

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

<p>In the Matter of:</p> <p>TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,</p> <p style="text-align: center;">Employer,</p> <p>And</p> <p>GRADUATE EMPLOYEES TOGETHER-UNIVERSITY OF PENNSYLVANIA (GET-UP), a/w AMERICAN FEDERATION OF TEACHERS,</p> <p style="text-align: center;">Petitioner.</p>	<p>Case No. 04-RC-199609</p>
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The above-entitled matter came on for hearing pursuant to Notice before MARY R. LEACH, Hearing Officer, at the National Labor Relations Board, Region 4, 615 Chestnut Street, Philadelphia, Pennsylvania, 19106, in Hearing Room 3, on Friday, June 23, 2017, at 9:00 a.m.

A P P E A R A N C E S

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR</u> <u>DIRE</u>
Matthew Hartley	1289	1321	1372	1379	--

<u>EXHIBITS</u>	<u>E X H I B I T S</u> <u>IDENTIFIED</u>	<u>RECEIVED</u>
EMPLOYER'S		
E-50	1305	1316
E-51	1316	1319
PETITIONER'S		
P-40	1333	1341
P-41	1341	1350
P-42	1346	1350
P-43	1350	1353
P-44	1353	1355

1

P R O C E E D I N G S

(Time Noted: 10:35 a.m.)

1 HEARING OFFICER LEACH: On the record.

2
3 This morning, in an off the record discussion, we talked
4 about the Union's witness. So, I'm going to let the Union say
5 their position on who they want to call and why. And then
6 allow the Employer to say their position about the particular
7 witness.
8

9 MS. ROSENBERGER: Thank you. So, we had -- what -- we
10 would like to call Dr. Adrienne Eaton, who is a professor at
11 Rutgers University -- Rutgers University, as an expert witness
12 in labor relations to talk about a study that she and some
13 colleagues conducted following the *Brown University* decision
14 from the NLRB, and testing some of the assumptions on which
15 that ruling was based. And also, to -- so to have her testify
16 about that study, and the results of it.

17 And also, about the lack of any published scholarly work
18 supporting the *Brown Board's* assumption. And in particular,
19 we're talking about the assumptions relating to the potential
20 for harm resulting from graduate student employee unionization
21 to things like faculty/student relations and academic freedom.

22 In terms of the relevance of the testimony, it's relevant
23 to the University. In this case, the University's contention
24 that *Columbia University* was wrongly decided, and that the
25 *Brown University* standard should be reinstated. And in

1 particular, in that connection, I would note that the *Columbia*
2 *University* ruling relied on this study, and it was part of the
3 record in the *Columbia University* case.

4 So, we think it's relevant to that issue and would like to
5 present the testimony.

6 HEARING OFFICER LEACH: Okay. What's the Employer's
7 position on that?

8 MR. JOHNS: The University's position is that the
9 testimony of Dr. Eaton is not relevant to the issues before the
10 Region in this case.

11 As Ms. Rosenberger has stated, openly and correctly I
12 would say, we have preserved the issue in our Statement of
13 Position and in this proceeding, that *Columbia* is wrongfully
14 decided, and that -- wrongly decided, I should say, and that's
15 an issue that may be raised on appeal, which I think all the
16 parties and the Board understands; however, with respect to the
17 issues in this proceeding, it was always our understanding that
18 the Region was not allowing relitigation on the *Columbia*
19 decision.

20 The study at issue here goes directly to the issue of
21 whether graduate students should be employees -- should be
22 considered employees within the meaning of the National Labor
23 Relations Act. We disagree. Just -- just for the record, that
24 the study provides any support for that, one way or the other.
25 But that being said, that's not an issue being litigated before

1 the Region at this time. The issue being litigated before the
2 Region right now, and the testimony presented, goes both to the
3 unit issues that we have raised, as well as to the issue of
4 whether the University of Pennsylvania's graduate students meet
5 the *Columbia* standard.

6 The witness' testimony doesn't go to any of those issues
7 at all. It goes to the ultimate decision, which might be
8 decided by the Board, but is not necessarily being litigated
9 here in the Region. Again, noting and understanding that we
10 have preserved that issue, but that's an issue for appeal and
11 not necessarily for litigation before the Region at this point
12 in time. And for those reasons, we had made the objection to
13 the relevance of this testimony, and as to whether the Region
14 should even consider it at all.

15 Thank you.

16 HEARING OFFICER LEACH: Okay. The Region does not think
17 that testimony from Ms. Adrienne Eaton is necessary, so -- and
18 not -- and does not think that it's relevant to these specific
19 proceedings. We're trying to stick to testimony about --
20 strictly about UPenn students and what they do, and how that
21 relates to *Columbia*. So, Ms. Eaton cannot testify, nor will we
22 take an offer of proof for any documents related to the study
23 that was discussed by the Union.

24 Does the Union have anything else it wishes to add?

25 MS. ROSENBERGER: The only other thing on this issue would

1 be -- I would note that the Employer served a subpoena on Ms.
2 Eaton this morning for certain records relating to the study,
3 and I would just like confirmation that that -- that subpoena
4 is rescinded by the University?

5 MR. JOHNS: Yes. The University is rescinding that
6 subpoena and Dr. Eaton need not feel that she has to respond to
7 it in any matter whatsoever.

8 HEARING OFFICER LEACH: Okay. Anything else from the
9 Union?

10 MS. ROSENBERGER: Not on this issue.

11 HEARING OFFICER LEACH: Okay. We can go off the record.

12 (Whereupon, a recess was taken.)

13

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

2 (Time Noted: 1:32 p.m.)

3 HEARING OFFICER LEACH: On the record.

4 Okay, the Employer can call their next witness.

5 MR. JOHNS: We call Dr. Matthew Hartley.

6 HEARING OFFICER LEACH: Hello.

7 MR. HARTLEY: Hi. How are you?

8 HEARING OFFICER LEACH: I'm good. How are you?

9 MR. HARTLEY: Good, thanks.

10 HEARING OFFICER LEACH: Can you -- when you get
11 comfortable --

12 MR. HARTLEY: Oh, sure.

13 HEARING OFFICER LEACH: -- can you say and spell your
14 first and last name, please?

15 MR. HARTLEY: Sure. Matthew Hartley, M-A-T-T-H-E-W
16 H-A-R-T-L-E-Y.

17 HEARING OFFICER LEACH: Okay. Can you raise your right
18 hand?

19 MR. HARTLEY: Sure.

20 (Whereupon,

21 MATTHEW HARTLEY,
22 was called as a witness by and on behalf of the Employer and,
23 after having been duly sworn, was examined and testified as
24 follows:)

25 HEARING OFFICER LEACH: Okay, great.

1 DIRECT EXAMINATION

2 BY MR. JOHNS:

3 Q Good afternoon, Dr. Hartley. Who do you work for?

4 A The University of Pennsylvania.

5 Q Before we get to your duties and positions at the
6 University of Pennsylvania, can you tell us a little bit about
7 your educational background?

8 A Sure. I did my undergraduate work at Colby College. And
9 I did my graduate work, both masters and doctoral work, at
10 Harvard, at their Graduate School of Education.

11 Q And how long have you worked at Penn?

12 A For 16 years.

13 Q What position do you hold at Penn?

14 A I'm currently a professor at the Graduate School of
15 Education. Also serve as associate dean for academic affairs.

16 Q Okay. Let's talk about your job duties as a faculty
17 member first. Just tell us a little bit about the duties you
18 have a faculty member at the Graduate School of Education at
19 Penn?

20 A Sure. My -- so my primary duties are teaching and
21 conducting research and advising students.

22 Q And the other position, what did you call it, the?

23 A The associate dean for Academic Affairs.

24 Q Okay. Can you tell us a bit about your job duties as
25 associate dean for academic affairs in GSE?

1 A Sure. So, my responsibility is to oversee academic
2 affairs at the school. And so that includes things like
3 bringing forward proposals around changes of policy, overseeing
4 faculty hiring, and so forth and so on.

5 Q And do you play any role with respect to the graduate
6 program, as well?

7 A I do. I actually serve -- I'm the graduate group chair
8 for -- for Penn GSE.

9 HEARING OFFICER LEACH: For who?

10 THE WITNESS: For Penn GSE. Graduate School of Education.

11 HEARING OFFICER LEACH: Oh.

12 MR. JOHNS: Yeah. Sorry. I was actually going to ask
13 that.

14 BY MR. JOHNS:

15 Q "GSE," because I sometimes refer to it, that -- is that
16 the same thing as the Graduate School of Education?

17 A It is yeah.

18 Q Okay. It's the acronym that people use?

19 A That's -- that's the one we use, yeah.

20 Q Okay. All right, so then let's talk a bit about GSE. Can
21 you just generally describe the school?

22 A Sure. So, I think I would describe the school as we are
23 basically -- you might think of us as being comprised of six
24 different academic programs. Those programs are: educational
25 policy, which focuses on issues of how state and federal

1 policies impact education; educational linguistics, that
2 examines how both language acquisition and how language impacts
3 the learning of children; higher education, which focuses on
4 post-secondary education, how colleges and universities are
5 governed, and various issues around what makes for effective
6 colleges and universities; human development and quantitative
7 methods, which is the program that focuses, not surprising, on
8 human development, so including students who are interested in
9 field -- the fields of counseling, so serving as guidance
10 counselors in schools, those kinds of things. Or perhaps
11 getting further credentialing and becoming therapists; the
12 literacy culture in international education, which is sort of a
13 foundations program that looks how various societal, cultural,
14 and political issues shape education; and then teaching
15 learning and leadership, which focuses on effective schools,
16 the preparation of teachers and principals, and effective
17 school leadership.

18 So, those are sort of like the six large divisions within
19 the school.

20 Q Okay. And with respect to those divisions, does the
21 Graduate School of Education have different graduate groups
22 reflecting those divisions? Or is there just there one
23 division?

24 A There's one single graduate group.

25 Q What types of graduate degrees does the Graduate School of

1 Education at Penn offer?

2 A We offer masters degrees and doctoral degrees. And the
3 doctoral degrees are both Ph.D.'s, which are intended for
4 people who plan on academic careers, careers of research, and
5 then the EDD, which is a degree program designed for people who
6 want to become leaders as practitioners in their various
7 contexts.

8 Q Approximately how many graduate students are in GSE?

9 A About 1300.

10 Q How many faculty members have appointments within the
11 Graduate School of Education?

12 A There are about 40 standing faculty members, to tenured or
13 tenure track, and then an equal number of affiliated faculty.
14 And then we also have other standing faculty colleagues at --
15 at Penn, who are -- have secondary appointments at GSE. I
16 think there's about 35 of those.

17 Q Okay. Would you describe the Graduate School of Education
18 as interdisciplinary?

19 A It is. Very much so.

20 Q Can you tell us why you would describe it that way?

21 A Sure. Well in part, it's because the field of education
22 is such that the issues that you're facing in terms of what it
23 makes to produce effective school systems, what it takes to
24 make a difference in the lives of our children, are such that
25 we need to bring multiple discipline -- disciplinary lenses to

1 bear in order to understand that. So, you'll see that
2 reflected in the educational backgrounds of the faculty, that
3 are actually part of the faculty of GSE.

4 It's also the case that about half of Penn GSE's faculty
5 have secondary appointments at other schools within Penn. So,
6 there's a lot of work and research going on. There's other --
7 even if faculty don't have secondary appointments, many of us
8 work with faculty colleagues in other parts of the university
9 doing research and so forth.

10 Q So, just so I'm understanding, there are some faculty who
11 have their primary appointment in the Graduate School of
12 Education, but have secondary appointments at other schools?

13 A Yes. Um-hum.

14 Q And there are some faculty who have their primary
15 appointment at other schools, who have secondary appointments
16 within the Graduate School of Education?

17 A That's exactly right. Yeah.

18 Q Okay. Can you give us some examples of faculty who may be
19 affiliated with other schools, who also have an affiliation
20 with the GSE?

21 A So, faculty from other schools who have an affiliation
22 with GSE, you mean?

23 Q Yeah. Like who have a primary appointment elsewhere, but
24 who also have an appointment --

25 A Sure.

1 Q -- in GSE?

2 A Sure. So, there's -- I mean, there's faculty from a
3 number of different schools across campus. I -- a lot of my
4 work -- I guess I'll speak from my own experience -- a lot of
5 my work has to do with academic governance and how colleges and
6 universities are run/operated. And so, there are a number of
7 faculty colleagues from Wharton who have secondary appointments
8 with us.

9 There are -- we have faculty colleagues who do work with
10 psychology, with history, with sociology. There's just -- I
11 mean, I can sort of think of specific ones, but --

12 Q No, that's fine.

13 A -- that's -- gives you a gist.

14 Q I'm just curious, how does the Wharton School relate to
15 research in the area of academic governance?

16 A It's because essentially academic governance in the
17 certain -- I mean, an aspect of academic governance is really
18 non-profit management. And so, there are -- there are folks
19 who are, you know, doing work just around how you manage
20 organizations generally, and non-profits are just one kind of
21 organization to manage.

22 Q Are you familiar with something called the Ed.D.
23 Entrepreneurship program?

24 A Yeah.

25 Q And can you tell us what that is?

1 A The Ed.D. Entrepreneurship program is a program that draws
2 together people that are interested in trying to do innovation
3 in the educational space. And so, these are people who are
4 often interested in starting their own companies. So, they may
5 be developing apps or they may be developing new programs, and
6 so forth and so on. And, so that's the gist of the program.

7 Q Is it run with faculty members and students from more than
8 one school at Penn?

9 A Yeah. So, I mean, the program itself is within Penn GSE.

10 Q Right.

11 A But -- but there are a number of Wharton faculty members
12 who play a very important role in that -- in that program.

13 Q And I take it they tend to cover the entrepreneurship part
14 and you guys cover the Ed part?

15 A Marketing, things like that. Yeah.

16 Q Okay. And are there students attached to that program in
17 some way?

18 A Oh, yeah. No, there's -- the -- yeah. Are there students
19 enrolled in the program you mean? Yes.

20 Q Yeah.

21 A Yeah, sorry.

22 Q Okay. Yeah, that's all -- that's all I meant.

23 A Okay.

24 Q Have you, yourself, ever collaborated with students from
25 outside GSE?

1 A Yeah. I mean, I think it's not uncommon for -- you know,
2 students have reached -- one of -- one thread of my work has to
3 do with civic engagements, other civic responsibilities at
4 colleges and universities. Another thread has to do with
5 higher education reforms in other countries and other contexts.
6 And so, I've had students from time-to-time reach out to me
7 because they have research interests that intersect with those
8 areas.

9 Q Okay. Do GSE students ever take courses outside of the
10 Graduate School of Education?

11 A Yeah. Yeah, it's not uncommon. It's -- it's perhaps a
12 little bit less common for our masters to do, because many of
13 them are only there for nine months, and then they're through
14 with their degree. And so, I would say that for many of them,
15 they sort of, I think tend to stay more within GSE, although
16 it's not impossible for them to take courses as electives
17 elsewhere. But I would say many of our doctoral students take
18 courses elsewhere at Penn.

19 Q Are there any undergraduate degrees that offered in GSE?

20 A No.

21 Q You spoke earlier about the different degrees that you
22 have. I want to just get a sense of the difference between a
23 Ph.D. degree and an Ed.D. degree.

24 A Uh-huh.

25 Q If you could tell us about that?

1 A Sure. So, Ph.D. degree -- the Ph.D. degree is designed
2 for -- for people who see themselves having careers focused on
3 research. And in particular, for people who see themselves
4 being in an academic track, eventually graduating, becoming
5 faculty members and scholars. That degree is only full-time.

6 The Ed.D. program is a little bit more complicated, in
7 that that program, generally speaking, as I guess I would say
8 first of all, is for people who sort of are -- their career
9 will bring them into a position of being practitioner leaders.
10 So, people who might end up being principals of schools and
11 superintendents of schools, administrators at colleges and
12 universities and so forth and so on.

13 We have two different kinds of -- ways in which the Ed.D.
14 degree is conveyed. One is through executive format. Those
15 are people who are working elsewhere and coming in to take
16 their degree. And then we have a -- a much smaller cohort of
17 folks who are full-time, what we call residential Ed.D.
18 students.

19 Q So, I want to focus now on the Ph.D. program --

20 A Okay.

21 Q -- at GSE. Can you generally tell us what are the
22 requirements of the Ph.D. degree in education?

23 A So, the requirements generally are students will take
24 somewhere -- I think they're -- I think across all the different
25 programs they're required to take 12 courses within Penn GSE.

1 And then there's some variation across some of the different
2 divisions in terms of how many more courses they would have to
3 take above that. A lot of the courses they take are
4 methodology courses, just learning how to do research itself.

5 Then -- then there's typically -- there are other kinds of
6 requirements. Like, there has to be some sort of preliminary
7 exam, or sometimes it's a qualifying paper for the student at
8 the end of their coursework before they, sort of, transition on
9 to dissertation status.

10 Q What does that mean "dissertation status"?

11 A Dissertation status is when you're done with your course
12 work, and then by that point you're, sort of, focusing on your
13 dissertation work.

14 Q And what -- what are the requirements after that -- well,
15 after or before? What other requirements are there?

16 A Oh, so -- so, I guess the other -- well, I guess at that
17 point, and what happens in every single year, is that there is
18 a review of each of the different divisions of all of their
19 doctoral students. So, there's an annual review of doctoral
20 students, where you just, sort of, gauge their progress. So,
21 for a student that's in dissertation status, they would write
22 up, sort of, a brief memo outlining their progress. And then
23 their faculty member would write a memo back to them, basically
24 saying, you know, yes, you're making adequate progress and so
25 forth and so on.

1 Q I take it from what you're saying, that a dissertation is
2 required?

3 A Yes. I'm sorry; yeah.

4 Q What goes into a dissertation in education?

5 A A dissertation is an original body of work. It's a, you
6 know, it's a -- an original study examining some aspect of
7 educational practice. That's true for both the Ph.D. and the
8 Ed.D.

9 It is sometimes the case that some Ed.D.'s dissertation's
10 might initially focus on a particular problem or practice, so,
11 why is it that we're having difficulty with getting these kinds
12 of students through to graduation, for example? So, they might
13 start from a -- with a particular problem or practice and focus
14 on that.

15 But in both Ph.D. and Ed.D. dissertations, you're
16 basically dealing with both theory and practice. You're trying
17 to understand some particular problem and then contributing to
18 our understanding of that particular problem.

19 Q And is research an element of ultimately resulting --

20 A Origin --

21 Q -- in a dissertation?

22 A Yes, sorry; original research is required for both. So,
23 it's going out, gathering data, making sense of it, analyzing
24 it, and then --

25 Q You talked a little bit about the differences between the

1 Ph.D. and Ed.D. program, and a little bit about the differences
2 in degree requirements. Other than what you talked about, are
3 there any other differences between the program's degree
4 requirements, the Ph.D. and Ed.D.?

5 A In terms of the -- I think that covers it in terms of the
6 curriculum.

7 Q Got it.

8 A There may be slight differences. So, the -- you' know,
9 for instance, in some divisions you might have a particular
10 course that you would like your Ed.D. students that are not --
11 is not necessarily required for a Ph.D. student, or vice versa.
12 But, actually there's -- there could be small, sort of,
13 curricular changes between the two of them, but by and large I
14 think that's -- it's consistent across both degree programs.

15 Q How long does the program typically take for Ph.D.
16 students to get through?

17 A I think -- I saw these figures not too long ago, I think
18 for a Penn GSE Ph.D. students, it's five and a half years is
19 the average.

20 Q All right. Is there a difference between that for Ed.D.
21 students?

22 A It is. It's a little bit challenging because we have a
23 number of Ed.D. students who are part-time.

24 Q All right.

25 A And so because of that, they're going through at a very

1 different kind of pace. They -- more or less half time.

2 Q Okay. Does the Graduate School of Education provide
3 financial support for its Ph.D. students?

4 A It does.

5 Q For how many years does GSE guarantee funding for its
6 students?

7 A Four years.

8 Q And what's included in the funding package that's provided
9 to Ph.D. students in GSE?

10 A It's -- I can't remember the precise figures but it's --
11 do you want the actual --

12 Q No, no. Just the -- just the elements of it. Not --

13 A Well, the elements are basically tuition, stipend, other
14 sorts of expenses like use of the library and stuff like that.
15 General fees, that kind of thing. And then health insurance.

16 Q Okay. So, the stipend, fees, tuition remission, and
17 health insurance?

18 A Yeah. That's the big buckets.

19 Q And does GSE set the amount of the stipend for its
20 students?

21 A Yeah.

22 Q All right. Is the stipend uniform throughout the time the
23 students are under the funding package?

24 A well, it gets just -- adjusted annually.

25 Q Yeah. Other than like an adjustment or --

1 A Yeah. Yeah. For sure. Yeah.

2 Q When do you graduate students get informed of their
3 funding packages?

4 A So, they get a letter of acceptance in the spring, in
5 April I believe. And then I think it's in, I want to say
6 August, that they actually get the letter that, sort of,
7 specifies. I think they know their funding, but then they --
8 that's right; they know their funding early on, but they don't
9 know their placement until August. I guess that's right.
10 Because there's a -- there's a GAship that's an aspect of their
11 overall program.

12 Q Okay. Can you tell us what is -- what is a "GAship"?

13 A Sure. So, students are -- well, during the admissions
14 process, you have a huge number of very highly qualified
15 students who are all interested in coming and working with
16 various faculty members. And through the admissions process,
17 including an event in which we bring, sort of, semi-finalists
18 to campus to meet with the faculty, you sort of try and
19 identify students who are of exceptionally high quality, of
20 which there are many terrific students, and then you are really
21 trying to figure out which of the students whose research
22 interests align with -- with various faculty of the different
23 divisions.

24 And so -- so, one aspect -- so the students are then
25 offered admission. And then -- and part of what they're doing

1 when they come here, is that they're -- there's a certain --
2 there's the certain course work that I mentioned, which differs
3 from division to division. And then the other aspect of their
4 learning is their GAship, which is something of a research
5 apprenticeship.

6 Q So, in that GAship, will they be assigned to work with a
7 particular professor?

8 A Yes.

9 Q And when assigned to work with that particular professor,
10 does the research performed there often times relate to what
11 eventually results in their dissertation?

12 A It's often related to it, in that if you have -- if you
13 have a -- so, if I bring in a student whose interested in
14 academic governance generally, certainly the work that they're
15 doing in the GAship has -- has generally to do with academic
16 governance.

17 But there's, sort of, this -- I guess I would put it this
18 way; that early on when you bring a Ph.D. student on, typically
19 in the first year or two they're working very closely with you
20 on a project that is essentially of your devising. They're
21 participating in -- you know, they're helping you, sort of,
22 think about various aspects of research design. They're, sort
23 of, analyzing data with you, helping make sense of it. Writing
24 up various aspects, so forth and so on.

25 As the GAship, sort of, unfolds students increasingly take

1 on more, sort of, independent projects. And it's often the
2 case that those are tightly connected to their dissertation.
3 So, it might not be specific research that I'm doing. It's
4 generally, you know, connected and that it has to do with
5 academic governance, but it's their own particular take on
6 something. So, they have their own particular project. And
7 it's -- it's frequently the case that in their GAship and in
8 they're in those latter years that they're working on aspects
9 that deal with that.

10 Q In the early years of the GAship and working with the
11 faculty members, one of the purposes of that GAship to
12 assist -- well, to train that student in how to conduct
13 academic research?

14 A Yeah. It's basically research mentoring. I mean, what
15 you're really trying to do is to help give them the skills, you
16 know, give them a place where they can build skills that
17 they'll then use in their own research. I mean, they're
18 certainly getting some of those skills in some of their
19 courses, the methodology courses that they're talking, but this
20 is a whole other way in which, you know, it's -- it's
21 essentially something of a lab, if you want to think about it
22 that way.

23 Q Why is research mentoring important for Ph.D. students?

24 A Well, it's critically important for Ph.D. students because
25 in order for a student to be prepared for a faculty position,

1 and in order for them to be quite frankly competitive for a
2 faculty position, you have to develop research skills. And
3 increasingly, you have to have some products by the time that
4 you're graduating. Means that you have to, sort of, be a
5 co-author on papers and things like that. And so, connecting
6 them to that work and giving them an opportunity to participate
7 and collaborate in that, so they have their name on
8 publications. And even by the end, hopefully potentially have
9 their name on -- as a lead on a publication is extremely
10 helpful for them to be able to get jobs later.

11 Q Does the GAship between a professor and a GSE graduate
12 student, does that often result in co-published papers?

13 A Yeah, it does.

14 (Employer's E-50 marked.)

15 BY MR. JOHNS:

16 Q Dr. Hartley, I've shown you a document we've marked as
17 Exhibit E-50.

18 A Yeah.

19 Q You spoke earlier about a letter that goes out, sort of,
20 in the spring.

21 A Yes.

22 Q Is this the letter that you're talking about?

23 A That's right. Yeah.

24 Q Okay. If you look at the second paragraph there, does
25 that talk about essentially the elements of the financial

1 package that's offered to students upon admission to the
2 University?

3 A Yes. That's the one. Um-hum.

4 Q Now, the third thing talks about summer support is
5 available for the first three summers.

6 A Um-hum.

7 Q What does that mean?

8 A So, the dean has developed a -- basically a fellowship
9 where students -- that students can apply for through faculty
10 members. So, if they're working closely with a faculty
11 member -- in actuality, it's the faculty member that applies
12 for it, but they can basically say, I would like to continue
13 working with this particular student through the summer months.
14 And they can do so for, I believe, up to two months it says.
15 Is that right? I'm sorry, my eyes are not what they should be.
16 But I think -- I think it's up to two months.

17 And so, it's just another way for -- some students will go
18 and do other things during the summer months, but this is an
19 opportunity that if students want to, sort of, continue their
20 work with a faculty member on whatever it is that they've been
21 working on, they can continue to do that.

22 Q And if you look at the second page of this document, what
23 is this?

24 A Yes. Ph.D. funding provisions?

25 Q Yeah. Generally, what is this?

1 A It's just basically spelling out, sort of, more or less
2 these are, sort of, the terms and conditions for -- for, sort
3 of, accepting the fellowship.

4 Q Paragraph 4 says, "In order to receive the fellowship, an
5 RA must also make satisfactory academic and apprenticeship
6 progress to continue your program and support." Do you see
7 that?

8 A Yeah, I do.

9 Q Okay. Why did -- why does the GSE School refer to it as
10 "apprenticeship progress"?

11 A Well, I think the -- I think the general idea is that
12 we -- we bring in so few Ph.D. students every year, and Ed.D.
13 doctoral students every year, but particularly Ph.D. students,
14 that it really is an apprenticeship.

15 I mean, just to put it in context, we had something like
16 over 100 applicants for what ended up being two slots in higher
17 education -- the higher education division. So, this is a
18 very -- it's a very selective, highly, highly selective
19 program. And because of that, we really do think about these
20 students as, sort of, we're there to mentor them, to help, sort
21 of, help them achieve their goals in terms of their moving
22 forward to get, you know, eventually positions as faculty
23 and -- and researchers.

24 Q Okay. Are some students paid pursuant to grants that
25 faculty members when they're performing research with a faculty

1 member? Does that occasionally happen or no?

2 A During the summer do you mean?

3 Q No, no, I mean the regular assistantship that you spoke
4 about.

5 A Well, it is -- it is true that sometimes faculty grants
6 will cover the students that they're working for. Do you know
7 what I mean?

8 Q Yeah.

9 A It wouldn't -- but it wouldn't be, sort of, above and
10 beyond what the package is.

11 Q Yeah, no, I don't mean that.

12 A All right.

13 Q I meant that some of those funds would go towards funding
14 the stipend that the student --

15 A Yes.

16 Q -- is already receiving?

17 A Yes.

18 Q Okay.

19 A Got you.

20 Q But is that true for all the students who are in those
21 roles?

22 A No. I mean, there's -- many of the students are just
23 funded by the School.

24 Q Does it happen sometimes that Ph.D. students may decide to
25 switch advisors or faculty members that they're doing research

1 with?

2 A Yeah, it does happen. So, I mean, again the idea is to
3 try and find the right fit for the student to, sort of, help
4 them, sort of, develop as scholars. And so, you know, it --
5 from time-to-time a student will come in thinking that they
6 want to, sort of, investigate a particular issue or area and
7 then they, through courses and other things become very
8 interested in something else. So, then if that's the case,
9 then you try and find a way to move them to a -- to a faculty
10 member who's going to be able to cultivate those new interests.

11 Q When that happens, does the student lose funding?

12 A No.

13 Q Do the stipends change depending on how many hours
14 students spend on research activities each week?

15 A No.

16 Q You ever aware of a student who's been disciplined for
17 deficient research?

18 A In terms of the RAship, you mean?

19 Q Yes. In terms of -- yeah.

20 A No.

21 Q No?

22 A No. I mean, it's -- it might adversely affect their --
23 their, sort of, professional relationship with the faculty
24 member that they're working with if it's not working well. But
25 no, there's no like discipline.

1 Q No one has lost funding because of that?

2 A No. No one's lost funding. Again, it, sort of, would be
3 a situation where you try and find them a better, sort of,
4 position. Better fit.

5 Q Okay. Are Ph.D. students in GSE required to teach as part
6 of their degree requirements?

7 A They are not required to teach, no.

8 Q Okay. Do many GSE students nonetheless still decide to
9 serve as TAs?

10 A Yeah. So, it's -- many of our Ph.D. students do get the
11 opportunity to serve as a TA. It's -- we have -- we have
12 students are, sort of, on -- see themselves being on somewhat
13 different pathways within the Ph.D., so there are some who see
14 themselves, I would say many who see themselves on, sort of,
15 the pathway towards becoming a faculty member. And for those
16 students, we try as best we can to give them opportunities for
17 teaching, because it -- you know, it is really helpful for them
18 to have an opportunity.

19 A fairly typical track would be for them to serve as TA.
20 And then in some instances, students who have already served as
21 a -- you know, well you -- first you take a course, then you
22 serve as a TA for the course. And then the next step beyond
23 that in a number of instances is prior students being able to
24 teach that course in the summer for our part-time masters'
25 students.

1 Q So --

2 A But it -- but then --

3 Q Keep going, I didn't mean to interrupt you.

4 A Sorry.

5 Q I didn't mean to interrupt you.

6 A But then the -- but then we also have, you know, students
7 who have other ideas. They, you know, sort of envision
8 themselves working for a think tank or working on policy in
9 D.C. and stuff like that, and some of those students may not
10 choose to pursue, you know, teaching opportunities.

11 Q With respect to the courses you were talking about,
12 students choosing to TA in, are they graduate courses?

13 A Yes.

14 Q So, you said the student might typically take a course.
15 So, it's a graduate level course --

16 A Right.

17 Q -- that they themselves are taking --

18 A Yeah.

19 Q -- as a graduate student? And then ultimately serve as a
20 TA after that?

21 A That's right.

22 Q When students are serving as TAs, do they get additional
23 funding as a result of serving in that position?

24 A If they're serving as a TA, typically the way that it
25 works for the Ph.D. students, is it's -- that's something of a

1 negotiation between the student and their advisor. And it --
2 it is essentially time that's taken out of that 20 hours of
3 their RAship.

4 Q The research?

5 A So, it -- so you, sort of, say, look -- I mean, yeah,
6 you're not going to have them do above and beyond that. If
7 it's during the summer months, that's a little bit different.
8 You would be, sort of --

9 Q No, I'm talking about with the rest.

10 A Right. Got you.

11 Q So, if it takes the place for some of the research
12 activities they're doing with the professor, they'll get their
13 normal stipend and no more?

14 A Exactly. Yeah.

15 Q You said, I think, many of your students choose to -- to
16 get the experience of teaching. Why do they do that? Why is
17 that important?

18 A Well, it's important for people who are going to be out in
19 the academic job market, particularly in the field of
20 education. It's really helpful for them to have had some
21 teaching experience that they can point to.

22 The TAs, you know, there's -- there's a student evaluation
23 that happens for every course, and there's evaluations both for
24 the instructor and where those courses have TAs attached to
25 them, there's also the evaluation for the TA. That's something

1 that the students can use when they're in the job market to
2 say, look, this is how I did in terms of those evaluations.
3 So, that's very helpful. It just gives them more credibility
4 when they're in the job market.

5 Q Does GSE create any TA slots based on number of
6 undergraduate students?

7 A No.

8 Q Are you aware of any TAs that have ever been removed from
9 the position because of poor job performance?

10 A Gosh, that's a good question. Not to my knowledge. I
11 mean, again the TA position is another one where you're working
12 very closely with the faculty member, so it's another
13 opportunity for, sort of, like, you know, faculty work very
14 closely with their TAs to sort of help them, sort of, think
15 through what are the instructional issues that are happening as
16 the course is unfolding and so forth and so on.

17 Q They typically do at least start TA opportunity -- start
18 in a TA position with the faculty member. Is there mentoring
19 that occurs between the faculty member and that student in that
20 role?

21 A Yeah. So, for sure. So, I think some -- it depends a
22 little bit from course to course. So, there are some -- if
23 you're teaching, you know, a smaller course where you might
24 have one TA, it's the kind of thing where you might just meet
25 with them weekly and sort of, just sort of touch base on what's

1 happening in the course and so forth and so on. But I do know
2 colleagues who have larger classes where they might have
3 multiple TAs and they'll meet as teams and talk about various
4 aspects of the course, various, you know --

5 Part of what you're trying to do with the TA is you're
6 trying to give the student, you know -- you know, a good
7 experience, so you're trying to -- you know, you're trying to
8 help them understand this is what -- this is what the thought
9 process is about managing a course, and sort of like as it
10 unfolds. So, you're just trying to give the -- you know, so,
11 you know, it's talking with them about how they see classroom
12 interactions, you know, going on. What critiques they have of
13 you? Are there particular issues that we think that we're not
14 getting through to students that we need to, sort of, circle
15 back to?

16 It's not uncommon for TAs to be given the responsibility
17 of actually taking the lead on a course -- a particular class
18 or two, you know class session, so that they get the experience
19 of actually being in front of a group and, sort of, leading a
20 whole discussion. Things like that.

21 Q Okay. We've spoken about the funding packages for Ph.D.
22 students. Let's just switch gears and talk for a moment about
23 Ed.D. students. Do they typically get funded -- and I'll --
24 let's take out the executive Ed.D. program you talked about and
25 let's -- let's focus on residential Ed.D.

1 A Um-hum.

2 Q I'm assuming with respect to the executive Ed.D. program
3 that those are students who don't receive funding packages from
4 the university?

5 A No.

6 Q They're paying tuition themselves?

7 A They are.

8 Q Okay. And you said that's a part-time program. Is that,
9 sort of, like a weekend or night type program?

10 A They come in in intensive, sort of -- yeah, for an
11 intensive period during the weekend. Usually it's attached to
12 a weekend.

13 Q Okay. And then focusing then on these residential
14 Ed.D.'s, how many -- before I get to that, I think you said it
15 was smaller. Do you have a sense, approximate sense of how
16 many executive Ed.D. students there are versus the residential
17 ones?

18 A So, I think we have something like 275 Ed.D. students
19 total. About 200 of those are executive and about 75 are, sort
20 of, what, you know, traditional or residential Ed.D. And of
21 those 75, I think 15 are part-time.

22 Q Okay. So, there are even part-time students within the
23 residential program?

24 A Right.

25 Q Okay. So then, I guess for the residential non-part-time

1 Ed.D. students, is there funding available to them when they're
2 admitted to the university?

3 A Right. So, for the -- for those students, there is
4 fund -- basically, the way that it works is that they're
5 funded -- they're guaranteed funding for a year. And then --
6 and they're told in their letter basically that there's also
7 the possibility of them being funding in Year 2, and in
8 practice that almost always happens. So, sort of, while they
9 aren't guaranteed up front two years, in practice that's what
10 happens.

11 MR. JOHNS: While Dr. Hartley's looking at Exhibit E-51, I
12 would move for the admission of Exhibit E-50.

13 MS. ROSENBERGER: No objection.

14 HEARING OFFICER LEACH: Employer 50 is received.

15 (Employer's E-50 received.)

16 (Employer's E-51 marked.)

17 BY MR. JOHNS:

18 Q Dr. Hartley, I've shown you a document that we've marked
19 as Exhibit E-51.

20 A Um-hum.

21 Q Can you tell us what this is?

22 A It's the admissions letter for an Ed.D. student.

23 Q And is this the comparable letter for an Ed.D. student
24 versus the Ph.D. letter, which is in evidence as Exhibit E-50?

25 A It is.

1 Q So, and this is sent to a student who's just been admitted
2 to the program?

3 A Yes. That's exactly right.

4 Q Okay. Is this, in fact, their first acknowledgement that
5 they've been admitted into the program, either under E-50 or
6 E-51?

7 A I think that's right. Because if this is coming out in
8 March, that would be the time when we would be, like, letting
9 people know who was admitted and who was not. Yeah.

10 Q Okay. And in the first paragraph, I think it talks about
11 the element of the funding. And as you said, that is a one-
12 year commitment for Ed.D. students?

13 A That's right. Yeah.

14 Q Okay. Typically, they would seek other funding after they
15 come for a second year?

16 A Right. And typically, what happens is that there's --
17 they're, sort of, placed in -- in a research assistantship.
18 There are a number of ones in which we've used the past, and so
19 there are students that, sort of, will cycle through them. So,
20 for example, if a student ends up being placed with -- with the
21 Weingarten Learning Resource Center at Penn, sort of, help
22 students who are having academic difficulty. It's very common
23 for them to just be picked up in Year 2 by the group once
24 they've worked. It's just we aren't guaranteeing it up front.

25 Q Okay. Why would an Ed.D. student be placed in an RAship

1 that involved, for example, the Weingarten Learning and
2 Resources Center? How does that relate to what Ed.D. students
3 might be studying?

4 A Yeah. Well, Ed.D. students sort of envision themselves
5 becoming, as I said, practitioner leaders in their various
6 fields. And so, the RAships for them give them an opportunity
7 to, sort of, make the connection between theory and practice,
8 so the theories that they're learning in class with the
9 practice that they're doing in the RAship itself. So, it's
10 part of the learning experience for them.

11 Q And when you say "practitioner leaders," for those of us
12 outside the educational sphere, what are the types of positions
13 that Ed.D. students might typically go into?

14 A Sure. So, they could become, you know, curricular leaders
15 within a school. They could become principals. They could
16 become administrators of college or university. They could
17 become the heads of counseling departments within school
18 districts. You know, there's any number of things, but
19 basically in the field as practitioners.

20 Q And that is separate and apart from the types of
21 activities that you spoke earlier about Ph.D. students with
22 respect to more heavier -- heavily research oriented type
23 positions that they might aspire to?

24 A Well, it is important for practitioners to understand
25 research. And it's important for them to be able to do it.

1 It's important for a practitioner -- you know, for people that
2 are going to be in those fields to both be good consumers of
3 research. It's important for them -- many of them are in
4 positions quite frankly where they are the ones guiding
5 research that is done within the context of their school
6 districts, so you better know how good research is done if
7 you're going to guiding other people who are going to be doing
8 that kind of work.

9 Q Understood. Okay, and then the second page again, is this
10 the comparable listing of funding provisions?

11 A That's right. Um-hum.

12 Q For the Ed.D. student?

13 A Yes, that's right.

14 MR. JOHNS: I would move for the admission of Exhibit E-
15 51.

16 MS. ROSENBERGER: No objection.

17 HEARING OFFICER LEACH: Employer 51 is received.

18 (Employer's E-51 received.)

19 BY MR. JOHNS:

20 Q Okay, just a few more questions, Dr. Hartley. Do GSE
21 students sometimes do field research in the summer?

22 A Yes. Yeah.

23 Q Okay. Is that a typical time when field research would be
24 done?

25 A It's -- it's -- yeah, it's really an important time for

1 field research to be done because there's typically no courses
2 or students are not having to take courses.

3 Q So, just so I'm understanding what you're saying; with
4 respect to that, coursework is done in GSE for graduate
5 students in the spring and fall academic term.

6 A Yeah.

7 Q And they need to be on -- on campus to do --

8 A For sure.

9 Q -- coursework at that point?

10 A Yeah.

11 Q And then if they have other field research that's being
12 performed, the summer is the time they would typically do that?

13 A It's a very important time, for sure. Yeah.

14 Q Does the Graduate School of Education collect summer
15 addresses for its students?

16 A No, we don't.

17 Q How does the school typically communicate with its
18 students during the semester or during the summer?

19 A There's very little communication that happens during the
20 summer. By typically how we communicate with them is that
21 there's, sort of, an official, sort of, document like, in you
22 know, an admissions office or something like that that, that
23 would be a letter that would sent to their, whatever home
24 address they put in their application.

25 A lot of the communication other than that is through

1 email.

2 Q Email contact is the most prevalent form of communication?

3 A For sure.

4 Q And home address, that would be a home -- like their
5 permanent address? Parent's address; is that what you're
6 talking about?

7 A It's whatever -- it's whatever they provide. I don't --
8 I'm not sure what typically that is.

9 MR. JOHNS: That's all we have. Thank you, Dr. Hartley.

10 THE WITNESS: Okay.

11 MR. JOHNS: Ms. Rosenberger may have some questions for
12 you.

13 THE WITNESS: Yeah, sure.

14 CROSS-EXAMINATION

15 BY MS. ROSENBERGER:

16 Q Good afternoon.

17 A Hi.

18 Q My name's Amy Rosenberger, and I'm one of the lawyers
19 representing GET-UP in this case.

20 So, with regard to the summer -- let me step back a
21 second. So, you talked about how many Ed.D. students total and
22 how many of them are executive versus residential.

23 A Yeah.

24 Q What about Ph.D. students? How many of those --

25 A Total?

1 Q Total.

2 A Sure. I think we have somewhere around 90 to 100 total.

3 Q Okay.

4 A Something like that.

5 Q And is there a typical number for each year of the
6 program? So, each cohort?

7 A Yeah. I -- you know, 18 or so per year. Something like
8 that. It -- it, sort of -- it changes a little bit from year
9 to year.

10 Basically, the way that our process works is that the dean
11 and the chief financial officer, sort of -- we're very tuition
12 dependent as a school, so we don't have huge endowment, we
13 don't have big pots of money in the bag. It's like we're very
14 much tuition dependent. And so, because of that, the dean and
15 the CFO will, sort of, look at the available funds any given
16 year and say, okay, well given where we are, sort of, we feel
17 like we could once again, sort of, support 18 students. If for
18 some reason things changed, you know, if there was a decline in
19 enrollment in some program that you didn't expect, that might
20 be shifted. But, that's a good, sort of, ball park of where
21 it's been.

22 Q Okay. And when you say that the -- that GSE is tuition
23 dependent, is Penn organized like many universities or -- these
24 days, where your tuition dependence is reliant on the tuition
25 in your courses or --

- 1 A Yes.
- 2 Q -- or programs?
- 3 A That's exactly right.
- 4 Q Okay.
- 5 A That's exactly right.
- 6 Q So, sort of, decentralized finances?
- 7 A Yes. Yeah. Um-hum.
- 8 Q So, you're -- so, your ability to fund doctoral -- you
- 9 said there's no funding for masters' students, right?
- 10 A There's -- we give like, you know, sort of scholarships
- 11 when they're admitted, that kind of thing, but yeah.
- 12 Q But not the kind of funding --
- 13 A Not the -- not the kind of funding we've --
- 14 Q Okay.
- 15 A -- been talking about with the doctoral students. Right.
- 16 Q More like what we would think of a scholarship in an
- 17 undergrad context?
- 18 A Right. Right.
- 19 Q Okay.
- 20 A Yeah. Yeah.
- 21 Q So, the tuition from your masters' students -- and you
- 22 don't have any undergrad students, right?
- 23 A We don't.
- 24 Q So -- so, basically your masters' student tuition is
- 25 funding the doctoral programs --

1 A Yeah.

2 Q -- to a great degree?

3 A Right.

4 Q Okay. Along with, you talked about grant funding --

5 A Right. Exactly.

6 Q -- may defer some of that?

7 A Yeah, there's -- there's money through that. That's
8 right.

9 Q Do you, from time-to-time, have doctoral students who are
10 self-funded?

11 A Well, we have not Ph.D. students, so never Ph.D. students,
12 in terms of the self-funding. Within the four years of the
13 funding. Now, it's possible that a student -- a Ph.D. student
14 after Year 4, if they can't get funding through -- or get
15 attached to another project, then they might have to pay for
16 the additional year or two or whatever it is for them to finish
17 that up.

18 With Ed.D. students it's very different. We have, as I
19 said, a pretty good cohort. I think it's like 200 or so of our
20 executive Ed.D. students, and those are all paying their way
21 for their -- for their programs.

22 So, it's both, to get back to your earlier points, it's
23 both the masters' students and the self-funding Ed.D. students
24 that contribute to the revenues that are disbursed, and the
25 grant funds that are then disbursed for other things.

1 Q And if I understand your correctly, the residential
2 Ed.D.'s are the ones who get the -- they certainly get the
3 first year and --

4 A Yeah.

5 Q -- mostly get the second year?

6 A That's exactly right, yeah.

7 Q And how many years is that program?

8 A That program --

9 Q Or do you have an average year --

10 A I mean -- it's probably -- it's -- I mean, that is
11 included in, sort of, the five and a half years, sort of,
12 average. So, I think it's like -- yeah, I mean, I think that's
13 probably a good average.

14 Again, it's a little bit odd because with Ed.D.'s we also
15 have the part-time Ed.D. students, which tend to skew the
16 numbers because it takes they a while.

17 Q Right.

18 A The other thing, too that's worth just, sort of, putting
19 out there, just sort of paint the whole picture, is that that
20 portion of, sort of, traditional or residential Ed.D. students
21 that are part-time, which is not a huge number, I think it's
22 like 15 or 20, the lion's share of those people are Penn
23 employees, and there is a tuition benefit for Penn employees,
24 and so they are funded through that.

25 Q But they're getting that funding by virtue of the fact

1 that they are -- it's a benefit in their capacity as a --

2 A It's a benefit, exactly right. Yeah.

3 Q Okay.

4 A But I just wanted to make sure that that was -- that, sort
5 of, paints the whole picture.

6 Q And do you know whether those -- those individuals have
7 access to graduate student benefits? Let me ask a couple of
8 types of benefits. Do they have access to graduate student
9 health, you know, the student health insurance plan?

10 A Is this the part-time students?

11 Q The ones who are -- employees and students who have a job
12 at Penn --

13 A Yeah.

14 Q -- separate and apart from their status as a student.

15 A They have -- they have their -- they have the healthcare
16 through their jobs. I don't know -- I actually don't know.
17 That's a good question. I don't know whether that's even an
18 option for them or not. I don't know.

19 Q And am I correct that they don't get any funding packages
20 in the program?

21 A No.

22 Q Just the tuition remission?

23 A Right. Yeah.

24 Q Are they required to serve a research apprenticeship?

25 A No, they're not. Although many of them end up working on

1 research, whether that is they seek out and, sort of, work on
2 research teams, so I've worked with those students in the past,
3 and other colleagues do. But it's not, sort of, a requirement.
4 It's not part of their overall --

5 I mean, in a certain respect, some of the -- the way that
6 the Ed.D. programs are designed, or at least in like in higher
7 Ed, I can say, because I'm part of that and some of the other
8 ones, the -- their jobs themselves become, sort of, the
9 equivalent of the practitioner element that they're having,
10 that they then bring into their classroom for various things.
11 So, for some, if you're full-time and then you're doing your
12 GAship, it's the issues from the GAship that you're bringing
13 into the classes. If you're -- if you're already employed and
14 then you're coming in part-time, those are the issues that you
15 would bring in for those classes, when you're trying to link
16 the theory and practice. That kind of thing.

17 Q But if you're part-time, whether you're employed and
18 therefore part-time, or whether you're not employed and
19 part-time, you don't get funding, right?

20 A Right. Other than through the benefit, right. Yeah. Is
21 that what you mean?

22 Q Other -- I'm saying if you're not an employee of Penn.

23 A Oh, oh, I'm sorry. I'm sorry. I'm sorry.

24 Q And you're not employed -- an employee at all, anywhere,
25 but you're -- but you're attending part-time for whatever

1 reason, maybe you have kids, who knows, if you are a part-time
2 Ed.D. student, you don't get a funding package as --

3 A That's --

4 Q -- by virtue of that?

5 A That's definitely -- that would definitely be the case.

6 I'm trying to think if there are any students I can think of
7 that actually fit that bill.

8 The only -- the only part-time Ed.D., sort of,
9 residential/traditional students that I know of at -- at Penn
10 GSE are the ones that are actually part of the Higher Ed
11 program, and those are all Penn employees.

12 Q Okay.

13 A So, I don't -- I don't know of anyone who, sort of, falls
14 outside that.

15 Q But there's no requirement that you be a Penn employee or
16 an employee anywhere to be a part-time Ed.D. program person; is
17 there?

18 A It would be very difficult to be admitted, because part of
19 what happens in the admissions process is you're trying to
20 figure out who are the people who are going to be able to come
21 in and bring a range of different experiences to the classroom.

22 Q Um-hum.

23 A And if someone were completely unemployed, I don't know.

24 I'm trying to think about --

25 Q You just never have it come up?

1 A It just -- I've never had it come up. But I -- I suppose
2 it's not impossible, but I just -- I just don't know of an
3 instance, yeah.

4 Q Okay. And if you look at Employer -- let's look at
5 Employer Exhibit 50 first.

6 A Sure.

7 Q In the first paragraph -- oh, this is interesting. So,
8 you have -- I'm comparing Employer 50 and Employer 51, and they
9 happen to both be in the same program, they're both in reading,
10 writing, and literacy.

11 A Yeah, reading and writing, yeah.

12 Q So you -- so, you have both kinds of degrees in each of
13 the six divisions.

14 A We actually -- so, we -- so, we actually don't. So, we
15 actually -- all six have Ph.D. programs.

16 Q Um-hum.

17 A But Higher Education, reading writing literacy, and
18 teaching learning and leadership are the three that have the
19 Ed.D. programs.

20 Q Okay.

21 A So, actually RWL happens to be one of the three that
22 actually has it.

23 Q Okay.

24 A All right.

25 Q "RWL" being reading, writing and literacy?

1 A Exactly. Yes.

2 Q Okay. So, looking at Employer Exhibit 50, in the first
3 paragraph, the second sentence says, "To demonstrate our
4 commitment to helping you reach your fullest potential as a
5 scholar, we're pleased to offer full funding through a Dean's
6 Fellowship and Research Apprenticeship for the first four
7 years." So, there's sort of the two pieces to the funding,
8 right; the Dean's Fellowship and the research apprenticeship,
9 yes?

10 A Yes. Right.

11 Q Okay.

12 A It's the -- it says, "In addition to the Dean's
13 Fellowship, full funding includes an RA, blah, blah, blah," in
14 the next paragraph.

15 Q Right.

16 A Is that what you mean?

17 Q And that -- so, I'm going to get to the next paragraph.

18 A Yeah, sorry.

19 Q But -- but just broadly speaking, there's two pieces to
20 the funding, which one is the Dean's Fellowship and one is the
21 research apprenticeship, yes?

22 A Well, it's -- it's really interesting. I've never, sort
23 of, thought of them as apart, in part because I think of the
24 Dean's Fellowship as like the dean is funding you, and the
25 RAship is part of it.

1 Q Okay. Well, then that -- let's look at the next paragraph
2 then.

3 A Yeah.

4 Q That talks about full funding means that each of the
5 four -- for each of the four academic years, the Dean's
6 Fellowship you receive will provide full tuition remission for
7 up to eight courses, general fee, and student healthcare."

8 A Yeah.

9 Q Right? So, that's the Dean's Fellowship, right?

10 A Right.

11 Q And then "In addition to the Dean's Fellowship, full
12 funding includes an RA, which provides a nine-month living
13 stipend of \$25,000 in exchange for an average of 20 hours per
14 week in the fall and spring only of participating in structured
15 opportunities for you to engage in active scholarship and
16 research with one or members of the standing faculty."

17 A Right. So, the Dean's --

18 Q That's the research apprenticeship piece?

19 A Right. So, the Dean's Fellowship does both, right. The
20 Dean's Fellowship is the umbrella. It's providing the tuition
21 for the courses, and it's also -- the full funding including
22 was -- this -- with the RA. Is that what you mean?

23 Q No. I'm saying, the -- well, this paragraph says the
24 Dean's Fellowship is full tuition remission for up to eight
25 course units, general fee, and student health insurance.

1 A Yes.

2 Q And then it says in addition to that, in addition to the
3 Dean's Fellowship, full funding includes an RA, what that --
4 that stands for --

5 A I see.

6 Q -- research apprenticeship, doesn't it?

7 A Yeah.

8 Q And then it goes on --

9 A Yeah.

10 Q -- to describe what that is, right?

11 A Yeah.

12 Q Okay. And then the next paragraph talks about summer
13 support is available for the first three summers if a RA -- if
14 a research apprenticeship, right, is available?

15 A Is available, yeah.

16 Q Okay. And that -- are there -- there are limited number
17 of research apprenticeships available in the summer?

18 A There really aren't.

19 Q Anybody who wants one gets one?

20 A Everyone who -- anyone who wants one, yeah.

21 Q Okay. Okay.

22 A Yeah. I mean, I suppose -- part of what happens with --
23 part of the reality of -- of, sort of, life at GSE is that
24 because we are so tuition dependent, sort of, like you always
25 have to a little bit hedge your bets. So, this is I think one

1 of those cases of hedging your bets perhaps.

2 Q Yes. Because something might -- it might --

3 A Yeah.

4 Q -- because things might go south and then --

5 A Right, things might go south and you don't want to
6 guarantee and blah, blah, right.

7 Q Got you. Okay.

8 (Petitioner's P-40 marked.)

9 BY MS. ROSENBERGER:

10 Q I've handed you a document marked Union Exhibit 40. Go
11 ahead and take a look at that and let me know when you've had a
12 chance to review it. Do you recognize that?

13 A Yeah, I do.

14 Q What is it?

15 A This is the application form for the summer app -- summer
16 funding.

17 Q So, this is -- you had referred on direct examination to a
18 process where essentially the faculty member applies for the
19 student that they --

20 A Yeah.

21 Q -- want to have work with them?

22 A Yeah.

23 Q And that's what -- this is where they would fill that in?

24 A That's right. Yeah.

25 Q On the website?

1 A Yeah.

2 Q And according to this, research -- if you look in the
3 first paragraph, the second sentence referring to research
4 apprenticeships, they enable students to build their skills
5 while providing support to faculty members in their research
6 efforts, right?

7 A Yeah.

8 Q Okay. And then I think you said some students teach in
9 the summer?

10 A Some -- some do, yeah.

11 Q Both Ph.D. students and Ed.D. students?

12 A It could be either one, yeah.

13 Q And they're -- if I understand you correctly, they're
14 teaching people who are in the executive Ed.D. --

15 A No, no. You know, they're just -- it would be more
16 typical for them to teach a master's level program, for
17 example. So, if you have a doctoral student who's like
18 actually teaching a class, they've typically taken the class,
19 served as TA, and then they have an opportunity to teach. But,
20 they could not teach someone that's at their level, so they
21 could not teach a doctoral student. Do you know what I mean?

22 Q Got it. Yes.

23 A So, you would have to teach someone -- so it would be a
24 master's class, basically.

25 Q Okay. And, you know, I know typically class -- course

1 numbers with -- that begin with 0 through 4 are usually
2 undergrad, right?

3 A Um-hum.

4 Q And course numbers that begin --

5 MR. JOHNS: You need to say "yes."

6 MS. ROSENBERGER: I'm sorry, yeah.

7 THE WITNESS: Oh, sorry, yes.

8 MR. JOHNS: For the record.

9 THE WITNESS: Yeah. No.

10 BY MS. ROSENBERGER:

11 Q And is there a typical -- would a number for a master's
12 level course typically start with a different -- a higher
13 number?

14 An It's -- I think -- I'm trying to remember where the
15 breakup point [sic], but it's something like 500 to 600 would
16 be, sort of -- or maybe I think that's sort of the range that's
17 typically, sort of, master's. It might encroach a little bit
18 into the 700's. I know then 700 through 900 is, sort of,
19 doctoral level.

20 Q Okay. And about how many of your students do -- do -- I'm
21 sorry. So doctoral students teach master's level in the summer
22 from time-to-time, right?

23 A Yes. Yes.

24 Q Do master's students TA at all?

25 A Oh, do they ever TA? It's -- if they do it's rare.

1 Q Okay.

2 A And it would likely be some sort of arrangement where it
3 would just be more informal. I don't think they would ever be,
4 sort of, like -- they might be assisting in a -- might be part
5 of a team or something. I don't --

6 Q But not paid for it?

7 A I just don't know of it happening to be perfectly honest
8 with you.

9 Q Okay.

10 A I mean, it might happen rarely, I just -- I don't know if
11 we have.

12 Q And I -- am I correct in assuming that if they're not
13 doing TAships, they're also not teaching in the summer?

14 A Right. For sure. That's for sure, yeah.

15 Q Okay. And when a doctoral student teaches in the summer,
16 are they paid separately from their --

17 A They are.

18 Q -- Dean's Fellowship and research apprenticeship?

19 A That's correct. So, if they were to get a Dean's
20 Fellowship and to be working on activities that support their
21 own research or where the faculty members research, then they
22 can't also teach at that same time, so there would have to be
23 some sort of like swap. So, you might say, well, for this
24 period of time you're to be paid for the teaching, and then
25 from this point on you're going to be paid for that.

- 1 Q And -- oh, I'm sorry.
- 2 A No, no, that's -- that's all I had to say.
- 3 Q I didn't mean to cut you off.
- 4 A No.
- 5 Q So, about how many doctoral students teach in any given
6 summer?
- 7 A Boy. I'm sorry, I don't know. It wouldn't be a great
8 number. Okay. If I had to -- do you want me -- do you want me
9 to venture a guess? It would be less than 10, but --
- 10 Q Okay.
- 11 A But I -- it's not a great number.
- 12 Q Okay. And how many -- in any given summer, how many
13 doctoral students get the research apprenticeship through the
14 program that you testified about in the process --
- 15 A Yeah.
- 16 Q -- that's reflected on Union 40?
- 17 A Yeah. So, I think this year we had about 55 students who
18 were eligible who were within that -- the range that's
19 specified here. And I think 54 are funded through it.
- 20 Q Okay.
- 21 A So, the vast major end up doing it.
- 22 Q When you say they're eligible within the range that's side
23 pocketed here, what do you mean by that?
- 24 A It's within the funding year. So, it says in the --
- 25 Q Oh, I see.

- 1 A -- summers of Years 1, 2 and 3.
- 2 Q Yes. Okay.
- 3 A Yeah. Within that -- within that range.
- 4 Q And that would be -- by and large those people would be --
- 5 first of all, that's a two-month arrangement, right?
- 6 A That's right.
- 7 Q So, is it always, you know, June and July? Or July and
- 8 August? It varies?
- 9 A It really varies, yeah.
- 10 Q And is it by and large residential Ed?
- 11 A So, most of the -- many of the students are -- are, sort
- 12 of -- or at least according to the application that's put
- 13 forward, it looks like they're in the area. There's about 20
- 14 percent that specifically have some sort of reason to be
- 15 remote, so they're -- they're doing field work or some other
- 16 activity that's attached to it. And where we get applications
- 17 where a student -- you know, where a faculty member will say,
- 18 well, I would like to work with this student, we're going to do
- 19 field work, they're going to be out gathering, we -- we approve
- 20 it. We don't -- I mean --
- 21 Q So, you're saying -- you said about 20 percent?
- 22 A Something like that.
- 23 Q So maybe 10 of those --
- 24 A Something -- yeah. Something like that. Right. Exactly.
- 25 Q Ten or twelve?

1 A Yeah.

2 Q Okay. So, if the -- if the research apprenticeship
3 provides for full-time funded doctoral students, provides
4 nine -- a nine-month living stipend, and if they then do two
5 months of the research apprenticeship in the summer, that
6 leaves a month. Do they -- is it -- from time-to-time, are
7 there doctoral students who may teach for a month in the summer
8 at, you know, one of the shorter sessions, and then do the
9 two-month research apprenticeship?

10 A There have been a couple -- there actually have been a
11 couple who have done that, yeah.

12 Q Okay.

13 A Yeah.

14 MS. ROSENBERGER: Move for the admission of Union 40,
15 please.

16 MR. JOHNS: No objection.

17 HEARING OFFICER LEACH: Union 40 is received.

18 BY MS. ROSENBERGER:

19 Q And if you know, you may not know given your position, but
20 we've heard reference to some payroll classifications for
21 graduate students, such as -- that are research apprenticeship.

22 A Oh, okay.

23 Q They are research assistant, research fellow, similar to
24 the teaching assistant, teaching fellow.

25 A Got you.

1 Q Do you know when your students are -- when students in
2 the -- in GSE are doing the research apprenticeship, are they
3 classified as RAs or RFs for payroll purposes? Or do you not
4 know?

5 A I honestly don't know.

6 Q Okay.

7 A I think it's research apprenticeship. I honestly don't
8 know, yeah.

9 Q Okay. When a student in either the Ph.D. program or the
10 Ed.D. program -- I think you had talked about on direct, when
11 they get their initial acceptance letter in the spring and then
12 closer to the fall semester they get an assignment letter,
13 right?

14 A Um-hum. Yes.

15 Q Okay. And that's the letter that tells them who they're
16 going to be working with?

17 A That's right.

18 Q And by "who" I mean who on the faculty.

19 A Sure. Yeah.

20 Q For their -- for their research apprenticeship, in
21 particular.

22 A Yeah. It's typically not a surprise because they've been
23 communicating with the faculty member since they were admitted.
24 So, but yes, that's when they receive the official --

25 Q But they've got to tell them officially first, right?

1 A That's right. Exactly.

2 (Petitioner's P-40 received.)

3 (Petitioner's P-41 marked.)

4 BY MS. ROSENBERGER:

5 Q I've handed you a document marked Union Exhibit 41.

6 A Yeah.

7 Q Go ahead and take a look at that and tell me when you've
8 had a minute to review it.

9 A Sure.

10 (Witness examined the document.)

11 BY MS. ROSENBERGER:

12 Q Do you recognize that?

13 A Um-hum, sure.

14 Q What is it?

15 A This is basically a letter giving the student --
16 indicating to the student -- this Ed.D. student who's been
17 admitted their, sort of -- it's talking about their acceptance,
18 you know, their appointment, and then making them an offer of a
19 research apprenticeship.

20 Q And it looks like for the first paragraph there, it
21 says -- well, let me read what it says, it says, "I am pleased
22 to appoint you as a research assistant to Doctor," and
23 that's --the name is redacted --

24 A Yeah.

25 Q -- " the period September 1, 2016 to May 31, 2017." Now,

1 that uses the term "research assistant." But is that the
2 person's research apprenticeship?

3 A Yeah.

4 Q Okay. And then down toward the bottom, there's a set of
5 bullet points.

6 A Yeah.

7 Q And there's a shaded section.

8 A Yeah.

9 Q You can see there, that lays out the duties. Is that
10 typical that it -- that this letter will advise the student,
11 you know, you're assigned to Doctor So-and-So, and here's what
12 you're going to -- the work you're going to be doing for Doctor
13 So-and-So?

14 A Yeah. It will specify -- it will -- it will indicate the
15 kinds of things that they'll be working on. That's exactly
16 right, yeah.

17 Q And sometimes it's -- so, this one is -- the work is to
18 support the goals of the Penn Project for Civic
19 Engagement/Pottstown School District Partnership --

20 A Yeah.

21 Q -- by doing a variety of things. But it also might say,
22 by helping work on a book that Doctor So-and-So --

23 A Right.

24 Q -- is working on, right?

25 A Sure.

1 Q Or --

2 A Initiative in the school district or whatever kind of --
3 yeah. Yeah.

4 Q Okay.

5 A You bet.

6 Q And it looks like this refers at the first bullet point to
7 the 20 hours per week that you were referring to.

8 A Yeah.

9 Q And then that in the last sentence there it says, "You're
10 expected to keep a record of hours worked and have your
11 supervisor sign off on this document for audit purposes." Is
12 that a standard part of any assignment letter -- I'm going to
13 call it an assignment letter, that's my term, not yours, but is
14 that standard?

15 A That's a great -- so, I don't know the answer to that.
16 It -- it shouldn't be because it's just not the way things
17 work. Unless there are -- so, in certain instances, for
18 instance, if there are certain like NSF for example, if you get
19 a grant through the NSF they're very important about reporting
20 guidelines, so you have to really be certain, be clear about
21 where various monies are going. So, if that's the case, and
22 that the student was let's say being supported by an NSF grant,
23 then a faculty member would probably have to generally keep
24 track of, sort of, how much time they're spending, and so forth
25 and so on.

1 We've had a series of conversations over the past year as
2 a faculty about doctoral student support and so forth and so
3 on, and I think that the clear consensus is the 20 hours is,
4 sort of, like a notional 20 hours. It's, sort of this -- this
5 is a, sort of, a sense of the amount of time that you'll be
6 spending doing this kind of apprenticeship activity.

7 Q Um-hum.

8 A But in point of fact, it's quite flexible. So, there are
9 times in the school year where a student will be like, I am
10 flat out with coursework, it's midterms, it's finals, I need
11 more time to do that. Faculty are inevitably like that's
12 perfectly fine. Go work -- you know, work on your school work.

13 And furthermore, what makes this really sort of
14 challenging when you're, sort of, thinking about how you, sort
15 of, are -- sort of, like piece out, you know, sort of,
16 articulate what the different parts of a student's time are, is
17 that there's a lot of, sort of, gray area between different
18 activities. So, if a student is taking a course on -- if a
19 student's working with me and they're taking a course on higher
20 education reform and we're doing research on higher education
21 reform, and they're doing a literature review, trying to
22 understand how higher education reforms occur in different
23 institute -- national contexts, is that work for the class? Or
24 is that work for me in my 20 hours? It's just hard to know. I
25 mean, a lot of these activities are just not neat and clean,

1 because it's all, sort of, like developing them as scholars.

2 So, I don't know of anyone who's sitting around marking
3 the time that they're spending. So, I would look at other
4 letters to see this.

5 Q Okay.

6 A I don't think it's standard. So, what I don't know is
7 whether in the case of this particular faculty member, they may
8 have had a particular kind of grant that did specify that they
9 do that. It's definitely possible. I know it's the case for
10 NSF. I just don't know in this particular context.

11 Q So, if -- so, if the research the faculty member's having
12 the student work on is NSF funded, and there was a lot of gray
13 area, well they would just have to figure out what was the
14 time --

15 A Absolutely.

16 Q -- it was for the NSF, right?

17 A You would have to -- or you would have to make arbitrary
18 and certain decisions about it, one way or the other.

19 Q But you wouldn't be telling NSF that you're doing that?

20 A No. You would have to, sort of, make certain decisions
21 and just do it. I agree, yeah.

22 Q And it looks like on the last page here, that -- I mean,
23 you had a -- I think you had in the offer letters you -- or
24 admission letters, you had an acceptance form. This looks --

25 A Right.

1 Q -- like a research assistantship has an acceptance, too?

2 A Yeah. That's right.

3 Q Do students ever decline -- do students ever check off the
4 box that says "I regret I will not accept the research
5 apprenticeship"?

6 A So, you know what, I don't know of any case where that's
7 happened. But, I will say that again, what we generally try
8 and do is, the students that we really want to have come in and
9 work with us, we try and figure out another arrangement. So,
10 if there's something that's just it's a bad fit or whatever,
11 you just try and figure out a better fit if you can. I don't
12 know of any instance where, "No, not going to do it." But.

13 Q Do you know what a FLAS Fellowship is?

14 A I don't think I do.

15 Q F-L-A-S, an acronym?

16 A I don't know what it is. Do you know what the acronym
17 stands for that? Can you help me?

18 Q Well, I'm going to show you something --

19 A Okay.

20 Q -- to see if you can explain it to me.

21 A Okay. Fine. All right, I hope I can, but.

22 Q If you can't, I don't know who can.

23 (Petitioner's P-42 marked.)

24 BY MS. ROSENBERGER:

25 Q I've handed you a document marked Union Exhibit 42. Go

1 ahead and take a look at that and let me know when you've had a
2 chance to review it.

3 (Witness examined the document.)

4 THE WITNESS: I do know what this is.

5 BY MS. ROSENBERGER:

6 Q Do you recognize it?

7 A I do now know what it is.

8 Q Okay.

9 A I'm sorry. I was -- it was because I wasn't connecting it
10 to the Middle East Center, but once I saw that --

11 Q Okay.

12 A -- then I -- yeah.

13 Q So -- so, well first, let me have you identify what is
14 Union Exhibit 42?

15 A It looks like it's another acceptance letter. I'm trying
16 to think --

17 Q Well, it's dated in August, so is it an assignment letter?

18 A Oh, yeah, no, this would be your assignment, I suppose.

19 So, can I explain what the FLAS is and that might help --

20 Q Please do.

21 A -- sort of, like --

22 The FLAS is a particular kind of fellowship that the
23 Middle East Center offers for students whose dissertation
24 research is going to require significant development of
25 competency in languages. Particular languages. And so

1 essentially what happens is, a student will come in, and in
2 this case the student's been accepted, congratulations, you got
3 this fellowship, blah, blah, blah. You're going to go --

4 Q Right.

5 A -- do this FLAS Fellowship. This -- because it's their
6 first year, this -- this student will essentially go do their
7 FLAS Fellowship for this year. And then their four-year clock
8 will start the year after that. Do you know what I mean?

9 Q I understand.

10 A Yeah.

11 Q So, their program is longer?

12 A Yes. Because -- by virtue of the fact that they got
13 this -- this special fellowship.

14 Q So, a person in the -- and does this only happen in the
15 first year? A FLAS Fellowship?

16 A I think that's the only time I know of it happening. I
17 don't know if it happens in other years.

18 Q Okay. But in any event, whatever year it happens in, the
19 person is not -- is, sort of, doing the FLAS Fellowship piece,
20 the language piece?

21 A Right. It's a pause, essentially, in the -- yeah.

22 Q And they might be traveling for that language study, for
23 the entire year?

24 A Conceivably. I actually don't know enough about the
25 details of how the fellowship is -- is organized in the Middle

1 East Center. But it's -- but it's essentially for language
2 acquisition.

3 Q And what's the Middle East Center?

4 A Middle East Center is just one of the many centers at Penn
5 focusing on particular issues. In this case, issues related to
6 the Middle East. So, we have centers for the Middle East,
7 India, South East Asian studies and so forth and so on. It
8 just focuses on different areas of the world and -- so scholars
9 who come from different, you know, from different schools who
10 are interested in those areas of the world will come and share
11 research together, and so forth and so on.

12 Q Master's students can apply for a graduate assistantship;
13 isn't that right?

14 A Yes. Yeah.

15 Q And is that competitive? Or what -- how does that work?

16 A So, I think the process varies a great deal from division
17 to division. My -- I'm trying to think about how it works in
18 Higher Ed.

19 So, in Higher Ed, we hire a couple of master's students in
20 different programs that will serve as Gas the spring before
21 they're going to come in for their master's years. So, that's
22 when you're doing, sort of, like interviewing of people and
23 stuff like that and trying the right fit. Often, we'll do that
24 in just -- within the Higher Ed division, during Accepted
25 Students Days, so these are students -- a bunch of students who

1 likely have been admitted, come and check out the program, and
2 blah, blah, blah and then you'll do interviews for those
3 positions at that time.

4 I don't honestly know how it works at a lot of the other
5 divisions, but it's probably -- it's -- I would guess it's
6 something similar.

7 Q Okay.

8 MS. ROSENBERGER: Oh, you know what, I didn't move -- what
9 am I -- okay. Can I, before we get to this, can I move for
10 admission of Union's Exhibits 41 and 42, please?

11 MR. JOHNS: No objection.

12 MS. ROSENBERGER: Thank you.

13 HEARING OFFICER LEACH: 41 and 42 are received.

14 (Petitioner's P-41 and 42 received.)

15 HEARING OFFICER LEACH: 40 was already done, right?

16 COURT REPORTER: Yes, ma'am.

17 HEARING OFFICER LEACH: Okay.

18 (Petitioner's P-43 marked.)

19 BY MS. ROSENBERGER:

20 Q So, Dr. Hartley, I've put in front of you a document --

21 A Sure.

22 Q -- marked Union Exhibit 43. Do you recognize that?

23 A I actually have never seen this before, so I don't -- I
24 don't know it. I just haven't seen it.

25 Q Well, let me ask you this about it; I mean, I'll represent

1 to you that I got it from --

2 A Oh, no, I'm sure --

3 Q -- from Penn's counsel.

4 A -- you have. I don't -- I don't doubt it. I just don't
5 remember having visually seen it before.

6 MR. JOHNS: That of course does not mean that this
7 witness --

8 MS. ROSENBERGER: No, of course not.

9 MR. JOHNS: -- can testify about it.

10 MS. ROSENBERGER: Of course not. But I --

11 BY MS. ROSENBERGER:

12 Q But let me ask you this about -- on the second page, where
13 it says "Invitation to apply to graduate assistantship." It --
14 in the third sentence that starts the -- towards the end of the
15 third line, it says, "If hired as a GA, you will be required to
16 perform 167 hours of academically related work over the fall
17 and spring semesters at Penn GSE while completing your academic
18 program." And then it talks about the hourly rate, right?

19 A Um-hum. Um-hum.

20 Q Is -- in -- to your knowledge, is that -- does that
21 reflect how a graduate assistantship works in your experience,
22 as opposed to knowing it from this document?

23 A The way that I think about master's graduates, which I
24 think conforms to this, is it's basically like five hours a
25 week, you get paid \$3500.

1 Q Okay.

2 A That's sort of what the shorthand in my head is.

3 Q Okay.

4 A And it seems to conform to what's here, yeah.

5 Q And it's typically research related work?

6 A It really varies considerably. So, I would say that for
7 the vast majority of master's graduate assistantships there's
8 clerical work, there's research support. So, they might be,
9 sort of, helping, sort of, logistics or things like that. They
10 may be sitting at a desk helping admissions. They may be
11 working at a particular center. It kind of -- it's -- the
12 range is huge.

13 Q But at least it's supposed to be academically related?

14 A Yeah, because if you're sitting there -- I mean, if you're
15 a Higher Ed student and you want to get a job in admissions,
16 then sort of sitting at the front desk dealing directly with
17 students is a good training ground for you.

18 Q Okay.

19 A I'm not saying it's always perfect the way that the things
20 are configured, but it's like that's what the hope is, at least
21 as many as you can. Sort of, configure them that way.

22 Q Are you familiar with a classification in -- given your
23 prior testimony you may not be --

24 A Sure.

25 Q -- and so just tell me.

1 A No, no, sure.

2 Q The classification called "student worker."

3 A I don't know what that is, yeah.

4 Q Okay.

5 MS. ROSENBERGER: I'm going to move for admission of Union
6 Exhibit 43. I don't know if you have an objection to it.

7 MR. JOHNS: No objection.

8 HEARING OFFICER LEACH: Union 43 is received.

9 (Petitioner's P-43 received.)

10 (Petitioner's P-44 marked.)

11 BY MS. ROSENBERGER:

12 Q I've handed you a document marked Union Exhibit 44. Go
13 ahead and take a look at that.

14 A Sure.

15 Q And let me know when you've had a chance to familiarize
16 yourself with it.

17 A You bet.

18 (Witness examined the document.)

19 BY MS. ROSENBERGER:

20 Q Do you recognize that?

21 A Sure.

22 Q What is it?

23 A It's -- it's the letter that the student receives towards
24 the end of the summer indicating who they're going to be placed
25 with, except it's -- it looks -- I think it's an accepted Ph.D.

1 student, although I'm not sure it says that.

2 Q Well, that's --

3 A Does it say that?

4 A So, that's what I wondered about, because if you look
5 at -- if you put that next to Union Exhibit 41.

6 A Oh, shoot, where's that one? Yeah.

7 Q They appear similar in format, but it doesn't make
8 reference to the Ed.D. program particularly --

9 A Right.

10 Q -- right?

11 And the other thing I wanted to ask you about, because
12 it's different than Union 41 is. On Union 44, in that first
13 paragraph, it says, "As part of your apprenticeship
14 requirement, I'm pleased to appoint you as a research fellow to
15 Doctor," and then it's redacted. The name is redacted.

16 So, is --

17 A Yes. I'm sorry; I don't know the difference between a
18 research assistant or research fellow.

19 Q Okay.

20 A I -- yeah, it's a great point --

21 Q That was my question.

22 A -- but it's like I really don't know the difference. We
23 certainly don't talk about those two things as being, sort of,
24 different. I'm puzzled by it.

25 Q So, both of these letters, Union 41 and Union 44, are

1 signed by someone named Joyce A. Cook, Business Manager.

2 A Yeah.

3 Q Is that the person who handles, sort of, these sorts of
4 assigns generally and financial matters?

5 A She would.

6 Q Okay.

7 A Yeah.

8 Q We've heard in some other graduate groups, reference to a
9 graduate program coordinator who does that sort of thing.
10 Is -- do you have someone in a separate role like that? Or is
11 that essentially Ms. Cook?

12 A No. I think -- I think Joyce would be that person, yeah.
13 She handles her -- a lot of the -- sort of the, more or less
14 the business end of things, you know, these kinds of things.
15 That's right.

16 Q Okay.

17 MS. ROSENBERGER: I move for the admission of Union
18 Exhibit 44.

19 MR. JOHNS: No objection.

20 HEARING OFFICER LEACH: Union 44 is received.

21 (Petitioner's P-44 received.)

22 BY MS. ROSENBERGER:

23 Q Your Ed.D. and Ph.D. students perform their research
24 apprenticeships with faculty in the GSE; isn't that right?

25 A The Ph.D. students do.

1 Q Um-hum.

2 A Ed.D. students, their RAships can be in other parts of the
3 university.

4 Q Okay. Can you give some examples?

5 A Sure. So -- so, there's the Philadelphia Writing Project,
6 which is within GSE, so it's helping coordinate, sort of,
7 literacy activities in the community. The Weingarten Learning
8 Resource Center, which is a center that Penn has to help
9 students, of all kinds, with their writing and stuff like that.
10 That would be another placement that would be outside of GSE.

11 Q Is it within any school?

12 A It's not. I think it's just a university, sort of,
13 center. So, and those are, sort of, the -- that would be an
14 example of something that would happen outside of the school,
15 yeah.

16 Q Okay. But regardless, for purposes of if an issue arose
17 of -- I'm just going to give a hypothetical of --

18 A Sure.

19 Q -- if there was a student, an Ed.D. student assigned to
20 the Weingarten Center, and an issue arose with regard to their
21 performance there --

22 A Yeah.

23 Q -- something, that would be reported back thorough the
24 graduate group at GSE, right?

25 A It would.

1 Q Okay.

2 A That's right.

3 Q And so their -- your students, regardless -- students who
4 are in your programs, regardless whether they are doing their
5 research apprenticeship in -- with someone in GSE or outside
6 GSE, they are responsible to the graduate group in GSE?

7 MR. JOHNS: I sort of object to the form of what -- what
8 that means.

9 THE WITNESS: I'm just confused by "responsible to"
10 what -- it was

11 HEARING OFFICER LEACH: Can you restate the question?

12 MS. ROSENBERGER: Sure.

13 BY MS. ROSENBERGER:

14 Q They're overseen by the graduate group?

15 A Well, I guess I would put it -- let me see if I can --
16 I'll just sort of tell you, sort of, of how I think --

17 Q Sure.

18 A -- about it, and then this may or may not answer the
19 question.

20 So, a student who would be placed somewhere else, like
21 Weingarten Learning Resource Center, if something went south,
22 either their -- if they were dissatisfied or if the person who
23 was, sort of, supervising them was dissatisfied, typically what
24 would happen is that they would contact, you know, one of the
25 two of them would contact the chair of their division of the

1 division of the school about their --

2 Q Of the Graduate School of Education?

3 A Sorry; of the division within the Graduate School of
4 Education. And say, so-and-so seems to be, you know, having
5 some difficulty with this particular assign, or whatever. And
6 then if it came to a point where it couldn't be -- somehow if
7 the chair couldn't resolve it, and sort of, get it to a point
8 where things were working smoothly again, it might then come up
9 to me to, sort of, like figure out is there another placement
10 that we might find for this student? Do you know what I mean?

11 Q Yes.

12 A So, that's, sort of, how I think about it.

13 Q That's helpful. Okay. And when -- just so I'm clear in
14 terminology, so within your divisions, you have people who
15 function as chairs of --

16 A Chairs.

17 Q -- those divisions?

18 A That's right.

19 Q Okay.

20 A Exactly.

21 Q But there's -- they're all part of the same graduate group
22 of which you are chair?

23 A Exactly. That's exactly right. Yeah.

24 Q Okay. And the Graduate School of Education has its own
25 policies that are specific to the programs in -- in your

1 graduate group; isn't that right?

2 A Yeah. I mean, there are certainly. Yes, we have our --
3 we have policies. I can say that for sure.

4 Q Yeah. That don't apply outside your school is what I
5 mean.

6 A Yeah. I think that they're -- yeah, within Penn there
7 could be some variation. I mean, there's certain things that,
8 you know, they're -- yes. Yes.

9 Q And when -- my apologies if I asked this already, I
10 don't --

11 A No, no, that's all right.

12 Q -- remember asking it, but when graduate students in
13 GSE -- doctoral students in GSE are teaching, they're teaching
14 within GSE?

15 A Right. That's right.

16 Q And like individuals -- doctoral students doing research
17 apprenticeships, if there were an issue to arise with regard to
18 their teaching or their teaching assistantship, would it have
19 the same, I'm going to use the term "reporting structure," but
20 basically would it follow the same process that you just
21 described where if someone was at the Weingarten Center and
22 there was an issue?

23 A Right. So, it would go first to the chair of the division
24 that was the -- sponsoring the course. And then if it couldn't
25 be resolved, it would go further up. Yeah. That's exactly

1 right.

2 Q Okay. When you talked about the total faculty in the
3 Graduate School of Education, you used a term that I don't
4 remember hearing before here, so I would like to see if you
5 could define it for us.

6 A Sure.

7 Q You said there are 40 standing faculty. We heard what
8 they are.

9 A Uh-huh.

10 Q And then you said "40 affiliated." What does that mean?

11 A Affiliated faculty are just faculty that are not on the
12 tenure track. At GSE, unlike some other schools, medical
13 schools, some of the other schools have like clinical tracks;
14 we don't have, sort of, clinical tracks. But the -- we have
15 faculty members who have deep experience in practice in a
16 number of different areas. And so, they're really important to
17 bring their voices to the classroom so that the students can
18 learn about what happening in -- in the world of practice. And
19 so, those are the affiliated faculty members.

20 So, they aren't -- they're on typically multiyear
21 contracts, that kind of thing, but not -- not on a tenure
22 track. Many of them don't -- some of them do, and some -- but
23 many of them don't do research. They're focused more or less
24 on teaching.

25 Q Okay. And the -- the 40 standing faculty are all part of

1 the graduate group, right?

2 A That's exactly right. Um-hum.

3 Q Are the affiliated faculty part of the graduate group?

4 A They are -- they are not part of the Ph.D. graduate group,
5 no.

6 Q Ed.D. graduate program?

7 A There is a separate Ed.D. graduate group that's comprised
8 of all standing faculty members, all practice professors. So,
9 the practice --

10 Do you know what a practice professor is?

11 Q I'm assuming they are someone -- one -- a subset of the
12 affiliated faculty?

13 A Exactly. So, it's -- and it's people who, you know, are
14 hired because of particular kinds of expertise in practice.

15 And then anyone else from that affiliated group, that that
16 first group decides to vote to include them.

17 It -- typically the people who end up on the Ed.D.
18 graduate group are people who serve on Ed.D. dissertation
19 committees. So, do you know what I mean?

20 Q Yeah.

21 A So, it's the people that get voted on are typically people
22 who have, you know -- are serving on those kinds of committees.
23 So, it's often why they get voted on. Usually why they get
24 voted on.

25 Q Okay. And then the 30 --

1 A And --

2 Q Oh, I'm sorry.

3 A I'm sorry. No, the other thing I just want to mention is
4 that typically we make decisions as a faculty, unless it's
5 particular decisions around hiring or some, you know, personnel
6 matters where only certain discrete classes can -- can vote.
7 Typically, we make decisions on the basis of consensus. So,
8 there's not a lot of, like, let's have a separate meeting in
9 the Ed.D. graduate group and let's have a separate meeting in
10 the Ph.D. graduate group. That doesn't happen a whole lot.

11 Q Okay. That -- the 35 faculty with secondary appointments
12 in GSE are standing faculty in other departments?

13 A In other -- other schools, that's exactly right. Yeah.

14 Q And they -- and are they on the -- part of the graduate
15 group?

16 A They are. Um-hum. Yeah.

17 Q Okay. But for purposes of the work they do as part of the
18 GSE graduate group, they have the same -- they fall within that
19 division up to you structure, right?

20 A Yeah. Yeah.

21 Q Are you in any graduate groups other than the GSE graduate
22 group?

23 A I am not, no.

24 Q So, if the -- you testified that the average time to
25 completion for, let's say a Ph.D., is about five and a half

1 years, right?

2 A Um-hum.

3 Q You need to say "yes" or "no."

4 A Yeah. Sorry, yes. Thank you. Yeah. Yes.

5 Q And but the funding package is only for four years, right?

6 A Yes.

7 Q So, what do Ph.D. students typically do in their last
8 effectively three terms or, you know, that last year and a half
9 to, you know, put food on the table?

10 A Yeah. So, there's one or two things that happens. A
11 student -- well, there are several things that can happen.
12 First of all, a student -- and a number of students do receive
13 further funding beyond Year 4. That is, they get attached to
14 grants and continue to work, so that happens to a portion of
15 them.

16 There are also students, once you're through with your
17 four years of funding, it's, you know, a student can have --
18 have employment elsewhere.

19 You also go to what's called dissertation status, so the
20 tuition rates drop considerably.

21 Q Okay.

22 A So, it's not that full amount, all, you know, in
23 perpetuity. There's -- there's a dissertation fee that's much
24 lower, like after you, sort of, go on dissertation status.

25 Or if students just, you know, they'll take out loans and,

1 sort of, just finish up that way.

2 Q Okay. When you say they might get employment elsewhere,
3 what -- do you mean outside of Penn? Or do you mean --

4 A Could be in Penn. Or --

5 Q Okay.

6 A -- you know, elsewhere in the area. Things like that.

7 Q And there's no require -- so, there's no prohibition on
8 doing that once they're in --

9 A Once you're -- once you're past the funding.

10 Q The funding.

11 A Right.

12 I think -- I think it's fair to say that there has been,
13 both the previous dean and the current dean have been
14 encouraging dialogue in the school of -- of pushing programs to
15 think about how they can support students so that they can get
16 done in four years, because obviously no one wants students to
17 be, sort of, you know, taking on, you know, large debt and so
18 forth and so on. But -- but there is -- there is that gap.

19 Q And how many years are students typically taking classes?

20 A Two. Two -- between two and three. Something like that.
21 Depend -- depending on -- a lot of this depends on what
22 they're -- you know, their discussions with their advisors,
23 things like that. Do they already have a master's degree and
24 that are bringing in some credits? That can, sort of, affect
25 it.

1 Q Okay. There was one point in your testimony when you were
2 talking about the elements of the funding package for Ph.D.
3 students.

4 A Um-hum.

5 Q You gave the basic four elements, and the you said -- you
6 were talking about the letter that comes in August that
7 specifies a placement of the -- for the GAship aspect of your
8 program.

9 A Yeah.

10 Q When you said "GAship," were you talking --

11 A RA.

12 Q -- the research apprenticeship?

13 A Yeah, I should have said that, yeah. Research
14 apprenticeship. So that's right, yeah.

15 Q You've had graduate students co-author papers with you?

16 A Um-hum.

17 Q Is that a "yes"?

18 A Yes. Sorry, I keep forgetting to do that. Yes. Yes.

19 Q It's okay. And when you do, you're -- both your names are
20 on the paper, right?

21 A For sure.

22 Q And that maybe helpful to the graduate student, obviously.

23 A Yeah.

24 Q But it's also something that goes on your Curriculum
25 Vitae?

1 A Sure.

2 Q Yeah.

3 A It's collaborative work. I mean, that's what you're
4 doing, is you're sort of working alongside them with these
5 things, and their contributing and you're contributing, and on
6 the basis of who's contributing more, that generally dictates
7 whose name appears first.

8 Q Yeah. We've heard different -- that works differently in
9 different fields.

10 A It does. Different disciplines actually do that in
11 different ways. That's exactly right.

12 Q But in education, it's typically the amount of --

13 A Contribution.

14 Q -- what's the amount of work?

15 A Contribution, yeah, in terms of just -- it's - it's
16 something of a negotiation, but it has to do with, you know,
17 who, you know, who launched the project to begin with? Who
18 came up with the original idea? Who took the leadership in
19 terms of gathering the data? What -- who contributed in terms
20 of the data analysis? It's kind of all those things and it's
21 often -- it's often, sort of, worked out more towards the
22 beginning. Like, you get the sense of you're going to take the
23 lead on this, and sort of, the student does. And then -- or --
24 or you're already working on something and a student, sort of,
25 expresses interest and you're like, well hop on board, that

1 kind of thing. So.

2 Q Okay. But it's something, as I understand you, it -- in
3 that -- in general in your field, it's negotiated between the
4 authors, whoever they may be?

5 A That's right.

6 Q So, if it's you and your graduate student, it's negotiated
7 between you and your graduate student?

8 A Very true. And same if I were working with a colleague
9 elsewhere who's no longer a student, who's a faculty member,
10 it's just, you know, who's going to take the lead on this, that
11 kind of -- that's right. Yeah.

12 Q If I understand you correctly, teaching assistantships for
13 teaching is not required for any of your degrees?

14 A It's not. No.

15 Q That's totally up to the student?

16 A Well -- can I make an exception to that?

17 Q Sure.

18 A In that if you're in specifically the teacher education
19 program, there is a practicum in terms of spending time in a K
20 through 12 classroom that might be an aspect of the degree. Do
21 you know what I mean?

22 Q Yes.

23 A But not -- not the teaching that we're talking about in
24 terms of a person teaching a class kind of thing, no.

25 Q Teaching --

- 1 A That's not --
- 2 Q -- teaching a master's level class?
- 3 A Right. That's not.
- 4 Q Or being a teaching assistant --
- 5 A Exactly. No.
- 6 Q -- to a faculty member within GSE?
- 7 A Exactly. Yeah, not required.
- 8 Q Have you had a research apprentice -- I assume research
- 9 apprentices work with you?
- 10 A Yes.
- 11 Q And have you -- I know from your CV that you've published
- 12 a few books, yes?
- 13 A Yeah. Yes. Yes.
- 14 Q Have you had research apprentices help you with books that
- 15 you've published?
- 16 A There is a book, Knowledge for Social Change, that just
- 17 came out, of which an author and a student -- one of my
- 18 doctoral students who I work -- well, I'm her advisor, is a
- 19 co-author.
- 20 Q Okay.
- 21 A We don't have -- she doesn't happen to have a research
- 22 apprenticeship with me because she's a part-time Ed.D. student.
- 23 But she's a co-author, yeah.
- 24 Q And is it the same process that you described with regard
- 25 to articles --

1 A Yes.

2 Q -- that it's a negotiation?

3 A Very much so. Yeah. And there's several -- there's
4 several other authors of that book, as well, and it would --
5 they were all -- we were all part of that process of like,
6 yeah, how do you sort that out. Yeah.

7 Q And what's the -- why is it important to publish as a
8 faculty member?

9 A Yeah. Well, I -- you -- abstractly it's important to
10 public because what we want to do, is we want to get our ideas
11 out in the world, you know, to -- to expand knowledge and --
12 and to improve the world. It's important for the development
13 of a scholar to show their ability to do the level of work that
14 will pass through a peer review and actually be published. So,
15 it's basically, you know, a mechanism that we use to show that
16 a -- that a person was able to do high level scholarly work.
17 And that's important for the students to then be able to go and
18 be competitive for whatever sorts of positions that they want.

19 If they want to be at a think tank, it's important to show
20 your ability to do research and to perform at a high level.
21 It's really important for faculty positions, as well.

22 Q And it has the same -- I mean, that was -- you got ahead
23 of me to my next question --

24 A Oh, so, yeah.

25 Q -- about why it's important to for graduate students, too.

1 But it has that same -- it's also important to show the level
2 of work that a faculty member does, right?

3 A Yes. For sure. Absolutely right.

4 Q But I gather from what you're saying about the importance
5 for showing what a graduate student can do, that's sort of in
6 line with what you had testified about on direct about it being
7 an apprenticeship?

8 A Right.

9 Q Where they're sort of showing that they -- they're --
10 they're adept in this craft of --

11 A Right.

12 Q -- scholarship?

13 A Right. Right.

14 Q Okay.

15 A Right. And that's why it's not atypical to, sort of see.
16 I mean, it's very common to see students who are working with
17 faculty members, once they've developed their skills they might
18 become co-authors with something. And then as they move
19 forward, they're the sole authors, because ideally you, you
20 know, if you can, it's great to have a single authored piece
21 that -- that the student has done so that they can demonstrate
22 this is -- this is mine.

23 Q And -- and so that they also contribute to the knowledge
24 in --

25 A Yes.

1 Q -- the field, right?

2 A Absolutely. That's right. So, they begin --

3 Q That's --

4 A -- to emerge as their own independent scholar. Right.

5 Q And that's the point of that aspect of academic pursuit,
6 right?

7 A Right. For sure. Absolutely. Yes.

8 Q Do students from time-to-time in GSE work as graders?
9 Separate and apart from research assistantship or research
10 apprenticeship?

11 A So, I guess I would say that it's certainly the case that
12 a teaching assistant might be part of a team that will evaluate
13 students, for sure. So, yes.

14 Q But not -- but you're saying it would be part of their
15 role as a teaching assistantship if they chose to take that
16 role on?

17 A Yes.

18 Q Not -- you're not thinking of it in terms of a separate
19 role as a -- solely a grader?

20 A That's exactly right.

21 Q Okay. And what about tutors, do -- do people take on
22 tutoring positions in GSE? Separate from research
23 apprenticeship.

24 A Right. I mean, certainly informally that happens a lot
25 with students just helping one another out. And I guess

1 formally you could say that for the students who are working at
2 places like the Weingarten Learning Resource Center, which is
3 where it was either a job they would do that, but there's no,
4 sort of, formal position of tutor, no.

5 Q Okay.

6 MS. ROSENBERGER: Okay, that's all the questions I have
7 for you right now. Thank you.

8 THE WITNESS: Okay. Thank you very much.

9 MR. JOHNS: Just a few follow-up questions.

10 THE WITNESS: Oh, sorry, Dan.

11 MR. JOHNS: Yeah, no, you're not done.

12 HEARING OFFICER LEACH: Not yet.

13 THE WITNESS: No, that's all right. I'm sorry.

14 MR. JOHNS: Yeah, not much. And Ms. Leach may have some
15 questions for you, as well.

16 THE WITNESS: Oh, sure.

17 MR. JOHNS: I won't take long --

18 THE WITNESS: No, no.

19 MR. JOHNS: -- Dr. Hartley.

20 THE WITNESS: That's fine.

21 REDIRECT EXAMINATION

22 BY MR. JOHNS:

23 Q So, you had a student co-author a book with you?

24 A Yes.

25 Q And they're listed as one of the authors on that book?

1 A Yes.

2 Q They would receive any royalties from the sale of that
3 book?

4 A They will. They will get fabulously rich along with the
5 rest of us. Yes.

6 (Laughter.)

7 MS. ROSENBERGER: Let the record reflect everyone is
8 laughing at that.

9 THE WITNESS: That's -- yes, thank you. Right. For the
10 50 libraries that purchase it.

11 BY MR. JOHNS:

12 Q Let me ask it a different way. To the extent there are
13 royalties --

14 A Yes.

15 Q -- the student would share in that --

16 A Yes. Absolutely.

17 Q -- how about that?

18 A Yes. Yes, thank you.

19 Q Okay. Co-authorship of a book helpful to the student in
20 finding a job?

21 A It's extremely helpful. Co-authorship of any major piece
22 of work, whether it's a book or a peer reviewed article is
23 very, very helpful. Yes.

24 Q Now, you just sort of talked about, sort of, the
25 development of the scholar. What do you view your role with

1 respect to the mentoring of graduate students -- Ph.D. students
2 who come through the program? What is that faculty member's
3 role with respect to their development?

4 A Yeah, the faculty member's role is to essentially provide
5 a -- it's to be their guide and their mentor. And so, you
6 know, there are so few doctoral students that we have, either,
7 you know, Ph.D. students or those, sort of, traditional
8 Ed.D.'s, that you work very, very closely with them in this
9 apprenticeship mode. And so, you're trying to, sort of, think
10 aloud with them about whether their work -- you know, first of
11 all, what are their goals? What do they want ultimately
12 when -- when they graduate? And then on the basis of that,
13 what are the series of courses that we want to, sort of -- that
14 they might want to take in order to, sort of, reach those
15 goals? What are research experiences that would be good for
16 them to have? And then it's, sort of, working with them to,
17 sort of, help them early on build the skills and then to, sort
18 of, be able to display it and -- in publications so that they
19 can go in the job market and be successful.

20 Q And is another manner in which they display those skills
21 the dissertation work product they would have?

22 A It's extremely important because that's -- even if a
23 student is not able to get to the point where they have, sort
24 of, a solo authored, peer reviewed piece, the dissertation
25 itself is a very big body of work that they can point to that

1 is their own. So, it's extremely important.

2 Q If you could just take a moment to look at Exhibit U-42.
3 You see that? Actually, put both U-41 and U-42 in front of
4 you.

5 A Sure.

6 Q So, U-42 is an example of a student in GSE who received a
7 FLAS Fellowship from something called the Middle East Center?

8 A Yes.

9 Q Do you know what the Middle East Center is? Where -- in --
10 -- is it located at -- School?

11 A I think it's arts and sciences. But to be honest, I don't
12 know. I mean, I know of the Middle East Center, but I don't
13 know where it's located within Penn.

14 Q Got it. Is that an interdisciplinary center?

15 A Yes. For sure.

16 Q All right. With respect to the FLAS Fellowship, is there
17 anything listed in U-42 that talks about keeping track of the
18 hours with respect that they're putting in for a stipend?

19 A I'm sorry, for 42, is that what you're saying?

20 Q Yeah, U-42.

21 A Got you. Um-hum. I don't see that in here, no.

22 Q And then if you look over to U-41, where is that notation
23 talking about keeping up hours for audit purposes at the end --

24 A Yes.

25 Q -- are NSF grants sometimes subject to auditing by the

1 Federal Government or the funding agency, I guess?

2 A They are.

3 Q Okay.

4 A Yeah.

5 Q And the audit purposes, is that the audits that -- that a
6 letter like this would be referring to --

7 A Yes.

8 Q -- or those types of letters?

9 A I just don't know whether this particular one had an NSF
10 grant. It just -- but that's an example of how that would have
11 to happen.

12 Q Okay. And with respect to students who worked with you as
13 research apprenticeships, do you require that they keep track
14 of their hours?

15 A I don't. I mean, we have -- we're talking with each other
16 multiple times each week on the various things that we're
17 working on, and so it's -- and again, part of what this comes
18 down to for me is, that it is, as I tried to describe earlier,
19 it's just very difficult to, sort of, like neatly and cleanly,
20 sort of, delineate which of these activities fit into your
21 work, you know, in the research apprenticeship versus the work
22 that you're doing in classes and so forth and so on. And so,
23 it's more or less we're all just working on our work together.

24 Q If you could look at Exhibit E-50 just for a second?

25 A Yes.

1 Q You were asked some questions by Ms. Rosenberger about,
2 sort of, the Dean's Fellowship versus the research
3 apprenticeship.

4 A Uh-huh.

5 Q In your mind -- or have you ever seen the Dean's
6 Fellowship to be separated from an award of RAship?

7 A It's funny, it's -- I don't -- I don't think of them as
8 separate. I just think of the Dean's Fellowship as being this
9 is what we're giving you fully support you during this period
10 of time. That's --

11 Q And that would include all the elements you spoke of,
12 including the research apprenticeship?

13 A Yeah.

14 Q Can you look at Exhibit U-40?

15 A Yes. Um-hum.

16 Q There is that section that you were asked about a little
17 bit that says, "Will you be in the same location as the
18 student? And do you commit to communicating with the student
19 at least weekly to provide guidance?" Do you see that?

20 A Yes, I do.

21 Q Does that communication have to be face-to-face?

22 A It does not.

23 Q Okay. What forms might it take that are not face-to-face?

24 A Phone or Skype are the most common for sure.

25 Q So, a student could communicate with a professor by Skype

1 when they're elsewhere?

2 A Yeah.

3 Q That would satisfy that requirement?

4 A It would. It's even possible for -- because some students
5 are in very remote locations. It's even possible to do it by
6 email if that's the way it has to be. I mean, if you don't
7 have any Wi-Fi or any other connectivity then --

8 Q And with respect to that, it says, "Will you be in the
9 same location as the student?" Do faculty members sometimes
10 travel during the summer in order to perform field research
11 with students who work with them?

12 A They do.

13 Q And would it be typical for faculty members to do that in
14 the summer, as opposed to the fall or spring academic term
15 because during those terms they would have the obligation to
16 teach courses and other types of obligations like that?

17 A Yeah. The summer's really an important time for -- for
18 both faculty and doctoral students to do field work, just
19 because there are no other obligations in terms of teaching and
20 things like that. So, it's a really important, sort of,
21 unstructured time or time that can be structured for the
22 purposes of research, I guess, I would put it.

23 Q With respect to the apprenticeships that are referenced
24 in, I guess, E-41, E-42, E-43 [sic], are any of those
25 apprenticeships paid on an hourly basis?

1 A Not that I know of.

2 Q They're just paid a stipend on a monthly basis?

3 A Yes.

4 MR. JOHNS: That's all I have, thank you.

5 Ms. Leach may have some questions.

6 THE WITNESS: Sure.

7 MR. JOHNS: We're getting there.

8 THE WITNESS: Yeah, no, that's fine.

9 MR. JOHNS: It's Friday afternoon.

10 THE WITNESS: No, that's fine.

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

12 MS. ROSENBERGER: I do.

13 THE WITNESS: Sure.

14 MS. ROSENBERGER: Just briefly.

15 REDIRECT EXAMINATION

16 BY MS. ROSENBERGER:

17 Q First of all, if you look at U-42 --

18 A Sure. Yes.

19 Q -- so, that's the one with the FLAS Fellowship, right?

20 A Yes. Um-hum.

21 Q But it -- but that FLAS Fellowship is in addition to the
22 Dean's Fellowship, right?

23 A So, the way the FLAS works, is this sort of like inserts
24 itself into -- it's -- inserts itself into a particular year,
25 so that the student doesn't lose the four years. Do you know

- 1 what I mean?
- 2 Q Um-hum.
- 3 A Does that make sense?
- 4 Q Yes.
- 5 A Does that -- okay.
- 6 Q So, and there's no requirement of a research
7 apprenticeship in Union 42, right?
- 8 A No. It's -- as I mentioned before, it's more language
9 acquisition, so --
- 10 Q Might that explain why there's nothing about keeping track
11 of hours here?
- 12 A It's quite -- quite possible. Certainly.
- 13 Q You talked about students taking on TAships as, sort of, a
14 substitute for the research apprenticeship, right?
- 15 A Yeah.
- 16 Q Do they sometimes take on TAships outside of the -- you
17 know, they're also doing their research apprenticeship, but do
18 it as, sort of, a separate assignment?
- 19 A No. You're --- at least during -- during the nine-month
20 academic year, it's -- it's that 20 hours. You don't want to,
21 sort of, encourage above and beyond that.
- 22 Q So, if they're doing it as a separate assignment, it would
23 be one of these summer assignments that you talked about?
- 24 A That's right. Yeah.
- 25 Q Which could be either teaching assistantship or teaching?

1 A Yeah.

2 Q And I assume the same -- am I correct in assuming that the
3 same is true of separate research assistantship assignments;
4 you wouldn't do -- or research apprenticeship, you wouldn't do
5 one in addition to the one that's part of your funding package
6 during the school year?

7 A Well, so the way that that typically works, is that that's
8 right. There's this 20 hour, sort of, more or less block of
9 time in which you're thinking about the student working in
10 terms of the research apprenticeship aspects.

11 It is possible for students to, sort of, with the support
12 of their advisor, to sort of work out other arrangements where
13 they might say, well, jeez, I'm going to work, you know --
14 because it would be good for the students development, why
15 don't you work with this other faculty member for a little bit
16 on their project, but you're going to reduce the amount of time
17 that you're working on the project for me, so that that 20
18 hours more -- in other words, you're not creeping it up and
19 making it much bigger. Do you know what I mean?

20 Q Yeah. But my question -- so, I get that you might have a
21 different combination of --

22 A Yes. Yes. Right.

23 Q -- people that you're working with, but the --

24 MR. JOHNS: We're well outside the scope of my redirect.

25 I mean, it's like --

1 MS. ROSENBERGER: Well, I'm try -- I'm trying to get -- I
2 really thought I was asking a very --

3 THE WITNESS: I'm -- I may have been --

4 MS. ROSENBERGER: I asked a different question.

5 MR. JOHNS: It's several different types of -- I don't
6 know. None of it is really responsive to that. We're now, you
7 now, well outside the scope.

8 MS. ROSENBERGER: All I really want to know is, is there a
9 separate paid -- like there is for TA and teaching, is there a
10 separate paid research job, other than the summer research --
11 Dean's Scholarship?

12 MR. JOHNS: I object to the form, because the Witness
13 testified that if they do the TAship during the time of their
14 research apprenticeship they're not paid separately.

15 MS. ROSENBERGER: I'm --

16 HEARING OFFICER LEACH: Right. But now she's asking it
17 about the research.

18 MR. JOHNS: In -- so is there a separate research position
19 in the summer; is that what you're asking?

20 BY MS. ROSENBERGER:

21 Q Other than the one that you already talked about, which is
22 that -- that Dean's piece, I'm just wondering if there's a
23 separate job that these people do. And if there's not, there's
24 not. That's all I want to know.

25 HEARING OFFICER LEACH: You can answer.

1 THE WITNESS: In -- in -- okay. So, if they're not -- if
2 they're not doing the Dean's Fellowship, they could choose to
3 do whatever they want in the summer months. So, they could go
4 and do an internship with some other group, but there wouldn't
5 be something on top of it.

6 MS. ROSENBERGER: Okay.

7 THE WITNESS: If that's what you're meaning. Okay.

8 MS. ROSENBERGER: Thank you.

9 HEARING OFFICER LEACH: Anything -- any follow-up?

10 MS. ROSENBERGER: No.

11 HEARING OFFICER LEACH: Okay. Are you okay? Do you need
12 to take a restroom break?

13 THE WITNESS: No, no, I'm fine. Thank you so much for
14 asking.

15 HEARING OFFICER LEACH: Okay. I don't have a lot of
16 questions, but --

17 THE WITNESS: No, that's all right.

18 HEARING OFFICER LEACH: -- I just wanted to be sure.

19 THE WITNESS: Sure.

20 HEARING OFFICER LEACH: Okay. Let's see

21 (Pause.)

22 HEARING OFFICER LEACH: Just -- I'm just reviewing to see
23 if I need to --

24 THE WITNESS: Oh, sure. Yeah, no, take your time.

25 HEARING OFFICER LEACH: -- follow-up.

1 THE WITNESS: There's no rush on my end.

2 HEARING OFFICER LEACH: I appreciate that.

3 (Pause.)

4 HEARING OFFICER LEACH: Okay, so I guess I could maybe
5 just summarize this. When you -- you talked about -- we've
6 talked about what you called graduate -- GSE Ph.D. students --

7 THE WITNESS: Um-hum.

8 HEARING OFFICER LEACH: -- right?

9 THE WITNESS: Yeah.

10 HEARING OFFICER LEACH: And then they are doing, as part
11 of their funding package, this graduate GAship, which is a
12 research assistantship?

13 THE WITNESS: That's right.

14 HEARING OFFICER LEACH: Okay. No teach -- they're not
15 required teach?

16 THE WITNESS: No.

17 HEARING OFFICER LEACH: Okay.

18 THE WITNESS: That's right.

19 HEARING OFFICER LEACH: And it says that -- I believe
20 it -- the letters, that they had to do that for -- once a year?
21 Do -- for Ph.D. students, how often are they -- how often do
22 they have to do their GAship?

23 THE WITNESS: The GAship is 20 hours a week during the
24 nine-month academic year.

25 HEARING OFFICER LEACH: For how many years?

1 THE WITNESS: Oh, sorry, for four years.

2 HEARING OFFICER LEACH: Okay.

3 THE WITNESS: Um-hum. Yeah.

4 HEARING OFFICER LEACH: And they receive funding as part
5 of doing that work?

6 THE WITNESS: The -- yes. The Ph.D. students, right.
7 Yes.

8 HEARING OFFICER LEACH: This may be a silly question, but
9 what would happen if someone in a Ph.D. student [sic] did not
10 do the, you know, do the GAship? Or has that never happened?

11 THE WITNESS: It's really never happened.

12 The only thing that has happened in the past is that we
13 have students who just, for whatever reason, it hasn't been a
14 good fit between them and their placement. And then so, we
15 just basically worked with them to try and find, you know,
16 another placement where they can develop the skills that they
17 need to develop it. So, it's not really -- it's not really
18 possible to "fail" your GAship.

19 HEARING OFFICER LEACH: Okay. And then there was talk
20 about, I guess, times when a Ph.D. student may teach?

21 THE WITNESS: Uh-huh, yeah.

22 HEARING OFFICER LEACH: That they may serve as a TA?

23 THE WITNESS: That's right.

24 HEARING OFFICER LEACH: And you said they would receive
25 their -- it's negotiated between the student and the advisor.

1 THE WITNESS: Um-hum.

2 HEARING OFFICER LEACH: It takes the place of them being
3 an RA?

4 THE WITNESS: Right. So, if you think about that 20 hour
5 per week block --

6 HEARING OFFICER LEACH: Okay.

7 THE WITNESS: -- if a student, instead of doing the 20
8 hours on various research activities with -- with the faculty
9 mentor, it -- they would take whatever portion of those hours
10 per week that they would teaching and that would be -- that
11 would reduce that 20-hour amount.

12 HEARING OFFICER LEACH: Okay.

13 THE WITNESS: Basically, the idea is to try and not have
14 it ever go more than about 20 hours per week in terms of those
15 demands, so that they have the other amount of time to do their
16 academic work and so forth.

17 HEARING OFFICER LEACH: When a Ph.D. student, when they
18 would perform the TA duties, are they teaching alone?

19 THE WITNESS: No. If you're a teaching assistant, then
20 you're working with a faculty member whose -- who's the
21 instructor of record for the course.

22 But there may be times in which again, part of the
23 developing of the student, you know, the faculty member who's
24 working with the TAs may -- excuse me -- may invite them or
25 work with them so that they teach a particular class. So, a

1 particular class section they might take the lead and teach.

2 HEARING OFFICER LEACH: And what would they be doing while
3 they're performing these TA duties?

4 THE WITNESS: So, part of what it -- part of what they do
5 is they work with the faculty member to think about -- before
6 the class starts, the design of the class itself. They are
7 likely reviewing, with the faculty member, the assignments that
8 are happening as they come through. So, typically in many of
9 our classes, certainly in many of my classes, there's, sort of,
10 a -- a weekly reflection that students will write on whatever
11 readings are happening, what questions they have from the
12 readings. And so, you read through those and the TA would read
13 through them, and then you would have a discussion with them
14 about what do we think the themes that came out of that are
15 that we want to be sure to get at in the classroom?

16 The TA can also be really helpful for keeping track of
17 just basic classroom dynamics, like, geez Matt, it seemed like
18 you were calling on too many people on the right-hand side of
19 the class. You know, just things like that where you're like,
20 whoa, I didn't notice that. Okay, well, I need to pay
21 attention to it. So, TAs are another set of eyes. Or, this or
22 that student seemed really upset during that exchange, I wonder
23 what that's about. Should one of us check in with them?
24 It's -- it's those kinds of activities.

25 HEARING OFFICER LEACH: Okay. You talked about the

1 student evaluation and the teacher evaluation. Now, we've
2 heard testimony from other witnesses that students are able to
3 evaluate instructors. So, they're referring --

4 THE WITNESS: Yeah.

5 HEARING OFFICER LEACH: -- to the student -- the
6 evaluation students do at the end of the semester?

7 THE WITNESS: Right. And there's actually for -- for
8 courses that have TAs, there's actually both an evaluation of
9 the instructor of record and then also an evaluation for the TA
10 or TAs.

11 HEARING OFFICER LEACH: By the students?

12 THE WITNESS: Um-hum.

13 HEARING OFFICER LEACH: Okay.

14 THE WITNESS: The students will evaluate them, that's
15 right.

16 HEARING OFFICER LEACH: Does your department evaluate TAs
17 in other ways? Or just --

18 THE WITNESS: No.

19 HEARING OFFICER LEACH: Okay. Just use of the students?

20 THE WITNESS: Yeah, that's -- just -- just the eval --
21 that's right.

22 HEARING OFFICER LEACH: Okay. Okay, and what do you use
23 the end of semester evaluation for? How is that utilized once
24 your department receives it for a TA?

25 THE WITNESS: Sure. So, typically the way that it would

1 work is that the faculty member who's teaching a particular
2 class that they have a TA, would talk about the evaluations
3 with the TA.

4 HEARING OFFICER LEACH: Um-hum.

5 THE WITNESS: So, that would be, sort of, an opportunity
6 for a conversation.

7 The chair of the different divisions would -- would see
8 the evaluations from the various courses to get a sense of how
9 various courses are -- are working. And then at the end of
10 every year, all the faculty members put forward their end of
11 the year, sort of, review of their activities, and also include
12 all of the evaluations from their classes, and the dean will
13 review those. And in part, use those to make decisions about
14 raises.

15 HEARING OFFICER LEACH: Are you talking about for faculty
16 members or TAs?

17 THE WITNESS: Faculty. For faculty.

18 HEARING OFFICER LEACH: Okay. But what about with regard
19 to this -- so, outside of -- you said when the evaluations
20 received at the end of the semester, the student evaluation for
21 TAs, that's just used -- the professor talks about that --

22 THE WITNESS: Would speak with --

23 HEARING OFFICER LEACH: -- with the TA?

24 THE WITNESS: -- the TA about that. I mean, the TA will
25 get them themselves, and so they'll be able to look at them and

1 get the feedback, because it's both numerical and there's also
2 space for the students to make comments about what they, you
3 know, things that they found were effective, less effective,
4 places where they -- and then the faculty who's responsible for
5 them would have a conversation with them about that, as well.

6 HEARING OFFICER LEACH: Okay. Is the score or rating on
7 these evaluations, does that have anything to do with the TA's
8 funding?

9 THE WITNESS: No, I do not.

10 HEARING OFFICER LEACH: What about whether or not the TA
11 may be asked to teach again?

12 THE WITNESS: (No response.)

13 HEARING OFFICER LEACH: Of if it's never happened --

14 THE WITNESS: I don't -- I don't --

15 HEARING OFFICER LEACH: -- it's okay.

16 THE WITNESS: I mean, I guess if someone were completely
17 disastrous as a TA, it's a possible that particular faculty
18 member may not select them as a TA again.

19 HEARING OFFICER LEACH: Has that ever happened?

20 THE WITNESS: No, I -- I honestly don't know of it
21 happening.

22 HEARING OFFICER LEACH: Okay. Okay, now I want to be sure
23 I'm clear about, there's a lot of talk about Ed.D.'s, part-
24 time, full-time --

25 THE WITNESS: Yeah. Yeah.

1 HEARING OFFICER LEACH: -- executive.

2 THE WITNESS: Yeah, I know it's confusion, right.

3 HEARING OFFICER LEACH: So, I'll start off with the
4 executive Ed.D. --

5 THE WITNESS: Yeah.

6 HEARING OFFICER LEACH: -- because they have the most.
7 You said there's 200.

8 THE WITNESS: Yeah.

9 HEARING OFFICER LEACH: They pay tuition. They get no
10 funding.

11 THE WITNESS: Right.

12 HEARING OFFICER LEACH: So, they're not involved in --
13 they're not doing this GAship or --

14 THE WITNESS: No.

15 HEARING OFFICER LEACH: -- RA?

16 THE WITNESS: That's exactly right.

17 HEARING OFFICER LEACH: Okay. Do executive Ed.D.'s TA?

18 THE WITNESS: They do not.

19 HEARING OFFICER LEACH: Okay. Now, I'll move on to the
20 residential --

21 THE WITNESS: Yeah.

22 HEARING OFFICER LEACH: -- Ed.D. Do they RA or TA?

23 THE WITNESS: It is definitely possible for -- so, let
24 me -- so, let me take them one at a time. So, the full-time
25 residential Ed.D. students have a research assistantship. That

1 was the one that's guaranteed for one year.

2 HEARING OFFICER LEACH: Okay.

3 THE WITNESS: But almost inevitably is given for two
4 years. And then it is possible for both the full-time and the
5 part-time residential Ed.D. students to be selected to serve as
6 a TA.

7 HEARING OFFICER LEACH: Would they be applying for that
8 because they need funding? Or is that --

9 THE WITNESS: It would typically be because they've taken
10 the course. You know, they have a relationship with the
11 faculty member.

12 HEARING OFFICER LEACH: Um-hum.

13 THE WITNESS: I mean, it's -- it's good for the experience
14 of it.

15 HEARING OFFICER LEACH: And how would they be paid for
16 that? Or from what source?

17 THE WITNESS: That's a good question.

18 HEARING OFFICER LEACH: If you don't know, you can say you
19 don't know.

20 THE WITNESS: Yeah, I don't -- I'm not sure I know what
21 particular pot of money that comes from.

22 HEARING OFFICER LEACH: Okay. Now, I have this -- a
23 question in my notes, "Explain what they're doing with the
24 professor." I believe that there was time when you talked
25 about when a student -- I'm not sure if it was an executive

1 student or a Ph.D. student doing research.

2 THE WITNESS: Um-hum.

3 HEARING OFFICER LEACH: I -- I just want to confirm, when
4 someone's doing an RAShip, I -- I believe you -- this might me,
5 you said that the first year or two they could be working on
6 what the professor's working on?

7 THE WITNESS: Uh-huh.

8 HEARING OFFICER LEACH: Then eventually it may transition
9 to their own?

10 THE WITNESS: Yeah, that's right.

11 HEARING OFFICER LEACH: What they're working on, right?

12 THE WITNESS: Yeah.

13 HEARING OFFICER LEACH: Okay.

14 THE WITNESS: Yeah.

15 HEARING OFFICER LEACH: Okay, that's fine.

16 THE WITNESS: That's, sort of, the typical pattern so that
17 they -- they come in, and they're beginning to take courses and
18 develop new skills. And so, you just have them join you on
19 whatever research activities you're doing. And then in Years
20 2 -- you know, 2, 3, and 4, you want them to increasingly begin
21 to take the lead on various things, such that by the time
22 hopefully they are close to graduating, they've, sort of,
23 have -- can point to things to -- that they can say that they
24 did this. You know, that they -- that they were the lead of
25 this particular research activity.

1 HEARING OFFICER LEACH: Okay. You talked about the -- I'm
2 not sure, educational entrepreneurship program?

3 THE WITNESS: Uh-huh, yeah.

4 HEARING OFFICER LEACH: Is that what's called?

5 THE WITNESS: Yes. Yeah.

6 HEARING OFFICER LEACH: Okay.

7 THE WITNESS: It's a master's program that we have. It's
8 sort of a partnership between us and Wharton.

9 HEARING OFFICER LEACH: Okay.

10 THE WITNESS: I mean, it's based in GSE, but we have a
11 number of Wharton faculty who participate in that program, as
12 well.

13 HEARING OFFICER LEACH: So, this is a program that's
14 different from Ph.D. or Ed.D. program; correct?

15 THE WITNESS: Um-hmm.

16 HEARING OFFICER LEACH: Okay.

17 THE WITNESS: Yeah.

18 HEARING OFFICER LEACH: All right. And what -- what
19 school is it located in? It's a GSE program?

20 THE WITNESS: It's at GSE, that's right.

21 HEARING OFFICER LEACH: Okay. And its master's students
22 that are enrolled?

23 THE WITNESS: That's right.

24 HEARING OFFICER LEACH: Okay. And forgive me if I don't
25 remember this but --

1 THE WITNESS: No, that's fine.

2 HEARING OFFICER LEACH: -- but do master's students engage
3 in -- would they do an RA or a TA?

4 THE WITNESS: They would not do, like, an RAship the same
5 way that the doctoral students would.

6 HEARING OFFICER LEACH: Okay. Is that because they're
7 self-funded? Is that what it --

8 THE WITNESS: Many of them are self-funded. They do get,
9 sort of, scholarships at the beginning. There are -- there are
10 some, sort of, like student internships that are funded.
11 It's -- but it's not like an RAship. It's --

12 HEARING OFFICER LEACH: Okay. If any of the master's
13 students, could they teach, I guess, if there was an
14 opportunity available?

15 THE WITNESS: They would not.

16 HEARING OFFICER LEACH: Okay.

17 THE WITNESS: You have -- because we're just a graduate
18 school, the people teaching have to have the credential above
19 whom they are teaching.

20 HEARING OFFICER LEACH: Okay.

21 THE WITNESS: So, you would have to at least be a doctoral
22 student with a master's degree to be teaching master's
23 students, for example. So, a master's student would never
24 teach. They might serve as, sort of, a informal part of a
25 teaching team that a faculty member wants to work with, but

1 they would not be formally serving any role.

2 HEARING OFFICER LEACH: Okay. I have a question about
3 Union 41.

4 THE WITNESS: Sure.

5 HEARING OFFICER LEACH: This acceptance letter.

6 THE WITNESS: Sure. Let me get there if I can. Yeah.

7 HEARING OFFICER LEACH: On the first page, the -- well,
8 the bullet, "Please note the following," that first bullet
9 where it says, "You're expected to keep a record of hours
10 worked and have your supervisor sign off on it." Who's the
11 supervisor?

12 THE WITNESS: I'm sorry, where is that? Can you just
13 point to where I'm supposed to be looking?

14 HEARING OFFICER LEACH: Sure.

15 THE WITNESS: Oh, thank you. Got you. Um-hum.

16 HEARING OFFICER LEACH: Yes.

17 THE WITNESS: So, the supervisor, I would assume would be
18 Doctor So-and-So, who's been struck out.

19 HEARING OFFICER LEACH: Okay.

20 THE WITNESS: Yeah.

21 HEARING OFFICER LEACH: Okay.

22 THE WITNESS: I've very confident I know who Doctor So-
23 and-So is, but I mean, I'm just keeping him out because it's
24 blacked out.

25 HEARING OFFICER LEACH: Okay. No, you don't have to tell

1 us that.

2 Let's see, and when the Ph.D. students are doing their
3 research, who oversees them?

4 THE WITNESS: It's -- it's the -- whoever they've been
5 assigned to for their research assistantship. But -- a
6 standing faculty member, basically.

7 HEARING OFFICER LEACH: Okay.

8 THE WITNESS: It would be a faculty member. A GSE faculty
9 member to be specific.

10 HEARING OFFICER LEACH: Okay. Would that be the same if
11 they were engaged in teaching?

12 THE WITNESS: The person who would be overseeing them of
13 teaching would be the instructor of record, so whoever was the
14 person who was actually teaching course.

15 HEARING OFFICER LEACH: Okay.

16 THE WITNESS: And then if they're doing one of those
17 summer teaching things, then it would be the chair of the
18 division who would see their evaluations.

19 HEARING OFFICER LEACH: Okay. Okay, that's all I have.
20 Does the Employer have any additional questions?

21 MR. JOHNS: No.

22 HEARING OFFICER LEACH: The Union?

23 MS. ROSENBERGER: I just want on quick piece of
24 clarification.

25 THE WITNESS: Sure.

1 REDIRECT EXAMINATION (continued)

2 BY MS. ROSENBERGER:

3 Q When Ms. Leach had asked you about -- this has to do with
4 part-time Ed.D.'s --

5 A Okay, yeah.

6 Q -- who may serve as a TA.

7 A Yeah.

8 Q You said you were not sure what pot they are paid from.

9 A Yeah.

10 Q But they are paid?

11 A Yeah. I think they get paid through the divisional
12 budget, but I honestly just don't know.

13 Q Okay.

14 A But yeah.

15 Q But they get paid by somebody?

16 A Yeah. Yeah, they get paid by someone to do that if
17 they're -- that's exactly right. Yeah.

18 MS. ROSENBERGER: Thank you.

19 HEARING OFFICER LEACH: Anything else for the Employer?

20 MR. JOHNS: No.

21 HEARING OFFICER LEACH: Okay. That's it. Thank you very
22 much.

23 THE WITNESS: Okay.

24 HEARING OFFICER LEACH: I appreciate your time today.

25 THE WITNESS: Thank you. Yeah, you bet.

1 (Witness excused.)

2 HEARING OFFICER LEACH: I'm guessing no more witnesses
3 today?

4 MR. JOHNS: No.

5 HEARING OFFICER LEACH: Right?

6 MS. ROSENBERGER: Did I move for admission of my last
7 Union exhibit, 43?

8 HEARING OFFICER LEACH: Is 43 --

9 COURT REPORTER: 43 and 44 received in mine.

10 MS. ROSENBERGER: Okay.

11 HEARING OFFICER LEACH: Okay.

12 MS. ROSENBERGER: Thank you.

13 HEARING OFFICER LEACH: I would just like to follow-up,
14 like I usually do at the end of our day.

15 Any updates on the student worker classification?

16 MR. JOHNS: Not really. I mean --

17 HEARING OFFICER LEACH: I think we were maybe trying to
18 come to some sort of agreement on the definition of who was --

19 MR. JOHNS: Yeah, I don't think we have.

20 HEARING OFFICER LEACH: Okay.

21 MS. ROSENBERGER: We haven't.

22 MR. JOHNS: I'm confident we haven't.

23 MS. ROSENBERGER: We haven't. And I will tell you, I
24 have -- I have just learned of someone I need to talk to who my
25 belief is they are classified as a student worker and working

1 as a research assistant, but I need to -- I don't want to be
2 relying on, you know, Ms. Predomilane (ph) on that.

3 MR. JOHNS: Yeah. I -- I think the answer is that neither
4 side -- and again, we were still looking to see. We still
5 haven't been able to look at anyone that we thought would fit
6 that norm of definition.

7 HEARING OFFICER LEACH: Okay.

8 MR. JOHNS: So, it -- yeah, I think that means basically
9 that neither of us are prepared to do it. Is that fair?

10 MS. ROSENBERGER: Not today. Yeah.

11 MR. JOHNS: Okay.

12 MS. ROSENBERGER: Hope springs eternal.

13 HEARING OFFICER LEACH: I don't remember if this -- if I
14 received this information, but do we know how many student
15 workers we're talking about? My notes here say, I have a
16 number of -- I know we have handled the issue of educational
17 fellowship recipients, but I have EFR student workers in
18 Wharton. SEAS would be 432. But I don't know -- I don't know
19 that we have a number of student workers?

20 MR. JOHNS: I mean, I think in theory you could figure
21 that out from the list. It's just I'm not sure we've
22 tabulated --

23 MS. ROSENBERGER: Yeah.

24 HEARING OFFICER LEACH: Okay.

25 MS. ROSENBERGER: Maybe the reason you have a question is

1 because there would be some of those student workers who aren't
2 doing instructional or research activities. I don't know if
3 that's why you had it on your list, but there's some smaller
4 number.

5 MR. JOHNS: Well, I think -- I think why you had that
6 number on your list was because when you look at the structure
7 of those attachments, you know, we've obviously said Wharton
8 and engineering should be included. In the inclusion list, we
9 did not include Wharton and engineering, educational fellowship
10 recipients and student workers because we otherwise thought
11 that they should be out. You then asked us, how about those
12 numbers, which I think -- I think that's the answer. Yeah.

13 HEARING OFFICER LEACH: Okay. You know, I think you're
14 right about that. So, if you tell me how I can -- if I can
15 look at this list and figure this out, I'm happy to do it.

16 MR. JOHNS: We may very well -- I think we're going to
17 call a witness next week who's going to go over some of
18 those --

19 HEARING OFFICER LEACH: Okay.

20 MR. JOHNS: -- the numbers in those categories. So, why
21 don't you defer that, at least till Monday and it might deal
22 with it. If not, I think we could probably help you with that.

23 HEARING OFFICER LEACH: I can do that. Okay. There's no
24 problem. It's just something I want to be sure that's in the
25 record, so just something I have highlighted.

1 MR. JOHNS: Um-hum.

2 HEARING OFFICER LEACH: Okay. Anything else that we need
3 to discuss for today?

4 MS. ROSENBERGER: I don't think so.

5 HEARING OFFICER LEACH: No?

6 MR. JOHNS: No.

7 HEARING OFFICER LEACH: Okay, we can go off the record.

8 (Whereupon, at 3:47 p.m., the hearing in the
9 above-entitled matter adjourned.)

1

C E R T I F I C A T E

This is to certify that the attached proceedings done before the NATIONAL LABOR RELATIONS BOARD REGION FOUR

In the Matter of:

TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,

Employer,

And

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

Petitioner.

Case No.: 04-RC-199609

Date: June 23, 2017

Place: Philadelphia, Pennsylvania

Were held as therein appears, and that this is the original transcript thereof for the files of the Board

Official Reporter

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