a University
21 Admissions Office, but within the School of Arts and Sciences,
22 isn't that right?

23 A. For graduate students, not for undergrads. Undergrads, I
24 don't know how it happens, I've never been part of it. I can
25 only tell you graduate students, you apply through the Graduate

1 School of Arts and Sciences. Every student does online, but
2 they allocate us all the people who have applied to our
3 Department and we look at those applications with -- well, we
4 look at it with a Faculty Committee who's appointed by our
5 Chair and it's approved by the
6 Dean and then we make a long/short list and we decide how we're
7 going to -- who we're going to first scrap and who we're going
8 to make offers.

9 Q. And the Graduate Committee that you're referring to, you
10 said the Chair -- let me start that over again because I was
11 going to get in trouble.

12 The graduate, the prospective graduate students apply to
13 the School of Arts and Sciences? You have to say yes or no.

14 A. I'm sorry, they do.

15 Q. The School of Arts and Sciences funnels to the Chair of
16 the Music Department the people who are applying for graduate
17 degrees in music?

18 A. I'm not sure if it's funneled to the Chair. The Graduate
19 Committee is given access so the Graduate Chair, I don't know
20 if the Chair -- I don't know if the Chair first gets it. I
21 think there's -- you know, Penn is what they call a
22 decentralized institution so I think there's a kind of maybe --
23 I would have to check.

24 Q. And if you don't know --

25 A. I really don't know if the Chair gets it first, but I

1 don't -- I think it goes to the Grad Coordinator who works very
2 closely with the Admin people in the Graduate Office, the
3 Graduate Dean's Office and then I just know that those of us on
4 the committee, as Grad Chair, I could access and people on the
5 committee do.

6 If I ask them to give us more faculty access if faculty
7 wants to look at a particular student or look at the whole lot,
8 then they just grant us access because everything's done on
9 line now by permission. So I don't know if the Grad Chair was
10 on the committee which I think doesn't happen, I don't think
11 she would have had access first. I think it's the Grad
12 Coordinator to work with the Dean's Office.

13 Q. So this committee that you're referring to --

14 A. Yes.

15 Q. -- is a Graduate Admissions Committee or --

16 A. Yes, it is, it is.

17 Q. Separate from the graduate group?

18 A. Well --

19 Q. They have overlap, but --

20 A. The graduate group is all our faculty in our Department.
21 The Grad Committee is somebody -- well, I don't know how a
22 Chair decides. It's the Grad Chair plus usually two others
23 because we have four fields. Oh, Composition has their own
24 admissions.

25 Q. Oh.

1 A. Oh wait, that's important. So the scholars are together
2 and the composers do their own admissions. I actually don't
3 have any part of their admissions, they simply give me their
4 list of people. So this year I didn't have any part of it. I
5 mean I get the list from them and I will then talk with the
6 students as we recruit them, but I don't have -- we don't --
7 the composers make their own decisions.

8 Q. With regard to the fellowships that are reflected in
9 Employer Exhibit 20 and 21, these two offer letters that you
10 talked about, you talked about the amount and these reflect
11 that the amount of the tuition -- the elements that you
12 described and the stipend element in particular --

13 A. Correct.

14 Q. -- for whatever year this was, was \$27,500 for the ten
15 months, right?

16 A. Right.

17 Q. Plus it looks like \$4,530 for the two months in the
18 summer.

19 A. For three years, not five years, for three years.

20 Q. Okay. Who determines that amount, those amounts?

21 A. We get told that, that's the Graduate Dean's Office and I
22 believe it might be the Dean's Office, but it comes to us
23 through the Graduate Dean.

24 Q. And why pay students to come to Penn to get their Ph.D.'s?

25 A. In the -- well, I can't speak for anybody but myself here,

1 but publicly the most efficient way to do it if you want
2 students to be full-time students taking three or four courses
3 per year plus getting some teaching experience, it is probably
4 the most efficient way, some PT so they don't have to have
5 other employment to pay for it, I would imagine that is because
6 you're covering the tuition, they're not having to take huge
7 loans and end up with terrible debt.

8 Q. Are -- I'm sorry, I didn't mean to cut you off if you have
9 more to say.

10 A. That probably is what I have to say now.

11 Q. Okay. Does Penn -- so you had testified about you make a
12 certain number of offers each year and you anticipate that some
13 proportion of them are usually going to decline the offer,
14 right?

15 A. Yes, exactly.

16 Q. And the -- some of those individuals are applying to more
17 than one graduate program, right?

18 A. Most of them, right.

19 Q. So you are competing for the brightest and best with other
20 graduate programs, right?

21 A. We absolutely are.

22 Q. And other graduate programs also provide varying amounts
23 of funding, isn't that true?

24 A. They do.

25 Q. Why do you want the brightest and the best?

1 A. Okay. I think we might be a little different than our
2 main competitors like Harvard, for example, or maybe even
3 Princeton, I'm not sure, but we are looking for the most
4 interesting. I mean the brightest and the best maybe is an
5 undergraduate thing, but for graduate school we're looking for
6 people -- when I look for a student, this is just me
7 personally, I'm looking for a student who is intellectually
8 adventurous, who's willing to, you know, take some risks, do
9 some interesting work, who's self-driven, self-motivated too.

10 I'll give you an example. So we had a student who applied
11 to our program, very, very bright student, very bright. But
12 what was interesting to me about the student was that the
13 circuitous path this student had taken to get to us, which was
14 the student, had actually gone to another institution to study
15 composition that was applying to our program for ethno-
16 musicology.

17 He went to this really good program for composition. He
18 came out a philosopher and I was like, wow, he wasn't taught
19 that. That was his mind that was pushing him. That's what I -
20 - I love the -- it's the life of the mind by the way and it's
21 fear of the arts and it's fear of what music will do. That's
22 what I look for.

23 I can't speak for the rest of my colleagues. We also
24 increasingly look for people who come from a range of
25 backgrounds and I think that's when I've seen the brightest and

1 the best. I don't know how we define that anymore. We're
2 looking for people who are going to do interesting things.
3 It's not always so easy in the job market when you have people
4 doing interesting things because Music Departments are
5 conservative, quite conservative and so sometimes you have to
6 carve your own place in those contexts, but I think the
7 brightest and the best, maybe.

8 Q. Okay. Thank you for expounding on that.

9 A. They're not always the most interesting, in my view, but
10 I'm not speaking for anybody else.

11 Q. You might find some agreement in this room.

12 A. Yeah.

13 Q. So fair to say you're looking for people -- I'm going to
14 use your term interesting to describe all of what you --

15 A. Yeah.

16 Q. -- all of what you just expounded on?>

17 A. Yeah.

18 Q. And a diversity of types of interesting people?

19 A. Definitely.

20 Q. And that is in part because you're looking for people who
21 can add to the wealth of knowledge that the Music Department
22 creates, isn't that right?

23 A. I think by definition if we have a graduate program and
24 faculty doing research you're adding to the wealth. It's the
25 nature of the wealth maybe that we're looking for. It's the

1 kind of -- and here I want to say that I do think our faculty
2 is very diverse in prioritizing what they're looking for so I
3 think I do look for a different kind of student and even the
4 colleagues in my field do.

5 I just think we come from different backgrounds and so
6 we're looking for different things. I think as a woman in the
7 Academy I'm looking for different things. I'm not saying all
8 women do, I'm saying that's, you know, what my experience has
9 been, yeah. I'm not sure I'm answering your question.

10 Q. Well, let me ask it in a more straightforward way. Why do
11 you and you're just speaking for yourself.

12 A. Yeah.

13 Q. Why is it a priority for you to have -- to admit
14 interesting people to the Ph.D. Program?

15 A. So adventurous, risk taking, because if we are in the
16 pursuit of knowledge we're looking -- how else do you make
17 innovation, right, unless you are -- well, how else do you
18 bring new knowledge to the table? And by new it's new to the
19 Academy; it might not be new to the world.

20 Q. Right.

21 A. It might be that that has been around a really long time,
22 we just have been not open to it, which I think is not just in
23 the Humanities, it's everywhere. So I think -- yeah, I think
24 you want a growth of the possibilities of knowledge. And also
25 what we teach students, our curriculum begins to shift as we

1 also diversify, you know. I mean if you have global
2 institution you need to represent a wider body of knowledge
3 too.

4 Q. And when you talk about that impacting on what you teach,
5 that's true at both the undergraduate and graduate level,
6 right?

7 A. Absolutely.

8 Q. Before you move off that topic I'd like you to -- still
9 looking at Employer Exhibits 20 and 21 -- well let's, just so
10 we're looking at one at a time, Employer 20 on the second page,
11 first full paragraph. It says that the Benjamin Franklin
12 scholarship requires two years of services in an assistantship
13 conducive to your professional development as a teacher or a
14 researcher. That's a requirement of the fellowship, right?

15 A. (No verbal response.)

16 Q. You need to say yes or no.

17 A. Yes, it is. I'm so sorry.

18 Q. And then the music graduate group is what's referred to in
19 the next sentence right, the graduate group requires a minimum
20 of X, and it leaves a number to be filled in, semesters of
21 teaching experience for the Ph.D.

22 A. It does, right.

23 Q. And the answer to that fill in the blank is four
24 semesters, right?

25 A. Four semesters.

1 Q. Which is two years of service.

2 A. Exactly.

3 Q. Then it talks about most Benjamin Franklin fellows teach
4 in both the second and third years. You talked about that and
5 I gather that the term most there is because there are the
6 exceptions that you talked about.

7 A. Sometimes. Yeah, we try. You know, we accommodate
8 people's life circumstances sometimes.

9 Q. Are there also occasions where -- do sometimes graduate
10 students obtain -- actually I think you talked about there was
11 a graduate student who had gotten a Canadian grant or --

12 A. Or other Federal Government money, something like that,
13 yes.

14 Q. So a graduate student might find another source of funding
15 that might be for one of their academic years, yes, or a
16 semester?

17 A. Well, in that instance the student -- it was for adding to
18 the package, right. So it should be a five year fellowship,
19 this was to add a year, but I have another student who since
20 she's been at Penn, she came with one African language, has
21 learned three more since she's been at Penn. She's amazing.
22 But she has had Federal Government funding so she's had summer
23 funding and she's had full
24 -- I believe she's also had full year funding so she's at the
25 maximum.

1 Actually they don't want you to get any more money because
2 they want you to finish rather. It's a very strong sense. She
3 told me she was told by the Dean's Office no more funding.
4 You've applied enough, you've had enough, you need to finish.

5 And she's one of those really very driven students who
6 really -- and very capable who will finish in five years unless
7 something dreadful happens.

8 Q. Is it possible for a student who, whether it's her or some
9 other student --

10 A. Yes.

11 Q. -- who gets funding during their first few years to defer
12 the teaching requirement to fourth year or fifth year or a
13 semester of it, for example?

14 A. I don't know right now of an instance of that, but I think
15 that anything that is reasonably requested with reasonable --
16 and I'm not being clever about that --

17 Q. Sure.

18 A. -- I'm not trying to trick anybody. If it's reasonably
19 requested I think, you know, in our Department, we would do it.
20 We have a Grad Coordinator who knows the system, who's been at
21 Penn a very long time and knows how to make things happen.
22 She's connected, she knows how to work with people, so you
23 know, if we had a different Grad Coordinator it might be a
24 different story, but now we are able to work with students.

25 Q. Okay. And then continuing on Employer Exhibit 20, you go

1 -- there's an attachment 12 and it actually continues, I guess,
2 at the end of the third page --

3 A. Right.

4 Q. -- about policies concerning SAS funding for fellowships
5 for Ph.D. students. You see that?

6 A. Yes.

7 Q. Those policies then continue on for the next page and a
8 half or so, right? You need to say yes.

9 A. Yes, sorry.

10 Q. If you look under Section B of that and Item -- well,
11 first Item 1, you mentioned -- this talks about the SAS
12 fellowship be intended to enable the person to work full-time
13 for their Ph.D. You've talked about that --

14 A. Yeah.

15 Q. -- but it says that because of that, a student is not
16 permitted to accept employment in any month in which he or she
17 receives a fellowship stipend if that employment is not
18 compatible with progress towards the degree. So does someone -
19 - do you as Grad Chair or does someone else monitor that piece
20 to make sure that people are, if they're accepting employment,
21 it's compatible with continuing their degree, their process for
22 their degree?

23 A. Honestly, if a student is going to get some additional
24 employment on campus it's monitored by the system in a way so
25 then we would know and someone would come -- like I just

1 recently found someone is working in the Library and they
2 requested that this person be able to work according to these
3 conditions next year and yes, of course you can.

4 Students have done language teaching, they've done -- if
5 it happens on campus we get a request from the other place and
6 I've never known us to say no. We don't have any way of
7 monitoring what happens outside. The only way you can see,
8 it's this issue of the progress of a student.

9 If a student's not managing in the seminars and not
10 completing the requirements, then you start to ask why. Then
11 you begin to inquire. But if it's happening -- so our -- you
12 know, our composition students will get commissions. They're
13 not -- I mean I did ask the composers what are the commissions.
14 They don't know really, but it may be between \$500 and \$1,500.
15 It's not a huge amount of money and it's for one piece, it's
16 not a job as such, it's creative work.

17 Or our students will perform; they will be part of
18 ensembles elsewhere. Sometimes they get paid. If they're jazz
19 pianists they might have gotten to play in a club, but I don't
20 know how we would monitor it. I'm not signing incompetent, I
21 just -- I haven't given it some thought and I have no idea how
22 we would monitor it.

23 Q. Okay. Then if you look under B2 it talks about that as a
24 general rule students on fellowship accept employment that
25 requires less than ten hours per week.

1 A. Right,

2 Q. I'm sorry, may accept employment that requires less than
3 ten hours per week, for example, as a grader, tutor or hourly
4 research assistant. Does that happen from time-to-time with
5 your Doctoral students in the Department of Music?

6 A. It does occasionally inside the Department, but as I said
7 it usually happens in another program, like through the Library
8 or through Language Study. In my experience that has been the
9 case. Sometimes if we're looking for a grader but it's usually
10 somebody who's beyond the fellowship.

11 We will hire somebody to do some grading just, you know, a
12 couple of exams a semester or something, but we usually --
13 well, as far as I know, to the best of my knowledge we only
14 hire people who are beyond the fellowship years, so beyond
15 fifth year.

16 Q. So someone who is in their sixth year is beyond the
17 fellowship and so needs money.

18 A. Yes.

19 Q. And -- but has not yet obtained their Ph.D.?

20 A. Exactly. Sometimes that will be the case. And but the
21 stuff that happens beyond the Department could be while a
22 student is in course work so there are. I know two students
23 that I have signed off on.

24 The other thing is that students often make it into
25 assistants in the college houses. That also has a requirement

1 and we have to get permission for that too because that's also
2 a kind of work related benefit or however you want to talk
3 about it as employment, I'm not sure, but it is a few day's
4 work related to it.

5 Q. Okay.

6 A. And hours.

7 Q. When you talk about the students who are beyond the
8 fellowships or who are perhaps in their sixth year or seventh
9 year or what have you and have not yet attained their Ph.D. is
10 that finding positions as a grader or a tutor that you just
11 referred to, is that one of the things that you were referring
12 to when you said on direct examination that you have someone in
13 that situation who's beyond their fellowship who says I need to
14 make some money, you work with them as best you can as a
15 Department?

16 A. I'm not really sure of the question. Is --

17 Q. When you were -- take a minute, break it up.

18 A. Yeah.

19 Q. When you were testifying on direct you explained that when
20 someone gets beyond their fellowship funding and they come to
21 you from time-to-time and say I need to find ways to make some
22 money --A. Right.

23 Q. Right?

24 A. Right.

25 Q. And you said that -- I'm paraphrasing, I'm not directly

1 quoting.

2 A. Yeah.

3 Q. -- we as a Department try to work with them as best we can

4 --

5 A. We do.

6 Q. -- to find things for them.

7 A. Yes, we do.

8 Q. And so my question to you now is, is finding them a
9 position, if you have a need for a grader or a tutor one of the
10 things you do to work with them as best you can?

11 A. It could be. It's not done that often and what I try to
12 do is get them as teaching fellows because you get better paid
13 and really, the amount of time you put into it so that would be
14 -- but I might be the exception rather than the rule in the
15 Department because I teach in the summer. There are some
16 faculty who do, but they don't always have teaching fellows
17 attached to their classes. And sometimes the classes don't
18 run. One class got cancelled this summer because there wasn't
19 enough enrollment. Then they lose that opportunity.

20 Q. So when you have a student in that circumstance, if I
21 understand you correctly, you are looking for teaching
22 fellowships for them for summer work generally?

23 A. Well, because I teach on line during the year too it could
24 be during the academic year for those advanced students. No,
25 what the -- no, the summer work is really because I teach LPS.

1 A couple of our faculty, when they get sufficient enrollment
2 will teach a face-to-face class in the summer. Also for LOS,
3 it's not for the Department.

4 So the only -- I've had -- on occasion I've had a very
5 large class. I've had a teaching fellow, but it's not large
6 enough to give two teaching fellows. So I get a teaching
7 fellow plus a grader so we're alleviating the grading burden of
8 the teaching fellow. So you're kind of dividing the labor in a
9 way, is what we do.

10 I've been kind of surprised actually at how our Business
11 Administrator works that out when there's a class that may be -
12 - I can't remember the numbers, but maybe 60 in a class so you
13 can't really qualify for two TA's. I don't remember the
14 numbers right now because it's changed a few times, but
15 basically that's what we do, it's really to -- and I do have to
16 say I think the positions, are of course mutually beneficial so
17 they benefit the student, but they benefit the faculty member
18 too right.

19 Q. And when you say that part of the reason they benefit the
20 faculty member is because if the student were not doing the
21 work that they do as your teaching fellow, who would be doing
22 it?

23 A. Well, I can't speak about the faculty because I don't know
24 how they also divide up the grading, As I said to you most of
25 my grading right now is not that onerous so I don't know how

1 faculty are doing the grading, how they divide the labor. It
2 might be that they use the student in exactly different way and
3 do some of the grading themselves. I don't know. So that's
4 their kind of official way to get a little bit of help, but it
5 might be that you're doing -- I don't know, I don't know if you
6 -- but yes, in theory that would be the case.

7 Q. Yeah.

8 A. Yes.

9 Q. And I'm not necessarily asking you to speak to anyone
10 else's experience, but for you if you were teaching a course in
11 the summer in LPS or wherever and you didn't have a teaching
12 fellow to assist you, you would be doing grading, right?

13 A. Well, as I said because I teach on line, that's not really
14 --I don't do that much grading anyway.

15 Q. Right.

16 A. But if somebody were doing a face-to-face class it would
17 be -- that would be the case although it feels like grading is
18 positioned as something you don't like to do. As a faculty
19 member, no, no, no, I love to do the grading because I love to
20 find out, but sometimes it's just impossible to do everything
21 else at the same time so you do need somebody to help you. I
22 would have to do it in that case.

23 Q. Okay. Is it -- do I understand you correctly that the
24 current handbook for graduate students in music is out of date?

25 A. I'm currently revising it, so yes, there are pieces that

1 need some updating, exactly.

2 Q. The functions -- during the service years when the
3 graduate student is performing and teaching -- I'm just going
4 to use those reasons since you said that's the general rule,

5 A. It is usually.

6 Q. They -- we've talked about they do -- they explained the
7 degree to which they may do grading. They also lead
8 recitations, isn't that true?

9 A. We don't really schedule recitations in our classes. They
10 could do it in music theory. It could be that they run a
11 recitation, in a couple of recitation groups, but that would be
12 working with musical materials with students. But like our
13 music history and our world music classes, we don't have
14 recitations scheduled and you teach the two classes and then
15 stuff happens as homework and whatever, but we don't really run
16 recitations. It's not the model of teaching we use.

17 Q. You talked about them particularly after the first
18 semester teaching independent classes, correct?

19 A. Yes.

20 Q. And when they are teaching independent classes I gather
21 there's oversight by you or by one of your colleagues on the
22 faculty, right?

23 A. There is.

24 Q. But they are the person who's in front of the classroom
25 for each class, right?

1 A. They are.

2 Q. And they are the person developing exams -- assignments,
3 exams, sort of doing soup to nuts?

4 A. Well, it depends on, A, how much a student wants to take
5 that responsibility because I mean I'm more than happy to turn
6 everything over to a student. You get on my canvas side, I can
7 give you all the quizzes I've done. You can use my -- in fact,
8 it would be ideally better if we all taught the same material
9 because then a student an undergraduate knows what to expect
10 and how -- you know what I'm saying.

11 So it would be better if we all taught the same, but
12 sometimes students like to take initiative themselves and
13 develop their own to be more creative or -- I mean or the other
14 thing that we teach two different schedules, so
15 Tuesday/Thursday or Monday/Wednesday/Friday, so when you teach
16 Tuesday/Thursday I do think you can teach it in a different way
17 then Monday/Wednesday/Friday,

18 So I had one grad student who did two lecture classes and
19 then Friday was the kind of creative, interactive, whatever.
20 So yeah, I -- I can't remember what question I'm answering, but
21 yes, they do take them, but if they want to use what we've done
22 I give students access to all my material, but quite often they
23 will take it and work it to their own purposes.

24 Q. And they -- just this is merely I know what you're talking
25 about --

1 A. Yeah.

2 Q. -- and probably many people in this room know what you're
3 talking about --

4 A. Right.

5 Q. -- but just so that everybody who has to know what you're
6 talking about, you've referred a number of times to something
7 called Canvas and your Canvas. What is that?

8 A. Okay. Penn, the one thing they've ever done that
9 everybody agrees on was develop the same what they call
10 Learning management system, which is basically used, they have
11 blackboards online. It's an online course resource where you
12 can put all the materials for a class. Students can do
13 discussion forums, online quizzes, they can all kinds of
14 things.

15 Do all the faculty use it to its fullest potential? I
16 would bet not. A lot of people just use it as a place to
17 deposit course materials and don't take it further than that.
18 And it's -- because I've taught online and I think, wow, I
19 think it's great that we have these things. Why don't we give
20 them to, you know, students in face-to-face classes? So mine
21 have been much blended classes. I don't think that's the norm,
22 but Canvas is what they call a learning management system.

23 Q. It's basically a computer platform for the things you just
24 described?

25 A. For teaching, exactly.

1 Q. Do graduate students -- it sounds like from your testimony
2 their teaching in these service years is undergraduate courses.

3 A. Yes.

4 Q. Introductory level.

5 A. Introductory level undergraduate courses. To the best of
6 my knowledge, I mean I don't even -- that's the norm, let me
7 put it that way.

8 Q. And who decides -- you know, say Amy Rosenberger is one of
9 your -- I wouldn't be, but one of your Doctoral students, who
10 decides which teacher -- which courses I'm going to be the
11 teaching fellow for?

12 A. That I believe is done by the Chair.

13 Q. It's not what you do as Graduate Chair?

14 A. It's kind of done with the Chair and -- it's approved by
15 the faculty at the final faculty meeting. We say these are the
16 teaching assignments, but the teaching assignment I think is
17 largely done by the Chair and the Grad Coordinator and maybe
18 the Business Administrator. I didn't make any teaching
19 assignments this year. I'm just trying to think about what I
20 did this year.

21 Definitely I brought it to the faculty meeting and it was
22 -- we had a discussion because sometimes there's a student does
23 not show up. You know, there are issues, personal issues that
24 students have and you just want to make sure that they're going
25 to be able to manage to be in a classroom or we just make an

1 alternative plan and that was our discussion over a couple of
2 students this year.

3 Q. Okay. And when you say that the faculty approved the
4 teaching assignments are you referring only to the teaching
5 assignments of graduate students or is that like the whole
6 teaching schedule for the year, meaning including faculty?

7 A. I don't think we -- because this comes -- the teaching
8 assignments come up with graduate students in the Grad Chair's
9 meeting with faculty at the end of the semester so this would
10 be to do with graduate students. We don't actually -- I think
11 the Chair makes the decisions about what -- according to what
12 needs to be done.

13 Like if we have a Methods class that has to be taught
14 every two years, who's going to do it? So that happens with
15 the Chair in conversation with the faculty. It's probably more
16 informal. I don't know that we've every approved it at a
17 faculty meeting.

18 Q. So when you were talking about the faculty's approval at
19 the faculty meeting, you were talking about teaching --

20 A. Who's --

21 Q. I'm sorry, this is just so we have a clean record.

22 A. Yeah, sure.

23 Q. When you're talking about the faculty approving the
24 teaching assignments at the end of the year, you're talking
25 about the teaching fellow assignments?

1 A. Exactly.

2 Q. Okay.

3 A. And not just that, but who -- which faculty will oversee
4 that teaching too.

5 Q. Okay. Do teaching fellows get evaluated while they're
6 doing their teaching fellowship?

7 A. Everybody who's teaching gets evaluated in our Department,
8 teaching fellows and faculty. We do two evaluations for
9 everybody actually, it's the same for everybody. And but we
10 have also our little tucked out evaluations that they see
11 online, one for the college that is done and then there's the
12 departmental one. We look at those to see if there's any
13 flags, anything we should be checking on with the student or
14 faculty member.

15 Generally, it's with -- I remember the Chair once coming
16 to me saying there was something in your evaluations that I --
17 it was completely confusing to me, but the point is he came to
18 me and said this has been flagged in the evaluations. So the
19 same thing happens with the people I oversee the teaching of
20 graduate students.

21 Q. And the same thing happens with regard to the graduate
22 students?

23 A. Yeah, both faculty and -- the same thing, exactly the same
24 process.

25 Q. Sounds like you've been fortunate enough that you have, at

1 least in your experience, not had a Doctoral student who just
2 can't cut it in the classroom.

3 A. I think in the past there may have been. It has not been
4 when I've been part of the process. I cannot speak to it, I'm
5 not even sure who it was, maybe those people have left, but I
6 do think -- but I think we tend to -- there is a conversation -
7 - -this is a bit weird. There have been conversations about
8 concern before a student has gone into a classroom. I think we
9 have those quite often and we work it hard to solve that
10 problem either by mentoring the student more or just giving
11 them some alternative assignment or something like that.

12 We try to preempt where we think, based on seminar
13 performance or just personal interaction or if there have been
14 extenuating person circumstances, then we try to up front deal
15 with it, but sometimes you just have to put a student into the
16 classroom and even if you have a concern maybe the concern
17 isn't something that
18 turns out to be a problem in the end.

19 So -- but if we need to, we will -- if it looks like we
20 need to we will pull a student and put somebody in their place
21 if we absolutely need to, but in my experience I've never known
22 that to happen, never. It may have, but in my experience I do
23 not know of an instance.

24 Q. And if that were to happen, you may not know the answer to
25 this, but if that were to happen would the student be in danger

1 of not fulfilling the requirements of the program and,
2 therefore, ceasing to be part of the program?

3 A. I cannot imagine that that would ever happen in our
4 Department. We would definitely work -- there's deep
5 compassion for when a student struggles. I mean you wonder how
6 they will manage if they just go out and get an academic job
7 which requires you to teach. Then you wonder how that person
8 is going to manage, but I don't -- we would work another way.

9 And it wasn't because we are music people or performers
10 and they do other things, so maybe we have more ways of solving
11 the
12 problem than just a straight academic program like history or
13 something, you know what I mean? We can help them to do other
14 things to fulfill. I don't think that would ever preclude them
15 from continuing their degree.

16 Q. You described a couple of examples where someone was
17 taking a long time to get there -- to complete their Ph.D. and
18 concern was expressed to them by the Department in one way or
19 another, either saying, no, don't take on another teaching
20 assignment or some other assignment, or don't take on more
21 funding or what have you, you need to complete your degree.

22 And I think you referred to it at one point as that's the
23 point, is not the teaching, the point of being here to get the
24 degree, correct?

25 A. You want students to finish in a timely manner so that

1 their work is relevant and that they can get a job, because if
2 it looks like you take forever people are going to wonder if
3 you'll be able to publish and get tenure, all right? So that
4 yeah, I think that is -- that would certainly be our priority.
5 Is it always the way it works? Perhaps not, but it would be
6 the priority.

7 Q. And if someone is taking an extraordinary amount of time
8 to complete their dissertation have there been occasions where
9 they, because of this issue of work no longer being relevant
10 after a period of time, has that had an effect on their
11 progress through the program? Have they had to change focus or
12 have they had to complete earlier compliance with the
13 program again or something along those lines?

14 A. I believe what happens in the graduate school -- now, I
15 have actually had a couple of students -- I don't like to
16 divulge -- who have taken a long time, they've had very deep
17 personal reasons for doing it. The one student then -- okay, I
18 have to try and remember what happened.

19 The graduate school has rules for students not making
20 adequate progress and so we followed whatever those rules are.
21 This student was in a way -- so what I think they do, you just
22 don't keep registering for the degree, but as soon as you're
23 ready to return you back pay whatever it is that you've missed
24 and you can reinstate your registration.

25 This student was in the tenure post-course work limits and

1 so actually finished. I just have to say because I was their
2 advisor for their dissertation -- completely rewrote the
3 dissertation, but that was not required by me, that was what he
4 felt. There had been so much growth in himself, a lot of
5 struggle too, but there had been so much growth that he wanted
6 to rewrite things, so actually wrote a beautiful piece in the
7 end, but it's an international student and so there were issues
8 of fees and foreign exchange and I will tell you that the
9 University worked with him in a very impressive way to help him
10 to finish and he finished.

11 I can say that I have another student -- people, you know,
12 struggle sometimes just to get their dissertation done, but
13 this student is also well on his way now to finishing. You
14 just have to sit with him, that's what you have to do.

15 Do all dissertation advisors do that? I can't say that,
16 but I feel you bring a student and you see them to the end if
17 they want to. If they don't want to, that's a different story.

18 Q. So I gather from your testimony that the service
19 requirements in the Department of Music are really teaching
20 focused and you don't have someone substituting a research
21 fellowship for a teaching fellowship?

22 A. No, there are no research fellowships, none at all. If a
23 student does any work with a Professor they get paid separately
24 for doing it, but none of us has that. I don't know anybody
25 who does that, but maybe it's happened.

1 Q. But to the extent it happens it's separate from the five
2 year package or the four year package?

3 A. It's got nothing to do with the fellowship package,
4 nothing at all.

5 Q. So as a faculty member you also, you said, engage in
6 teaching, right?

7 A. Yes.

8 Q. And you also engage in research?

9 A. I do.

10 Q. You continue to even though you're tenured, right?

11 A. Oh, yes.

12 Q. You said you've been at the University for almost 20 years
13 now, right?

14 A. I have.

15 Q. So I'm guessing you started in the fall of 1997?

16 A. '98 that would be.

17 Q. '98.

18 A. Next year would be my 20th year.

19 Q. Okay. So -- and when you started did you start as a
20 tenure track Professor?

21 A. I was an Assistant Professor, um-hum.

22 Q. And did you have a probationary period before -- when did
23 you say you got tenure?

24 A. Okay, I can't remember exactly so I got it, I think it was
25 the year 2003.

1 Q. And you have, over the course of that period of time from
2 your hire until you achieved tenure, you were needing to show
3 certain qualifications for tenure, right?

4 A. Absolutely.

5 Q. And high quality teaching is one of them, right?

6 A. Definitely.

7 Q. High quality research is another?

8 A. Exactly.

9 Q. And research is manifested by publication?

10 A. Yes, book, peer review, general articles primarily.
11 That's primarily what I had to do.

12 Q. And during that period of time before you achieved tenure
13 were you mentored about what kinds of areas you might want to
14 pursue by other people within the Department?

15 A. Okay. I was not really mentored, okay? I was one of -- I
16 am the first, I believe, I'm told by the Dean, the first woman
17 full Professor in my Department so that just gives you some
18 sense.

19 Q. Oh, yes.

20 A. I was not mentored because we were largely a male
21 department. I was the only ethno-musicologist that came in, I
22 had to pick up a falling apart program and build it. I had
23 Ph.D. students from my first year so I think I am the
24 exception. We don't do it that way anymore with our incoming
25 Assistant Professors, not women, not men, not anybody.

1 Q. How do you do it now?

2 A. The University School of Arts and Sciences has a mentoring
3 program. They assign mentors. I have to mentor other people,
4 which is just basically talking about their research and -- so
5 there is much more robust way in which mentoring happens, but
6 it is a more recent way in which mentoring happens, but it is a
7 more recent thing.

8 I mean there's a joke that I went to a colleague and said
9 I'm told I'm supposed to be -- have a mentor assigned and he
10 said -- well, he just said, he's not at the University anymore,
11 he said to me, well, I suppose I should do it, but there'd be a
12 conflict of interest. And then I told somebody and they said
13 are you having an affair with him so I said, no, so I was
14 definitely not having an affair with him.

15 So it is a struggle, I think it is a struggle with
16 changing academic environment, very male institutions bringing
17 in women first of all and then a whole load of other people.
18 And I had one male Professor, all male, saying to me we don't
19 know what to do with you, you're a woman. So I think it's a
20 human struggle. I don't want to -- there's nothing --

21 Q. And I'm not -- I'm not attempting to get you to dish.

22 A. And I don't want to.

23 Q. No, I'm really just -- and perhaps that's 20 years ago --

24 A. Exactly.

25 Q. -- thankfully we should talk about what's going on now.

1 But as I understand what you're saying when a new faculty
2 member on the tenure track arrives to your department there is
3 mentoring about what are the kinds of things -- if you want to
4 be making adequate progress toward achieving tenure what are
5 the kinds of things you need to be doing, right?

6 A. Definitely that is --

7 MR. FRYMAN: Excuse me. Where are we going with this
8 line?

9 HEARING OFFICER LEACH: Yes, can you explain what this
10 has to do with graduate students?

11 MS. ROSENBERGER: It has to do with the fact that we've
12 got a continuum -- what we've been hearing for the better part
13 of a week is that graduate students aren't employees because
14 they are students learning from other people who are working at
15 the University. And the point of this is that's true for the
16 faculty too, they are learning from people at the University
17 too and getting guidance on how to be good faculty members too.

18 It's not something that is unique to someone in the
19 student status. I'm not going to belabor it.

20 HEARING OFFICER LEACH: Sustained. I'm going to sustain
21 that. I still don't see what that -- what a Professor's tenure
22 and how they're trained has anything to do with graduate
23 students unless you're going to tell me that you're going to
24 ask how graduate students are assisting them or with their
25 research or something like that, I'm not sure about the

1 comparison between a Professor's track to whatever graduate
2 students are doing.

3 MS. ROSENBERGER: Okay.

4 BY MS. ROSENBERGER:

5 Q. The ultimate work product of a Ph.D. student you've talked
6 in some detail about what it is for someone on the composition
7 track, if you will. What is it for someone on the -- I think
8 you referred to it as the scholarly track?

9 A. Yeah. So the ultimate goal is to write a dissertation.
10 We don't prescribe how long or how short, it all depends a
11 little bit on the subject matter and which is an independent
12 piece of research. And what we are looking for is that a
13 student has -- understands what it is to be a member of the
14 field within which they are situating themselves. And we look
15 for an ability to work independently.

16 So there will be guidance from a faculty member and an
17 advisor for sure, sometimes more, it depends on a student's
18 needs on the subject, but ultimately what we're looking for is
19 that the student can put the research together, the proposal
20 together, undertake the research, wrap it up, produce ideas
21 about the music that they're talking about. And we are
22 looking for a kind of publishable document too because that
23 will help the person in their professional lives if they go
24 into the Academy.

25 If you're choosing some sort of public scholar life or

1 something else, you know, maybe publication isn't as important,
2 but we do -- when we come to a publication defense we will give
3 a student input on what we think is publishable, where they
4 might look to publish so it is about -- it is also about taking
5 it to the next step.

6 Q. And the research that is reflected in the dissertation is
7 -- I think you referred to it as original research -- the idea
8 is to advance new knowledge in the field, isn't that right?

9 A. Yes. By definition when you go to do a dissertation you
10 want to find something that maybe had been done before, but you
11 want to bring new insight into it or something that has in our
12 field, in the field of ethno-musicology there's many musical
13 cultures out there that have not been written about yet.

14 I mean and you have to ask why, are we just adding to the
15 numbers or are we actually trying to add some new
16 understanding of music in the world as a whole or music and
17 history so, you know, but it is to contribute some new piece of
18 understanding to music in the world.

19 Q. And I think you testified that the research that a
20 student is performing with the ultimate goal of distilling it
21 into that dissertation also may inform their teaching when they
22 are serving as a teaching assistant -- a teaching fellow,
23 correct?

24 A. Well, the dissertation research often comes after they've
25 done their teaching so that correlation. But if a student

1 comes in as a member of a performer like a Samba ensemble or
2 classes involving --or something like that, that may -- I mean
3 what they bring they may use in their teaching. I mean I do
4 lots of things that I don't ever teach about because it's just,
5 you know, it may be just not appropriate to the moment, but
6 yes, research and teaching I think are very, for all of us are
7 very interconnected and should be. It makes us better teachers
8 and better researchers if we're doing both.

9 Q. And when you say all of us you're referring to faculty and
10 graduate students?

11 A. Yeah, I see graduate students as future colleagues in a
12 way, yeah.

13 Q. When you talk about publication of one's dissertation why
14 would that be important?

15 A. Well, in my field if you -- I mean in the Humanities I
16 think these days and maybe not all sub-disciplines in the
17 Humanities, but for the most part the book is your passport is
18 the way somebody said it to me that's coming up for tenure,
19 your book is your passport to the world of the Academy. It is
20 the book that becomes your signature of -- you're making some
21 sort of contribution and this -- you publish it in a University
22 press, which means it's been peer reviewed, people -- it's a
23 way of you -- yeah, you can -- I suppose you're claiming
24 membership in the academic world at some level.

25 And the book definitely messes in tenure. And at Penn you

1 -- it varies, but I certainly had to have a second manuscript
2 so not just my dissertation book, but a second manuscript
3 because it shows also your intellectual kind of energy, your
4 inquisitiveness, if you have another project on the go. It
5 also means that you're not just going to sit back when you get
6 tenure and not do anything else, which is something of maybe
7 the bad rep on tenure, but I mean it shows a vibrancy of
8 thinking and engagement.

9 Q. Do Doctoral students in the music program -- you talked a
10 fair amount about them traveling for language studies, for
11 example, or other research during the summer. Do they from
12 time to time travel for language study or research during the
13 spring or fall term?

14 A. I don't know that there would be enough time. And if you
15 also are teaching, you know, you have an obligation to be on
16 campus. People travel for conferences. I would say that's the
17 primary reason, but as I said to you there was a student on
18 spring break went back to I think -- well, he traveled to
19 Colombia. He's done so many things. So there are some -- on
20 occasion when a student will travel for conferences and
21 presentations, but I don't think that they travel that much for
22 research as such. If they're in course work, if they're in
23 fourth and fifth year they agree to do, whenever they need to
24 travel.

25 Q. You talked about some students who you know are traveling

1 who are in other parts of the world now.

2 A. Right, this summer.

3 Q. This summer and that you've been in touch with them, yes,
4 some of them?

5 A. Some of them. I mean on Face Book with some of them. They
6 stay in touch. Yes, they communicate, yes.

7 Q. Well, you talked specifically about getting an email from
8 a student, I think, who was in Korea this summer?

9 A. Yeah, he's a student who's -- well, he's got a visa so he
10 let me know he had a visa.

11 Q. So and that communication by email, your graduate students
12 have Penn email addresses, isn't that right?

13 A. Ohh.

14 Q. If you know. If you don't know that's fine.

15 A. I'm assuming that they use the Penn email, but I can't --

16 Q. You don't know, that's fine.

17 A. I didn't look specifically. I can't be sure. Sometimes
18 they flip between two email addresses or they connect, you
19 know, I don't know. Honestly, I can't say.

20 Q. Are there occasions when you need to get in touch with one
21 of your advisees, say, over the summer?

22 A. Sure.

23 Q. How do you get in touch with them?

24 A. I try email and if that doesn't work then I see if they're
25 on social media in some type of way. I may make a phone call,

1 but usually I use electronic means or I send a text.

2 Q. You talked about when one is teaching an in person class
3 that there needs to be proctoring of exams?

4 A. Well, if you have 60 students, yes, you do need for them
5 to walk around the classroom checking the students.

6 Q. Okay, that's what you meant by proctoring?

7 A. Yes.

8 Q. I know what you mean, but not everybody knows.

9 A. Walking around making sure students aren't cheating.

10 Q. Okay.

11 A. Or maybe need help.

12 Q. Okay.

13 A. Yeah.

14 MS. ROSENBERGER: That's all I have right now. Thank
15 you.

16 THE WITNESS: Okay, thank you.

17 HEARING OFFICER LEACH: Does the Employer have any
18 additional questions?

19 MR. FRYMAN: I do not.

20 HEARING OFFICER LEACH: I have some follow up questions
21 for you.

22 THE WITNESS: Okay.

23 HEARING OFFICER LEACH: Okay. How many total graduate
24 students are in the music program?

25 THE WITNESS: At the moment I believe we have 41 in the

1 complete program.

2 HEARING OFFICER LEACH: That means across all four
3 sections or --

4 THE WITNESS: Yes. And that includes the people in
5 fellowship and outside fellowship.

6 HEARING OFFICER LEACH: What does that mean, fellowship
7 or outside?

8 THE WITNESS: Well, the fellowship is a five year
9 fellowship program and the people who are not -- no longer in
10 that program, but haven't finished their dissertation.

11 HEARING OFFICER LEACH: Okay, but they're still
12 considered students?

13 THE WITNESS: Oh, absolutely.

14 HEARING OFFICER LEACH: When you talked about the number
15 of students that you receive per year you talked about the
16 fellowship package and how much it costs. At some point you
17 used the term, you said something about for the two years that
18 they get no funding. What two years are you referring to?

19 THE WITNESS: Get no funding?

20 HEARING OFFICER LEACH: Or maybe you were --

21 THE WITNESS: Well, not in course work. So there's three
22 years of course work plus two years of funding without course
23 work and without teaching hopefully, so it's a five year
24 package.

25 HEARING OFFICER LEACH: So if there's a time that they

1 get no funding it just means that they've exhausted --

2 THE WITNESS: It's beyond the fellowship year.

3 HEARING OFFICER LEACH: Okay.

4 THE WITNESS: You know, beyond the four or five years
5 depending on if they're composers or scholars.

6 HEARING OFFICER LEACH: You mentioned the blind student
7 that you admitted. Did that person every actually teach anyone
8 or did he -- was it a man?

9 THE WITNESS: It was a man.

10 HEARING OFFICER LEACH: He did something other than
11 teach?

12 THE WITNESS: We did set up classes for him. The first
13 year we set up for him at his request actually, that he --
14 well, I can give you the exact -- I can get the exact. As I
15 recall, there were two years we had to do something. One year
16 they set up a jazz ensemble for him. I think it was like a
17 Music 5 it was called, but nobody signed up so in the end he
18 didn't actually do it.

19 I mean it depends on students signing up. And in the
20 first year I think he was put into a lab to teach the students.
21 I can confirm this for you, so he was in the lab tutoring
22 students who were taking the music. So that could almost be
23 like a recitation for music theory, not for the scholars.

24 And then I know that he was concerned that he didn't have
25 teaching experience for the job market, so we set up with the

1 Center for Teaching and Learning for him to teach a class that
2 they videoed so at least he'd have video coverage of his
3 capacity to teach a class. I'm pretty sure that that was what
4 we set up for him.

5 HEARING OFFICER LEACH: Is that like a mock class or like
6 a class which --

7 THE WITNESS: It would be like a class that he was
8 teaching just one of and so not really a mock class, a class
9 with a video camera inside, but that he could use to show that
10 -- his capacity to teach.

11 HEARING OFFICER LEACH: So there were -- this is a
12 section where students signed up and he taught students?

13 THE WITNESS: He didn't teach a whole semester, one
14 class, one iteration of a class, just for purposes of videoing.

15 HEARING OFFICER LEACH: All right.

16 THE WITNESS: The Center for Teaching and Learning does
17 that kind of thing and then also they will evaluate your
18 teaching with you. It was quite a long time ago.

19 HEARING OFFICER LEACH: Okay.

20 THE WITNESS: Quite a number of years ago.

21 HEARING OFFICER LEACH: Okay. I think when you were
22 talking about the teaching duties you mentioned the fact of --
23 you talked about a syllabus and I think you said that someone
24 attends the classes to evaluate the students?

25 THE WITNESS: Yeah, once a semester a faculty member --

1 or if we need more, we'll do more, but generally once a
2 semester a faculty member will go in and evaluate the teaching
3 and have a conversation with the students about the teaching.

4 HEARING OFFICER LEACH: Okay that's what I wondered
5 because you mentioned -- you said we oversee it and I just
6 wondered who was we.

7 THE WITNESS: Okay, so it's one individual faculty member
8 per semester and that person cycles around depending on who's
9 on leave and who isn't, but it is one faculty member who's a
10 specialist in the area and he has taught that class.

11 HEARING OFFICER LEACH: And this is a class that the
12 graduate student is teaching on his or her own?

13 THE WITNESS: Yes.

14 HEARING OFFICER LEACH: Okay. And once the faculty
15 member does the evaluation what does the faculty member do with
16 that?

17 THE WITNESS: Have a conversation with the student.

18 HEARING OFFICER LEACH: Okay. And I believe you
19 testified that if a student -- I just want to remember this.
20 Did you say that there was never a situation where a student
21 did poorly in teaching or --

22 THE WITNESS: No, I didn't say that, I said I'm not aware
23 of one.

24 HEARING OFFICER LEACH: Okay.

25 THE WITNESS: I'm not saying -- I can't imagine that

1 there would be never.

2 HEARING OFFICER LEACH: Okay, got you.

3 THE WITNESS: I don't know of one.

4 HEARING OFFICER LEACH: Okay, got you. Okay, thank you.

5 THE WITNESS: I do know that there was like one instance
6 where the student wasn't -- didn't -- the student wasn't
7 communicating clearly enough in the way by which through
8 speech. You know what I mean? And he talked to the student
9 about it, but the student has, you know -- it didn't stop him
10 from teaching. He just had a calm conversation in my view. I
11 wasn't there, but that's what I heard.

12 HEARING OFFICER LEACH: Okay, thank you.

13 You used two different terms, I think, maybe teaching
14 assistant versus teaching fellow.

15 THE WITNESS: Yeah.

16 HEARING OFFICER LEACH: Which term -- are they one and
17 the same?

18 THE WITNESS: They really are. I think one of them is
19 older. We used to say TA and now we say teaching fellows and
20 I'm not sure why the shift, but because maybe they are more
21 fellows than assistants and so maybe a teaching assistant in
22 the first semester when they're learning the ropes, but when
23 they're taking their own class they're colleagues essentially,
24 right, in a -- they're not colleagues, but they're becoming.
25 That is, you know, they're teaching fellows. I think that's

1 the --

2 HEARING OFFICER LEACH: You're referring to graduate
3 students though, right?

4 THE WITNESS: I am.

5 HEARING OFFICER LEACH: Okay. You talked about what you
6 do when you develop your online courses and that there were
7 some -- I'm not sure if these were students or not students
8 that helped you maybe to develop an online course?

9 THE WITNESS: Okay. So I do my own course development,
10 but online is a lot of technological need, which is to put --
11 technically put a quiz into the lecture, technically do this,
12 but content-wise, I give students the content and then what
13 they are doing is helping me just navigate the platform and
14 give the material.

15 HEARING OFFICER LEACH: Uploading?

16 THE WITNESS: Uploading.

17 HEARING OFFICER LEACH: Those types of services?

18 THE WITNESS: Exactly.

19 HEARING OFFICER LEACH: Okay.

20 THE WITNESS: When a student has taught with me a little
21 while sometimes they will initiate and say I would like to --
22 what about if we did the discussion with this prompt, you know,
23 fine, if that seems something they're interested in? So we
24 moved -- I would move towards exclusivity rather than tender
25 this as my material and you can't enter into it, but for the

1 most part I -- it's my material.

2 HEARING OFFICER LEACH: Okay. The examples that you're
3 giving when students are helping you upload and do those
4 different technological things, is that on a semester-by-
5 semester basis, like is that current?

6 THE WITNESS: Okay. The actual class I was talking about
7 which is the mock is not even a Penn class as such, it is part
8 of Penn's outreach to the world perhaps. It's not a fee paying
9 class, so the students are paid separately. This is an extra
10 job that they do, it's not part of the fellowship requirement
11 in any kind of way, but it's just a way in which I have --
12 advance graduate students have worked with me on teaching
13 projects. So that's really what I was talking about.

14 The stuff of uploading materials, I'm not really -- even
15 when I develop new classes I tend to do the uploading myself.
16 Students -- part of the requirement at the beginning of a
17 semester if I'm doing a repeat class is that we'll go through --
18 - because it's new technology and just check all the links that
19 we're using and just make sure everything is authenticated is
20 the word that the check people use so they're not really doing
21 a lot of uploading.

22 HEARING OFFICER LEACH: So your example when you say this
23 is not a fee paying class, these are graduate students that you
24 said they're working with you, but they're paid separately, not
25 part of the fellowship?

1 THE WITNESS: So the method is -- no, this is not part of
2 the fellowship program at all, this is an added --

3 HEARING OFFICER LEACH: Okay.

4 THE WITNESS: -- let me put it opportunity maybe.

5 HEARING OFFICER LEACH: Are these students who have not
6 completed their degree requirements?

7 THE WITNESS: When I did my first massively open online
8 course it was advanced graduate students who had taught the
9 material before so they were beyond the teaching fellowship,
10 but they had not required -- completed their degree. That was
11 for the massively open. When I used students for teaching
12 regular Penn classes even if they were online, they are
13 advanced and beyond their fellowship years or at least they're
14 assigned to me to teach as a teaching fellow in the regular
15 fellowship period. That's just a regular teaching requirement
16 so I use both.

17 HEARING OFFICER LEACH: But in ether situation, whether
18 it's your fee paying class or your regular paying class, these
19 are students who are beyond funding, not people who have
20 actually finished their Ph.D.?

21 THE WITNESS: Okay. Right now I'm teaching two online
22 classes. I have a graduate -- a student who just finished a
23 Ph.D. I'm using a student who's completed her Ph.D.

24 HEARING OFFICER LEACH: Okay.

25 THE WITNESS: Last year I taught -- it was an advance

1 student who hadn't finisher her Ph.D., but was looking for
2 money so I do both.

3 HEARING OFFICER LEACH: Okay. And I believe you
4 testified that the students in the Music Program are teaching
5 undergrads, correct?

6 THE WITNESS: they are all teaching undergrads, yes.

7 HEARING OFFICER LEACH: Okay. And as far as the syllabus
8 and the other materials that they use, I believe you testified
9 that you will allow them to -- you can give them what you've
10 used through the CANVAS site for like exams, syllabus, quizzes,
11 things like and then they can use that or they can use that as
12 a guide to develop their own?

13 THE WITNESS: We do prefer students to basically stick to
14 the curriculum that's put in the syllabus.

15 HEARING OFFICER LEACH: The syllabus created by who?

16 THE WITNESS: The faculty member.

17 HEARING OFFICER LEACH: Okay.

18 THE WITNESS: But the practice has been there could be a
19 couple of weeks where a student wants to put in something of
20 their own.

21 HEARING OFFICER LEACH: Okay.

22 THE WITNESS: And then sure they can do that.

23 HEARING OFFICER LEACH: Is that the same response for
24 quizzes, exams, other types of assignments?

25 THE WITNESS: I can only speak for myself here because I

1 give students access to anything they want. Anything I develop
2 they may use, but so when I do the online stuff I use a Power
3 Point presentation extemporarily because sometimes I've had a
4 student who wanted to teach Cuba signing and they love that
5 section. And then they modify my Power Point presentation and
6 do some -- so now by the time I've taught this for say ten
7 years in different -- adding material, the present presentation
8 is now a conglomeration, but of my work and of the beautiful
9 images, you know, that the grad student might put in.

10 But I give them my work, they add a little bit to it. You
11 know, they can take it away with them, there's no proprietary
12 anything about the material, I just -- I've got a student
13 applying for a job right now. I just sent him both my
14 syllabuses from my summer teaching. He can use it however he
15 wants to. You know, that's what I think we do to all students,
16 especially in the job market.

17 HEARING OFFICER LEACH: The money that the students
18 receive as part of their fellowship, do they have to repay it?

19 THE WITNESS: No.

20 HEARING OFFICER LEACH: Do you know whether or not it's
21 taxable?

22 THE WITNESS: It depends on if it's, as I understand --
23 well, it depends on the amount -- I don't know enough. I do
24 know that it's different for international students than it is
25 for U.S. citizens and permanent residents, but I can't speak to

1 that. I simply don't know.

2 HEARING OFFICER LEACH: That's no problem. Okay. It
3 would be okay to say you don't know.

4 THE WITNESS: Yeah, I don't know.

5 HEARING OFFICER LEACH: The Union had some questions for
6 you and I want to clarify this. You said you hire students to
7 do grading or tutoring if they're beyond d funding and need
8 money, was that correct?

9 THE WITNESS: As I understand it because I haven't really
10 done that. This is done by our Music Department by the --
11 often if there's a budget for it and also work between the
12 Chair and the Business Administrator. I don't really -- I'm
13 not part of that decision making, it doesn't specifically come
14 to me,

15 HEARING OFFICER LEACH: Okay.

16 THE WITNESS: So --

17 HEARING OFFICER LEACH: Do you know what that Business --
18 is that person -- this is still a student beyond funding?

19 THE WITNESS: Yes.

20 HEARING OFFICER LEACH: Do they receive a special title
21 or what would you call someone who's just grading --

22 THE WITNESS: I would call them a grader, a course
23 grader.

24 HEARING OFFICER LEACH: And a tutor just a tutor?

25 THE WITNESS: Yup.

1 HEARING OFFICER LEACH: Have you ever heard the term
2 student worker?

3 THE WITNESS: Never used it, never have -- obviously,
4 I've heard the term, but it's never come across my
5 conversations, no.

6 HEARING OFFICER LEACH: You also talked about what
7 happens if you have a large class and that you may have a TA, a
8 teaching assistant and a teaching fellow, but again you would
9 use those terms interchangeably?

10 THE WITNESS: I do, I really do.

11 HEARING OFFICER LEACH: Okay.

12 THE WITNESS: I mean in my mind the one is an old term
13 and the other a new term. Who brought -- why it really changed
14 I'm not really sure. I think it's just picking up on what's in
15 the environment.

16 HEARING OFFICER LEACH: Okay. And I just wanted to
17 clarify in that situation are these graduate students who are
18 beyond their funding years typically or --

19 MR. FRYMAN: Or which --

20 THE WITNESS: No, teaching fellows are part of the
21 fellowship program.

22 HEARING OFFICER LEACH: No, just to clarify, when you
23 said you have the large class where you may have 60 or so
24 students and you have a teaching assistant or fellow assisting,
25 my question is are those graduate students who are beyond their

1 fellowship funding?

2 THE WITNESS: No. Often they -- so this is part of the
3 training of a student before they're going to take over their
4 own class. So we would then say we're going to have a faculty
5 member with two graduate teaching fellows in the fall semester.
6 We will open up the class so maybe it's 80 students with a
7 faculty member and two teaching fellows. So the teaching
8 fellows are learning the way of the class in that moment and
9 then they will have a much smaller section of no more than 30
10 each when they take over their own sections.

11 So the large class is only because it's a faculty taught
12 with teaching. It's a different model than the other one.

13 HEARING OFFICER LEACH: Okay. You also talked about the
14 -- let's see here -- the evaluations and I believe you said
15 that graduate students and faculty are graded in the same way.
16 You said there's an online evaluation for the college. Is that
17 what students complete?

18 THE WITNESS: Yes.

19 HEARING OFFICER LEACH: Okay.

20 THE WITNESS: it's what undergrads complete for -- in a
21 teaching class is about, yeah.

22 HEARING OFFICER LEACH: Okay. And then you said there's
23 a Departmental evaluation.

24 THE WITNESS: Yes.

25 HEARING OFFICER LEACH: What is that?

1 THE WITNESS: It's like a piece of paper, a thing that's
2 got five questions. We offer -- students at Penn can add in
3 their own comments, anything that they want to add to the
4 evaluation that maybe didn't get covered in the online so it's
5 -- it's been in the Department ever since I've been there. I
6 don't know who instituted it, but it's --

7 HEARING OFFICER LEACH: So there's an online --

8 THE WITNESS: It's not a requirement to do the
9 Departmental one.

10 HEARING OFFICER LEACH: Okay.

11 THE WITNESS: Like I think you have to -- in the college
12 when you have to sign to say I refuse to take this before you
13 can get grades, maybe some kind of --

14 HEARING OFFICER LEACH: Oh, I see.

15 THE WITNESS: You know what I mean? Which we don't have
16 that. If you don't do it, you don't do it and it's anonymous.

17 HEARING OFFICER LEACH: So just so I'm clear, there's an
18 online evaluation for teaching assistants or fellows and
19 faculty that's done by the students and then there's a separate
20 Departmental evaluation that's also done by students?

21 THE WITNESS: Yeah, but it's handwritten and optional and
22 anonymous.

23 HEARING OFFICER LEACH: Okay.

24 THE WITNESS: Nobody knows who you are.

25 HEARING OFFICER LEACH: And what does the Department do

1 when you receive the online evaluations?

2 THE WITNESS: It is my understanding that the -- well,
3 two things. The Chair will look at the online -- I think the
4 Chair looks at the online evaluations and then if there's a --
5 if there's some concern they will raise it, but it's not
6 something that really comes across what I do.

7 HEARING OFFICER LEACH: Okay.

8 THE WITNESS: So it's probably better off with the Chair
9 of the Department.

10 HEARING OFFICER LEACH: What about the Department
11 evaluations? Is your answer the same?

12 THE WITNESS: Yes.

13 HEARING OFFICER LEACH: Okay, okay.

14 THE WITNESS: I think a faculty member can, if we write a
15 letter for a graduate student applying for a job, for example.
16 You can't go and request that you see things. I don't know
17 about the online one, but I'm sure it's the same story, but you
18 can also request the Department evaluation so you can if you
19 want to. If you don't know what the student's teaching record
20 is you can have access to it if you write and request it, so
21 there are other people who can access it if necessary, as far
22 as I understand.

23 HEARING OFFICER LEACH: Okay, I don't have any other
24 questions. Does the Employer?

25 MR. FRYMAN: No.

1 HEARING OFFICER LEACH: The Union?

2 MS. ROSENBERGER: Just a couple of clarification
3 questions.

4 HEARING OFFICER LEACH: Okay.

5 MS. ROSENBERGER: Because I always do after you ask your
6 questions. I can't help myself.

7 CROSS EXAMINATION (Continued)

8 BY MS. ROSENBERGER:

9 Q. So the Hearing Officer asked you about your testimony
10 about a situation where you would have a teaching assistant or
11 a teaching fellow, maybe two and about there being a dividing
12 line of maybe 60 students in the class of what have you.

13 As I understand it, I just want to make sure that I didn't
14 misunderstand it, as I understand it from your testimony there
15 are occasions where someone who is beyond their funding may
16 come to you or the Department and say -- the other fellowship
17 may come to you, but has not yet achieved their Ph.D., may come
18 to the Department and say I need to find a way to make ends
19 meet, is there any kind of opportunity for me to obtain a paid
20 position and one of the ways that you look to help someone is
21 to find opportunities for a teaching assistantship?

22 A. Well, it could be one of the ways. All -- yeah, I mean it
23 could be or a greater or it just depends on -- you know, it
24 depends on circumstances. Our preference is that students get
25 done. So but you know, sometimes there's a matching of needs

1 is the way I would see it in our Department. Because we're
2 small I think it is easier to feel that there's a matching of
3 needs and just some sort of big requirement of numbers or
4 something, it's not like that.

5 And it may be that somebody's just opted out at the last
6 minute or there's somebody taking a leave or something like
7 that so it's more like sitting in an emergency situation. But
8 if a student -- you know, if I know a student is -- like the
9 student I've got now. She's just between things, she doesn't
10 have a job lined up, she interviewed for a job, she didn't get
11 one. And I was saying --you know.

12 Q. But that's someone who already has their Ph.D.

13 A. Yeah.

14 Q. I'm referring specifically to people who have not yet
15 achieved their Ph.D.

16 A. Yeah. If they are looking for something, I mean I don't
17 think anybody would ever force them to. There's no forcing,
18 it's more matching of needs.

19 Q. Okay. You also talked about the massive online opened
20 course, or I may have that backwards, being paid separately.
21 Paid by whom?

22 A. The University has an online learning -- you need to
23 really be clear here. The method online course is not really
24 part of what even the Music Department does. This was the
25 Provost who said we have so much knowledge here, we need to

1 share it with the world. You know this is kind of the method,
2 so this is not considered part of Penn education in any way.

3 These were -- I had the opportunity to hire two graduate
4 students who would assist me in putting a class together and
5 then help to monitor the discussion forums on line so that's
6 what we used.

7 Q. And they were paid by Penn, right?

8 A. They were paid by Penn, that is the Office of Online -- I
9 can't remember --

10 Q. I don't need the specifics.

11 A. Under the Provost.

12 Q. Okay. And when students in your program are doing their
13 service years as teaching fellows they have to -- and I'm
14 speaking specifically once they've moved on to sort of
15 independently teaching the class --

16 A. Right.

17 Q. -- they have to abide by all the same policies about
18 having a syllabus and, you know, everything that would apply to
19 a faculty member teaching as well, right?

20 A. Right. Well, mostly the faculty member provides the
21 syllabus so it is not quite the same as a faculty member
22 because in a sense the way I see that we have it in our
23 handbook which I'm revising is that it's a kind of internship
24 rather than -- I mean you're getting the experience. Nobody
25 expects them to teach a class of 60 students. They're limited

1 to 30.

2 Q. 30 or 13?

3 A. Three zero. I think it used to be 36, it's down to 30
4 now. So I mean you have to perform in front of the class and
5 you have to do the grading, but I mean nobody -- as a faculty
6 member nobody taught me how to do anything. I wasn't handed
7 anything, I developed everything myself when I arrived as an
8 Assistant Professor.

9 I don't think it's the same situation which is, you know,
10 for a student who's had more exposure. When I taught Music 50
11 it was a new class in the University as a whole across the
12 whole American Academy. There had been no world music and
13 cultures class, you know what I mean? So even that was a whole
14 new concept, you know, I had to develop that all. There was
15 nobody to help me with it, I just had to do it, sort of trial
16 and error.

17 So -- and I don't think it's exactly the same situation,
18 but it is yes, the student is in the classroom every day.
19 They're producing and giving the material out and grading and
20 teaching, yes.

21 MS. ROSENBERGER: Nothing further.

22 MR. FRYMAN: Just one quickly and then we'll let you go,
23 Dr. Muller.

24 REDIRECT EXAMINATION

25 BY MR. FRYMAN:

1 Q. Post fourth and fifth year, so you're talking about post
2 fellowship funding. There are occasions, are there not, when
3 those students will receive some funding that does not involve
4 them engaging in any teaching activity?

5 A. Yeah. Well, a dissertation completion fellowship, you
6 have to be full-time during your dissertation completion.
7 There has to be some assurance and that comes from the Graduate
8 School of Arts and Sciences. It's a dissertation research
9 which is not as vague, but it does help a little bit. They are
10 expecting you to be doing it.

11 There are some -- you know, there's six year funding
12 through the critical writing program, but you do have to teach
13 in that. That is a teaching requirement.

14 Q. Or there was the example provided where the student is
15 able to --

16 A. Outside funding.

17 Q. -- either outside funding or defer some of their summer
18 funding for use in the --

19 A. Well, that was com -- that's not enough. You have to --
20 like she had an outside fellowship that she moved her summer
21 funding around so that it would be equivalent to a six year
22 funding, but it is a maneuvering that happens to make it -- to
23 make it happen, yeah.

24 MR. FRYMAN: That's all. Thank you.

25 HEARING OFFICER LEACH: Okay. Does the Union have

1 anything else?

2 MS. ROSENBERGER: No, ma'am.

3 HEARING OFFICER LEACH: All right. Thank you, Doctor, I
4 appreciate your time today.

5 THE WITNESS: Thank you so much. I hope so.

6 (Witness excused.)

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

8 (Whereupon, a luncheon recess was taken from 1:09 p.m. to 2:06
9 p.m.)

10

1 DIRECT EXAMINATION

2 BY MR. FRYMAN:

3 Q. Good afternoon, Dr. Sochalski. Is that how it's
4 pronounced?

5 A. Yes, it is.

6 Q. I assume you're employed by the University of
7 Pennsylvania, otherwise there really wouldn't be a reason for
8 you to be here, right?

9 A. That's right and I am.

10 Q. In what position are you employed?

11 A. I'm the Associate Dean for Academic Programs at the School
12 of Nursing.

13 Q. Do you also hold a faculty position?

14 A. I do. I'm an Associate Professor, tenured Associate
15 Professor.

16 Q. And in a particular department?

17 A. I'm in the Bio-Behavior and Health Services Department and
18 that's where my faculty appointment is.

19 Q. And where does that department reside?

20 A. It resides in the School of Nursing.

21 Q. And what are your duties and responsibilities as the
22 Associate Dean?

23 A. I'm responsible for the academic programs that are run by
24 the School of Nursing.

25 Q. And could you just elaborate on that a little bit, what

1 that entails?

2 A. Certainly. We have two undergraduate programs, we have 15
3 different Master's tracks and we have a Ph.D. Program and just
4 starting a new Doctor/Nursing Practice Program. And I have
5 direct responsibility for the two undergraduate programs and
6 all of our Master's programs and shared responsibility for our
7 Ph.D. Program with our Graduate Group.

8 Q. And what degrees do you hold?

9 A. I have -- I am a registered nurse. I have an
10 undergraduate degree in nursing, a Master's in Science and a
11 Ph.D. in nursing.

12 Q. How long have you been at Penn?

13 A. I assumed my faculty appointment in 1997. I started as a
14 Research Professor in 1996 and I assumed my tenure track
15 position in 1997.

16 Q. And have you remained in residence at Penn from that point
17 until today or have you taken any time off and away from the
18 University?

19 A. I had a three year approved leave from the University from
20 2010 to 2013 to serve in the Obama Administration.

21 Q. And what did you do there?

22 A. I was the Director of the Division of Nursing in the
23 Health Resources and Health Administration in the Department of
24 Health and Human Services.

25 Q. And when did that occur? How recently did you return to

1 Penn?

2 A. I returned in September of -- at the end of August 2013
3 and I was gone from September 2010 through August of 2013.

4 Q. You made brief mention of the degree programs, but maybe
5 we could go back there and you could walk us through the
6 different degree programs within the School of Nursing?

7 A. Certainly. We have a traditional Baccalaureate in Science
8 and Nursing Program, four year degree program. We also have an
9 --

10 Q. Can I just stop you for a second?

11 A. Yes.

12 Q. So that would be for undergraduates?

13 A. They're for undergraduate students, a pre-licensure
14 program. Our other pre-licensure program, that is pre-RN
15 licensure program. Another pre-licensure program is our
16 accelerated Bachelors of Science and Nursing program. These
17 are individuals that have Baccalaureate or higher degree in
18 something other than nursing and they are coming back to become
19 a registered nurse and they're in a fast track or, if you will,
20 an accelerated program.

21 We have Masters of Science in Nursing, we have Nurse
22 Practitioner Programs, we have Leadership, Health Leadership
23 Nursing Administration and Midwifery and all of those give a
24 Master's of Science in Nursing. Our Nurse Anesthesia Program
25 most recently converted to a Doctor/Nursing practice. They are

1 our newest program, Professional Doctor program that gives the
2 Doctor/Nursing practice. We have a Ph.D. program longstanding,
3 Ph.D. program in Nursing also in the school.

4 Q. The Master's students are they funded by the University?

5 A. No, they are not. They may have some financial aid. We
6 try to provide some financial aid. They are largely self-
7 financed through graduate loans and other loans.

8 Q. And what about new Doctor of Nursing Practice, is that --

9 A. They're the same way.

10 Q. Okay. And we'll talk about -- I assume the Ph.D.
11 students, they are funded?

12 A. Yes.

13 Q. And we'll talk about that in a bit.

14 You made some reference to the Graduate Group. Does the
15 School of Nursing have a Graduate Group?

16 A. Yes, they do.

17 Q. And a single Graduate Group for the School of Nursing?

18 A. Yes, it's a single Graduate Group.

19 Q. And if you would, tell us a little bit about these Ph.D.
20 or Doctoral students. Who are they, what are they studying,
21 what are they there to pursue?

22 A. Certainly. The Doctoral students are -- have, for the
23 most part, come to us after having completed a Master's Degree
24 and they are coming for their Ph.D. They come from across the
25 country; they come from a range of practice, administrative,

1 private sector positions and are choosing to get a Ph.D.
2 largely because they are seeking to become an academic and are
3 interested in becoming a researcher.

4 Q. Are there any dual degree programs within the Ph.D.
5 Program within the School of Nursing or School of Nursing
6 Graduate Group?

7 A. Certainly. We have one dual degree program. It's an
8 MBA/Ph.D. program. It is -- we do have the program. We have
9 not had interested applicants so we haven't had anyone in the
10 program for some time.

11 Q. Now, as a faculty member in the School of Nursing are you
12 also a member of the Nursing Graduate Group?

13 A. I am.

14 Q. And I assume there are other faculty members in that
15 Graduate Group?

16 A. Yes. Yeah.

17 Q. And are they all -- do they all have faculty appointments
18 within the School of Nursing?

19 A. The majority of our Graduate Group are faculty in the
20 School of Nursing with appointments in the School of Nursing.
21 We have a number of members that are members of other faculties
22 at the University of Pennsylvania who are not members of our
23 school, but have -- hold faculty appointments in our other
24 schools.

25 Q. And can you give us some examples of faculty members from

1 other schools who have -- who are members of the School of
2 Nursing Graduate Group?

3 A. We have individuals. They're faculty from the Medical
4 School, from the College of Arts and Sciences, various
5 departments within there and the School of Engineering.

6 Q. And why would there be faculty from Engineering, Arts and
7 Sciences or Perelman School of Medicine in the Nursing Graduate
8 Group?

9 A. They are seeking appointments on our Graduate Group to be
10 engaged in our -- specifically in our Doctoral Program so they
11 will serve in our Doctoral Program as dissertation advisors,
12 members of dissertation committees. And by becoming a member
13 of the Graduate Group it gives them voting rights in the
14 Graduate Group which is, as I said, the governing group over
15 our Ph.D. Program.

16 Q. So then would these staff members outside of -- with
17 appointments outside of nursing, would they have interaction
18 with Nursing Ph.D. students?

19 A. They would.

20 Q. And what would be the nature of that interaction?

21 A. So they would be mentoring them and advising them on their
22 research. They would serve as members of Dissertation
23 Committees and mentoring them in a variety of ways on their
24 academics and largely around their research.

25 Q. Can you give the Hearing Officer some general idea of how

1 many graduate Ph.D. students we have in the Nursing Graduate
2 Group?

3 A. Yes. We have at various points in their study somewhere
4 between 55 and 60 students currently.

5 Q. And that would be from first years all the way through
6 working on their dissertation?

7 A. That's right.

8 Q. And how long does it generally take for the Nursing Ph.D.
9 students to complete the program?

10 A. The -- for average time to completion is between four and
11 five years and for students overall about four and a half years
12 although there are an increasing number that are finishing in
13 less time, between three and four years.

14 Q. Could you walk us through the progression of a Nursing
15 Ph.D. student in terms of what they're doing each year of their
16 degree program?

17 A. Certainly. In their first year they're engaged largely in
18 the classroom. They have theory courses, they have statistics,
19 statistic sequence which provides them with the skills that
20 they need to conduct their research. They also are coming to
21 the school with an area of interest that they want to pursue in
22 their research so they'll be taking -- we call them cognate
23 courses. They're going to be courses that provide them with
24 background to help them do their research. It's a large part
25 of their first year in the program.

1 In the second year of the program they complete a
2 qualifying exam and they also often in that second year will
3 also continue to take those additional courses that's part of
4 their research. They also have a teaching residency course and
5 a research residency course.

6 After the completion of those two years, as they're moving
7 into their third year they sit for what is called the candidacy
8 exam, which is the defense of their dissertation proposal and
9 then moving forward from that will have completed for the most
10 part their course work and then will be working on their
11 dissertation.

12 Q. And when you say working on their dissertation, put that
13 in the yearly progression. Where are we in terms of years now?

14 A. So you know, at the beginning they engaged in it
15 throughout so at the time of their candidacy exam they're
16 already -- they're defending a dissertation proposal so prior
17 to that they've been working with their faculty mentor who will
18 be their advisor, probably the Chair of their Committee
19 identifying members of the Committee as well that are guiding
20 them and articulating the questions, specific aims, the methods
21 that they're going to use, helping them focus that question.

22 That's going on almost from the time they hit the door so
23 they're starting to think about that. We work hard to move
24 them quickly through that process because the actual conduct of
25 the data collection, the data analysis does take time. And to

1 keep them on, you know, a timely way to be able to finish we
2 move them forward so they've been working on that throughout
3 that.

4 They will have for the most part once they've finished
5 candidacy, have finished the course work part of it, and that's
6 when they're going to be engaged in the data collection and the
7 data analysis and the writing up and working with their
8 research their mentoring team, their dissertation team.

9 Q. So you mentioned something called a teaching residency and
10 a research residency. Are those courses for academic credit?

11 A. Yes, both of them.

12 Q. And do the Ph.D. students take those at the same time?

13 A. They generally take them in two different semesters, but
14 nothing would preclude them from taking them at the same time.
15 It is decided by the student and by their research advisor when
16 it's a good to do that, but both of those are part of the
17 required courses that they have, that they get the academic
18 credit for.

19 Q. And is there a prescribed year that they take those
20 courses?

21 A. They generally take that either in their second or maybe
22 at the beginning of their third year. Nothing would preclude
23 them from taking it in their first year. It's just they're
24 getting to know their classes, they're really pursuing their
25 own research interests at that point, but nothing precludes

1 them from doing it in their first year. Most often it is in
2 their second year or maybe the beginning of their third year.

3 Q. So taking each in turn, whichever one you want to start
4 with, can you describe these residency courses?

5 A. Right. So the teaching residency course, when the student
6 engages in that, they identify a faculty member that they would
7 like to work with to learn the tools of teaching. So they will
8 -- they may select someone who's either teaching in a content
9 area or someone whose pedagogical skill they're interested in
10 learning from and they will fill out -- there is an actual form
11 that they fill out that describes what their objectives are,
12 what they hope to learn from that, what the activities will be,
13 what the faculty mentor will provide to them and that is then
14 completed.

15 The activities that they're involved in in that teaching
16 residency are individually determined, what the student wants
17 to learn and what the faculty can offer. And the students come
18 with very different backgrounds, some of them may have taught
19 in some ways in the past. Some of them may have had not. They
20 may be interested in talking a course and developing it to be
21 online, so it's learning a new pedagogical skill.

22 They may be interested in learning, you know, write a
23 syllabus, write objectives, whatever it is that they're
24 interested in and they engage in that mutually with their
25 faculty mentor. That's agreed to and that's the activities that

1 they conduct throughout the semester. And then at the end,
2 the student evaluates their experience and the faculty member
3 evaluates the student,

4 Q. And do you still, notwithstanding your administrative
5 responsibilities do you still serve as a faculty mentor to
6 students?

7 A. I'm certainly mentoring students. I'm a member of
8 committees that -- dissertation committees and I have students
9 of which I'm the Dissertation Chair.

10 Q. And what about with respect to teaching residency, do you
11 serve as the faculty mentor/advisor with respect to any
12 students -- I know we're in the summer now, but --

13 A. Right.

14 Q. -- for example, the past academic year did you serve as a
15 mentor for a teaching residency?

16 A. I did not.

17 Q. Have you in the past?

18 A. I have.

19 Q. Using your own experience could you just describe for us
20 the nature of the interaction or the activities in which your
21 students engage with you with respect to the teaching lessons?

22 A. Sure. So the student came to me and because I taught
23 health policy and she has -- had a great interest in health
24 policy wanted to come and work with me and was specifically
25 interested in understanding better how to -- how to put

1 together a course of --a basic survey course in health policy
2 and the different methods that one could use to different
3 pedagogical skills and imparting what we were trying to do in
4 the class.

5 We met together and reviewed every part of the course, the
6 syllabus development, the classes. We would meet before class,
7 talk about what we wanted to accomplish that day. We would
8 meet sometimes at the break, sometimes after the class just to
9 review what had happened. So it was -- and for me it was very
10 enjoyable as well because the student was able to reflect to me
11 some of the things that she would see in the classroom as well.

12 And so at the end of the semester she described in her
13 feedback what she learned, what she gained from that and
14 offered some ideas for the course, but we worked closely
15 together, but different from the objective she had, what were
16 some of the things she wanted to learn and what I could do to
17 be able to impart those.

18 Q. And the teaching residence, will the student sometimes get
19 experience in front of the class?

20 A. They can if they would like. I have had students in the
21 past that have done a teaching residency who were very
22 interested in learning how to put together a lecture and give a
23 lecture. So
24 again, I've had students who wanted to get some experience in
25 grading so they will do that, but these are driven by the

1 student and what their knowledge is and what they want to gain
2 from this.

3 Q. Can you tell me why would a student want to get experience
4 in grading?

5 A. What -- as being the recipient of grades you have some
6 understanding of what you get and why, but sitting down and
7 making a judgment about what someone has presented to you and
8 if it's not -- even, you know, the writing of a question, but
9 reading somebody's essay because most of what I do is either
10 papers or test questions that are essay questions, being able
11 to read that if the students in the class comprehend it, I
12 think you had written a particularly great question and
13 everyone seems to be answering it at a 45 degree or a 90 degree
14 angle, which is telling you it's not as great as I thought it
15 was, I may not have been as clear, so to understand much better
16 how do you do that and what does it mean to evaluate a
17 performance in a class?

18 How do you write a question, how do you evaluate that the
19 student learned? So they're trying to understand that and
20 doing it in a mentored way. I think that they gain a fair bit
21 from that.

22 Q. So why does the Nursing Graduate Group impose this
23 teaching residency requirement?

24 A. The teaching residency actually came from a lot of
25 feedback we had gotten from Doctoral students who are there

1 largely for an academic career in the future of which teaching
2 is going to be a part of that and wanted to leave the program
3 with some exposure to the classroom and to teaching, whatever
4 teaching skills that you need. So that had been a prime
5 motivator of that.

6 And in those discussions bringing that back to Grad Group
7 we thought a mentored experience that they would have, a
8 required mentor course credit experience would give them that
9 opportunity.

10 Q. I've handed you what we've marked as Employer's 22. Do
11 you recognize this document?

12 (Employer's Exhibit 22 identified.)

13 A. Yes, this is the residency proposal. This is the proposal
14 that would be filled out with the student and with the faculty
15 mentor that's going to be working with them and with oversight
16 from their Dissertation Chair, their main faculty advisor.

17 Q. Can you just walk us through the document, if you would?

18 A. Sure. I mean clearly you have -- this is done with the
19 signature, as you see, of the Advisor Chairperson of their
20 Committee so that their principal faculty member is aware of
21 what they're doing to meet this residency, the faculty
22 preceptor s the semester that I would have been doing that,
23 that would have happened -- I mean when that is being
24 completed.

25 Q. Let me stop you a second. So if you didn't have somebody

1 who expressed the interest that came to you would you
2 necessarily then be looking elsewhere to find somebody to act
3 in that role?

4 A. No, no. The teaching residency is driven by the student,
5 so if a student comes to me and we agree that the kinds of
6 things that I can provide them is a match for the kinds of
7 activities they want to be involved in then we would.

8 Q. I'm sorry, I interrupted you.

9 A. That's okay.

10 Q. You can keep going.

11 A. So what we -- to get some background the student completes
12 the prior teaching experience, the kinds of things that they
13 have done. What are their objectives, what do they want to
14 learn, what do they hope to accomplish, the kinds of
15 activities? And here this is where we discuss the kinds of
16 things, the way the class is run, the kinds of things that we
17 do in order to meet that objective.

18 So this represents the agreement between us and it's
19 signed not only by their faculty Chairperson or their
20 Committee, but it also is in the oversight of the Graduate
21 Group.

22 Q. Does the Nursing Graduate Group require the student to
23 engage in any type of teaching activity beyond the teaching --
24 one semester of teaching residency?

25 A. The -- all Doctoral students that are in our program do --

1 do work as TA's, do have TA appointments where they're also
2 TA'ing in classes.

3 Q. Okay. That after they have completed their teaching
4 residency

5 A. No, during the time that they are full-time students. As
6 they are full-time students that they are each one of those
7 terms they are each one of those terms they are working as
8 TA's.

9 Q. Okay. And I apologize if my question wasn't precise.
10 Does that happen at the same time they're engaged in the
11 teaching residency or at some other time?

12 A. So they may be engaged in the teaching residency part of
13 that at the same time that they are working or they are being a
14 TA in another course, but yes, so they could be at the same
15 time.

16 Q. And how long will students engage in what you refer to as
17 a TA activities, one academic year, two academic years?

18 A. So they will function or be engaged as a TA separating
19 that from the residency each one of the years that they are
20 fully funded through the school.

21 Q. And does that include in the first year as well?

22 A. Yes, yes, it does.

23 Q. And I want to go back to Employer's 22 a second. There's
24 a section that says Directions there and at the end there's a
25 parenthetical that starts with Note, do you see that?

1 A. Yes.

2 Q. Which goes on to say, The residency must encompass more
3 activities than the basic teaching assistantship.

4 A. Yes.

5 Q. What does that mean?

6 A. So that meant that the activities that they may be engaged
7 in as a TA could span a whole -- you know, a variety of
8 activities. This is meant the teaching residency is a focused
9 academic teaching opportunity that gives them the chance to be
10 much more intimately involved in developing their own teaching
11 skills and specific areas that they want to learn more about
12 how to be a good teacher.

13 Q. Do you also work with teaching assistants?

14 A. I do.

15 Q. Can you --

16 A. Or I did, I'm not teaching currently.

17 Q. When you did teach and you worked with teaching
18 assistants, can you describe the nature of the interaction and
19 the activities with your TA's?

20 A. Certainly. So in a course, in the Health Policy course
21 that I would teach would be a TA that was engaged with me in
22 that course, engaged in a variety of activities learning
23 CANVAS, which we've now from the last session, I think I've
24 explained our learning management system, assists the
25 management of the course in CANVAS getting the materials that

1 are needed to be part of the course.

2 They may interact with students who have a question about
3 some things about the course, about course content. They have
4 worked with me on grading either assignments or on exams.
5 Often the students will also attend the class, they said to me
6 they feel better in coming to the class and hearing the
7 contents and hearing what the students are hearing so that if
8 they're grading or involved in any way in the assignments or
9 been talking with students after class, they feel like they
10 have a better sense of what went on in the classroom.

11 Q. Do you do that like the teaching residency as a form of
12 academic training for the Ph.D. student?

13 A. It's absolutely academic training. It's how I have seen
14 it and how the students certainly reflect it to me is that it
15 does give them that opportunity to develop a whole skillset,
16 feel more comfortable in the classroom. And some students have
17 reported that it's made that first job search an easier one for
18 them both in terms of presenting themselves, but landing that
19 first academic job to feel more comfortable in the classroom
20 because they have had that opportunity for that teaching
21 experience.

22 Q. Does the nursing graduate group -- let me back up a
23 second. Is the nursing graduate group responsible for
24 admissions process and decisions in respect of its Ph.D.
25 students?

1 A. Yes, yes.

2 Q. And does the nursing graduate group admit students into
3 its Ph.D. Program based upon the need for teaching assistants?

4 A. No.

5 Q. Or based on undergraduate enrollment?

6 A. No.

7 Q. Do the nursing graduate group Ph.D. students invariably
8 serve as teaching assistants in nursing courses?

9 A. So the nursing Ph.D. students, yes, are engaged as TA's in
10 courses that are offered in our school.

11 Q. Must the Ph.D. student ask for permission to TA a course?

12 A. The -- when the students are going to be engaged in
13 teaching there's a group that comes together. The student can
14 express an interest in being a TA in a particular course and
15 may have gotten to know a Professor and know that that person
16 is working in a content area that they're interested in and may
17 seek that out. So they are a part of that. So they can --
18 they can request to be in a particular course.

19 They may also have life circumstances, they have class
20 schedules, they may have other family requirements. We take
21 all of that into account so -- and making sure that first and
22 foremost they're students and that this engagement supports
23 them, but that they're focused on their studies.

24 Q. And have you served as part of those discussions with
25 graduate students in terms of them making this request to serve

1 as a teaching assistant?

2 A. Yes. A part of that as well as the group that comes
3 together and will look over the coming year to look at which
4 students that are in the pool for being engaged as TA's and the
5 courses where we have had TA's once and they have been good
6 experiences, other courses that may be coming on line and
7 assigning students to particular courses that meet their needs.

8 Q. And when making assignments does the graduate group of
9 nursing request some understanding be reached between the
10 graduate student and the Graduate Group?

11 A. Yes. There is a memorandum of understanding that is
12 completed for each teaching assistant so that -- well, that
13 describes or lists the course, the semester and the hours and
14 the activities that they'll all be engaged in. That's all done
15 up front before the student starts teaching in the course.

16 Q. Why do you do that?

17 A. We do that because the student first and foremost is a
18 student and while we want them to have that opportunity to be
19 engaged in teaching, we want there to be an understanding of
20 the number of hours that they do have to commit and the kinds
21 of things that they will be doing so that it's clear that what
22 they are doing is assisting and they're assisting a faculty
23 member in that engagement.

24 Q. Are Nursing Graduate Groups teaching assistant s removed
25 from their courses for poor performance?

1 A. No.

2 Q. Would poor performance as a teaching assistant jeopardize
3 the teaching assistant's funding?

4 A. No.

5 Q. In your experience do the Nursing Ph.D. students seek or
6 desire teaching experience?

7 A. Absolutely. They have -- they see that as an area where
8 they may not have -- I mean of all the different areas that
9 they're coming with a background in, a lot of it is going to be
10 the areas that they're more engaged in the research, but much
11 less so in teaching. And they are interested in doing that,
12 they've gained a lot from it and overall their experiences are
13 positive.

14 Q. Now, I asked you about poor performance jeopardizing
15 funding. I don't think we've actually talked much about what
16 this funding entails so let's go back for a moment. The
17 Nursing Graduate Group Ph.D. students are what you call funded?

18 A. Yes. All --

19 Q. Can you describe --

20 A. Yes.

21 Q. -- that for us?

22 A. So all students and all Ph.D. students in nursing receive
23 three years of full funding. That funding includes tuition and
24 that is for the academic year and stipend, health insurance and
25 fees and that's all part of that package for three years. They

1 receive the full funding. After that there are -- and during
2 anywhere along that period individual students may apply for
3 fellowships through NIH, through other foundations and through
4 other funding sources. And if successful, then they also have
5 that funding as well.

6 Q. And when you say as well, would a student in, let's say,
7 year three then be in a position to then having funding through
8 a grant as well as funding from the University?

9 A. So if they're in that, in the third year where they would
10 have that -- that funding, they have the funding from the
11 source that they have. So if it was an NIH grant, then that
12 grant would pay for the tuition and would pay for their stipend
13 and at whatever point it starts that funding is often for
14 enough years that they complete before they would ever need to
15 go back on school funding.

16 Q. And would that be a way that a student could obtain
17 funding for a fourth year? In other word, they --

18 A. Absolutely.

19 Q. -- were able to secure -- just let me finish the question--
20 -

21 A. Oh, sorry.

22 Q. -- NIH grant funding in year three they don't have to use
23 the University funding so then in year four they would have
24 that University funding available to them?

25 A. That's right.

1 Q. And in that year four would there be any additional
2 requirement on them other than pursuing their dissertation?

3 A. So they would be pursuing their dissertation, but as any
4 year where there is funding there would be a teaching
5 engagement.

6 Q. All the way through to year four?

7 A. Yeah, during those years where you are funded through the
8 University, yes.

9 Q. And what about -- let's stay with this hypothetical
10 student. If they were in year three their tuition and stipend
11 were funded through an external grant. Would they be required
12 to serve as a teaching assistant?

13 A. Depending on the external grant. Some of the external
14 grants have certain requirements and those requirements may
15 preclude them being engaged outside of their own personal
16 research or outside of their own personal academic activities.
17 So in those instances they would not be engaged as a TA because
18 they would have the requirements specific to the funding
19 source.

20 Q. And when we find nursing Ph.D. students who are funded
21 from the University for the first three years and then need to
22 find some other source in year four?

23 A. That's right.

24 Q. And where they would not then necessarily be serving as a
25 teaching assistant in year four?

1 A. No. And when they're on that generally they're at the
2 point of dissertation where their tuition costs are lower.
3 They go on what's called low tuition because they're not --
4 they are still engaged full-time, but they're engaged in
5 dissertation status and that's a lower tuition.

6 They can -- they can elect to be -- to be engaged as a
7 teaching assistant for financial support so that is available
8 to them.

9 Q. And in that circumstance -- let's just stay with that for
10 a moment, would the experience be any different with one of
11 your Ph.D. students, the teaching experience for that student
12 in the fourth year versus the third year?

13 A. No, it would be the same.

14 Q. Okay. Let's talk about research for a moment. You also
15 mentioned a research residency. Can you describe the research
16 residency for us?

17 A. Research residency would be approached similarly to the
18 teaching residency where the individual student would identify
19 a particular research skill, a research experience that they
20 would like to have and to do that in a closely mentored
21 experience. They would identify a member of the faculty with
22 whom they could be engaged in their research residency.

23 The would discuss what that opportunity looked like, they
24 would complete a proposal that would look rather similar to
25 this and that teaching residency where they would identify the

1 skills that they're seeking, what their own objectives are
2 associated with that, what activities they are going to be
3 involved in and it's contractual -- if you will, everyone signs
4 and says they'll be in this semester and these are the
5 activities that they would be engaged in.

6 And it's to build a skillset in that particular area that
7 they may be looking for a particular set in some kind of data
8 analysis, some sort of method in research, but they would elect
9 what that is and that would be agreed upon.

10 Q. How would this or how does this research residency relate,
11 if at all, to a student's dissertation?

12 A. The research residency would relate directly. The student
13 is looking at this as an opportunity to further their work that
14 directly relates to their dissertation. It will -- both
15 topically, the specific topic area, the research method that's
16 being used. All of that would relate directly and to their own
17 scholarship development.

18 Q. And how does the research residency relate, if at all, to
19 research that the faculty mentor advisor is doing?

20 A. So it would -- those methods, the area that they would
21 seek a residency would be directly related very complimentary
22 to what their faculty advisor. They may choose to do their
23 research residency with their specific faculty advisor, they
24 may choose to do it with another person who's engaged in and
25 has specific expertise in an area that relates directly to the

1 work that the faculty advisor is, so it would be directly
2 related to that, all of that building towards the skillset that
3 the student is seeking.

4 Q. And again, so a student receives academic credit or course
5 level credit for the research residency?

6 A. Yes.

7 Q. And this generally occurs second year or first semester
8 third?

9 A. Yes. Yeah, when they've had some time to have taken some
10 of the content areas built up, some of their own expertise to
11 course work and had a chance to think about their research
12 questions and hone them.

13 Q. I've given you what we've marked as Employer's 23. What's
14 this document?

15 (Employer's Exhibit 23 identified.)

16 A. So this is the research residency proposal that the
17 students would complete and they would complete that before
18 they began their research residency. It would be mutually
19 agreed upon by the student, faculty mentor that they're seeking
20 and band their advisor Chair of their dissertation, which may
21 be the same as the Preceptor for that experience, and signed by
22 the Grad Group, the Chair, the person that is overseeing the
23 Grad Group.

24 Q. Now, are students engaged in any research activities
25 before undertaking the research residency?

1 A. The students may have the opportunity to be a research
2 assistant on one or more research projects, research
3 enterprises going on in the School of Nursing or whomever
4 they're -- or with whomever their research advisors are, but
5 they can elect to be a research assistant.

6 Again, the research assistant position is a position with
7 a research team developing their research skills. It may be
8 part of the work that the actual Chair of their committee is
9 doing. It could be another project that relates to the work
10 that the chair is doing, but all of these are driven by the
11 interests of the student.

12 Q. Well, how would -- let me back up a second. If a
13 student is funded through an external grant they would be
14 performing research pursuant to that grant?

15 A. Yes.

16 Q. And how would that research relate, if at all, to their
17 dissertation?

18 A. Oh, it would be directly related.

19 Q. How so? Can you explain that?

20 A. So their elect -- so they are pursuing a research question
21 which is their dissertation and the external funding that they
22 would be getting would be supporting the pursuit of that. And
23 that could be working as either with a data set that a
24 particular faculty member has and learning how to work with
25 that and analyze the data, which is directly contributing to

1 the research question and to their dissertation.

2 Q. And in that scenario would that student be considered a
3 research assistant?

4 A. So yes, they would be considered broadly a research
5 assistant. You can be considered a research assistant as a
6 member of a team, as on any number of projects. What
7 distinguishes a research assistant is the engagement in
8 research activities. It could be data analysis, it could be
9 other methods, it could be data collection. They're also
10 engaged in publishing so in writing manuscripts and being a co-
11 author on manuscripts or taking it. All of those activities
12 are part of being a research assistant.

13 Q. And you mentioned publishing. When students serve as a
14 research assistant will they publish papers?

15 A. Yes, yes.

16 Q. Then will their names be on those papers?

17 A. Oh, absolutely.

18 Q. Along with faculty members?

19 A. Yes, yeah, all as a part of the mentoring team.

20 Q. And what value is that to the student?

21 A. Tremendous value. By having to work on a publication you
22 are now engaged with an entire team of people all of which are
23 contributing to a scholarly manuscript so being involved in the
24 writing, being involved in the team that's coming together
25 around the writing and honing that manuscript, selecting the

1 journal that it's going to be accepted in, getting the paper
2 revised and getting it accepted, being able to be involved in
3 other papers associated with it.

4 All of these are incredibly important and are part of why
5 they're getting a Ph.D. is their getting it to become scholars,
6 academic scholars and this is the first step in doing that and
7 doing it mentored with a group couldn't be better.

8 Q. And will those papers relate in any way ultimately to the
9 students' dissertation?

10 A. Yes. They can either relate directly, that is directly on
11 their topic. It can be related in that it's a method, it's an
12 area of study that they're interested in, but all of these
13 contribute to their dissertation and their ability to take that
14 dissertation and then pursue further work once they've
15 completed their Doctoral study.

16 HEARING OFFICER LEACH: Does the Union object to Employer
17 22 or 23?

18 MS. ROSENBERGER: No.

19 HEARING OFFICER LEACH: Okay. 22 and 23 is received.
20 (Employer's Exhibits 22 and 23 received.)

21 BY MR. FRYMAN:

22 Q. Okay. I've placed Employer's 24 and 25 in front of you.
23 Can you identify these two documents?

24 (Employer's Exhibits 24 and 25 identified.)

25 A. Yes, these are the evaluation forms that are completed by

1 the student and their faculty preceptor after completing their
2 teaching residency E-24 and their research residency in E-25.

3 Q. And you just used the word preceptor. Is that synonymous
4 with we've sometimes been using advisor, sometimes --

5 A. Yes, whoever is the faculty mentor for that activity so
6 they use the word preceptor on the form so I was using that --

7 Q. Got it.

8 A. -- but the person that is mentoring that activity.

9 Q. And what's the purpose of these forms? Is it the same for
10 each or can you tell us the difference?

11 A. No, same for each. These are part of their academic study
12 that both of these are required activities, academic activities
13 for which they receive academic credit. And like any other
14 course where you receive academic credit, these are the
15 evaluations of that experience so the opportunity for both the
16 student and the faculty member to evaluate what happened during
17 the semester, were the objectives achieved, what was learned,
18 what feedback, what suggestions and how this might help them
19 moving forward with other kinds of activities they want to be
20 engaged in similarly.

21 So this provides that opportunity to say did we follow our
22 roadmap, did we get where we wanted to be and what implications
23 and where might we go, where might the individual student want
24 to go further with it. But I would say that principally it's
25 the same for both of the forms.

1 Q. Go back to research for a moment. You talked about
2 students participating in publications, being listed as
3 authors. How does that help Ph.D. students professionally or
4 in their teacher academic careers?

5 Q. When they're seeking -- when they complete their Doctoral
6 Program they're -- in assuming an academic track, they're going
7 to be either seeking an opportunity for a post-Doctoral
8 fellowship so they may be looking for a post-Doctoral
9 opportunity, a funded post-Doctoral opportunity or they'll be
10 seeking a faculty appointment.

11 Their ability to demonstrate their engagement in
12 scholarship through the manuscript preparation and publication
13 is enormously helpful, provides them with that opportunity both
14 in seeking that position and securing those positions as well
15 as seeking and securing future research funding that will allow
16 them to establish themselves as an independent investigator.

17 So that opportunity potentiates everything they're doing
18 in the years that they are there on their dissertation and as
19 well as additional opportunities to have a paper that's there
20 to present a poster at a professional meeting. It allows them
21 to network with the scholars that are involved in
22 that activity, each one of them accelerates their opportunity
23 to become a scholar.

24 Q. Is the research that nursing Ph.D. students perform
25 pursuant to grants distinguishable in any meaningful way from

1 research they're doing when they're being funded by the
2 University?

3 A. So their -- all of that is the same enterprise that they
4 are engaged in that research when they're doing it funded
5 through any sources through the University. Those things that
6 they're doing, all of that is moving their dissertation and
7 scholarship potential.

8 Q. Does the Nursing Graduate Group track your students'
9 academic process -- progress?

10 A. Yes. So they have their required scheduled meetings
11 between the individual scholar and their research -- their
12 mentoring team. that would be their Chair and other people that
13 are part of their research -- their research group or their
14 dissertation team. They also have to -- each one or the
15 students is submitting annually a report on their activities
16 for that past year which is also signed off by the member of
17 the faculty and is submitted to the faculty group.

18 So their progress through the program is very carefully
19 monitored so that they're able to move through and advance with
20 the quickest possible way so keeping them focused on their
21 academic role.

22 MR. FRYMAN: Some housekeeping. I don't know if we've
23 moved beyond the first two that I introduced.

24 HEARING OFFICER LEACH: We didn't.

25 MR. FRYMAN: So we're now up to 26. Did I move -- is t

1 23 through 25?

2 HEARING OFFICER LEACH: No, we did 22 and 23, right?

3 MS. ROSENBERGER: Yes.

4 HEARING OFFICER LEACH: Okay.

5 MR. FRYMAN: 24 and 25?

6 MS. ROSENBERGER: No objection.

7 HEARING OFFICER LEACH: Okay. 24 and -- Employer's 24
8 and 25 are received.

9 (Employer's Exhibits 24 and 25 received.)

10 MR. FRYMAN: Thank you. 26.

11 (Employer's Exhibit 26 identified.)

12 BY MR. FRYMAN:

13 Q. So what is Employer's 26?

14 A. So this is the annual progress report that is completed by
15 all students and signed off by the Dissertation Chair and
16 submitted to the Graduate Group. And it gives it -- attests to
17 their academic progress. We also look at the professional
18 progress, that opportunity to be engaged in publishing, in
19 presentations, just submitting grants to support their
20 dissertation from outside or within the University as well as a
21 looking at the goals and how they're moving towards achieving
22 their academic goals.

23 Q. And you're required to report on their research or their
24 teaching abilities?

25 A. Yes, all of that would be included in here.

1 Q. And that would include their activities as teaching
2 assistants?

3 A. Yes, it could be their teaching assistant activities or
4 any other activities that they're involved in, all of these
5 which we see as a part of their overall professional progress.

6 Q. And why do you have them talk about their teaching
7 experience or activities in this form?

8 A. Because we see all of those activities as advancing their
9 research, their dissertation and the plan of study that they've
10 laid out for themselves. All of these are important components
11 of it and all of them relate to that. So we want to be sure
12 that those activities that they're involved in continue to
13 contribute to the achieving of their goals.

14 Q. And is this a form that is completed each year?

15 A. Yes.

16 Q. There's a section called academic progress and then one
17 professional progress. What's the, if you know, the reason for
18 that distinction?

19 A. So in the academic progress and thinking about this is
20 filled out by every student, so the full range from people who
21 are just getting started all the way through each one of the
22 years of their study. The academic progress is specifically
23 around the courses that they've been able to complete, the
24 progress that they've made towards their research and any of
25 the activities specifically associated with that.

1 The professional progress is all those related
2 complimentary activities that are part of, but outgrowths of
3 their academic activity. So the opportunity to present at a
4 national meeting, to be involved in a manuscript that is
5 published to submit and receive a small grant, all of those are
6 professional activities, scholarly activities that may or may
7 not have a specific course credit associated with it, but those
8 are all the things that are part of professional development
9 that should come from all of those other activities.

10 So what we see is integrally that the academics that they
11 are involved in, the specific courses and those activities that
12 they are participating in that are part of their specific plan
13 of study give them the building blocks to be able to build a
14 scholarly career. And these should also be a part of that.

15 Q. Who does that -- look at the bottom of the form? It asks
16 the student to describe his or her career goals and career
17 development progress over the last year and identify career
18 development needs for the coming year. What is the purpose of
19 eliciting that information?

20 A. So we want to see, in terms of that, each individual
21 student, how are they seeing what they've done. You know, the
22 composite of everything that has been submitted above, thinking
23 about that and saying is this -- how are you doing towards
24 moving towards those goals, how have those goals gotten
25 refined, what career potential are you seeing and how are those

1 moving your career forward so if part of what you want to do
2 when leaving the program is to be able to pursue an academic
3 position at a University? How are these activities the
4 opportunity for your professional engagement as well as the
5 academic moving you towards that and what are your goals for
6 the coming year.

7 So how does that -- each one of these activities both help
8 you, what kinds of things are you also looking for to help move
9 those because, as you can imagine, it's evolving as the
10 students are more and more engaged with other faculty, with the
11 resources across the University and are seeing new ways that
12 they would like their careers to move.

13 Q. Teaching assistants, when you taught, the types of
14 activities in which they're engaged, if you didn't have that
15 teaching assistant would somebody else have to perform in that
16 role or do those engage in those activities?

17 A. So if I were not doing that, some of those I would do and
18 some of those we'd look for other support.

19 Q. And when you say look for other support, you could hire
20 somebody from outside the University to, for example, help you
21 grade?

22 A. Certainly.

23 Q. Would that be more cost effective than the cost of a Ph.D.
24 student?

25 A. It certainly would be less cost.

1 Q. And so why not just hire somebody from the outside at less
2 cost?

3 A. Because we're committed to the academic growth of our
4 students, that this is a key opportunity for the student to
5 gain a set of skills, but gaining a set of skills under the
6 mentorship of faculty that are engaged in that, you know, every
7 day. So we see this as a critical part. I think it's so
8 important for students to see -- experience the full role and
9 where those opportunities are and that's what our commitment
10 is.

11 Q. What do your Ph.D. students do over the summer?

12 A. They're mostly engaged in their own work. They -- most of
13 them are not around on campus so they're not in -- there's not
14 classes that are being offered. They may be, if they reside
15 somewhere else, you know, they may be going back home, they may
16 be pursuing other opportunities across a country, abroad. They
17 -- a whole variety of activities. For the most part they're
18 not around on campus, they're finding other activities to
19 further their research.

20 Q. Do you require them to leave behind a forwarding summer
21 address before they go off for the summer?

22 A. No.

23 Q. When you say they're engaged in their own work, what do
24 you mean by that?

25 A. So if they -- so for one example, in the first semester of

1 year two, all students who have proceeded to that point are
2 going to have to present and defend a qualifying exam. And so
3 that summer they may just be at home working on preparing for
4 that qualifying exam, doing their independent research, going
5 to the library, engaged in those activities. So that would be
6 something they're doing on their own.

7 Q. In connection with the petition at issue in this case,
8 have any of the nursing Ph.D. students expressed to you any
9 concern about the timing of the election?

10 A. They were concerned that so many of the nursing students
11 aren't around that they wouldn't have the opportunity to
12 participate.

13 MR. FRYMAN: That's all the questions I have. Thank you,
14 Dr. Sochalski.

15 CROSS EXAMINATION

16 BY MS. ROSENBERGER:

17 Q. Good afternoon, Doctor. My name's Amy Rosenberger and I'm
18 representing -- one of the lawyers representing the Union in
19 this matter.

20 On that last point, so you had conversations with some of
21 the Ph.D. students in the Nursing School about the -- about
22 this election?

23 A. They came to me, yes.

24 Q. Okay. And did you explain to them how the election would
25 work, whether it would be on campus or mail ballot or anything

1 like that?

2 A. No.

3 Q. So you had no conversation with them about the possibility
4 of it, that even if they were away they would participate?

5 A. I don't know what the process would be so again, I just
6 listened to what they had to say.

7 Q. How long did you say you've been at Penn?

8 A. I began in 1996, but my faculty appointment began in 1997.

9 Q. I'm guessing -- that's like 20 years -- you're familiar
10 and given your role, you're very familiar with the structure of
11 the University?

12 A. Yes, although the role that I'm in now I am completing my
13 first full year and I was interim a year prior.

14 Q. Okay, so you're -- okay. Are you familiar with the
15 faculty handbook?

16 MR. FRYMAN: Mary, I don't know if we moved the last --

17 HEARING OFFICER LEACH: You didn't. 26?

18 MR. FRYMAN: Yeah.

19 HEARING OFFICER LEACH: Does the Union object to Employer
20 26?

21 MS. ROSENBERGER: No objection.

22 HEARING OFFICER LEACH: Okay, Employer 26 is received.

23 (Employer's Exhibit 26 received.)

24 BY MS. ROSENBERGER:

25 Q. Okay, I've handed you a very thick document that's marked

1 Union Exhibit 32. Do you recognize it?

2 (Union's Exhibit 32 identified.)

3 A. Yes, I usually access it on line, but yes, I recognize it,
4 yes.

5 Q. And I'll represent to you that that's where I accessed it.

6 A. Okay.

7 Q. So you recognize it as the faculty handbook or actually
8 the Handbook for Faculty and Academic Administrators?

9 A. Yes.

10 Q. If you would turn to Page 5 in the introduction, that last
11 paragraph says, organization -- I'm sorry, are you there?

12 A. Um -hum.

13 Q. "Organization of the University is divided into 12
14 schools, each school is under the direction of a Dean, some
15 schools are further subdivided into departments." That's
16 accurate, right?

17 A. Yes.

18 Q. And is the Nursing School divided into departments?

19 A. Yes.

20 Q. How many departments?

21 A. Two.

22 Q. And you said that you're in which department?

23 A. Bio-Behavioral Health Sciences.

24 Q. And what is the other department?

25 A. Faculty and Community Help -- I'm sorry, Family -- I'm

1 sorry, Family and Community Help.

2 Q. And if you turn to Page 12, it's the back side of a page,
3 there's a Section Roman Numeral I(d) called the Faculties and
4 the School's list. As I count them 12 schools. Those are the
5 12 that were referenced in the introduction, right?

6 A. Yes.

7 Q. And that includes the second from the bottom Faculty of
8 Nursing, the School of Nursing?

9 A. Correct.

10 Q. And the way -- when it talks about the faculties and the
11 schools each school has its faculty, which is all of the
12 standing faculty of the school, right?

13 A. Yes.

14 Q. So in your case, all of the standing faculty from both
15 departments?

16 A. Right.

17 Q. In your position as -- you're Associate Dean now, right?

18 A. Yes.

19 Q. You're - -- who appointed you?

20 A. Our Dean, Antonio Villarruel.

21 Q. Say the last name again?

22 A. Villarruel, V-i-l-l-a-r-r-u-e-l, Villarruel.

23 Q. Okay. If you'd turn to Page 14, at the top or near the
24 top --or at the top, yeah, Section I(f) is about Graduate
25 Groups, right?

1 A. Yes.

2 Q. And the first paragraph under I(f)(1) says in the second
3 sentence, "Many of these groups refer to Graduate Groups are
4 based in individual departments. In such groups all members of
5 the standing faculty in that department are ipso facto members
6 of the Graduate Group or can include faculty from other
7 departments and schools."

8 And then it says, "There are in addition a significant
9 number of Graduate Groups that are not based in any one
10 department and are composed of the faculty from several
11 departments or schools."

12 Your Graduate Group in the College of Nursing is all of
13 the -- is the entire school, right?

14 A. Yes, it's the faculty from both departments.

15 Q. So your Graduate Group is all of the standing faculty?

16 A. Yes.

17 Q. Plus the individuals that you named?

18 A. Right.

19 Q. And just so that you're using the same language that
20 everyone else who reads the transcript is using, standing
21 faculty refers to whom?

22 A. The standing faculty refers -- is defined by all of the
23 tenured assistant, associate, full Professors and our clinician
24 educator faculty assistant, associate and full Professors.

25 Q. And the decision to have one Graduate Group for the School

1 of Nursing that's a decision that was made by the school or at
2 the school level, isn't that right?

3 A. I don't know.

4 Q. It's just been that way ever since you've been there?

5 A. Yes.

6 Q. Okay. The individuals that you described who are in your
7 Graduate Group, but who are not members of the faculty of the
8 School of Nursing, do they have secondary appointments at the
9 School of Nursing?

10 A. I don't know that.

11 Q. But in any event, the School of Nursing is not their home
12 school?

13 A. That's right.

14 Q. Does the School of Nursing have a Graduate Group Chair?>

15 A. Yes.

16 Q. And that's someone other than you?

17 A. That's right.

18 Q. And how is that person selected?

19 A. They are elected by the faculty, by the standing faculty.

20 Q. By the members of the Graduate Group?

21 A. Yes.

22 Q. Oh, not all the members of the Graduate Group.

23 A. Right. It would be the standing faculty of the School of
24 Nursing.

25 Q. So the individuals from the other schools who serve on the

1 Graduate Group don't have voting rights on that issue in the
2 School of Nursing?

3 A. If they have been appointed to the Graduate Group they
4 have voting rights.

5 Q. Do they have voting rights on selection of the Chair?

6 A. I -- I'm not certain. I know that that provisionally that
7 is what distinguishes someone is that they -- to be appointed
8 is that they have voting rights, but I don't know the scope of
9 that.

10 Q. Okay, if you'd turn to Page 85? Now, this has to do with
11 faculty appointments, but I want to ask you this particularly
12 in relation to the folks who are on the Nursing Graduate Group,
13 who are members of the Nursing Graduate Group, but whose home
14 school is not Nursing.

15 So the first sentence of the first paragraph says that
16 every faculty has a single home department through -- although
17 a cooperative undertaking by individual faculty members with
18 other departments are encouraged.

19 Is participation in a Graduate Group from a different
20 department or school one of the cooperative -- a cooperative
21 undertaking to your knowledge along the lines of what's
22 discussed here in the first sentence of paragraph one?

23 A. I'm not -- I'm not certain what the meaning specifically
24 is of cooperative undertakings, but that other members from
25 other schools may seek appointments to our Graduate Group

1 because of the nature of their collaboration with faculty and
2 in particular with our students.

3 Q. And they -- but it doesn't change what their home, to use
4 the term here, their home department is?

5 A. No.

6 Q. And one's home department, as a faculty member, one's home
7 department determines your own reporting structure in terms of
8 you report to your Chair, your Dean, etc., yes?

9 A. Any faculty members, yes, on the school, our school or
10 other schools, I presume.

11 Q. You might want to clip that again. I'm done with that for
12 the moment anyway,

13 A. Okay.

14 Q. Exhibit 32.

15 MS. ROSENBERGER: And I would move for the admission of
16 Union Exhibit 32.

17 HEARING OFFICER LEACH: Any objection from the Employer?

18 MR. FRYMAN: No objection.

19 HEARING OFFICER LEACH: Okay, Union 32 is received.

20 (Union's Exhibit 32 received.)

21 BY MS. ROSENBERGER:

22 Q. When you taught and had teaching assistants in your
23 classroom would you have one teaching assistant for a given
24 course or multiple teaching assistants?

25 A. One.

1 Q. And have you, as a faculty member, had someone work with
2 you as a research assistant ever?

3 A. Yeah, I mean I'm thinking about that sort of -- I mean
4 I've had students who are certainly engaged with some of the
5 research that I do. They span -- they might be undergraduate
6 students, they might be graduate students, yes.

7 Q. But am I gathering from your reaction that you're just not
8 certain if they were actually paid research assistants?

9 A. Right. I have not had a paid research assistant
10 specifically working for me. They've been involved in my
11 research, but I haven't had a paid research assistant. That's
12 why I was -- yeah, I was just trying to distinguish them.

13 Q. And when you were testifying on direct examination by Mr.
14 Fryman and you were describing what a research assistantship,
15 separate from a research residency --

16 A. Okay.

17 Q. Separate from a research assistantship looks like were you
18 referring to a position that would be a paid research
19 assistantship outside of the student's fellowship package?

20 A. Yeah, both paid and unpaid, yes, those activities that are
21 -- that students would engage in in a research assistant
22 position.

23 Q. What makes -- what determines whether the person will be
24 paid or not paid for a research assistantship?

25 A. An individual investigator has a budget and wants to --

1 and has the funding and will employ a research assistant for
2 that activity. And an individual student might wish to work
3 with that same investigator and that same team and that
4 promotes their own research, helps them pursue their research,
5 so they engage in those activities as learning activities.
6 Now, there's not a specific paid position.

7 Q. Okay. So it basically depends on whether the work is
8 funded by an external grant or not?

9 A. Um-hum.

10 Q. You need to verbally say yes or no.

11 A. Oh, yes, yes.

12 Q. As Associate Dean do you serve on a group of people in
13 similar positions that might be called something, other
14 Associate Deans or Vice Deans on a -- in a group that reports
15 to the Provost Office?

16 A. Yes.

17 Q. Is that the Grant Council Graduate Deans?

18 A. Council Graduate Deans and the professional and it's a
19 longer title than that, but Professional Master's Deans, but
20 there's two different groups. And I'm not real good on the
21 title, but there's two different Dean-ish groups that I'm a
22 part.

23 Q. And do you -- and the Professional Master's Deans does
24 that include -- who else would be on that group?

25 A. So any of the schools that are giving Master's Degrees.

1 So Wharton, you know, the other schools that are giving
2 Master's Degrees because we have one Associate Dean in the
3 School of Nursing. I represent the undergraduate, the Master's
4 and the Grad Deans.

5 Q. So do you also serve on a similar committee for
6 undergraduate Deans?

7 A. Yes.

8 Q. You wear many hats.

9 A. Yes.

10 Q. We've heard some testimony so far in this case about there
11 being -- well, let me step back a second. Would you agree with
12 me that there are policies that govern graduate programs at the
13 University level and the school level for purposes of nursing?

14 A. Yes.

15 Q. And essentially the lower the level the more degree
16 specific the policies are?

17 A. I would imagine.

18 Q. And the policies in the School of Nursing have to fit
19 within the parameters set by the University-wide?

20 A. The policies that we set in the school are governing our
21 program. They're direct alignment with the University policies
22 I'm less knowledgeable about.

23 Q. Okay. But you're aware they exist?

24 A. The policies for the University certainly.

25 Q. I've handed you a multi-page document marked Union Exhibit

1 33. Go ahead and take a look at that and then once you've had
2 a chance to review it, let me know.

3 (Union's Exhibit 33 identified.)

4 A. Okay.

5 Q. So that if you see on Page 2 of that document it says --
6 it has a title of University-Wide Academic Rules for Graduate
7 Degrees. Do you recognize it to be that policy of the
8 University-Wide
9 Rules for Graduate Degrees?

10 A. Yes.

11 Q. And under those rules if you turn to Page 10 of 13 and the
12 numbers are down at the bottom right, you see that, there's a
13 section there called Copyright and Patent Policies. Do you see
14 that?

15 A. Um-hum.

16 Q. And that, the first sentence of that says that "A
17 dissertation submitted as part of the requirements for a degree
18 is the property of the University." And the second sentence
19 goes on to say, "Any copyrights or patent rights arising
20 therefrom shall be governed by the University of Pennsylvania -
21 - shall be governed by the policies of the University of
22 Pennsylvania including..." -- it goes on to include the
23 policies.

24 Do you understand that to be accurate, that the
25 dissertation submitted as part of the degree requirements is

1 the property of the University?

2 A. If this is the stated policy, yeah -- yes. I mean this I
3 don't know when this policy was written, but these will be the
4 policies for the University.

5 Q. Okay. And then I notice that on -- with regard to the
6 patent rights, I noticed that on Employer Exhibit 26 that you
7 had in front of you, which was the Progress Update and Annual
8 Dissertation Committee Meeting form?

9 A. Yes.

10 Q. Under the Professional Progress section it said please
11 list from last year publications, patents, honor/awards, etc.
12 It goes on to list a number of things. From time-to-time do
13 nursing students develop patented inventions or pieces of
14 intellectual property?

15 A. I'm not aware of any.

16 Q. Okay. So you weren't involved in drafting up this form?

17 A. No.

18 MS. ROSENBERGER: I'd move for the admission of Union
19 Exhibit 33.

20 HEARING OFFICER LEACH: Any objection from the Employer?

21 MR. FRYMAN: No objection.

22 HEARING OFFICER LEACH: Union 33 is received.

23 (Union's Exhibit 33 received.)

24 BY MS. ROSENBERGER:

25 Q. I've handed you a packet I've marked Union Exhibit 34. Go

1 ahead and take a look at that and let me know when you've had a
2 chance to review it.

3 A. Okay.

4 (Union's Exhibit 34 identified.)

5 BY MS. ROSENBERGER:

6 Q. Do you recognize that to be the most recent Doctoral
7 student handbook?

8 A. Correct.

9 Q. For the School of Nursing?

10 A. Yes.

11 Q. So this would be the lower level, more detailed specific
12 to your program --

13 A. Yes.

14 Q. -- policy book, right?

15 A. That's right.

16 Q. If you'd turn to Page 35, please? At the top there's a
17 section called Funding and Tuition Billing. Do you see that?

18 A. Yes.

19 Q. And it talks about -- I don't want to belabor it because
20 you describe a fair amount of this, but it talks at the
21 beginning about the full funding for three years of tuition,
22 student fees and individual health insurance as well as a
23 stipend which is what you described, right?

24 A. Yes.

25 Q. This -- and then it goes on to say, "This funding may be

1 'internal' through teaching assistantships or 'external'
2 through institutional fellowships and grants, individual
3 fellowships or other sources. The source of this funding may
4 vary from year-to-year."

5 So where it says the funding may be internal through
6 teaching assistantships, that's the every semester that you're
7 funded you are required to be a teaching assistant rule that
8 you described on direct examination, right?

9 A. That's right.

10 Q. And then it says or it can be external to institutional
11 fellowships and grants, individual fellowships or other
12 sources. That's what you described where I think one of the
13 examples was a Doctoral student might get an NIH grant, for
14 example, right?

15 A. That's correct.

16 Q. And while the person is funded by that kind of an external
17 source they are not required to engage as a teaching assistant,
18 correct?

19 A. They would not engage as a teaching assistant and that's
20 often because the grants that you receive may have some
21 restrictions associated with that, but when they are externally
22 funded like that we abide by those restrictions.

23 Q. Okay. Now, you said that Master's students do not get
24 funding, right?

25 A. That's right, they don't. They're not provided. There is

1 some financial aid that is provided to them. It's a massively
2 smaller amount and we -- and that is provided to full-time
3 Master's students.

4 Q. Do Master's students have the opportunities to take on
5 paid positions like a research assistantship or teaching
6 assistantship to find a way to help fund themselves?

7 A. They -- if they are interested in teaching and there is a
8 teaching opportunity, they could seek that as a Master's
9 student and they could seek that if they chose to.

10 Q. And if they did and if they were granted that opportunity
11 and if there was a spot available for them, they would be paid
12 for doing that?

13 A. Yes.

14 Q. And in that role would a Master's student's role be any
15 different than a Doctoral student's function is as a TA through
16 this internal funding policy?

17 A. We have not had Master's students that have sought on the
18 -- in doing teaching which if we distinguish, we have a
19 separate title which we call Course Support and so they would
20 be providing that course support. I'm not familiar with any
21 instance that we've had a Master's student do that, provide as
22 course support. I'm not familiar with that, of any instance of
23 that happening.

24 Q. So then I'm guessing you wouldn't also know the answer to
25 my next question which would be when someone's doing course

1 support how are they classified in the University's payroll
2 system, but since you don't -- you've never had anyone, you
3 don't know?

4 A. That's right. Yeah.

5 Q. What about on the research side? Do Master's students
6 from time-to-time get positions as research assistants?

7 A. They may.

8 Q. That has actually happened?

9 A. That I'm speaking that they may. Again, it's going to be
10 if an investigator has a grant that's available and the
11 particular skillset that they're looking for, someone with a
12 Master -- that's in our Master's Program may. It could also be
13 they have some need for undergrad or for Doctorate who's going
14 to be skill driven for what they do. So I couldn't name a
15 Master's student for you now, but the opportunity could be.

16 Q. And do you, you know, just as you said on the teaching
17 side you would call it course support. Would there be a term
18 that you would use to refer to a Master's student doing
19 essentially research assistantship work?

20 A. I think they would get -- I would think they would be
21 research assistant, but I don't know of any other
22 distinguishing title.

23 Q. Okay. So then under the -- back on Page 35, the next
24 section on that page is entitled Research Assistantships and --

25 A. Teaching assistants.

1 Q. I'm sorry, teaching assistants. Thank you, it's getting
2 late in the day for me. Teaching assistantships and it appears
3 to me, correct me if I'm wrong, that the bullet points under
4 that section essentially lay out the expectations of the
5 Doctoral student who's engaged in a teaching assistantship for
6 their teaching assistantship.

7 A. That's right.

8 Q. So typically 16 hours a week, right?

9 A. That's right.

10 Q. So the fifth bullet point there says, "Teaching
11 assistantships are performance based and the school is not
12 obligated to provide this kind of financial support to students
13 who do not perform adequately." So on direct examination, Mr.
14 Fryman asked you about whether you've had Doctoral students who
15 didn't perform adequately in the assistantship. I gather from
16 your testimony that this has never come up.

17 A. That's correct.

18 Q. You've been fortunate enough to have Doctoral students who
19 perform well as teaching assistants?

20 A. Yes.

21 Q. But if you had someone who wasn't showing up or was
22 showing up, but not engaged in the way -- in their activities
23 the way that they were expected to be, there is the possibility
24 of financial support being withdrawn from that person?

25 A. If they're not engaged in teaching the way that is spelled

1 out, the expectation, that's what the MOU does is the
2 expectation of what's to be there and the number of hours. The
3 concern would be that if the student's own academic activities
4 are prohibiting them from being able to be engaged, but this
5 does provide for that, but I'm unaware of any instance where
6 that's happened.

7 Q. Are the Doctoral students who are -- let me rephrase that.
8 Are the courses for which Doctoral students are teaching
9 assistants undergraduate courses?

10 A. They are both undergraduate and graduate level courses.

11 Q. You've referred a couple of times to the memorandum of
12 understanding. I thought I had that.

13 A. It's the second bullet.

14 Q. I'm sorry?

15 A. It's the second bullet point there.

16 Q. Oh, okay. So the second bullet point under teaching
17 assistantships on Page 35, yes, refers to the memorandum of
18 understanding, so that's a written document that I think you
19 described was -- sets out the expectations and the teaching
20 assistant and the supervising faculty member agree to what the
21 expectations are?

22 A. That's correct.

23 Q. This is the document I was thinking of.

24 MS. ROSENBERGER: I'd move for the admission of Union
25 Exhibit 34.

1 HEARING OFFICER LEACH: Any objection from the Employer?

2 MR. FRYMAN: No objection.

3 HEARING OFFICER LEACH: 34 is received.

4 (Union's Exhibit 34 received.)

5 BY MS. ROSENBERGER:

6 Q. I've handed you a thinner packet marked Union Exhibit 35.

7 Go ahead and take a look at that and let me know when you've
8 had a chance to review it.

9 (Union's Exhibit 35 identified.)

10 A. Okay.

11 Q. Do you recognize that document?

12 A. Yes.

13 Q. What is it?

14 A. It's a handbook for teaching assistants.

15 Q. And that's actually, that handbook is actually referenced
16 back on Page 35 of Union Exhibit 34 under Teaching
17 Assistantships where it says, "Teaching assistants, TA, should
18 refer to the Nursing TA Handbook posted on line for additional
19 guidance on the role and responsibilities of a TA," right?

20 A. That is correct.

21 Q. And if you turn to the last page -- I'm sorry, second to
22 last sheet, not numbered, I apologize, there's a document that
23 says at the top, "University of Pennsylvania School of Nursing
24 Teaching Assistantship Memorandum of Understanding (MOU)." Do
25 you see that?

- 1 A. Okay. Yes.
- 2 Q. You see the document I'm referring to?
- 3 A. Yeah, I took you literally. I went to the other side of
- 4 the page.
- 5 Q. Oh, okay.
- 6 A. So the second to the back.
- 7 Q. So this --
- 8 A. Yes, the memo of understanding.
- 9 Q. Yes. That's the form that you were referring to?
- 10 A. That's correct.
- 11 Q. And that's used. So in each of the, let's say, eight --
- 12 no, you said there's three semesters of funding, right?
- 13 A. Three years.
- 14 Q. Three years of funding?
- 15 A. Yes.
- 16 Q. So each of the six years of University fund -- six --
- 17 A. Semesters.
- 18 Q. Let me step back. There's three years of funding so each
- 19 of the six semester of University funding, the Doctoral student
- 20 would this memorandum of understanding out with the faculty --
- 21 whatever faculty member they were working with?
- 22 A. That is correct.
- 23 Q. From time-to-time are Doctoral students or Master's
- 24 students able to take on positions as, for example, a grader or
- 25 a tutor or similar types of positions separate from a teaching

1 assistantship or a research assistantship?

2 A. I have no recollection of that happening in the School of
3 Nursing at those sorts of separate positions like that.

4 Q. You have presumably published a fair amount in your
5 career.

6 A. I would like to think yes.

7 Q. Okay.

8 A. More than one page o my CV.

9 Q. And you testified on direct examination that a Doctoral
10 student may, as part of their research with a faculty member be
11 one of the co-authors on a published work, right?

12 A. That is correct.

13 Q. Have you ever had a graduate student be a co-author on any
14 of your published works?

15 A. Yes. I have been involved in research projects that have
16 been specifically at the University of Pennsylvania as well as
17 outside of the University of Pennsylvania and in those
18 activities that I've been involved in students have been co-
19 authors on those papers.

20 Q. I want you to focus specifically on things that you've
21 published at the University of Pennsylvania since we're --

22 A. Okay.

23 Q. With University of Pennsylvania graduate students as co-
24 authors, okay? Are those papers -- let me first step back and
25 say in your field is there a significance to the order in which

1 the names of the authors appears on a published work?

2 A. Yes.

3 Q. What is the significance?

4 A. The first author is the one principally responsible for
5 the work and the last author is seen as the mentor, the senior
6 author mentor to the work.

7 Q. Okay, and if you are on -- if you are listed -- let me use
8 an example so that I'm not using too many hypotheticals.

9 HEARING OFFICER LEACH: We didn't accept Union 35 yet,
10 right?

11 MS. ROSENBERGER: No.

12 HEARING OFFICER LEACH: Okay. Does the Employer object
13 to Union 35?

14 MR. FRYMAN: No objection.

15 HEARING OFFICER LEACH: Okay, Union 35 is received.
16 (Union's Exhibit 35 received.)

17 BY MS. ROSENBERGER:

18 Q. I've handed you a stapled packet marked Union Exhibit 36.
19 Go ahead and take a look at that and let me know when you've
20 had a chance to review it.

21 (Union's Exhibit 36 identified.)

22 BY MS. ROSENBERGER:

23 Q. Okay, do you recognize that?

24 A. Yes, I do.

25 Q. What is it?

1 A. It is a publication list from -- it could be from our
2 website of my publications.

3 Q. Just so the record is clear, you have a bio on the
4 Pennsylvania Nursing School website?

5 A. That is correct.

6 Q. And there's a link there to a list of your publications,
7 right?

8 A. That is correct.

9 Q. And do you recognize this to be the list that you get to
10 when you click on that link?

11 A. Yes.

12 Q. Are there on this list publications where one of the co-
13 authors is a graduate student who worked with you on the piece?

14 A. That wrote this; that wrote the piece with me, yes.

15 Q. Yes. Could you give an example?

16 A. The first one.

17 Q. Okay. So you're listed there as the first author, right?

18 A. That is correct.

19 Q. It's the one that Sochalski, J. and then Mellendez Torres
20 GJ?

21 A. Yes.

22 Q. So Mellendez Torres GJ was a graduate student that you
23 worked with?

24 A. It was an undergraduate student who worked with me and
25 went on to get his graduate degree and our relationship

1 continued even though he received his graduate degree in
2 another school, but we had stayed close together and wrote this
3 piece together.

4 Q. Did you write this piece together while he was an
5 undergraduate or while he was at another school?

6 A. While he was at another school.

7 Q. Okay. Let's pick a different example then. What I'm
8 looking for you to find is an example where you had a graduate
9 student at Penn listed as a co-author with you on one of these
10 papers.

11 A. So if you -- one, two, three -- the third one, Dr. Riegel
12 is the first author.

13 Q. Yes.

14 A. So Lee is the graduate student. The project was Riegel's
15 project. All of us were working on it and Lee is the graduate
16 student.

17 Q. And who is Riegel?

18 A. She is a member of the faculty at School of Nursing.

19 Q. Okay. So sometimes you're working together with other
20 faculty?

21 A. That's exactly -- and that's what I'm saying, the nature
22 of that is that there are projects that I'm involved with, with
23 other faculty and there will be graduate students that will be
24 there.

25 Q. And so in this case there's three authors listed and the

1 -- if I understand what you were saying correctly, Riegel was
2 the person who devoted the most -- I'm going to say it my way,
3 you tell me if I'm wrong -- basically spent the most time on
4 the project, yes?

5 A. That's right. This came out of her work. The first --
6 the lead author is the one that makes those decisions about
7 author order.

8 Q. Oh, okay.

9 A. Yes, but that's -- the general rule is what you asked me
10 about and that is the general rule, but the lead author would
11 be looking at contributions and would decide.

12 Q. And who's the lead author on this --

13 A. Riegel is the lead author.

14 Q. And what was your role on this piece?

15 A. So this was a project Barbara Riegel -- Dr. Riegel had --
16 has had a long history of heart failure work and Christopher
17 Lee, who is the graduate student, was working on that, on this
18 particular issue which was measuring the complexity of heart
19 failure patients because the project -- she had one project, I
20 had a separate project.

21 We worked together and all of that was around looking at
22 heart failure patients and how well they were being managed.
23 And Christopher Lee was a Doctoral student at the time and she
24 was his faculty mentor.

25 Q. And I'm having a light bulb go off over my head because

1 I'm just realizing I know Christopher Lee.

2 A. Oh, he's an organ health scientist.

3 Q. Yes.

4 A. Yeah, he's actually -- his work that he did with Dr.
5 Riegel here has really -- has just catapulted him into great
6 ends.

7 Q. Yes.

8 A. He's an amazing scholar that's come out of his work.

9 Q. And your role was?

10 A. So I was part of the team working with Barbara and with
11 Chris and with others in this particular publication. The
12 three of us were engaged in that heart failure.

13 Q. And so when there are multiple authors on a publication
14 like this -- let me withdraw that a second, I'll get to that.
15 Let me ask something else first.

16 You have a Curriculum Vitae, right?

17 A. Yes.

18 Q. It's what we refer to as a CV?

19 A. Yes.

20 Q. It's what people in other fields might call a resume,
21 right?

22 A. That's right.

23 Q. But it's a little more than maybe what someone would have
24 as a resume for some other kind of position because it includes
25 virtually everything you've ever written as an academic, right?

1 A. It does.

2 Q. And would this article where you worked as a team with Dr.
3 Riegel, with Mr. Lee, would that be on your CV?

4 A. It would be, yes, I presume it is.

5 Q. And that would be on Dr. Riegel's CV too?

6 A. Yes.

7 Q. And it would be on Christopher Lee's CV presumably?

8 A. I would presume so.

9 Q. Okay. And that would be true with regard to any of the
10 articles listed here -- or I'm sorry, publications listed here
11 where there are multiple authors, isn't that right?

12 A. Yes.

13 Q. And what's the significance of having everything you've
14 been an author on, on your CV?

15 A. It's the required format is to list all of your scholarly
16 work so all of the papers that you would have published and
17 anything else that contributes to your or is a part of your
18 overall scholarly work would be included.

19 Q. And why is it important to publish your scholarly work?

20 A. Because as an academic and as a researcher what you're
21 investigating is that that opportunity in nursing, I can speak
22 to that, is improving nursing practice and the investigations
23 are work that you do collaboratively with other scholars to
24 move the needle.

25 Q. And that, in the context of doing that at the University

1 of Pennsylvania, as a faculty member at the University of
2 Pennsylvania, that also serves the University's interest in
3 serving the field of nursing in addition to all the other
4 fields that it serves, isn't that right?

5 A. the work that I'm doing as a scholar is the work that I'm
6 doing as a scholar which I engage with people here and I engage
7 with people around the world. And all of it is to that end, is
8 to improve nursing practice in this case and whatever
9 discipline one is in.

10 MS. ROSENBERGER: I move for the admission of Union 36.

11 HEARING OFFICER LEACH: Any objection from the Employer?

12 MR. FRYMAN: No.

13 HEARING OFFICER LEACH: 36 is received.

14 (Union's Exhibit 36 received.)

15 MS. ROSENBERGER: Can we go off the record for a moment.

16 HEARING OFFICER LEACH: Sure.

17 (Whereupon, a recess was taken from 4:03 p.m. to 4:07 p.m.)

18 HEARING OFFICER LEACH: Back on the record.

19 CROSS EXAMINATION (Continued)

20 BY MS. ROSENBERGER:

21 Q. So, Dr. Sochalski, just one other question about the list
22 of publications on your CV. Not that specific publication, but
23 you mentioned at the beginning of that line of questioning that
24 that's on Penn's website, right?

25 A. Yes, I believe so, yes. I'm just looking in there, yes.

1 Q. And the -- having that information connected to Penn in
2 particular raises Penn's profile too, doesn't it?

3 A. The principal gain of having that is two-fold. As
4 potential Doctoral students are -- Doctoral applicants are
5 trying to decide where they're going to go to school, it gives
6 them an idea of who they may be able to be matched with and so
7 I think that that's a real key part of the role that it plays.
8 And secondarily for the research colleagues, for us to know and
9 each other doing, to network and be able to move our science
10 forward so I think that those are, you know, the key things
11 that serves.

12 Q. And with regard to the graduate school applicants that you
13 referred to it also helps them know, if they look at that for
14 all of the potential faculty in the field they're interest in,
15 it helps them know whether they want to come to Penn or go to a
16 different school, isn't that true?

17 A. For them to select wisely, they're going to want to know
18 where the science that they're interested in moving forward can
19 be best facilitated and that's true in any school that they're
20 going to be applying at. But to advance practice and to
21 advance science it's
22 -- we want to attract those -- it's students that are
23 interested in and moving in areas that we have some strengths
24 in to advance the science.
25 (Whereupon, there was a pause.)

1 BY MS. ROSENBERGER:

2 Q. In the nursing school are there -- in the courses that
3 Doctoral students TA are there -- we've heard this term in
4 other contexts called recitation sections -- are there
5 recitation sections in nurse's courses?

6 A. There are recitation sections in a number of the courses
7 in the school. I can't say with confidence that we've had TA's
8 in those specific courses. It's -- you know, they may have
9 been that there are recitations. I know of courses with
10 recitations and I know some of the courses I'd have to actually
11 look.

12 Q. Okay.

13 A. Yeah, I couldn't say with certaintude.

14 Q. Do teaching assistants also hold office hours for a
15 particular course?

16 A. I -- again I'd have to look. I can't speak with
17 certaintude on that.

18 Q. Have you ever had in the Nursing Doctoral Program a
19 student who is for whatever reason completely self-funded so
20 they require no University funding?

21 A. For their entire --

22 Q. Um-hum.

23 A. I have no recollection.

24 Q. Do teaching assistants ever teach a course essentially
25 independently just with oversight by the faculty member?

1 A. No.

2 Q. You said that from time-to-time a Doctoral student could
3 elect to serve as a TA after their funding runs out. If they
4 do that do they get paid separately then?

5 A. Yes, they would be -- they would be paid separately. If
6 they're still a student then that they may be able to get
7 either, you know, tuition or a stipend associated with that.
8 There are provisions and I think some of that may have been
9 described here.

10 Q. And when you say here you're talking about?

11 A. I'm sorry, Union 34 in the Doctoral student handbook where
12 there was some description of that.

13 Q. Okay. If I understand your testimony correctly regarding
14 Doctoral students who are serving as research assistants, it
15 sounds like you're saying that even if the specific topic may
16 not be directly related to the individual's dissertation topic,
17 the -- the work of doing -- working on the research project,
18 whatever it may be, is related to their ultimate goal of
19 obtaining a dissertation because they're honing their skills,
20 their research skills?

21 A. Correct.

22 Q. And from time-to-time the topic isn't actually directly
23 related to their dissertation, right?

24 A. If they're -- right, it may not be directly the question
25 that they're investigating.

1 Q. It's fair to say in that context, for example, that -- in
2 that context and in the functions performed by someone in their
3 teaching assistantship that they're essentially learning what's
4 needed for their future career by doing some or all of those
5 functions, right?

6 A. Yeah, they're honing their skills as an academic and a
7 scholar.

8 Q. Do nursing students ever teach during the summer?

9 A. No. The only instance would be again in those instances
10 where there is an opportunity not as a TA, but for course
11 support that if there was a -- if a member of the faculty was
12 teaching a course and for whatever reason the course was
13 designated as one that could receive course support, then
14 there's the opportunity for a Doctoral student if they wanted
15 to and if they were going to be around, they could be
16 considered for that.

17 They would not necessarily be, but they could be
18 considered for that, but that would be very separate from the
19 TA.

20 Q. And if they were granted that opportunity during the
21 summer, they would be paid separately from their fellowship?

22 A. Yes.

23 Q. Do you know how they would be classified for payroll
24 purposes?

25 A. I don't.

1 Q. Okay.

2 A. I'm not certain on that.

3 Q. Are you familiar with the classification called student
4 worker?

5 A. I heard it used, yes, but I've not heard it used in the
6 School of Nursing. The only other term other than teaching
7 assistant that I've heard used is course support.

8 Q. Okay, but --

9 A. And so student worker, I've not heard that term used.

10 Q. And do you -- and I recognize you're not the person who's
11 inputting payroll, but --

12 A. Two doors down -- actually next door to me.

13 Q. But do you know or not whether the term course support is
14 the term that gets inputted?

15 A. I don't know that.

16 MS. ROSENBERGER: That's all I have for you at this time.

17 Thanks.

18 HEARING OFFICER LEACH: Does the Employer have any other
19 questions?

20 MR. FRYMAN: Yes, just a quick follow up on Union 36, the
21 list of publications.

22 REDIRECT EXAMINATION

23 BY MR. FRYMAN:

24 Q. There was some discussion about the third publication down
25 with Dr. Riegel. Is it now Dr. Lee?

1 A. Absolutely, yes.

2 Q. And you.

3 A. Yes.

4 Q. Do you know now if at all this publication related to Dr.
5 Lee's dissertation?

6 A. Oh, related directly to the work that he was doing.

7 Q. And was this pursuant to an external grant of Dr. Riegel?

8 A. Dr. Riegel has had external funding for the work that she
9 has done in heart failure and so I would -- if you look at the
10 body of her work, that work has been funded. Whether this
11 specific publication relates specifically to a specific grant,
12 I'm less certain of because we have been engaged in a variety
13 of projects, but it absolutely was related to the larger body
14 of her work which has been externally funded, yes.

15 Q. But whether it was funded by an ex -- whether Dr. Lee's
16 support was pursuant to Dr. Riegel's external grant or whether
17 he was University funded, that wouldn't have impacted the
18 research that he did on this?

19 A. Not at all.

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

21 HEARING OFFICER LEACH: Okay, I have a few questions.

22 Again, I appreciate your time today. I know you've been here a
23 while.

24 May I ask the Employer counsel do you have any letters,
25 any offer letters for students in Nursing?

1 MR. FRYMAN: We can -- I don't have -- we don't have
2 those just here.

3 HEARING OFFICER LEACH: Okay.

4 MR. FRYMAN: But if you'd like we can look.

5 HEARING OFFICER LEACH: Sure. I mean you've put in other
6 letters that are similar that lay out people's -- their funding
7 and things so if you have one of those, another day will be
8 fine. Okay.

9 So when students are admitted into the Nursing
10 Program they typically receive an offer letter?

11 THE WITNESS: Yes, they do.

12 HEARING OFFICER LEACH: And you said -- some of this is
13 just going to be summary because I just want to be sure I'm
14 clear on some of the terms that we used, teaching residency
15 versus teaching assistants in the same for research.

16 When Ph.D. students come in, they get three years of
17 funding which includes the tuition stipend and health
18 insurance.

19 THE WITNESS: And fees.

20 HEARING OFFICER LEACH: Fees. A student can TA for
21 financial support if they need it after the third year of
22 funding runs out or is the teaching associated with the three
23 years?

24 THE WITNESS: So they're a teaching assistant for three
25 years --

1 HEARING OFFICER LEACH: Okay.

2 THE WITNESS: -- during that. After that point, if they
3 have no other external source of support and if they're looking
4 for support they can continue in the fourth year or beyond as a
5 teaching assistant and receive support.

6 HEARING OFFICER LEACH: Okay. But the -- how is the
7 teaching assistant different from the teaching residency?

8 THE WITNESS: The teaching residency is a required part
9 of their curriculum. It is a course that they get course
10 credit for.

11 HEARING OFFICER LEACH: Okay.

12 THE WITNESS: And that's the same with the research
13 residency. That's the distinction.

14 HEARING OFFICER LEACH: When the students are doing the
15 teaching residency are they actually in a classroom or --

16 THE WITNESS: Yes --

17 HEARING OFFICER LEACH: -- this is like teaching other
18 people?

19 THE WITNESS: They could be depending on because each
20 teaching residency is individually determined by the student
21 and what they're seeking to delve into deeper regarding
22 teaching and the faculty member that they're going to be
23 working with.

24 It could be in classroom, it could be -- we have one
25 student who wanted to take a course and convert it to being

1 online and wanted to learn about online pedagogy so it would
2 not be in the classroom, but identified that as her learning
3 need. So it could be a range of activities.

4 HEARING OFFICER LEACH: And the teaching residency is
5 done with a Professor or a faculty member?

6 THE WITNESS: Yes.

7 HEARING OFFICER LEACH: And that's only done one time,
8 correct?

9 THE WITNESS: That's right.

10 HEARING OFFICER LEACH: Okay. I think I understand that.

11 I have in my notes here that when the student does the
12 teaching residency there are evaluations from the teacher and
13 someone else. I missed who else does the evaluation.

14 THE WITNESS: The student themselves. When they're doing
15 the residency is what you're asking?

16 HEARING OFFICER LEACH: Yes.

17 THE WITNESS: Yes.

18 HEARING OFFICER LEACH: Oh, so it's like a self-
19 evaluation?

20 THE WITNESS: Yeah, did they meet their learning
21 objectives, what the experience was like. So they evaluate the
22 course which is the residency at the end of the semester as
23 does the faculty that they were working with.

24 HEARING OFFICER LEACH: And then when the student is
25 actually doing the TA are they teaching by themselves?

1 THE WITNESS: No, they are assisting a faculty member who
2 has principal responsibility for the course.

3 HEARING OFFICER LEACH: All right. And I believe you
4 already went over what they're doing when they do that, working
5 with the -- you said the learning CANVAS --

6 THE WITNESS: They may get with CANVAS helping to make
7 sure that all the course materials are uploaded. They may meet
8 with students who have a particular question about the course.
9 They may assist with grading, they may assist with developing
10 the syllabus, reviewing assignments, those sorts of things.

11 HEARING OFFICER LEACH: With regard to the research
12 residency I was a little confused. Is the research that the
13 student is doing directly related to their research or to a
14 faculty member?

15 THE WITNESS: It's directly related to their research.
16 The faculty member that they're selecting to work with is one
17 that they see has an opportunity for them to further develop
18 their research. It may be a particular method that they're
19 trying to learn and that person is an expert in that and that's
20 because that's the method that they want to use in their own
21 research.

22 HEARING OFFICER LEACH: And again, it's the end of the
23 day so forgive me for a little repetitive. The research
24 residency is something for credit and a student does that one
25 time?

1 THE WITNESS: That's right.

2 HEARING OFFICER LEACH: Okay, all right. The Union asked
3 you some questions about research assistants and I think you
4 said -- you mentioned an investigator. Is that the principal
5 investigator?

6 THE WITNESS: Yes, the main faculty person --

7 HEARING OFFICER LEACH: Okay.

8 THE WITNESS: -- whoever is directing the research.

9 HEARING OFFICER LEACH: And I have in my notes here you
10 mentioned an RA can be paid -- a research assistant can be paid
11 or unpaid. The principal investigator has a budget. A student
12 might work with the principal investigator and they engage in
13 learning activities. Whose work, would you say, whose work in
14 that situation is getting furthered? Is that the work of the
15 PI or the student, him or herself?

16 THE WITNESS: Well, the student that's engaged as a
17 research assistant that whether that's a paid or an unpaid
18 post, they're working as a part of a team. So the principal
19 investigator has put to -- has gotten a project that's funded.
20 It's an area of interest to the student so the student is
21 gaining because of the skills, being mentored as part of a team
22 in the science. And the investigator's work is also that being
23 advanced, but that's what team science is.

24 One of the things we want th4e students to see is how --
25 what you're going to wind up with is bigger than the sum of any

1 one person, it's being part of that collective so everyone's
2 work is being, but it does give them that direct mentorship
3 principal investigator.

4 HEARING OFFICER LEACH: And the research assistantship
5 would be something that is, if it's paid is that as part of
6 their three year?

7 THE WITNESS: No, it's a paid research assistantship.
8 They're on someone's project, they're working on it. It could
9 be for whatever period of time, whatever the activity is would
10 have funding associated with that.

11 HEARING OFFICER LEACH: Okay. So is teaching a degree
12 requirement for nursing students?

13 THE WITNESS: Yeah, the teaching residency is a degree
14 requirement.

15 HEARING OFFICER LEACH: Not actually the teaching
16 assistantship?

17 THE WITNESS: The teaching assistantship is a part of
18 their
19 -- part of their three years of funding.

20 HEARING OFFICER LEACH: Okay. Do you know whether the
21 funding the students receive as taxable?

22 THE WITNESS: I don't know that. I thought about that on
23 the way here. I know there's taxable rules associated with
24 that, but I'm not certain.

25 HEARING OFFICER LEACH: And in the Department of Nursing

1 when the students are doing their TA-ship, are they teaching
2 undergrads or grads?

3 THE WITNESS: Both.

4 HEARING OFFICER LEACH: Okay.

5 THE WITNESS: They would be one or the other.

6 HEARING OFFICER LEACH: You mentioned early on -- I just
7 have a couple of questions about the relationship between
8 nursing and SEAS. That's the Engineering School, right?

9 THE WITNESS: Yes.

10 HEARING OFFICER LEACH: Okay. I think you described the
11 fact that there are some members of other schools who hold
12 faculty appointments or --

13 THE WITNESS: They are members of our Graduate Group.

14 THE WITNESS: Okay.

15 HEARING OFFICER LEACH: So persons, faculty in schools at
16 Penn, one of the 12 schools that are not a member of the
17 faculty of Nursing, but they are a member of our Graduate Group
18 and the School of Engineering is one of those schools.

19 HEARING OFFICER LEACH: Why is that?

20 THE WITNESS: Because the -- I don't know the individual,
21 but the individual would have sought being a member of our
22 Graduate Group because of his or her engagement with our
23 Doctoral students and their involvement in their research
24 mentorship and in the program. We have also from the Medical
25 School Perelman and from the college we have members.

1 HEARING OFFICER LEACH: But regarding the person, so are
2 you saying that there's one faculty member?

3 THE WITNESS: I consulted the current list of members of
4 our Graduate Group and I identified one person from the School
5 of
6 Engineering.

7 HEARING OFFICER LEACH: That's part of your Nursing
8 Graduate Group?

9 THE WITNESS: Yes, is a member of your Graduate Group.

10 HEARING OFFICER LEACH: And you believe the reason for
11 that is because he is mentoring a nursing student?

12 THE WITNESS: That would -- one or maybe more nursing
13 students, but would be engaged in mentoring their research and
14 potentially a member of their Dissertation Committee.

15 HEARING OFFICER LEACH: Would you have any other reason
16 why someone from Engineering would be part of that Graduate
17 Group?

18 THE WITNESS: The persons outside and that could be from
19 any of the schools for which we have members, members of our
20 Graduate Group seek that spot in order to be -- the people that
21 come to our school, they're not a member of our faculty, but
22 they do have voting rights in our Graduate Group so their level
23 of engagement with our students and with our Doctoral Program
24 is different and I would guess so more enhanced working with
25 more students or more directly involved in their research and

1 others.

2 HEARING OFFICER LEACH: Okay. I don't have any more
3 questions.

4 Does the Employer?

5 MR. FRYMAN: I do not.

6 HEARING OFFICER LEACH: The Union?

7 MS. ROSENBERGER: Of course.

8 RE CROSS EXAMINATION

9 BY MS. ROSENBERGER:

10 Q. Are you aware, Dr. Sochalski, of any situation where a
11 nursing Doctoral student has TA'd in Engineering.

12 A. I know of no circumstance where that happened.

13 Q. And a nursing Doctoral student who is being funded is
14 prior to TA in the School of Nursing, right?

15 A. Yes.

16 Q. How about a paid research assistant position, are you
17 aware of any nursing Doctoral student doing a paid research
18 assistant -- assistantship in the School of Engineering?

19 A. I'm not aware of any.

20 Q. Or at any school outside of the school?

21 A. Yeah, I'm not aware of any.

22 Q. And how many total faculty are there in your Graduate
23 Group?

24 A. Oh, God.

25 Q. Approximately?

1 A. I believe the number of standing faculty that we have is
2 right in the neighborhood of 50 if you're looking at -- and
3 then all the standing faculty are members of our Graduate Group
4 and so I believe that's definitely in the area. I believe it's
5 near 50, it's around 50.

6 Q. So the people who are in your Graduate Group from other
7 schools is a handful of people?

8 A. That's correct.

9 MS. ROSENBERGER: That's all I have.

10 HEARING OFFICER LEACH: Okay, does the Employer have
11 anything else?

12 MR. FRYMAN: no.

13 HEARING OFFICER LEACH: You said no?

14 MR. FRYMAN: No.

15 HEARING OFFICER LEACH: Okay. We're done today or you're
16 done today.

17 THE WITNESS: Thank you.

18 HEARING OFFICER LEACH: Thank you very much. I
19 appreciate your time.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 HEARING OFFICER LEACH: Does either party wish to discuss
23 anything else today?

24 MR. FRYMAN: No.

25 HEARING OFFICER LEACH: Okay. We can go off the record.

1 (Whereupon, at 4:36 p. m., the hearing was adjourned.)

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