

**OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

In the Matter of:

Case No.: 13-RC-198325

**UNIVERSITY OF CHICAGO
Employer**

And

**GRADUATE STUDENTS UNITED
Petitioner**

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

THE UNIVERSITY OF)
CHICAGO,)
)
Employer,)
) No. 13-RC-198325
AND)
)
GRADUATE STUDENTS UNITED,)
)
Petitioner.)

The above entitled matter came on for hearing pursuant to notice, before CHRISTINA MOLS, Hearing Officer, at The Dirksen Center, 219 South Dearborn Street, Suite 808, on Wednesday, May 24, 2017, at 9:09 a.m.

REPORTED BY: YVETTE BIJARRO-RODRIGUEZ, CSR

LICENSE NO.: 084-003734

APPEARANCES

On behalf of the Employer:
PROSKAUER ROSE LLP
2255 Glades Road
Suite 421 Atrium
Boca Raton, Florida 33431-7360
BY: MR. ALLAN H. WEITZMAN,
MR. STEVE PORZIO,
MR. STEVE PEARLMAN, AND
MR. ALEX WEINSTEIN
(561) 302-4760
aweitzman@proskauer.com

On behalf of the Petitioner:
DOWD BLOCH BENNETT CERVONE
AUERBACH & YOKICH
8 South Michigan Avenue
19th Floor
Chicago, Illinois 60603
BY: MS. MELISSA AUERBACH
(312) 372-1361
mauerbach@dbb-law.com

- AND -

AMERICAN FEDERATION OF TEACHERS
555 New Jersey Avenue NW
Washington, D.C. 2001
BY: MS. CHANNING COOPER
(202) 393-7472
ccooper@gmail.com

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THE HEARING OFFICER: On the record. So before we proceed with the Employer's next witness, are there any procedural matters the parties wish to discuss at this time?

MR. WEITZMAN: Yes, there is, Madam Hearing Officer. With respect to Dr. Prince's testimony yesterday, she has advised us that yesterday afternoon during one of the breaks she realized that she wanted to make a correction to something that she had testified to earlier. And when we came back, she forgot, but she remembered last night and forwarded to that us. And I have discussed this situation with Counsel and we are working on a stipulation to correct the prior testimony in the hope of avoiding having Dr. Prince come back just for a snippet. And we will advise when we have further information on how the stipulation should be worded, but I wanted to get this on the record right away.

THE HEARING OFFICER: Thank you. So keep me advised on the status of that, that way we know whether or not Dr. Prince will need to be recalled, okay?

MR. WEITZMAN: Thank you.

THE HEARING OFFICER: Anything further

before the next witness?

MR. PORZIO: One more thing, Madam Hearing Officer. Last week, I believe it was Friday, Counsel for the University provided to Counsel for the Petitioner and to the Hearing Officer a proposed stipulation regarding FERPA, a FERPA waiver for any student that the Union intends to call in its case in chief or for that matter at any point.

In off-the-record conversations, I won't get into details, we were advised that the Union would not agree to enter into such stipulation and would not have student witnesses sign such document prior to their testifying.

This is an issue for us in that we don't want to be put in a situation where we're going to be either, one, preempted from being able to review documents that may be necessary effectively cross-examine any student witnesses.

And, two, we don't want to be put in a position where if we do, where FERPA -- where there may be a FERPA violation on our part. We take that very seriously.

And we'd like to point out for the record that as far as we know the last case that's

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1 litigated a 23 issue, which was at Duke University,
2 a stipulation such as this was used and was entered
3 into by the students and the Union. We also
4 litigated that case, and we'd like to find out the
5 Board's position and get the Board's assistance on
6 this in terms of being able to come up with some
7 sort of solution to try to minimize risk on both
8 sides.

9 THE HEARING OFFICER: Petitioner, if you
10 have something you would like to say.

11 MS. AUERBACH: Yes. The Union's
12 response is that the unit strongly opposes the
13 requirement that witnesses or students at the
14 university have to sign FERPA waivers. There's no
15 reason why employees should have to waive their
16 rights -- federally protected rights under other
17 laws in order to exercise their rights to engage in
18 protected concerted activity under the National
19 Relations Act.

20 The issue in this case is whether
21 or not the individuals are employees. There's no
22 dispute that they are students and their student
23 records and privacy rights shouldn't have to be
24 waived for them to exercise their right to testify
25 in the proceeding. We don't see that it's

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1 relevant. And I don't know about the Duke case,
2 but I have confirmed that there was no request by
3 the Employer and no agreement for a FERPA waiver in
4 the Yale University case which was also litigated
5 post Columbia.

6 MR. PORZIO: So a couple of comments.
7 One, there was a FERPA request made
8 at Yale because I made it myself. We litigated
9 that case as well. While there wasn't a full
10 agreement, we did recognize that there could be an
11 issue. The Union just wouldn't agree to sign the
12 document.

13 Two, we built in limits into this
14 document in terms of types of documents that we're
15 not looking to get access to, and you'll see those
16 listed, such as letters of recommendation, grades
17 and other evaluations and academic discipline
18 unrelated to the responsibilities as a TA or RA or
19 any of the other covered classifications in the
20 petition for unit.

21 Let me just give you an example of
22 the type of information that would be very relevant
23 to us that would be within the student's academic
24 file that if we didn't have access to it would
25 become an issue for us if we had to cross-examine a

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1 student.

2 If a student takes the stand and
3 talks about classes that he or she served as a
4 teaching assistant in, or as a research assistant
5 in, we don't have the documents absent their
6 academic file to go in and look to see if that was
7 actually the case that they did act as a TA or RA
8 in certain classes with certain PIs, or certain
9 instructors of record, and that is very relevant
10 depending on what their testimony may be.

11 So I think it's less of a foregone
12 conclusion that this information is not relevant,
13 and I think it's highly likely that some of the
14 information contained in these files, student
15 academic files, will be relevant based on what the
16 student's testimony may be.

17 MS. AUERBACH: And we don't agree. I
18 mean, one, this is an investigatory hearing. It's
19 not an issue where credibility is at issue and the
20 Employer can go and ask the students if he or she
21 TA'd in a certain class or check with the professor
22 of that class. There are other ways of finding
23 that out without invading the student's privacy
24 rights.

25 THE HEARING OFFICER: So I will take

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1 that under consideration. As I believe I stated on
2 the record before, FERPA is not a statute which I'm
3 intimately familiar. Same, I believe, goes for the
4 Regional Director, so we will have to look into
5 this matter a little further before we can give an
6 educated response.

7 I believe we still have, at least
8 today, as Employer awaits witnesses before the
9 Employer is prepared to rest its case, so I will
10 give Counsels a response hopefully by the end of
11 today but if not, by tomorrow about the Region's
12 position concerning this dispute.

13 MR. PORZIO: That's fine. As you'll
14 note -- and I believe the Hearing Officer has a
15 copy, but this stipulation would contemplate giving
16 the university, as its written, three business days
17 in advance the signed waiver so that we can get the
18 documents and review them. So while I agree with
19 your assessment that we still have today and
20 probably tomorrow in terms of Employer witnesses,
21 we would need at least some amount of time to be
22 able to review the documents. So I would
23 appreciate as quick a response as possible.

24 MS. AUERBACH: The Union also objects to
25 that portion of the request. There was no

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1 agreement, although Employer Counsel noted they
2 made that suggestion. There was no agreement to
3 exchange witness lists ahead of time. The Union
4 was not provided with advance notice of when the
5 Employer's witnesses were testifying and the Union
6 does not think that the Union chooses to give it.
7 THE HEARING OFFICER: Anything further
8 before we proceed with witnesses?
9 MR. PORZIO: No.
10 MR. WEITZMAN: Could we have a moment
11 outside?
12 THE HEARING OFFICER: Sure. Off the
13 record.
14 (Whereupon, a break was taken,
15 after which the following
16 proceedings were had:)
17 THE HEARING OFFICER: On the record.
18 Before we proceed with the next witness, I do have
19 a response with regard to the Employer's proposed
20 stipulation. The Region is not taking a position
21 with regard to whether or not the information that
22 may or may not be covered by a stipulation are
23 relevant to these proceedings, but the Region is
24 not going to compel a stipulation in this matter.
25 When it comes time to take

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1 testimony from any potential student witnesses, we
2 can determine at that time whether or not
3 additional information is necessary. But as
4 Petitioner Counsel pointed out, this is fact
5 finding proceeding, not making the same kind of
6 credibility determinations that we would in, for
7 example, a post-election proceeding.
8 So with that, is there anything
9 further before the next witness?
10 MR. PORZIO: One thing. In
11 off-the-record conversations with Counsel for the
12 Petitioner, we discussed a slight amendment to the
13 petition.
14 I can go into it, Melissa, if you'd
15 like.
16 Essentially the petition for unit
17 includes a description of the Oriental Institute.
18 We've discussed both independently on both sides,
19 and together, and it's clear and been confirmed
20 that there's no students in the petition for unit
21 that would be honed independently within --
22 (Whereupon, an interruption was
23 had in the proceedings.)
24 MR. PORZIO: There's nothing to indicate
25 that they would be honed independently with the

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1 Oriental Institute as compared to what the facts
2 are, which is they would be honed in a department
3 that's otherwise covered by the petition for unit
4 and that's where their degree will be granted from.
5 That's where they're actually honed in. And if
6 they teach class, that may be within, kind of, the
7 umbrella of the Oriental Institute. It will still
8 be picked up. So that's been discussed off the
9 record, and I think there's been an agreement to
10 amend the petition to strike the Oriental
11 Institute.
12 THE HEARING OFFICER: Does the
13 Petitioner stipulate to that?
14 MS. AUERBACH: Yes. It's my
15 understanding that the assignment to the position
16 comes from the division and so we agree to strike
17 the Oriental Institute from the petition.
18 THE HEARING OFFICER: Just a moment to
19 pull up the amended petition.
20 MR. PORZIO: I have it here if that
21 would be easier.
22 THE HEARING OFFICER: Thank you. So
23 then based on the parties' agreement, the Second
24 Amended Petition for the unit would read, "All
25 graduate students who are regular full-time and

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1 part-time teaching assistants, research assistants,
2 course assistants, workshop coordinators, writing
3 interns, preceptors, language assistants,
4 instructors, lecturers, lectors and teaching
5 interns in the school of divinity, school of social
6 services administration, division of social
7 sciences, division of humanities, division of
8 biological sciences, division of physical sciences
9 at the University of Chicago and excluding all
10 other employees, managerial employees, guards and
11 supervisors as defined by the Act;" is that
12 correct?
13 MR. PORZIO: That's correct.
14 MS. AUERBACH: Yes.
15 THE HEARING OFFICER: Since there is no
16 objection, the amendment is allowed.
17 MR. PORZIO: Thank you.
18 THE HEARING OFFICER: So Employer
19 Counsel whenever you're ready.
20 MR. WEITZMAN: The University of Chicago
21 calls to the stand as its next witness Dr. Michael
22 Hopkins.
23 (Witness sworn.)
24 THE WITNESS: I do.
25 THE HEARING OFFICER: Please have a

1 seat.
 2 WHEREUPON:
 3 MICHAEL HOPKINS, PhD,
 4 called as a witness herein, having been first duly
 5 sworn, was examined and testified as follows:
 6 DIRECT EXAMINATION
 7 BY MR. WEITZMAN:
 8 Q. Can you please state and spell your name
 9 for the record.
 10 A. My name is Michael Hopkins,
 11 M-I-C-H-A-E-L, H-O-P-K-I-N-S.
 12 THE HEARING OFFICER: Thank you.
 13 BY MR. WEITZMAN:
 14 Q. Good morning, Dr. Hopkins.
 15 A. Good morning.
 16 Q. By whom are you employed, Dr. Hopkins?
 17 A. By the University of Chicago.
 18 Q. When did you begin working at the
 19 University of Chicago?
 20 A. I began working at the University of
 21 Chicago in fall of 1999.
 22 Q. What is your current job title at the
 23 University of Chicago?
 24 A. I am professor of chemistry, and I'm the
 25 deputy dean for strategic planning in the physical

1 sciences division.
 2 Q. Have you been the deputy dean in the
 3 physical science division ever since you started
 4 working at the University of Chicago?
 5 A. No. I began at that role in November
 6 of 2013.
 7 Q. Have you held any other positions at the
 8 university?
 9 A. I was chair of the chemistry department
 10 from 2003 to 2009, served two three-year terms.
 11 Q. For the entire time you've been a
 12 professor, correct?
 13 A. That's correct.
 14 Q. What is your educational background?
 15 A. I received a bachelor of arts degree in
 16 chemistry from the University of California at San
 17 Diego, a doctorate PhD in inorganic chemistry from
 18 the California Institute of Technology and then I
 19 was a postdoctoral, a fellow, at Los Alamos
 20 National Laboratory.
 21 Q. Where did you work immediately before
 22 coming to the University of Chicago in 1999?
 23 A. When I left Los Alamos, I joined the
 24 faculty at the University of Pittsburgh in
 25 Pittsburgh, Pennsylvania, as an assistant

1 professor, a tenure track position. I was
 2 untenured at the time. While there I moved through
 3 the ranks to tenure associate professor, then full
 4 professor and then I left the University of
 5 Pittsburgh in 1999 and moved to the University of
 6 Chicago.
 7 Q. When did you start at the University of
 8 Pittsburgh?
 9 A. 1987.
 10 Q. Where did you work before you went to
 11 the University of Pittsburgh?
 12 A. I was a postdoctoral fellow at Los
 13 Alamos National Laboratory.
 14 Q. You were a postdoctoral fellow at the
 15 Los Alamos National Laboratory from when to when?
 16 A. 1986 to 1987. Approximately one year.
 17 Q. Yesterday, Dr. Hopkins, Dr. Victoria
 18 Prince was here and she, like you, is a professor
 19 of a science and she talked about having classroom
 20 TAs in science. And I'd like to talk to you about
 21 having lab TAs in science. There are such things,
 22 right?
 23 A. Yes, there are.
 24 Q. Good. What is the goal of the chemistry
 25 department in having TAs in labs?

1 A. The goal of the chemistry department in
 2 having TAs in labs is to provide teaching
 3 assistants with the opportunity to learn how to
 4 teach laboratory sciences.
 5 Q. To fulfill this goal, does the chemistry
 6 department have a teaching requirement?
 7 A. Yes, it does.
 8 Q. What is that teaching requirement?
 9 A. The teaching requirement for doctoral
 10 students in the chemistry department is three
 11 quarters of teaching.
 12 Q. Dr. Hopkins, we have in front of you a
 13 demonstrative exhibit that hasn't been put into
 14 evidence yet. As witnesses take the stand, we're
 15 asking them to look at the demonstrative and asking
 16 them whether they can confirm that the information
 17 on the demonstrative is accurate with respect to
 18 areas that they're familiar with.
 19 A. Yes.
 20 Q. So let me direct your attention to the
 21 middle of the demonstrative that's in front of you
 22 and the column that says "Chemistry."
 23 Would you please read across and
 24 tell us whether the information there is accurate.
 25 A. If you don't mind, the glare from the

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1 lights obscures the top, so if I could stand up and
2 see what the top columns are. Thank you.
3 So chemistry, it says the teaching
4 requirement is three quarters. Is teaching an
5 academic requirement? Yes. Recommended years to
6 fulfill a teaching requirement, year one.
7 Q. Thank you.
8 A. And that is correct.
9 THE HEARING OFFICER: And just -- I've
10 been doing this. I want to make sure that the
11 record is clear. We're looking at a demonstrative
12 that reflects the first page of Employer Exhibit 15
13 which, as Employer Counsel noted, has not yet been
14 moved.
15 BY MR. WEITZMAN:
16 Q. To give the record and the Hearing
17 Officer a little context, how many PhD students are
18 approximately in the chemistry department of PSD?
19 A. During the fall quarter -- at the
20 beginning of the fall quarter, which is the
21 beginning of our academic year, there were 209 PhD
22 students in the chemistry department.
23 Q. At the beginning of the fall quarter in
24 2016, approximately how many PhD students were in
25 the division of physical science?

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1 A. Approximately 750.
2 Q. Which department within PSD represents
3 the largest number of PhD students?
4 A. The chemistry department.
5 (Exhibit No. 42 was marked.)
6 Q. This will be Employer Exhibit 42.
7 Dr. Hopkins, you have in front of
8 you Employer Exhibit 42 for identification. Have
9 you seen this document before?
10 A. Yes, I have.
11 Q. Can you describe it for the record,
12 please?
13 A. Yes. This is the guide for teaching
14 assistants. It is a document prepared by the
15 chemistry department and provided to teaching
16 assistants that provides basic information about
17 being a teaching assistant.
18 Q. I direct your attention to the page that
19 has a small (i) at the bottom. It's the third page
20 into the exhibit. Please read into the record the
21 fourth paragraph?
22 A. The one beginning "as a teaching
23 assistant"?
24 Q. Correct.
25 A. As a teaching assistant, you will have a

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1 great opportunity to practice your teaching skills
2 and benefit from the teaching experience. If you
3 choose a career in teaching or research, the
4 ability to effectively communicate your scientific
5 work with other professionals in the general public
6 may prove to be vital to your success. Therefore,
7 the role of a teaching assistant has the potential
8 to significantly affect your personal and
9 professional development.
10 Q. Do you agree with what you just read?
11 A. Yes, I do.
12 Q. I now direct your attention to Page 3.
13 Please read the first paragraph on Page 3 under the
14 word "Goals."
15 THE HEARING OFFICER: Before we go on,
16 is the Employer going to move to enter this into
17 the record.
18 MR. WEITZMAN: Eventually.
19 THE HEARING OFFICER: So --
20 MR. WEITZMAN: This is the last question
21 I have along this line.
22 THE HEARING OFFICER: Okay. Proceed.
23 Which paragraph?
24 BY MR. WEITZMAN:
25 Q. Please read the first paragraph into the

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1 record.
2 A. Our goal for teaching in the department
3 of chemistry is to ensure that the students gain a
4 strong foundation of chemical knowledge through
5 independent application of concepts and problem
6 solving both in the laboratory and in written work.
7 Q. Do you agree with that?
8 A. Yes, I do.
9 MR. WEITZMAN: The Employer offers
10 Employer's Exhibit 42 into evidence.
11 MS. AUERBACH: No objection to the
12 document.
13 THE HEARING OFFICER: Employer
14 Exhibit 42 is received, but I just have a quick
15 question about the document before we move on.
16 On the second page of this document
17 it says 2012 Department of Chemistry the University
18 of Chicago Second Edition. Do you know if this
19 document is still in effect at this time?
20 BY THE WITNESS:
21 A. That's my understanding, yes.
22 BY MR. WEITZMAN:
23 Q. Dr. Hopkins, referring back to the
24 demonstrative, the teaching requirement is three
25 quarters in chemistry. Why three, Dr. Hopkins?

1 A. It's our belief as instructors that
2 three quarters represents the minimum amount of
3 time necessary for students to gain an
4 understanding of how to teach the subject of
5 chemistry.

6 Q. And according to the demonstrative which
7 you've confirmed, the years to fulfill the teaching
8 requirement is year one?

9 A. Yes.

10 Q. Why has the chemistry department chosen
11 year one as the year in which PhD students in
12 chemistry must have three quarters of teaching --
13 teaching assistant, excuse me?

14 A. There are several reasons. One reason
15 is that as first-year graduate students, they are
16 close in time to the time when they were
17 undergraduates and therefore their relationship to
18 the undergraduates who they will be teaching is
19 close so they have that as fresh experience.

20 Second, they are taking courses
21 during this time period, graduate level courses.
22 And by teaching at the same time that they're
23 taking courses, they can think about the
24 relationship between the instruction that they're
25 receiving and the way that they're teaching.

1 And then, third, the PhD program
2 has as a requirement a candidacy examination which
3 is given at the beginning of the second year of
4 graduate study. The candidacy examination is a
5 research-based examination that synthesizes both
6 their knowledge from classroom studies but also
7 their independent research. By completing the
8 teaching requirement early, it then provides
9 uninterrupted time to immerse themselves in
10 research to prepare for the candidacy examination.
11 The PhD degree is a research-based degree so it is
12 important to begin research as soon as possible.

13 Q. Do TAs -- let me rephrase that.

14 Do PhD students in a chemistry
15 department who are fulfilling their teaching
16 requirement teach classrooms?

17 A. Teach classrooms, no.

18 Q. This is just in the lab?

19 A. Teaching assistants -- teaching
20 assistants will teach in a lab or in a recitation
21 section but they're not lecturers. They do not
22 stand in front of the room. They're not the
23 lecturer of record.

24 Q. So what does a teaching assistant do in
25 the chemistry department?

1 A. In the chemistry department, most
2 teaching assistants, most of the first-year
3 students, would be teaching in one of the two large
4 introductory core sequences taught in chemistry.
5 These go by the names of general chemistry and
6 organic chemistry. These are large enrollment
7 courses that are taken typically in the first or
8 second year of an undergraduate study and they
9 provide a broad foundation of chemical concepts for
10 those chemistry majors and many nonchemistry
11 majors. So there are many students in the
12 classroom from a broad range backgrounds.

13 These courses are taught in a
14 combined lecture, discussion section, laboratory
15 format. The teaching of these subjects is
16 intertwined. The laboratory concepts and the
17 lecture concepts reinforce each other and
18 compliment each other. So a teaching assistant in
19 one of those two broad sequences would head a
20 recitation section and also be responsible for a
21 laboratory session in teaching students in both the
22 laboratory setting and in the recitation session.

23 Q. What is the process by which PhD
24 graduate students are matched or paired with the
25 course that they will be a TA in?

1 A. Let me provide a little bit of
2 background. When students are admitted to our
3 graduate program, they indicate the research areas
4 that they might be interested in pursuing in their
5 application. So they will designate one of five
6 recognized subdisciplines of chemistry. Those
7 would be inorganic chemistry, organic chemistry,
8 physical chemistry, chemical biology and materials
9 of chemistry. They would also indicate in the
10 application names of the faculty who they may be
11 interested in pursuing research with.

12 And then further, when they visit
13 the university to decide whether or not to accept
14 our offer, they request to speak with particular
15 faculty. So this information then provides insight
16 into the areas that the students may wish to
17 pursue. The department then uses this information
18 to pair students with a teaching assignment that
19 most closely matches their possible research
20 interests. The information that they indicate in
21 terms of the research interest is nonbinding, but
22 based on the information that we have at the time,
23 at the beginning of the fall quarter, that
24 assignment is made.

25 But because these are general

<p style="text-align: right;">Page 831</p> <p>1 courses, students who are admitted to our program 2 would be expected to be able to teach both. In 3 other words, their foundation would be strong 4 enough that they should be capable of teaching in 5 either of these two-course sequences because they 6 are foundational. 7 Q. Are there advanced-level courses in 8 which PhD students in the chemistry department TA? 9 A. Yes. 10 Q. And how does the pairing or matching 11 process proceed with respect to advanced-level 12 courses? 13 A. Advanced-level courses are by nature 14 more sophisticated. They are typically taken by 15 chemistry majors -- undergraduates who are 16 chemistry majors, so these tend to be smaller 17 courses and more specialized. The graduate 18 students who might be selected for those courses, 19 the same what we would do, again, is to consider 20 their research interests as they have indicated. 21 And also to look at the record for their 22 undergraduate record for evidence of advanced 23 course room study in those topics. Many of our 24 students will have already completed some graduate 25 coursework as undergraduates because they're very</p>	<p style="text-align: right;">Page 833</p> <p>1 be strong evidence that they could be a TA for an 2 advanced course. 3 Q. In the chemistry department who manages 4 the matching of TAs to the courses for the 5 first-year requirement? 6 A. That is done by Dr. Vera Dragisich. 7 Q. Could you spell that for the record, 8 please? 9 A. (No response.) 10 Q. I can. D-R-A-G-I-S-I-C-H. 11 What is Dr. Dragisich's official 12 position? 13 A. Dr. Dragisich is the executive officer 14 for chemistry. She's a senior lecturer and she is 15 the associate director of undergraduate studies. 16 Q. How does she fulfill her role of 17 matching? 18 A. Dr. Dragisich is intimately familiar 19 with each of the -- with the backgrounds of each of 20 our students in the incoming class. She chairs the 21 graduate admissions committee. This is a committee 22 of faculty that is chaired by Dr. Dragisich that 23 reviews all of the applications to our doctoral 24 program. And so in the course of that -- in the 25 course of serving as chair of that committee, she</p>
<p style="text-align: right;">Page 832</p> <p>1 strong students. So those -- or we would also look 2 to see whether they have been a teaching assistant 3 as an undergraduate. At some institutions 4 undergraduate students can be teaching assistants 5 in undergraduate courses. 6 Q. Can you give us an example of how 7 someone's academic record or prior experience would 8 be taken into consideration in matching that 9 student to an advanced level course? 10 A. Well, I think in perhaps in much the way 11 I just described. So we would look at the -- we 12 would look at the student's application. We would 13 look at their transcript. We would look at their 14 personal statement, their letters of 15 recommendation. All the terms that go into the 16 application and examine that for preparation, 17 potential preparation to teach at a more advanced 18 level. 19 Q. Is someone with a 4.0 that graduated 20 from college more likely to get an advanced-level 21 course? 22 A. Certainly. That's right. The 23 strongest -- if the student is from an exceptional 24 university and has done exceptionally well and has 25 taught, served as a teaching assistant, that would</p>	<p style="text-align: right;">Page 834</p> <p>1 knows a lot about each student, has read their file 2 intimately, knows the areas that they are 3 interested in potentially studying, the students, 4 knows the backgrounds, their coursework, and so 5 she's in the best position of anyone in the 6 department to make that pairing. 7 As senior lecturer, she also has 8 experience teaching in these larger courses and 9 therefore understands the pedagogical requirements 10 of making that assignment. 11 Q. With all that as background, 12 Dr. Hopkins, I want to talk about your personal 13 experience. 14 So do you regularly teach courses 15 that have TAs? 16 A. Yes. 17 Q. Which one or ones? 18 A. Most recently I have taught chemistry 19 number 227. It's a course entitled advanced 20 synthetic chemistry laboratory. I also in the past 21 few years taught chemistry 201 which is inorganic 22 chemistry. Both of those had TAs, but currently 23 I'm teaching chemistry 227. 24 Q. What is covered in a course in advanced 25 synthetic chemistry?</p>

1 A. This is an example of a combined lecture
2 laboratory course. This particular course is taken
3 by chemistry majors in the last quarter, typically,
4 of their fourth year. So it is one of the last
5 courses they take and it's designed to be a
6 capstone course in which students basically pull
7 together the knowledge they've gained from prior
8 courses and then use this in a research setting in
9 which we teach the students advanced experimental
10 methods that are used to make molecules. That's a
11 lot of what chemistry involves, making molecules.
12 They learn to do this at an advanced level and then
13 they do this in a research project setting where
14 they will make a molecule that previously has not
15 been made before and then present, write up --
16 write the results of this up in the format of a
17 scientific paper and give a presentation at the end
18 of the course the way they would if they were at a
19 scientific meeting to describe their results.
20 Q. Does the chemistry department thrust
21 students wholesale into being TAs in these courses
22 without any preparation?
23 A. No.
24 Q. Are you familiar with the preparation
25 and training that is provided to graduate students

1 who TA in chemistry?
2 A. Yes, I am.
3 Q. Tell us what training the TAs in the
4 chemistry department receive?
5 A. The department has a formal training
6 program for all teaching assistants. This training
7 program begins since most of the -- since the
8 TAs -- all of the incoming students will serve as
9 TAs. The training program begins with an
10 orientation that begins two weeks prior to the
11 start of the fall quarter. During that two-week
12 period there is a continuous set of workshops and
13 training to prepare students not only to teach but
14 also to begin their research and how to
15 select -- advise on how to select a research group.
16 That training continues throughout the year.
17 There's a workshop or a seminar course that
18 continues throughout the year in which concepts of
19 teaching are presented, and this is in addition to
20 any additional -- this is in addition to any
21 mentoring that the faculty might provide in the
22 course of working with graduate students as the
23 teaching assistants.
24 Q. I'm going to ask you about your personal
25 experience in that training in a few minutes.

1 Let's focus our attention on the two week training
2 program you described.

3 May I, Madam Hearing Officer?

4 THE HEARING OFFICER: Yes.

5 (Employer No. 43 was marked.)

6 Q. This will be Employer Exhibit 43. Have
7 you seen Employer Exhibit 43 before?

8 A. Yes, I have.

9 Q. Please identify it for us?

10 A. This describes the two weeks -- the
11 activities in the two-week period prior to the
12 beginning of the fall quarter during which -- the
13 orientation period during which graduate students
14 who are entering the program receive training
15 in -- receive training to become a teaching
16 assistant.

17 Q. So the columns across the top are date,
18 time, place, activity, presenter, correct?

19 A. Yes.

20 Q. I want you to focus on the column marked
21 activity, and working from top to bottom on the
22 first page of this Exhibit point out for the record
23 the activities that relate to teaching PhD students
24 in chemistry how to teach?

25 A. The first entry would be on Tuesday,

1 September 13th at 1 o'clock. There's a session on
2 global TA policies that is headed by Dr. Dragisich,
3 Dr. Zhao, Dr. Keller. Dr. Dragisich, I described
4 her position previously. Dr. Zhao and Dr. Keller
5 are laboratory coordinators for general chemistry
6 and organic chemistry, the two large course
7 sequences I described earlier.

8 The next would be -- immediately
9 following that at 3 o'clock, specific TA policies
10 is the next session. Moving down --

11 Q. Who teaches that and why?

12 A. That is Dr. Zhao and Dr. Keller. So in
13 the first session basic policies that are
14 applicable across all courses are described and
15 then the students are split out according to the
16 courses that they would teach. So if they are
17 going to be a teaching assistant in general
18 chemistry, they would go into a session led by
19 Dr. Zhao. If they -- for organic chemistry they
20 would go into a session led by Dr. Keller. And
21 this would then provide more fine-grained
22 information that would be relevant only to their
23 courses.

24 Q. Please continue down the list of
25 activities, Dr. Hopkins.

1 A. I think the next session would be at
2 2 o'clock. I'm focusing on those that are
3 exclusively devoted to teaching. That would be
4 inclusive teaching in the classroom. That is a
5 session --

6 Q. 2 o'clock on what day?

7 A. I'm sorry. 2 o'clock on Wednesday,
8 September 14th. It is a session led by
9 Dr. Dragisich. Inclusive teaching. I think the
10 title is self-explanatory.

11 Q. Continue.

12 A. Then on Thursday, September 15th,
13 1 o'clock to 5 o'clock is an entry labeled practice
14 lab, and that entry will appear several times down
15 this list.

16 Q. So I want you to show every place on
17 this list where we see practice lab?

18 A. Practice lab would be at 1 o'clock on
19 September 15th.

20 Q. For four hours?

21 A. For four hours, that's right. On
22 September 16th from 9:00 to noon, practice lab.
23 Turning the page. Practice lab, again, on
24 September 19th from 1 o'clock to 5 o'clock. On
25 September 20th from 1 o'clock to 5 o'clock. On

1 September 21st from 1 o'clock to 5 o'clock and then
2 it appears in hybrid form on September 22nd from
3 1:30 to 5 o'clock practice labs/discussions. And
4 I'll talk about practice discussions separately.

5 Q. So now you can talk about practice labs.

6 A. The teaching of these two subjects,
7 general chemistry and organic chemistry, is
8 intertwined. There is lecture material. There is
9 written material and coursework in the form of
10 doing homework problems and standard examinations
11 of that sort. And then there is laboratory
12 teaching in which the concepts are complemented and
13 illustrated where students perform experiments that
14 illustrate points of chemistry. These experiments
15 require techniques to be taught, so we use the
16 practice laboratory training to teach our graduate
17 students, the teaching assistants, how to teach
18 laboratory techniques.

19 And so over the course of these
20 sessions that the teaching assistants will perform
21 independently, each of the experiments that the
22 undergraduates will be performing during the fall
23 quarter. So they will have been taught how to
24 teach each of the experiments that the
25 undergraduate students in the class will also be

1 performing.

2 Q. So we stop going down the list on
3 Page 1, but we got to the practice lab on Thursday,
4 September 15th at 1 o'clock.

5 Skipping over the other practice
6 lab sessions that are on Page 1, what's the next
7 way in which the chemistry department teaches the
8 TAs how to teach?

9 A. The next entry is Friday, September 16th
10 at 1 o'clock and it's entitled "Introduction to
11 Leading a Discussion." That's, again, a session
12 that was led by Dr. Dragisich, Dr. Zhao and
13 Dr. Keller.

14 Q. What do they in cover that? What do
15 they cover in introduction to leading a discussion?

16 A. Yes.

17 Q. What do they cover?

18 A. I'm about to tell you.

19 Q. Thank you.

20 A. You're welcome.

21 In addition to teaching the
22 undergraduates how to perform laboratory
23 experiments, our teaching assistants in these
24 courses are also -- also lead discussion sections.
25 A discussion section in general chemistry, organic

1 chemistry can take several forms. It can be used
2 for where the TA might reenforce or amplify or
3 answer questions about some of the concepts that
4 were covered in the main lecture. It might be an
5 opportunity to answer questions with work through
6 homework problems or problems that are similar to
7 homework problems or to discuss some of the
8 concepts that might be coming up in the laboratory,
9 but the form of these varies very much from week to
10 week, and there's some latitude based on the
11 teaching assistant.

12 Q. Please turn the page and tell us the
13 next training course where you are teaching TAs how
14 to teach in the chemistry department?

15 A. Next would be on September 16th at
16 4:00 p.m. It's entitled "Making the Most of
17 Teaching." It's a faculty panel. So this is a
18 panel discussion in which faculty discuss with
19 teaching assistants, or soon to be teaching
20 assistants, their perspectives on teaching. What
21 makes effective teaching, what kinds of problems,
22 or what are the interesting situations they might
23 encounter. How to get the most out of teaching,
24 how to be a good teacher. In the case of this
25 year, it's led by Dr. Ka Yee Lee. She's a faculty

1 member in the department of chemistry, an award
2 winning teacher. She's the director of
3 undergraduate studies and Dr. Viresh Rawal is also
4 a faculty member in the chemistry department and is
5 currently the chair in the chemistry department.

6 Q. Please keep moving down the list of
7 activities.

8 A. On Monday, September 19th at 9 o'clock
9 to noon. It is an entry labeled practice
10 discussions and this will appear several times down
11 the list.

12 Q. Please point them out.

13 A. It appears September 20, 9:00 to noon.
14 It appears September 22nd 9:00 to noon. It appears
15 in this hybrid form on September 22, 1:30 to 5:00
16 where it's mixed with practice labs and then
17 September 23rd from 9:00 to noon also practice
18 discussions.

19 Q. Did you mention the one on Thursday, the
20 22nd at 9 o'clock?

21 A. I don't know if I did, but I think -- I
22 intended to so it's there, yes.

23 Q. Tell us how the chemistry department
24 teaches PhD students to teach by virtue of the
25 practice discussion sessions you just pointed out?

1 undergraduates.

2 Q. So that the record is clear, when you
3 say they did this in front of their fellow teaching
4 assistants, are you talking about fellow first-year
5 PhDs in the two weeks before class starts?

6 A. That's correct. Yes. It's meant to be
7 a collaborative environment where the students are
8 learning together how to teach.

9 Q. Okay. Let's keep moving down the column
10 of activities on the second page of Employer
11 Exhibit 42. What is the next way in which the
12 chemistry department teaches its PhD students how
13 to teach?

14 A. I believe the next entry would be
15 Wednesday, September 21st at 9 o'clock, 9:00 to
16 10:00. This is a panel discussion entitled "Ethics
17 and Authority in the Classroom," senior TA panel
18 discussion, and this is a panel discussion in which
19 senior graduate students in the program who
20 previously have been teaching assistants offer
21 their advice on teaching. So it's an opportunity
22 for the senior students to teach how to teach and
23 for our new teaching assistants, or soon-to-be
24 teaching assistants, to learn from students who
25 have been in these same roles.

1 A. There was a session that I mentioned
2 earlier, September 16, 1:00 to 2:00, introduction
3 to leading a discussion. During that session the
4 basic principles of how to lead a discussion
5 section are taught. And then each of the teaching
6 assistants is presented with a topic that would be
7 covered in their course during the first quarter,
8 and they are asked to prepare that discussion.
9 Independently prepare. They can receive advice
10 from the coordinators and from the faculty, but
11 they work on this and develop a plan for that
12 discussion section.

13 And then during the sessions that I
14 just mentioned, the practice discussions, they will
15 go to the front of the room. The audience would be
16 their fellow teaching assistants and the laboratory
17 coordinators, Dr. Zhao or Dr. Keller, and they
18 would present the material that they have prepared
19 and then they would receive feedback from their
20 fellow students, from the laboratory -- from the
21 coordinator for the laboratory, Dr. Zhao or
22 Dr. Keller, and they would use that to refine their
23 approach to make improvements and to use this as an
24 experience that would be similar to that that they
25 might encounter when they're teaching

1 Q. Is there any other teaching to teach
2 topic in the activity section that you haven't told
3 us about already?

4 A. Moving down the list would be Wednesday,
5 September 21st at 10 o'clock, advice for
6 international TAs, a similar discussion. All
7 students attend this. It's not broken out for
8 international TAs, but we do have students from
9 other countries. And so, again, former teaching
10 assistants who are senior advanced graduate
11 students in our program talk about their
12 experiences. So perhaps reflecting differences in
13 culture or language or other topics that would be
14 relevant from students from other countries or
15 teaching assistants from other countries.

16 Moving down the list. The last
17 entry here on the list would be first TA meeting.
18 This is September 26th, 12:30 to 1 o'clock, the
19 first TA meeting. So this would be the first of a
20 series of regular meetings for each of the major
21 courses in which the teaching assistants in that
22 course would gather with faculty, with the
23 laboratory coordinator, to discuss the beginning of
24 term and whatever would be relevant to start the
25 course.

1 Q. Let me back up for a moment,
2 Dr. Hopkins. You mentioned several times the
3 session or activities that's at 1:30 to 5 o'clock
4 on Thursday, September 22nd. You refer to that as
5 the hybrid practice lab/discussion. What is a
6 hybrid practice lab/discussion?

7 A. I think that's something where they will
8 do one or the other depending on the needs of the
9 students and the training at that particular
10 moment. It's not separate. It's just something
11 that could be used for either or both depending on
12 where things stand with regard to teaching the
13 teaching assistants to prepare the class.

14 MR. WEITZMAN: We offer Employer
15 Exhibit 42.

16 MS. AUERBACH: No objection.

17 THE HEARING OFFICER: 43?

18 MR. WEITZMAN: I'm sorry, 43.

19 MS. AUERBACH: No objection.

20 THE HEARING OFFICER: Employer
21 Exhibit 43 is received.

22 Before we move on from this
23 document, I just have a quick question.

24 For the practice lab and practice
25 discussions, it will say Dr. Zhao or Dr. Keller.

1 department continue to teach its PhD students how
2 to teach?

3 A. Yes.

4 (Employer No. 44 was marked.)

5 Q. This is Employer Exhibit 44 for
6 identification. Dr. Hopkins, are you familiar with
7 Employer Exhibit 44?

8 A. Yes, I am.

9 Q. What is it?

10 A. This is the syllabus of a year-long
11 seminar course that all of our first-year graduate
12 students take, and the aim of this seminar course
13 is to continue to teach graduate students -- our
14 graduate student teaching assistants how to teach
15 their courses.

16 Q. Is it considered an extension of the
17 traditional two-week departmental TA training
18 program?

19 A. That's correct.

20 Q. Would you please go through the topics
21 that are covered and explain into the record?

22 A. The first of these -- in fact, the first
23 of these topics, Wednesday, September 14th, is
24 included in the two-week period. So the first of
25 these overlaps with what I described already but

1 So you had mentioned before that students would
2 split depending on with whom they would be paired
3 as a TA that semester. So is that consistent for
4 the practice lab and practice discussions? For
5 each of the practice labs and practice discussions
6 they would be conducted by the professor with whom
7 they would be working that quarter?

8 MR. WEITZMAN: That wasn't his
9 testimony. Those two have areas, and I think he
10 can explain.

11 THE HEARING OFFICER: I apologize for
12 mischaracterizing his testimony, but the question
13 still stands.

14 MR. WEITZMAN: Right.

15 THE HEARING OFFICER: Is that accurate
16 that each practice lab conducted by Dr. Zhao or
17 Dr. Keller would be with those TAs with whom they
18 would be working?

19 BY THE WITNESS:

20 A. That is correct. The courses are
21 different. The topics are different and therefore
22 they diverge based on that.

23 THE HEARING OFFICER: Thank you.

24 BY MR. WEITZMAN:

25 Q. Throughout the year does the chemistry

1 then after that these are separate topics. And
2 many of them I won't belabor because I think the
3 titles are self-explanatory.

4 Teaching in the multicultural
5 classroom, we have undergraduate students from a
6 broad variety of background. So someone from the
7 university, not a member of our department, with
8 specialization in that area would present that.

9 The next on the list, how to be the
10 best TA faculty prospectus. Professor Snyder is a
11 faculty member in my department. He, in fact, just
12 won the Contrell award yesterday for exceptional
13 teaching. In how to be the best TA faculty
14 prospectus, he provides his thoughts.

15 The next would be plagiarism.
16 Regrettably we do encounter cases where
17 undergraduate students push boundaries of what is
18 allowed and we need to prepare students to identify
19 and deal with that.

20 Active learning in the classroom is
21 a session taught by Dr. Ratliff. Dr. Ratliff is a
22 senior lecturer in the chemistry department. She
23 teaches a particular variant of general chemistry
24 that is -- involves a lot of additional coursework
25 and assistance with teaching assistants for a group

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1 of students for whom that's beneficial, and she
2 provides her expertise on that.
3 Peer discussion review, I can't
4 tell you. I don't know. I don't know exactly what
5 that involves.
6 Critical thinking is a session
7 taught by Dr. Zhao, and it's, again,
8 self-explanatory. How to think about -- really how
9 to incisively present material in the classroom,
10 what are the ways to avoid just repeating what
11 might be in the textbook or to think beyond the
12 textbook.
13 Presentation and public speaking
14 skills, I think is self-explanatory.
15 Safety as a graduate student and
16 beyond. As this course says, it's a graduate
17 training and so as the students are now progressing
18 through the year, they're also beginning the
19 process of selecting research groups and starting
20 their research simultaneously. So some of this is
21 relevant to teaching but it's also relevant to
22 future research.
23 Scientific writing, led by Kathy
24 Cochran. She is part of the University of Chicago
25 writing program. It's an outstanding program that

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1 teaches critical writing skills. And so this is a
2 preparation for students to begin to prepare their
3 own research for reports for publication and so on.
4 The next is outreach. Outreach is
5 not really a teaching topic, but it has to do with
6 the way that we scientists can connect with the
7 community, so the way we do our own research and
8 teaching. We'd like our research to have broader
9 impacts. So outreach is a way to connect, for
10 example, with schools, lower elementary schools and
11 provide stimulation for students and we encourage
12 students to participate in that.
13 And then the last is the transition
14 from teaching assistant to research assistant led
15 by Dr. Dragisich, which the research assistant is
16 someone who is conducting research in a research
17 group.
18 Q. You have told me about all the formal
19 training that PhD students in chemistry receive
20 from the chemistry department that teach them how
21 to teach?
22 A. Yes.
23 Q. So I'd like to take a break and come
24 back and talk to you about how you personally teach
25 your PhD students to teach?

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1 THE HEARING OFFICER: You're going to
2 wait to move this?
3 MR. WEITZMAN: No. I'll do it now. The
4 Employer moves the admission of Exhibit 44.
5 MS. AUERBACH: No objection.
6 THE HEARING OFFICER: Employer
7 Exhibit 44 is received.
8 With that, off the record.
9 (Whereupon, a break was taken,
10 after which the following
11 proceedings were had:)
12 THE HEARING OFFICER: On the record.
13 BY MR. WEITZMAN:
14 Q. One moment of backtracking, Dr. Hopkins.
15 Do you have Exhibit 43 in front of you which is the
16 chemistry department's TA training schedule for
17 2016?
18 A. I do.
19 Q. For whose benefit does the chemistry
20 department provide the training and how to teach to
21 its PhD students?
22 A. We do this for the benefit of our
23 graduate students as part of their graduate
24 education.
25 Q. Referring you to Exhibit 44. Do you

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1 have that in front of you, Dr. Hopkins?
2 A. What's the title?
3 Q. (Indicating).
4 A. Yes, I do.
5 Q. For whose benefit does the chemistry
6 department provide the graduate training courses
7 you've described to us in your previous testimony?
8 A. For our graduate students. It's an
9 integral part of their graduate education.
10 Q. Now, let's get personal. I want you to
11 tell us how you teach your TAs to teach. Not
12 theory, not hypothetical, how you actually do it.
13 Let's start with before the quarter begins. What
14 do you do?
15 A. So in the course that I teach -- I
16 mentioned earlier, chemistry 227. That's a course
17 that has three teaching assistants associated with
18 it. When those teaching assistants are
19 identified -- before the quarter I meet with them
20 and start by outlining the aims of the course. One
21 of the things that's important to be an effective
22 teacher as a faculty member is to have a clear set
23 of objectives for the course and then to ensure
24 that the material that you present is aligned with
25 those objectives.

<p style="text-align: right;">Page 855</p> <p>1 So we begin, before the quarter, by 2 discussing the goals for the course, the materials 3 for the course, the types of assignments that we 4 will be doing, how those are aligned with the 5 course, what are the goals of the course and also 6 then discuss some of the laboratory techniques and 7 the special ways of teaching those that will be 8 part of the course. I do this -- the course 9 materials involve lectures that are prepared and 10 presented by me. They provide background for the 11 course, for the undergraduates to then apply in the 12 laboratory and then there isn't a textbook. All 13 the course materials are custom written for this 14 course, and I've written those. We discuss the 15 content.</p> <p>16 In other words, we discuss the 17 theory of why the materials contain what they 18 contain so that my teaching assistants will learn 19 how they might construct their own materials. I 20 give them the copies of these laboratory manuals 21 and background materials. They -- and then ask 22 them to read them critically from the perspective 23 of an undergraduate student, and I ask them not to 24 read them, In other words, to just prepare but to 25 think of themselves as the student who they will be</p>	<p style="text-align: right;">Page 857</p> <p>1 necessary depending on their background, which, 2 again, it varies from teaching assistant to 3 teaching assistant, but depending on their 4 background we would go to the laboratory and we 5 would review some of the experimental methods that 6 will be taught. The teaching assistant might 7 perform some of the experiments, again, depending 8 on their background. We -- in the course of 9 preparing for this, we do a trial run of one of the 10 demonstrations where I ask them to show how they 11 will be teaching some of these techniques, and we 12 talk about different ways of doing this. I give 13 them my advice and guidance on how I think the most 14 effective way to do this is and then they implement 15 those ideas or bring their own ideas. So that's 16 before the quarter begins.</p> <p>17 Q. Do you go over course mechanics with 18 them?</p> <p>19 A. Yes. I discuss -- as part of discussing 20 the goals of the course, I discuss why the material 21 is what it is, you know, it's sort of a broad 22 structure of the point distribution that might be 23 in place and talk to them about the ways in which, 24 if they were teaching this material in my position, 25 they would prepare the materials and then try to</p>
<p style="text-align: right;">Page 856</p> <p>1 teaching, are the instructions clear, is the 2 background material sufficient and then I ask them 3 to make suggestions about how the material might be 4 improved. They mark up the manual with their own 5 thoughts on clarity and conciseness and direction, 6 are there problems that might have two correct 7 answers. We don't want that. We like questions to 8 be posed with one correct answer.</p> <p>9 And then we meet again prior to the 10 distribution of those materials before the quarter 11 begins to discuss their ideas about this and then 12 if there are suggestions that are valuable, we 13 incorporate that material before it's distributed. 14 So that's all in the way of background preparation 15 for materials. This can range anywhere from 16 relatively minor contributions, minor adjustments, 17 to really important suggestions.</p> <p>18 And in one recent case an entire 19 experiment was conceived by one of the teaching 20 assistants. I thought it was a great idea and that 21 teaching assistant is now listed as a coauthor on 22 the course material because their contributions 23 were substantial.</p> <p>24 In addition to going over the 25 course material, we go to the laboratory as</p>	<p style="text-align: right;">Page 858</p> <p>1 teach them how to teach their undergraduates, yes.</p> <p>2 Q. Do you explain to them what 3 undergraduates will have to do to get a grade?</p> <p>4 A. Yes.</p> <p>5 Q. How do you do that?</p> <p>6 A. Well, so the course has several required 7 components. Students, as I mentioned earlier, in 8 this course conduct essentially a research project, 9 two of them, but the second of them results in the 10 synthesis of a new molecule. It's an original 11 research project, and they will be graded on their 12 ability to describe the results, not their success, 13 because it's an experimental science and sometimes 14 the experiments go off in directions that could be 15 unexpected, but to describe accurately the results 16 of their work. So that's -- their ability -- the 17 students are graded on the report and their -- the 18 report that they prepare and we discuss how that 19 grading might take place and the role that I play.</p> <p>20 Q. For whose benefit do you do what you 21 just described, for the record, before the quarter 22 even begins?</p> <p>23 A. I do this for the benefit of the 24 teaching assistants who at some point may be in my 25 position teaching a similar course.</p>

1 Q. So now the course begins. Tell us what
2 other mentoring you provide.

3 A. The teaching assistants will be in the
4 laboratory portion of the course. The teaching
5 assistants will be in the laboratory with the
6 undergraduate students, and they will be advising
7 them on how to safely conduct the experiments, how
8 to perform certain experimental techniques and how
9 to interpret the results, how to make accurate
10 observations of what they're doing which is an
11 integral of the undergraduate experience. I go to
12 the laboratory, to each of the sessions, and talk
13 individually, and sometimes in a group depending on
14 the circumstances, with each of the TAs, as well as
15 with each of the undergraduates, use it as an
16 opportunity to both teach the undergraduates and
17 the TA, who will be standing there generally with
18 one of these undergraduates about a particular
19 concept. And I do this both so that the
20 undergraduate learns but also the teaching
21 assistant who is there can see what I think is an
22 important observation to make or what is an
23 important point to be conveying. And then I might
24 take the teaching assistant aside and explain why
25 I've done that. I will also typically get a group

1 of the TA -- a group of the TAs off together to the
2 side to discuss something I've observed or to make
3 some general observations. It just depends on the
4 particular material that's being taught that day.
5 So that would be during the quarter in the
6 laboratory.

7 I also then meet with them outside
8 of the laboratory on a regular basis to discuss
9 what is going on and to help them prepare in
10 advance of the laboratory how best to convey the
11 concepts that will be taught.

12 Q. You try to incubate thoughts that will
13 translate into their success in their academic
14 career during this process?

15 A. I do. When I was a teaching assistant
16 in graduate school, I was a teaching assistant in a
17 laboratory course. I learned from that experience.
18 It was essential to my own personal, professional
19 development to ultimately becoming a faculty member
20 teaching students how to teach and how to conduct
21 research and so I do the same thing as I was taught
22 years ago. I pass along these ideas as part of
23 their education.

24 Q. For whose benefit do you mentor the TAs
25 in their roles in the lab that you just described?

1 A. I do this for the benefit of the
2 graduate students.

3 Q. And then comes grading. I want to talk
4 about grading. How do you mentor your TAs in the
5 grading process?

6 A. I start by explaining the objectives of
7 grading. The objective of grading, in my personal
8 opinion, is not to sort students, but to provide
9 constructive feedback on their work, so there are
10 different ways of grading. The kinds of grading
11 that we do in my course it's not multiple choice.
12 These are long, written materials and long, written
13 reports and so it's not just right or wrong. It's
14 not something that one draws an X through because
15 it doesn't meet the standards of whoever is grading
16 it. It's an opportunity to read the content and to
17 teach the undergraduates what they might have
18 missed and so we discuss how to grade. We discuss
19 my philosophy of grading from the standpoint of
20 grade distribution.

21 Students may be most -- you know,
22 teaching assistants might be most familiar with
23 large introductory course sequences where there are
24 many students from many different backgrounds with
25 many different interests. Some of them chemistry

1 majors, some of them not.

2 As undergraduates -- and in these
3 courses often the grade distribution is very broad
4 ranging from A through fail. That's appropriate
5 because these are students, undergraduate students,
6 who have not -- in many cases have not decided what
7 they want to pursue. And giving everyone an A -- I
8 won't name institutions that do that -- but giving
9 everyone an A isn't necessarily in their interest.

10 Q. Why not?

11 A. Because if they're trying to decide
12 whether or not they have the aptitude --

13 Q. For chemistry?

14 A. -- for chemistry, to give them a grade
15 that doesn't reflect their understanding may give
16 them false security. So it's better to
17 be -- better to give them a grade that reflects
18 their true understanding.

19 The other extreme though, by the
20 time they take my course, these are students who
21 have completed, in the past, all series of other
22 courses. These are students who are chemistry
23 majors ready to launch a career in chemistry or an
24 affiliated scientific field. And so a broad
25 distribution is not as appropriate for them. By

1 the time they're in graduate programs, often the
2 average grade is quite a bit higher. Say in our
3 graduate program it would be a B for a graduate
4 course as opposed to say a C for an undergraduate
5 course, and I think that that reflects that. So I
6 teach students why that is.

7 Q. Your philosophy on grading?

8 A. That's my philosophy.

9 Q. So after you teach your philosophy and
10 the purpose of grading, how do you teach them how
11 to grade?

12 A. Grading involves what's called -- often
13 called a grading rubric. So for a given assignment
14 there is something that describes the distribution
15 of points. It's -- in a multiple choice test it's
16 pretty easy. It's right or wrong. In the kind of
17 work that the undergraduates produce, a long,
18 written report that's meant to replicate a
19 scientific paper, there are many ways of doing that
20 well, and there are also many ways of doing it not
21 so well. And so it becomes important -- it's very
22 important, and this is representative of a broad
23 variety of work, that undergraduates do and must be
24 graded. You have to teach what are the guidelines
25 for this.

1 So I develop a qualitative grading
2 rubric where I say this is the basic structure of
3 the report that they will produce and here is sort
4 of a rough distribution across different sections
5 that I think is appropriate. Now --

6 Q. Do you explain to them why you did it
7 that way?

8 A. I do, yes, of course. And then I ask
9 each of the TAs to sit down and say, what do you
10 think now at a fine-grade level is the right point
11 distribution for each of the subsections, and I ask
12 them to think about it on their own so that they're
13 not just regurgitating my scheme but they're
14 putting themselves in my position and trying to
15 develop a rubric on their own.

16 So then we get together. We
17 discuss the rubrics that they proposed. I provide
18 corrections. In my experience many teaching
19 assistants are harsher graders than I would be. So
20 we adjust things accordingly and then we use the
21 scheme that's adapted from what they have proposed
22 to grade the reports.

23 Q. Let me stop you for a second. Why do
24 you believe that graduate assistants are harsher
25 than you would be?

1 A. Well, I don't want to generalize. I'm
2 speaking only from my experience. I can give you
3 an example -- a very recent example where when we
4 discussed grading and we said, well, what would you
5 assign as a letter grade to each of these reports?
6 The highest grade in the whole course was an A
7 minus, and I thought that perhaps erred on the low
8 side.

9 Q. So you've gone through the rubric.
10 You've taken their ideas on the rubric, and once
11 everybody has agreed on a rubric, what's the next
12 step in the grading process?

13 MS. AUERBACH: Objection.

14 Mischaracterizes the witness's testimony.

15 THE HEARING OFFICER: So after they
16 have --

17 BY MR. WEITZMAN:

18 Q. Let's go back then. You present a
19 rubric, correct?

20 A. I present on outline of a rubric.

21 Q. And what happens?

22 A. And then I ask the teaching assistants
23 to fill in the details. We discuss what those
24 details roughly could look like but then they
25 are -- I ask them to develop on their own, based on

1 the way they think the course would be graded if
2 they were the instructor, the finer details and
3 then we discuss their proposed grading rubrics and
4 we come to a final grading rubric.

5 Q. When that process is completed, what is
6 the next step in grading?

7 A. So for me, I then ask the students to
8 grade each of these reports in draft form. By that
9 I mean rather than mark the paper I ask them to
10 mark the paper on Post-It Notes where the Post-It
11 Notes are then attached to each of the subsections
12 of this report so that -- as though they were
13 marking it but that it's not yet in final form. So
14 they might make comments. They might suggest point
15 distributions and so on. And each of the teaching
16 assistants does this depending on what portion that
17 they are grading.

18 After they complete that, we meet
19 again and we go through each of those reports. We
20 discuss the comments, the points. We discuss how
21 this reflects the rubric and the philosophy.
22 Oftentimes it's possible to lose a point many times
23 over if you make a mistake in one portion of a
24 report and you make that same mistake again. One
25 of the challenges in grading is to not over

1 penalize because you made one mistake that just
2 happens to appear statically too much times. So we
3 discuss how these situations arise, how to adjust
4 it accordingly.

5 Normally after we're all on the
6 same page, then I ask the students to transfer
7 those appropriate comments from the Post-It Notes
8 to the paper and then that represents the final
9 graded paper.

10 Q. You've gone through each and every one?

11 A. Yes, I have.

12 Q. And agreed to the grade?

13 A. I am the instructor for the course of
14 record and so the grades reflect my decisions.

15 Q. For whose benefit do you teach your PhD
16 students how to grade?

17 A. I do this so that they will learn how to
18 grade. I teach the graduate students so that they
19 will learn how to grade and provide feedback on
20 undergraduate course materials.

21 Q. Do you have a wrap-up at the end of the
22 semester?

23 A. I do. At the conclusion of the quarter,
24 I gather the teaching assistants again. We discuss
25 what took place over the quarter. I mean, in many

1 cases we will have had these informal discussions
2 in the lab or during our weekly meetings, but this
3 is sort of a chance for a global review, and we
4 discuss what could be done better, what could be
5 done differently and then use that as a way to
6 prepare for the next time the course is taught.

7 Q. For whose benefit do you hold this
8 meeting at the end the of the quarter with your TA?

9 A. I do that for the graduate students,
10 benefit because I believe that this is an important
11 part of being a good teacher.

12 Q. What part of the teaching that you just
13 described, in terms of teaching PhD students to be
14 TAs in the lab has, an effect on their
15 post-employment opportunities?

16 A. I would say it's essential to their
17 post-employment opportunities.

18 Q. Do you have any personal experience in
19 reflecting that when you're recommending students
20 for positions?

21 A. I am frequently asked by former teaching
22 assistants in the course to provide a letter of
23 recommendation for other teaching positions. I've
24 been asked to do this, including one currently.
25 One of the students currently looking for a job has

1 completed their PhD, is no longer at the
2 university, is a post-doc, but he is a former
3 graduate student and asked me to comment on their
4 teaching, how they teach, were they effective at
5 teaching, how did they learn to teach. So I do
6 that as part of my -- it's an essential part.

7 Q. Have you ever had a poor performance by
8 a TA who is a first-year graduate student in your
9 experience?

10 A. Poor might be too strong a term.

11 Q. How about less than satisfactory?

12 A. Yes.

13 Q. What happened in those situations?

14 A. I will provide extra attention to that
15 teaching assistant so that the performance
16 improves.

17 Q. And have you been successful?

18 A. I have.

19 Q. When somebody is less than satisfactory,
20 does that affect their stipend?

21 A. No, it does not.

22 Q. Is their stipend reduced when they're
23 less than satisfactory?

24 A. No, it's not.

25 Q. And rather than have the impression on

1 the record that this is a big deal, how often does
2 this happen that you have situations where your TAs
3 are less than satisfactory?

4 A. In my experience, quite infrequently.

5 Q. Are PhD students admitted to the
6 University of Chicago because what they can do as
7 TAs will benefit the chemistry department?

8 A. No.

9 Q. Does the number of TAs that the
10 chemistry department has figure in any way in
11 deciding how big the next class should be or how
12 small it should be?

13 A. The decision for how many students to
14 admit is independent of undergraduate enrollments.

15 Q. Does a chemistry PhD graduate student
16 have the opportunity to volunteer to be a TA beyond
17 the degree requirements?

18 A. Yes.

19 Q. When that happens, is there a difference
20 in how you treat the TA who is doing it voluntarily
21 versus the TA who is still going through the three
22 required courses?

23 A. Could you define what you mean by treat?

24 Q. Compare or contrast the way in which you
25 teach a teaching assistant to teach who's in their

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1 first three required courses somebody who has
2 volunteered to subsequently teach when they're in a
3 higher year in a program.
4 A. Well, they would not go through the full
5 teacher training, the formal program again, because
6 they would have completed that, but otherwise the
7 process, in terms of my interaction with those more
8 advanced students, would be the same as I've
9 described.
10 Q. Do people who volunteer -- do PhD
11 students who volunteer for teaching assistants
12 beyond the three receive any compensation?
13 A. They are compensated as teaching
14 assistants.
15 Q. So they just receive the same stipend?
16 A. Yes.
17 Q. Now we're going to turn to the people
18 who are researching in your lab. In chemistry, is
19 every PhD student required to conduct research?
20 A. Yes.
21 Q. Why?
22 A. The PhD degree in chemistry is a
23 research-based degree.
24 Q. What does that mean?
25 A. It means that the goal -- the PhD degree

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1 in chemistry signifies that a student has
2 progressed from a knowledge of sort of the
3 fundamentals at the undergraduate level to a level
4 of which they would be considered an independent
5 scientist. By that I mean they have moved from a
6 relationship with a research advisor where the
7 advisor is helping them very intimately think about
8 how to conduct experiments and perform research to
9 one in which the student would be able to identify
10 an important -- independently identify an important
11 scientific problem, pose a hypothesis, devise
12 experiments to test that hypothesis, independently
13 analyze the data and independently draw
14 conclusions, and the course of doing that requires
15 that the student conduct independent research and
16 so the PhD is a research-based degree.
17 Q. Their dissertation is based on that
18 research?
19 A. Their dissertation describes the
20 research they've conducted during their PhD
21 studies.
22 Q. What are students who conduct research
23 in the lab in the chemistry department called?
24 A. Graduate students.
25 Q. As part of their conducting research, do

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1 chemistry students elect to join a research group?
2 A. Yes.
3 Q. What is a research group?
4 A. A research group would be a group of
5 researchers that are affiliated with a particular
6 faculty member, generally in the chemistry
7 department. That group of researchers could
8 include graduate students, undergraduate students.
9 It might include postdoctorals. It might include
10 technicians. Broadly speaking that would be a
11 research group.
12 Q. When do PhD students join a research
13 group?
14 A. They are encouraged to join a research
15 group for the beginning of the second quarter of
16 their first year.
17 Q. Why is that particular moment in time
18 chosen?
19 A. It provides roughly one quarter. During
20 the first quarter they will have had an opportunity
21 to learn about the research opportunities, or I
22 should say learn better about the research
23 opportunities in the chemistry department, to meet
24 individually with faculty about possible research
25 projects, to meet with members of those faculty

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1 research groups about the environment and the
2 research laboratories that they may join and
3 through all of that have enough information to make
4 an informed decision.
5 Q. Dr. Hopkins, could you give me some more
6 detail as to how students are made aware of the
7 various research groups they may join?
8 A. Well, they typically have a good
9 understanding of the research opportunities in the
10 department before they even apply. So students
11 apply generally based on their knowledge of the
12 opportunities and the representation of the
13 department. Students who are admitted to the
14 program are -- frequently visit the department in
15 which they can meet with faculty. They can meet
16 with current graduate students in the program.
17 They have the information that's available on
18 websites. Before they even arrive on campus, they
19 have a pretty good idea of the kinds of
20 opportunities that are available.
21 And then just prior to the
22 beginning of the quarter, we have a two-day
23 symposium in which faculty present research
24 projects that are being conducted in their
25 laboratories. I believe the first day of that

1 symposium is indicated on the -- is part of the
2 two-week orientation and appeared on that schedule.
3 And in conjunction with that there's a poster
4 session where current graduate students who are
5 members of the research group can talk about their
6 own projects and provide informal -- provide an
7 informal contact so that prospective graduate
8 students can learn about the research group from a
9 prospective fellow student.

10 Q. During the application process, are some
11 of the students -- do some of the students have an
12 opportunity to visit the campus?

13 A. Yes.

14 Q. What role does that play in helping them
15 select a lab?

16 A. Well, I think it's an important part of
17 coming to the decision to attend -- to be part of
18 our program. It gives them an opportunity to meet
19 with faculty, to meet with students, to see the
20 facilities, to get a sense of the intellectual
21 climate, the personal climate, where they can -- we
22 ask them to ask the question of themselves, can you
23 see yourself being here? So that's what we design
24 the program to try to give them the information so
25 that they can adequately answer that question.

1 Q. What role, if any, do any current PhD
2 students have in helping first-year PhD students
3 besides what research group they want to join?

4 A. Well, they are informal resources. We
5 encourage -- we actively encourage the graduate
6 students, the first-year graduate students who have
7 not yet joined a research group to take advantage
8 of the fact that there are many fellow students
9 there who are in those research groups and they can
10 ask the questions that are important to them? Is
11 this a good fit personally? Is it a good fit
12 scientifically? What are the kinds of projects?
13 What are the details that sometimes get glossed
14 over maybe when a faculty member describes the big
15 picture. The fine details are the ones that the
16 student is aware of. And so they could attend a
17 research group meeting. Many ways in which our
18 current graduates need to participate
19 in that process.

20 Q. What role does the student's
21 dissertation topic have in the student's choice as
22 to whether to affiliate with a particular group or
23 a different particular group?

24 A. The dissertation topic is typically
25 chosen on the basis of the research project that

1 the student chooses. So faculty have researched
2 interests. They describe their researched
3 interests and then a graduate student who chooses
4 to join that research group would do so because
5 there is a project within the scope of that
6 research group that they find interesting. And
7 then the project is firmed up by mutual agreement
8 between the advisor and the student and that then
9 becomes the dissertation topic.

10 Q. So would it be fair to say that when a
11 student chooses a research group, they are choosing
12 the research that they want to do?

13 A. That's correct.

14 Q. After the student does their research,
15 how do they ultimately join the research group?

16 A. When you say "the research group" --

17 Q. I'll rephrase that so it's less
18 confusing.

19 Once they do their homework as to
20 where they want to do their research, how does the
21 pairing become effectuated?

22 A. Well, they meet with a faculty member,
23 and these are arrangements that are by mutual
24 agreement. So the faculty member would say, yes,
25 I'm delighted you wish to conduct research with me.

1 I would like to invite you into my research group
2 and then the department is informed of the fact.
3 Dr. Dragisich, who we referred to earlier, is the
4 person that keeps track of all of that. She would
5 be informed, typically by the faculty member and
6 the student, and then that would be official
7 notification.

8 Q. Do you have some PhD students who do
9 anything during the summer to start the decision
10 making process for which lab they want join?

11 A. Some students arrive on campus the
12 summer before the quarter -- the first quarter
13 begins and then an offer is made to students who
14 are admitted to our program that if they wish to
15 come and conduct -- it's voluntary and it's
16 nonbinding. They would conduct research with a
17 faculty member, sort of a mini project, or become
18 emersed in a particular research group of interest.
19 They could use that as an opportunity to learn more
20 about the research that's being conducted, the
21 environment of that research group, the kinds of
22 methods that might be employed, the kinds of
23 knowledge that they might gain. It's nonbinding.
24 If students at the end of that period choose to
25 join a different research group after the normal

1 process, or if they choose not to participate at
2 all, it has no affect on the ultimate outcome.

3 Q. Dr. Hopkins, do you have a lab?

4 A. I do.

5 Q. Tell us what goes on in the Hopkins lab
6 in terms of its focus of its research?

7 A. I'm a chemist in the subspecialty known
8 as inorganic chemistry. My research -- I'm
9 interested in two research areas that are being
10 pursued in my laboratory. One of them is in the
11 area called artificial photosynthesis.

12 Photosynthesis is the process by
13 which plants need sunlight to grow. Basically they
14 take the energy from light and convert that, use
15 that to convert carbon dioxide and water to sugars
16 that help a plant grow. Our goal in artificial
17 photosynthesis is to use the energy and sunlight to
18 provide an alternative source of energy rather than
19 conventional fossil fuel based energy. And so what
20 we seek to do is to replicate processes of nature
21 by which plants use light to produce a fuel, for
22 them it's sugar, to drive chemical reactions that
23 might produce a conventional fuel, such as
24 methanol, that could be used to replace fossil fuel
25 with sunlight.

1 The second area is in the area of
2 nanochemistry. Nano means one billionth, so
3 nanochemistry involves objects that are within
4 one-billionth of a meter in size. And the promise
5 of nanotechnology is that because the substances
6 that would go into a nano device are so small they
7 might be at the very limits of miniaturization for
8 new types of electronic circuits or sensors or
9 diagnosis tools. But because these substances are
10 so small, a billionth of a meter. So a piece of
11 paper is about 100,000 nanometers thick. So if we
12 took these little objects, it would take 100,000 of
13 them to make up the thickness of a paper.
14 Manipulating them is small. We don't have tweezers
15 that are small enough to manipulate them so we do
16 chemistry to encode into those particles the
17 information that would allow them to spontaneously
18 organize into a potential useful device or
19 arrangement. And so those are the two areas of my
20 research.

21 Q. So I didn't have chemistry in college.
22 I think you said that the first area of interest is
23 you're trying to find ways in which we could use
24 the sun to create energy?

25 A. In short form, that's correct.

1 Q. So in the future we don't have to rely
2 on fossils or gas, you're trying to find a way to
3 do that?

4 A. That's the goal.

5 Q. And the second thing you do is you're
6 exploring these molecules to see if there is
7 something that you can do to learn from these
8 molecules that can create a new idea in some other
9 way?

10 A. In summary form, yes.

11 Q. In your group how many graduate students
12 are there?

13 A. I have -- currently I have six graduate
14 students, and there are two undergraduate students
15 who are also part of my research group. Three of
16 those graduate students and one undergraduate are
17 doing research on one of the projects and three
18 graduate students above the undergraduate are doing
19 research on another project, on the second project.

20 Q. What is the role of the undergraduate
21 students in your lab?

22 A. Undergraduate students are -- they
23 volunteer to advance their education. It's not a
24 requirement for the degree but many of our
25 chemistry majors wish to gain research experience

1 in a laboratory. So as of part of their
2 decision-making process about whether to go to
3 graduate school or simply because they are
4 interested in the subject and want to become
5 further immersed and so they typically are
6 conducting research alongside a graduate student on
7 a particular project.

8 Q. What do the PhD graduate students do in
9 the Hopkins lab?

10 A. They do a great many things. They
11 conduct research in one of these projects. They're
12 conducting research toward a goal. The goals are
13 intrinsic to the two projects I've just described
14 and each of their projects have some main
15 hypothesis that needs to be tested in order for the
16 goals of these projects to reach fruition and so
17 they find the hypothesis. They develop the
18 experiments that test the hypothesis. They perform
19 the experiments to test the hypothesis and analyze
20 the results and draw the conclusions and report the
21 findings to the community.

22 Q. The hypothesis that they develop is the
23 hypothesis that they're researching for their
24 dissertation, correct?

25 A. That's correct.

1 Q. When they do research, are they
2 researching for Mike Hopkins as opposed to their
3 dissertation?

4 A. They are doing the research for their
5 dissertation.

6 Q. As the faculty advisor in the Hopkins
7 lab, what is the process by which -- withdrawn.

8 How much guidance do you provide
9 the PhD students in the Hopkins lab in terms of
10 everything you just described, the hypothesis, the
11 experiments, the performance of the experiments and
12 the conclusions that are drawn?

13 A. Well, that is individual to the student,
14 and it's based both on their background and how
15 many years they've been a member of my research
16 group. Basically the process from entry into a
17 research group to graduation is a guided climb.
18 One starts with an undergraduate knowledge, in many
19 cases only a book knowledge, no research experience
20 and then as I described earlier, the PhD degree
21 signifies that one is an independent scientist and
22 so the amount of mentoring and the type of
23 mentoring and the focus of that mentoring is
24 individual to the student based on where they are
25 in that process and the background that they had

1 when they began the process.

2 Q. So let's talk about someone that you're
3 teaching from the beginning. How do you teach them
4 how to do research?

5 A. Well, a new student has elected to join
6 my group. So we've already discussed the research
7 projects that are of interest. They have aligned
8 themselves with one of the two that I've described
9 and then within those broad goals there may
10 subprojects that test different parts of the
11 central hypothesis or have their own independent
12 hypothesis. It varies somewhat from student to
13 student.

14 So we begin by -- often I will give
15 a student a copy of a research proposal, a research
16 proposal that would go to a funding agency such as
17 the National Science Foundation that would provide
18 the research funding that supports that research,
19 and in that document it's outlined the goal and
20 some of the possible approaches to reaching that
21 goal and the hypothesis. They use that as
22 background. I provide them with a description,
23 scientific literature that they should begin to
24 read which provides the foundation for the
25 research. So we discuss particular papers and why

1 these papers are important. The importance of
2 keeping up with the scientific literature because
3 many of these fields are fast moving and so one
4 needs to stay current. We discuss that.

5 We begin to sketch out an outline
6 for the initial stages of an experimentation. So I
7 would describe to them the kinds of experimental
8 approaches that could be used to address a
9 particular scientific problem, the one that they're
10 researching, and the ways in which they can further
11 learn about how to use those techniques.

12 So, for example, in my own research
13 one of these projects uses some very fast lasers.
14 By fast laser I mean it's a laser that produces
15 extremely short pulses of light. Just a few
16 nanoseconds a blink so that's a billionth of a
17 second. And then in another case we use very
18 advanced microscopes that probe matter at sort of
19 the atomic level and so I explain the kind of
20 approaches they might use and guide them toward
21 that. They do background readings so that we can
22 prepare to use these experiments. And in some
23 cases if a student is very advanced, they may come
24 and say, well, you know, well, based on my reading
25 I've actually found this other approach. What

1 about that? And so we discuss that. So it depends
2 on the individual. That would be the typical way
3 that we would start.

4 Q. What are the next steps?

5 A. Well, the next steps would then be to
6 sketch out the first few experiments. We would
7 describe a plan for what kinds of experiments would
8 begin to test the hypothesis and then a student
9 would go and, using what I've provided, what the
10 other graduate students in the lab can convey from
11 their other experience using some of the same tools
12 or the same approaches, they begin to conduct the
13 experiments themselves. And then I meet with each
14 of my graduate students individually, and during
15 that one hour meeting, we discuss their results,
16 how they're interpreting them. We refine these
17 ideas, and refine the plan for how to move forward.

18 Q. And how does what you just described fit
19 within the PhD students on the dissertation?

20 A. That is the dissertation. Basically all
21 of this is providing the results for their PhD
22 dissertation.

23 Q. For their benefit?

24 A. For their degree.

25 Q. Which is their benefit?

1 MS. AUERBACH: Objection. Leading.
 2 BY MR. WEITZMAN:
 3 Q. What is the purpose of training PhD
 4 students in the lab?
 5 A. The purpose of training PhD students in
 6 the lab is to further their education.
 7 Q. They start as what?
 8 A. They start with book knowledge typically
 9 of the subject of chemistry. They may have had a
 10 course or maybe two courses in inorganic chemistry
 11 which is my subspecialty. They would almost never
 12 have had a course in photosynthesis or
 13 nanochemistry simply because it's not foundational.
 14 It's the type of advanced research and advanced
 15 topics that aren't in that basic knowledge that you
 16 learn as an undergraduate. And so they learn how
 17 to conduct research on an independent problem
 18 toward an independent hypothesis and to devise and
 19 refine and execute experiments. And that's what
 20 they learn in my research group.
 21 Q. And when they come out on the other end
 22 where are they?
 23 A. Well, as a PhD, as I mentioned earlier,
 24 they are -- it is a signification that they are an
 25 independent scientist who could identify a problem,

1 formulate a hypothesis, conduct experiments,
 2 interpret the experiments and draw conclusions.
 3 Q. As the person who provides all this
 4 training, are you also the faculty advisor on their
 5 dissertation?
 6 A. Yes, I am.
 7 Q. Who sets the number of hours for the PhD
 8 students in the Hopkins lab?
 9 A. The graduate students do.
 10 Q. Do you track the hours that PhD students
 11 spend in the lab?
 12 A. No, I do not.
 13 Q. Do you impose a limit on the hours per
 14 week that a student can spend in the lab?
 15 A. No, I do not.
 16 Q. Does a student's stipend level depend on
 17 the hours that he or she spends in the lab.
 18 A. No.
 19 Q. Does a student obtain additional funds
 20 as a result of spending more hours in the lab?
 21 A. No.
 22 Q. Is there any benefit to a student
 23 spending more hours per week in the lab than fellow
 24 students?
 25 A. Yes.

1 Q. What would that be?
 2 A. The more time that they conduct research
 3 the more quickly they would complete the research
 4 that is their -- the basis of their dissertation.
 5 Q. Is it fair to say that the number of
 6 hours that a student does research in the Hopkins
 7 lab is his or her own choice?
 8 A. Yes.
 9 Q. Does your mentoring include helping
 10 students with how to get a job?
 11 A. Yes.
 12 Q. What do you share with them?
 13 A. The jobs that my students have are
 14 varied. Some of them have positions in academia.
 15 Some of them are in industry, in a
 16 chemically-related industry. Some of them work at
 17 National Laboratories, Los Alamos and Pacific
 18 Northwest National Laboratories and then others
 19 have pursued careers outside of chemistry. Two of
 20 my former PhDs and one of my former undergraduate
 21 students are intellectual property law. So the
 22 advice depends somewhat on their interest.
 23 But in general what I convey is the
 24 importance of conducting high-quality research on
 25 impactful research problems. That completing

1 papers, and high-impact papers, or completing their
 2 research in a timely way will weigh on the
 3 potential decision of an employer. That if one
 4 takes -- one can do a lot if you spend 12 years
 5 doing it, but that's not the goal. The goal is to
 6 do your research in a timely way and a high-impact
 7 dissertation on an important problem. And that's
 8 what I tell them.
 9 Q. How do you mentor one in being more
 10 timely in the completion of their work?
 11 A. It's not something that I encounter very
 12 often. Everyone thinks their students are great,
 13 but I personally think we have really exceptional
 14 graduate students. They're generally strongly
 15 motivated. It's not something that occurs very
 16 often.
 17 Q. Did you ever discipline a student for
 18 not working enough hours in the lab?
 19 A. No.
 20 Q. How would you describe the way in which
 21 experiments fail?
 22 A. Experiments fail. Well, I would say
 23 that an experiment, in one perspective, never
 24 fails. It always obeys the law of nature. So an
 25 experiment will always produce whatever the laws of

1 nature -- it's governed by the laws of nature, but
2 sometimes experiments don't produce expected
3 results and maybe that's a different way of
4 phrasing it.

5 A well-designed experiment is meant
6 to test a hypothesis. A hypothesis is something
7 that's falsifiable. In our research we have a
8 hypothesis that a certain type of chemical
9 structure will cause these small particles to
10 organize. That's a hypothesis. We're testing that
11 with experiments. That might not turn out to be
12 right. The hypothesis may be wrong, but the
13 experiment is designed to test it.

14 When you say "experiments fail," I
15 can read this as two ways. One is that it didn't
16 produce -- any good experiment would have
17 predictable outcome based on the hypothesis. And
18 if it didn't meet that prediction, it may be more
19 about the hypothesis than the experiment.

20 A second way an experiment might
21 fail might be if it wasn't designed narrowly enough
22 to test the hypothesis. Sometimes chemical
23 experiments have many variables and
24 oftentimes -- and by a variable I mean something
25 that is important in steering the outcome. And

1 sometimes the variables we think we understand but
2 occasionally there are variables that we didn't
3 know were important. And when they appear, they
4 have to be diagnosed. One has to troubleshoot
5 those and then that's the basis -- that's the
6 reason that experiment might fail, quote, unquote,
7 but it's a pretty common occurrence.

8 Q. Do you help your PhD students in the
9 troubleshooting process?

10 A. I do.

11 Q. How do you do that?

12 A. Well, as I mention, I meet with each of
13 them individually each week for an hour in which we
14 discuss what they have -- their research for the
15 past week, how that research relates to the goals
16 of the project, what their findings are, how
17 they -- the experiments they've conducted and then
18 when an experiment fails we talk through why that
19 might be. What was -- was it due to something in
20 the hypothesis? That means we shouldn't have
21 predicted -- the prediction wasn't grounded well
22 based on what we now learned or was it something
23 about a hidden variable that we didn't realize.
24 And then we work together to figure out the next
25 step.

1 Q. Please tell Madam Hearing Officer about
2 that sign on the wall in your lab?

3 A. Well, it's not in my lab. I did mention
4 though that I think this represents something that
5 I find very insightful. There's a laboratory I
6 pass on my way walking from one building to
7 another. There's a white board and somebody has
8 written on it, "Let's make better mistakes
9 tomorrow."

10 Q. Why do you like that?

11 A. Well, I think that's an interesting way
12 to describe the scientific process. We have a
13 vision. We pursue that vision through experiments,
14 but some problems are very difficult, and some
15 problems are very challenging. As we all know,
16 there are diseases that people have worked to cure
17 for years and there have been hundreds of
18 hypothesis for how to do it, and we're not there
19 yet. What we're doing isn't curing a disease, but
20 it's like any type of scientific research.
21 Sometimes it doesn't work and we need to improve
22 the way we think about things.

23 Q. When you help your PhD students with the
24 troubleshooting, for whose benefit are you doing
25 that?

1 A. I'm doing this as part of the education
2 of our graduate students.

3 Q. Occasionally do personal problems arise
4 between you personally and a PhD student?

5 A. Yes.

6 Q. What has happened in those situations?

7 A. Well, without going into individual
8 detail --

9 Q. Right. Because we have purpose. We're
10 being general.

11 A. That's my point. A personal conflict is
12 not -- there's nothing within the requirement --
13 there's nothing within the requirements for
14 receiving a PhD degree that a graduate student and
15 their research advisor befriends or get along. And
16 it's just like any other part of human interaction.
17 These are occasional occurrences. I do my best to
18 have a productive relationship with all of my
19 students, and I have had occasion where there have
20 been students with whom I've a personality conflict
21 but all of them have graduated from my PhD research
22 group.

23 Q. From your lab?

24 A. That's correct.

25 Q. Are you familiar with the grade advance

<p style="text-align: right;">Page 895</p> <p>1 to candidacy?</p> <p>2 A. I am.</p> <p>3 Q. What does it mean?</p> <p>4 A. In the chemistry department advancement</p> <p>5 to candidacy is a requirement to receive the PhD</p> <p>6 degree, so it is a milestone between entry into the</p> <p>7 program and graduation with a PhD. The candidacy</p> <p>8 examination is an examination that takes place at</p> <p>9 the beginning of the second year of graduate</p> <p>10 studies sometime during the fall quarter and</p> <p>11 graduate students at that point will have already</p> <p>12 elected to join a research group, will have been</p> <p>13 conducting research in that research group</p> <p>14 typically from the -- starting roughly the</p> <p>15 beginning of the winter quarter from the previous</p> <p>16 year and then they prepare a report according to</p> <p>17 the guidelines provided by the department that</p> <p>18 describes the research problem that they are</p> <p>19 pursuing for -- that ultimately will be the basis</p> <p>20 of their dissertation. They describe the</p> <p>21 hypothesis and the goals and the initial</p> <p>22 experimental results that they've obtained, a plan</p> <p>23 for future research.</p> <p>24 In a way this is something of a</p> <p>25 snapshot of a thesis in development, sort of an</p>	<p style="text-align: right;">Page 897</p> <p>1 prepare or background research into a topic that</p> <p>2 they feel -- that the committee feels should be</p> <p>3 pursued or a complete reexamination before the</p> <p>4 committee with a report. But generally the goal is</p> <p>5 not to weed out students. We try to admit -- we</p> <p>6 work very hard to admit students that we believe</p> <p>7 will be successful.</p> <p>8 So most of the students ultimately</p> <p>9 pass that examination and advance to candidacy. It</p> <p>10 may take more than one -- it may not happen on the</p> <p>11 first time, but it all takes place during the fall</p> <p>12 quarter of the second year.</p> <p>13 Q. If I understand what you just told me,</p> <p>14 whether somebody is a good TA or not so good TA has</p> <p>15 nothing to do with passing candidacy?</p> <p>16 A. No.</p> <p>17 Q. Is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. What happens in the rare case where</p> <p>20 somebody doesn't advance to candidacy?</p> <p>21 A. At that point they would -- on the basis</p> <p>22 of their coursework -- and so to take a step</p> <p>23 backward. During their first year in the program,</p> <p>24 they are also -- that is the year in which</p> <p>25 generally they complete the graduate course</p>
<p style="text-align: right;">Page 896</p> <p>1 early developmental stage of what a thesis might</p> <p>2 look like. And then that examination is conducted</p> <p>3 by a faculty committee. The research advisor is</p> <p>4 not part of that committee. It's a committee of</p> <p>5 independent other faculty and they have discretion</p> <p>6 to do an oral examination of the student on the</p> <p>7 basis of a document, a presentation that the</p> <p>8 student gives in conjunction with that and then</p> <p>9 their own questionings which could be wide ranging.</p> <p>10 Q. If a person passes, they advance to the</p> <p>11 next stage?</p> <p>12 A. Yes. That's called advancement to</p> <p>13 candidacy, yes.</p> <p>14 Q. Candidate for a PhD?</p> <p>15 A. That's correct.</p> <p>16 Q. Sometimes somebody doesn't advance?</p> <p>17 A. It's an usual occurrence where someone</p> <p>18 would leave the program as a result of not having</p> <p>19 passed the examination. Typically what we do is if</p> <p>20 a student -- if the first attempt of an examination</p> <p>21 is below the level necessary to receive a pass, the</p> <p>22 student will receive advice from the faculty</p> <p>23 committee, what areas should be improved. And then</p> <p>24 it can be -- the mechanism for that can range from</p> <p>25 additional written material that the student will</p>	<p style="text-align: right;">Page 898</p> <p>1 requirement, a series of courses on prescribed</p> <p>2 lines depending on their research interest. And if</p> <p>3 they pass those courses and remain in good standing</p> <p>4 in the program, they will have fulfilled the</p> <p>5 requirements for a master's degree. And so at that</p> <p>6 point a student would leave the department program</p> <p>7 with a master's degree.</p> <p>8 Q. For those who do advance to candidacy,</p> <p>9 what is the average length in chemistry for a</p> <p>10 tenure of a PhD student?</p> <p>11 A. The average length is 5.8 years.</p> <p>12 Q. Does the chemistry department have any</p> <p>13 nonlab research assistants?</p> <p>14 A. Nonlab research assistants? So these</p> <p>15 would be graduate students in the doctoral program?</p> <p>16 I want to make sure I understand.</p> <p>17 Q. Yes.</p> <p>18 A. No.</p> <p>19 Q. Does the chemistry department have any</p> <p>20 graduate students in the doctoral program who serve</p> <p>21 as workshop coordinators?</p> <p>22 A. No.</p> <p>23 Q. Is there a master's chemistry program?</p> <p>24 A. No.</p> <p>25 Q. Are there any master's student TAs in</p>

1 the chemistry department?
 2 A. We don't have a master's program.
 3 MR. WEITZMAN: No further questions of
 4 the witness. We pass the witness.
 5 THE HEARING OFFICER: So it's about the
 6 same time we finished with direct yesterday. So
 7 it's quarter to 12:00 now. Do the parties want to
 8 go ahead and break for lunch? We'll resume with
 9 cross at 1 o'clock.
 10 MR. WEITZMAN: Yes.
 11 THE HEARING OFFICER: All right. Off
 12 the record.
 13 (Whereupon, a lunch break was
 14 taken, after which the
 15 following proceedings were
 16 had:)
 17 THE HEARING OFFICER: On the record.
 18 Petitioner can proceed with its
 19 questions for the witness.
 20 CROSS-EXAMINATION
 21 BY MS. AUERBACH:
 22 Q. Dr. Hopkins, you discussed two large
 23 undergraduate course sequences that are -- grad
 24 students in chemistry serve in as TAs.
 25 Are those course sequences ever

1 taught without lab sections?
 2 A. No, they're not.
 3 Q. Does anyone other than grad student TAs
 4 lead lab sections in those courses?
 5 A. No.
 6 Q. So taking the inorganic chemistry, the
 7 initial sequence, how many -- approximately how
 8 many lab sections are there of that in a quarter?
 9 A. Did you say inorganic chemistry?
 10 THE HEARING OFFICER: I thought it was
 11 organic.
 12 BY MS. AUERBACH:
 13 Q. One was organic. And what was the other
 14 one?
 15 A. General chemistry.
 16 Q. So the general chemistry sequence,
 17 approximately how many lab sections are there in a
 18 quarter?
 19 A. I don't know. I don't know the exact
 20 number.
 21 Q. Do you know how many in the organic
 22 chemistry?
 23 A. Not the exact number.
 24 Q. Do you know approximate numbers for
 25 either?

1 A. Range probably between 10 to 20.
 2 Q. In both sequences?
 3 A. In general chemistry. Organic chemistry
 4 is somewhat smaller.
 5 Q. Do you know what the range would be?
 6 A. I don't have an approximation.
 7 Q. Approximately how many students are
 8 assigned to a lab section in the general chemistry?
 9 A. The goal in general chemistry is to have
 10 18 students per section and the goal in organic
 11 chemistry is 14 students per section.
 12 Q. Do those lab sections meet once per
 13 week?
 14 A. The lab section is once per week.
 15 Q. How many hours is that?
 16 A. I don't know the exact hours. It
 17 changes with the curriculum. I'm not currently
 18 teaching in those sequences.
 19 Q. And then is there -- you referred to a
 20 recitation group. Is that the same as a discussion
 21 section?
 22 A. Yes.
 23 Q. In the general chemistry sequence, is
 24 there a discussion section held by the TA every
 25 week?

1 A. Yes.
 2 Q. And approximately how long does that
 3 discussion section last?
 4 A. It would last for 50 minutes.
 5 Q. Is the same 50-minute weekly discussion
 6 held in the organic chemistry sequence?
 7 A. Yes.
 8 Q. Are the TAs in the general chemistry
 9 course sequence expected to conduct office hours?
 10 A. Yes.
 11 Q. On a weekly basis?
 12 A. I don't know the exact policies.
 13 Q. Are the TAs in the organic chemistry
 14 course sequence also expected to conduct office
 15 hours?
 16 A. Yes. Again, I don't know the exact
 17 policies.
 18 MR. PORZIO: Could we go off the record
 19 for one second?
 20 (Whereupon, a discussion was
 21 had off the record.)
 22 THE HEARING OFFICER: On the record.
 23 BY MS. AUERBACH:
 24 Q. Would you turn to Employer Exhibit 42
 25 which is the Guide for Teaching Assistants that you

1 identified and turn to Page 3, the Arabic number 3.
 2 The second paragraph under Section C, Goals. The
 3 second sentence says that a large portion of the
 4 individual attention and instruction for
 5 undergraduates in chemistry class depends on the
 6 knowledge, concern and dedication of the teaching
 7 assistant. Do you agree with that?

8 A. Yes.

9 Q. And this handbook generally sets forth
 10 the procedures the TAs are expected to follow in TA
 11 class?

12 A. Generally, yes.

13 Q. Would you turn to Page 5 of the same
 14 exhibit, Employer Exhibit 42. Under Section E,
 15 Teaching, the second paragraph, second sentence
 16 says that lab is a hands-on exercise and it is
 17 imperative that students receive excellent
 18 instruction. Do you agree with that?

19 A. We want our graduate students to become
 20 excellent teachers and so that is a natural
 21 consequence of being an excellent teacher.

22 Q. Do you want your undergraduates taking
 23 chemistry courses to receive excellent instruction
 24 in this courses?

25 A. Yes, we do.

1 instruction to undergraduates in the lab section
 2 are the TAs, correct?

3 A. The teaching assistants are -- among
 4 their roles as teachers is to teach undergraduate
 5 students in the laboratory sections.

6 Q. And they're the only ones who teach them
 7 in those sections, correct?

8 A. -- on site in the section, the
 9 coordinator for the course, Dr. Zhao or Dr. Keller,
 10 who I mentioned earlier may also be present
 11 depending on the circumstances.

12 Q. Those are half faculty members?

13 A. Those are lecturers. The lecture
 14 position is a nontenure track position. This is
 15 someone who is a staff member in the department who
 16 perhaps you could describe as a professional
 17 teacher.

18 Q. So they occasionally pop into the labs?

19 A. I'm not there to witness what they do,
 20 but it's my understanding that they will be present
 21 during the laboratory section.

22 Q. If you have ten laboratory sections at
 23 one time, they can't be present at all of them,
 24 correct?

25 A. I would agree with that.

1 Q. Training your grad students to be good
 2 teachers helps fulfill the goal of the
 3 undergraduates receiving excellent instruction,
 4 correct?

5 A. Well, our goal in teaching graduate
 6 students how to teach is to become excellent
 7 teachers.

8 Q. Right. But I want an answer to the
 9 question I asked, which is training the graduate
 10 students to --

11 A. It is the inevitable outcome --

12 THE COURT REPORTER: Excuse me. She
 13 didn't finish.

14 BY MS. AUERBACH:

15 Q. The question I asked was training
 16 graduate students to be excellent teachers helps
 17 fulfill the goal of giving undergraduates excellent
 18 instruction, correct?

19 A. Our goal is to train excellent teachers,
 20 and when they're excellent teachers, they provide
 21 excellent instruction.

22 Q. But you also have a goal of providing
 23 undergraduates with excellent instruction?

24 A. That is true.

25 Q. And the only people who provide

1 Q. And so when they're not present, the
 2 level of the teaching in the lab depends on the
 3 level of the teaching expertise of the TA in the
 4 lab, correct?

5 A. Yes.

6 Q. And are TAs the only ones who hold the
 7 discussion sections in general chemistry and
 8 inorganic chemistry?

9 MR. WEITZMAN: Objection compound.

10 MS. AUERBACH: Trying to shorten it.

11 BY MS. AUERBACH:

12 Q. Are the TA -- graduate student TAs the
 13 only ones who hold discussion sections in the
 14 general chemistry course sequence?

15 A. Yes.

16 Q. Are the graduate student TAs the only
 17 ones to hold discussion sections in the organic
 18 chemistry sequence?

19 A. Yes.

20 Q. So the level or quality of teaching
 21 provided to the undergraduates in those discussion
 22 sections depends on how skilled the teaching
 23 assistants are in their teaching, correct?

24 A. Well, education is a two-way process.

25 It requires receptiveness on the part of the

1 student and also an instructor. So the
2 effectiveness is in both directions.
3 Q. So the effectiveness of the education
4 depends in part on the TA instructor in the
5 discussion section, correct?
6 A. Yes, it does.
7 Q. Do the instructors of the general
8 chemistry who are sequenced hold office hours?
9 A. The instructors meaning the faculty
10 member of record?
11 Q. Correct.
12 A. Yes.
13 Q. And then so the students have a choice
14 of going to the TA or the instructor of record?
15 A. There are usually multiple sources for
16 assistants that could include the faculty member of
17 record who has office hours, a teaching assistant,
18 tutors.
19 Q. Now, turning to Employer Exhibit 42,
20 Part 5. On the bottom there's a section,
21 evaluation of teaching, which says that teaching
22 assistants are evaluated quarterly by the students
23 and the laboratory director. Does that happen?
24 A. Yes.
25 Q. And then on the top of Page 6 of

1 Employer Exhibit 42 it says that the teaching
2 evaluations may be used to determine future
3 employment and salary. Is that also correct?
4 A. I believe that's referring to beyond the
5 PhD. It has nothing do with the student's status
6 in the PhD program. As I mentioned this morning,
7 students who have served as my TAs, when they have
8 done an exceptional job, have contacted me for
9 letters of reference. And so I'm obviously better
10 able to write a strong letter of recommendation for
11 those students who have been excellent teaching
12 assistants. And while the evaluation process is
13 different for my course than for general or organic
14 chemistry, one could see in parallel the same kind
15 of outcome.
16 Q. So the salary doesn't refer to salary
17 from the university?
18 A. No.
19 Q. How about the next paragraph referring
20 to teaching prizes? Are teaching assistants who do
21 a good job of teaching also offered teaching prizes
22 at the university?
23 A. Yes, they are.
24 THE HEARING OFFICER: Can you give an
25 example of the teaching prize that would be

1 offered?
2 BY THE WITNESS:
3 A. The physical sciences division has a
4 prize called the -- I don't know the exact title.
5 It's a physical sciences teaching prize. Each
6 quarter, I think, up to three students may be
7 designated on the basis of having received
8 nominations from the students who they have taught
9 for this award. That's a division-wide prize, so
10 across all of the departments that participate in
11 undergraduate teaching in the physical sciences
12 division. And then individual departments may also
13 have awards to recognize students who have done
14 exceptionally well and have been exceptional
15 teachers, and the chemistry department has some of
16 those as well.
17 THE HEARING OFFICER: Thank you.
18 BY MS. AUERBACH:
19 Q. Would you turn to Employer's Exhibit 42,
20 Page 20?
21 A. This is the same document?
22 Q. Yes. Is that the evaluation given to
23 teaching assistants by the lab coordinator?
24 A. I believe so.
25 Q. And the page before that, Page 19, is

1 that the evaluation given to the TAs by the
2 students?
3 A. That's correct.
4 Q. And the TA -- I'm sorry. Does that same
5 exhibit, the Employer Exhibit 42, the TA handbook,
6 apply to TAs not just in the general chemistry and
7 inorganic chemistry, but to all courses in which
8 they may TA?
9 A. These evaluation forms.
10 Q. No. The entire -- the handbook?
11 A. The guide is a guide as opposed to, say
12 perhaps, a set of legal rules. It's a guide that's
13 intended to guide all of the teaching assistants,
14 all aspects of teaching assistantships.
15 Q. In whichever chemistry class they are
16 teaching assistants in?
17 A. That's right. The majority of those --
18 as I mentioned earlier, the majority of those are
19 general chemistry and organic chemistry so it's
20 really rigid with those large course sequences in
21 mind?
22 Q. With respect to assignment or matching
23 of TAs with a course, does part of that matching
24 process depend on the enrollment in those two
25 course sequences?

1 A. We have an ideal section size for each
2 of these courses that I mentioned earlier that is
3 governed by what we think is educationally optimal
4 and then the enrollment in a given course which is
5 not within our control provides a guideline as to
6 the number of sections that will be held. So there
7 can always be fine adjustments.

8 However, as I mentioned earlier,
9 these courses are foundational to all areas of
10 chemistry. And so it's our expectation when we
11 admit students that they have a sufficient
12 background to be able to teach in either one.

13 Q. If a graduate student expressed an
14 interest in teaching in one of the two but you had
15 a higher than expected enrollment in the other one,
16 you might need to move some TAs into the one with
17 the higher expected enrollment, correct?

18 A. As I described the process.

19 MS. AUERBACH: Objection. Hypothetical.

20 THE HEARING OFFICER: First off, to your
21 knowledge, Dr. Hopkins, has that ever occurred?

22 BY THE WITNESS:

23 A. Yes.

24 THE HEARING OFFICER: You can answer to
25 your experience.

1 Q. So do most of the graduate students not
2 express a strong interest between the two?

3 A. That's my understanding.

4 Q. When you were asked whether the
5 chemistry department thrusts students -- thrusts
6 them into being a teaching assistant, what do you
7 understand that to mean, "thrusting students into
8 being a teaching assistant"?

9 A. Well, I'm not a master of the definition
10 of words, but I would take that to mean that they
11 are placed in front -- given a teaching assignment
12 without preparation to carry out that teaching
13 assignment.

14 Q. And is it accurate that you don't
15 believe that's a good idea?

16 A. I don't believe --

17 MR. WEITZMAN: Objection. Relevance.

18 THE HEARING OFFICER: You can answer,
19 Dr. Hopkins.

20 BY THE WITNESS:

21 A. I believe that what our graduate
22 education -- the goal of our graduate education is
23 to teach students to be independent researchers and
24 to be excellent teachers and so it's part of the
25 goal of our PhD program to prepare students for

1 BY THE WITNESS:

2 A. Pardon me?

3 THE HEARING OFFICER: What was your
4 experience when that occurred?

5 BY THE WITNESS:

6 A. It hasn't occurred when I have been
7 involved, because I have not been involved, because
8 I have not been directly involved as the instructor
9 of record for these courses.

10 BY MS. AUERBACH:

11 Q. But you testified on direct about how
12 the registrants are matched with teaching -- with
13 being a teaching assistant in a course.

14 A. Yes.

15 Q. And so based on the knowledge to the
16 extent you already testified --

17 A. Yes.

18 Q. Do you know how adjustments would be
19 made if you have -- when you have a higher --

20 A. It's my understanding --

21 Q. -- than expected enrollment?

22 A. -- if a student expresses a strong
23 interest in an assignment other than the one that
24 has been made by the process that I described, that
25 an accommodation is made for those students.

1 teaching -- to teach them how to teach.

2 BY MS. AUERBACH:

3 Q. And is providing a high quality of
4 education to the undergraduates taking courses in
5 the chemistry department one of the missions of the
6 department also?

7 A. The goal of our graduate program is to
8 teach our graduate students to be outstanding
9 researchers and teachers. They're inextricably
10 linked in our view. So the program is designed to
11 pair them to conduct independent research and to
12 prepare them to teach, and those are two separate
13 words, but in our view there is substantial
14 crossover between the two, because outstanding
15 researchers ultimately have to explain complicated
16 ideas and that is a form of teaching even when
17 they're not in a formal classroom setting. So
18 that's the goal of the program.

19 Q. The question I asked you was focused not
20 on the goal of the graduate program but on the
21 goals of the department with respect to the
22 undergraduates who are enrolled in courses in your
23 department.

24 MR. WEITZMAN: Objection. That's not a
25 question.

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1 THE HEARING OFFICER: Can you repeat
2 your question?
3 BY MS. AUERBACH:
4 Q. So the question I asked was: Is one of
5 the goals of the chemistry department to provide a
6 high quality of education to the undergraduates --
7 MR. WEITZMAN: Asked and answered.
8 BY MS. AUERBACH:
9 Q. Is one of the missions of the chemistry
10 department to provide a high quality of education
11 to the undergraduates taking --
12 THE HEARING OFFICER: I think it was
13 answered in the context of the particular courses
14 of general chemistry and organic chemistry, so this
15 is the program at large.
16 MS. AUERBACH: Right.
17 MR. WEITZMAN: Could I have the question
18 read back?
19 (Whereupon, the record was read
20 as requested.)
21 THE HEARING OFFICER: You can answer,
22 Dr. Hopkins, with regards to the undergraduate
23 students at large who take courses.
24 BY THE WITNESS:
25 A. Yes, it is a goal.

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1 BY MS. AUERBACH:
2 Q. And having TAs who have training in
3 teaching helps advance that goal, correct?
4 A. That's not why we teach TAs to teach.
5 We teach TAs to teach so that they learn how to
6 teach.
7 Q. Again, I'm asking a question from the
8 perspective of the undergraduate education.
9 Having TAs who are trained to teach
10 helps advance the goal of the high quality of
11 education in the department for undergraduates,
12 correct?
13 MR. WEITZMAN: Asked and answered.
14 MS. AUERBACH: No, he didn't.
15 THE HEARING OFFICER: No, he didn't
16 answer it in that context.
17 We had your testimony about why the
18 individuals are given this training, but is it true
19 that having these TAs who have this training
20 furthers the goal of giving high quality education
21 to the undergraduate students whom they teach?
22 BY THE WITNESS:
23 A. It's an outcome of our teaching of those
24 teaching assistants how to teach. I want to be
25 clear that I'm trying to draw a distinction between

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1 why do we teach teaching assistants what we do and
2 how do we structure our program. The goal of our
3 teaching assistants is to become excellent teachers
4 because that's an essential part of their
5 education. We have a second goal of providing
6 excellent undergraduate instruction. There are
7 many different ways of doing that. One way is
8 through a model that we use, but the reason we use
9 that model is not to deliver excellent
10 undergraduate instruction. Our goal in having
11 teaching assistants is to teach them how to teach,
12 and if they do a good job, it's a consequence of
13 that, that undergraduates receive good instruction.
14 There would be other ways in which they could
15 receive good instruction, and it doesn't involve
16 teaching assistants.
17 Q. Well, I wasn't asking you if there are
18 other ways. I was asking whether having high
19 quality teaching assistants advances the goal of
20 providing high quality teaching --
21 A. It does.
22 MR. WEITZMAN: Asked and answered.
23 THE HEARING OFFICER: He gave an answer
24 now. It does.
25 BY MS. AUERBACH:

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1 Q. If you would turn to Employer
2 Exhibit 43, which is the training schedule, TA
3 training schedule.
4 A. Yes.
5 Q. On the first page under Wednesday, 9-14
6 3:30 to 5 o'clock p.m. there's an activity entitled
7 "Workplace Harassment/Title IX Awareness." What is
8 covered in that section?
9 A. I'm not familiar with -- I haven't
10 attended that.
11 Q. So you don't know?
12 A. I don't know in detail.
13 Q. Would you look at Employer Exhibit 44.
14 That's the syllabus for the graduate training
15 course. On the bottom section under the top it's
16 covered in different dates. The fourth one down
17 "Plagiarism Internal Case Studies," what is
18 discussed in that section?
19 A. I haven't attended that.
20 Q. Do you know what -- have you been
21 involved in telling TAs what they're expected to do
22 if they encounter potential plagiarism?
23 A. Yes.
24 Q. And what is that?
25 A. In terms of how do I discuss this with

1 TAs?

2 Q. Yes. What do you discuss with them?

3 A. In the context of -- I can give you a
4 couple of examples. One from past experience, not
5 in my current course, having to do with
6 examinations where answers have the appearance of
7 being similar to each other, sufficiently similar,
8 right down to uncommon mistakes being made in both
9 that it raises a concern that there may be -- may
10 have been some copying, although we take pains to
11 try to minimize that. That's a possibility.

12 In my own experience with my more
13 recent course where they are long answer and
14 written sections, one can -- one could detect
15 patterns where responses are worded so similarly
16 that, you know, one is concerned that two students
17 worked together even though they were supposed to
18 have worked on it independently. These -- this
19 does occur from time to time and my teaching
20 assistants have brought these instances to my
21 attention and then we discuss what the right
22 approach is.

23 Q. Have you told them that they should
24 bring those instances to your attention?

25 A. It's part of doing original work. So

1 part of grading in any course -- I won't say in any
2 course, but certainly in all of the courses with
3 which I'm familiar, involves doing original work
4 unless collaborative work is otherwise allowed.
5 And so, yes, that's part of that grading.

6 Q. You discussed training graduate students
7 in grading for a particular exam. Do you give the
8 graduate student TAs a final version of a grading
9 rubric?

10 A. As I discussed earlier, in the course
11 that I teach most recently, it's not an examination
12 but written documents. It has a grade, but it's
13 not a right-or-wrong-type answer. It's a report,
14 and I provide the outline of that rubric at the
15 beginning of the grading process, and I ask the
16 teaching assistants to contribute their own ideas
17 as to the final distribution of points and then I
18 view the distillation of their ideas and my
19 thoughts into the final rubric as a process of -- a
20 collaborative process in which they learn my
21 thoughts in how to do this. Ultimately the rubric
22 is mine. So in the end if you say "provide," yes,
23 I provide it because I've agreed to the final form
24 and have contributed to it.

25 Q. Right. So after the graduate students

1 contribute their suggestions, you make the final
2 decision on what the final version of the grading
3 rubric will be?

4 A. Yes.

5 Q. And then the graduate student TAs then
6 read the papers and apply that grading rubric to
7 the papers?

8 A. What they do in my course is they
9 apply -- they create a draft of the grade by the
10 process I described earlier where they apply the
11 rubric to a paper not directly on the paper but on
12 Post-It Notes that are attached and then we review
13 that and I explain to them why I agree or do not
14 agree with the way they've approached that and then
15 they do the grading in the sense of putting remarks
16 on the paper, but it's a process, and I am actively
17 involved on each student -- on each of the
18 undergraduate students' work.

19 Q. And the course you previously taught
20 with TAs, did that involve exams?

21 A. Yes.

22 Q. And in that one did you make the final
23 decision on what the grading rubric would be for
24 the exam?

25 A. Yes.

1 Q. Did the graduate students then use that
2 rubric to grade the exams?

3 A. Yes.

4 Q. In the lab sections do the
5 undergraduates have to turn in their lab notebooks
6 for review by the TA?

7 A. Yes.

8 Q. And what is the TA expected to do when
9 reviewing the lab notebooks?

10 A. This is a -- they look at the lab
11 notebooks in an ongoing process. The nature of the
12 experiments that are performed in this course are
13 such that if an undergraduate student was
14 unprepared, they could conduct an experiment that
15 could go wrong. I don't mean go wrong in the sense
16 of not work, but these are chemical reactions that
17 involve flammable materials, flammable reagents,
18 transfer vacuum lines, a number of apparatuses and
19 techniques that have safety risks associated with
20 them.

21 So before an undergraduate student
22 can even begin a given day's experiment, the TA
23 reviews with that student their notebook and
24 imparts advice or evaluates it for preparation so
25 that a student doesn't begin -- the undergraduate

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1 student doesn't begin the experiment without enough
2 advance preparation that something could go wrong.
3 Q. Are the undergraduates given any grades
4 on their lab notebooks or are they just reviewed to
5 make sure that they're ready to move on?
6 A. They're reviewed on the day they do the
7 experiment and then they are evaluated again at the
8 end at the time of the final report. So before an
9 experiment, an undergraduate student would write
10 out the plan for a given day but then during the
11 experiment, after the teaching assistant would have
12 first looked at it, the student would write down
13 their observations about what was occurring, and
14 that's part of the experimental process, to record
15 your observations.
16 And so that's graded separately at
17 the conclusion of the experiment so that the
18 quality and depth of the observations are commented
19 on by the TA. And this is all part of the final
20 report for which we develop a rubric
21 collaboratively at the time that the report is
22 handed in.
23 Q. Is one of the responsibilities of the TA
24 to ensure safe practices in the laboratory in which
25 the undergraduates are taking their class?

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1 A. Yes.
2 Q. You were asked whether -- you said that
3 occasionally graduate students TA beyond the
4 requirements of the three TAs and you said that
5 they're paid as TAs; is that correct?
6 MR. WEITZMAN: Objection.
7 MS. AUERBACH: I want to know. I think
8 that's what he said.
9 THE HEARING OFFICER: Mr. Weitzman.
10 MR. WEITZMAN: If there's a question as
11 to what he said, it's in the transcript.
12 MS. AUERBACH: Well, it's to follow up
13 on that one. I want to make sure my notes are
14 correct before I ask him follow up.
15 THE HEARING OFFICER: You can answer it.
16 MR. WEITZMAN: Is the question what he
17 said or the question is what is the practice?
18 MS. AUERBACH: I'm asking him what he
19 said because I want to follow-up.
20 THE HEARING OFFICER: Just to clarify,
21 is it -- do you recall what you said, Dr. Hopkins,
22 with regards to the money that the PhD students are
23 given when they TA beyond their three TA
24 requirements.
25 BY THE WITNESS:

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1 A. I responded to a question of a very
2 particular form. It wasn't -- I don't believe it
3 was worded the same as the question you just asked.
4 So if I'm being asked to verify my earlier answer,
5 I would say that I -- whatever I answered to the
6 earlier question in the form that it was asked is
7 the answer I would give, but I don't think it was
8 exactly worded the way you worded it. That may
9 just be because I misremember the exact question I
10 was asked.
11 BY MS. AUERBACH:
12 Q. The graduate students in chemistry every
13 quarter are designated either as a TA or else doing
14 research, correct?
15 A. That's correct.
16 Q. They're given a stipend towards being a
17 TA or for doing research; is that correct?
18 A. That's correct.
19 Q. And so if the graduate student TA'd any
20 extra time beyond the requirements during that
21 quarter, then for that quarter the TA is paid as a
22 TA rather than as a researcher?
23 A. That's correct.
24 (Petitioner No. 22 was marked.)
25 Q. I've handed you a document marked for

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1 identification as Petitioner Exhibit 22. Are you
2 familiar with this letter?
3 MR. WEITZMAN: The one to Mr. Phillips
4 or in general?
5 BY MS. AUERBACH:
6 Q. Well, first I'm asking him this
7 particular letter.
8 A. No, I'm not familiar with this
9 particular letter.
10 Q. Are you familiar with the -- this
11 particular form letter?
12 A. I've seen versions of it. I believe the
13 version differs from year to year.
14 Q. And the letter refers to teaching
15 assistantship and research assistant. Is that
16 accurate that generally the admitted students are
17 told that they'll be -- have a teaching
18 assistantship for the first nine months and then
19 after that be appointed as a research assistant?
20 MR. WEITZMAN: Objection. Vague.
21 THE HEARING OFFICER: Overruled.
22 Do you know if that's what they're
23 generally told Dr. --
24 BY THE WITNESS:
25 A. Could you direct me to a specific

1 paragraph?

2
3 BY MS. AUERBACH:

4 Q. It's on Paragraph 2.

5 MR. WEITZMAN: I have a further
6 objection. His recollection of what other letters
7 may say is not probative.

8 MS. AUERBACH: Well, letters are --
9 appear to be form letters. I have subpoenaed, but
10 the university has not yet produced, all form
11 letters, admission letters provided to individuals
12 in the petition for a unit.

13 MR. WEITZMAN: You can't substitute the
14 document. You can't substitute recollection
15 testimony of what something says. If the document
16 exists, then you have a document.

17 THE HEARING OFFICER: He can testify to
18 his personal knowledge about what he saw in the
19 past and whether or not he knows that language is
20 still in use, whether or not, you know, that
21 reflects what's in this document --

22 MR. WEITZMAN: Or if he knows.

23 MS. AUERBACH: Well, he's testified that
24 he's seen --

25 THE HEARING OFFICER: He was answering.

1 I'll allow the line of questioning.

2 You have not seen this particular
3 letter. Petitioner Counsel has referred you to the
4 second paragraph. In the form letter that you
5 personally have seen, do you know if that type of
6 language was used referring to both the teaching
7 assistantship and the research assistant position?

8 BY THE WITNESS:

9 A. So with the caveat that this letter is
10 over two years old, and the language may vary from
11 year to year, and that my detailed knowledge was
12 during the period during which I was chair of the
13 department which ended in 2009, I will say that
14 this is broadly representative of the way we would
15 describe the offer that a student would be teaching
16 assistant during the period during which they were
17 fulfilling the teaching requirement as part of the
18 PhD and then -- and the research assistant.

19 BY MS. AUERBACH:

20 Q. Does the source of the funding differ
21 between the period when the grad student is a TA
22 and the period when the graduate student is a
23 research assistant?

24 A. Does the --

25 Q. The source of the funding given to the

1 graduate student differ for the period when the
2 graduate student is a teaching assistant and when a
3 graduate student is research assistant?

4 THE HEARING OFFICER: Are you referring
5 to the stipend?

6 MS. AUERBACH: Yes.

7 BY THE WITNESS:

8 A. Do you mean the amount?

9 BY MS. AUERBACH:

10 Q. No. The source.

11 A. It can.

12 Q. Are the grad students, while they're
13 TAs, generally funded by the department?

14 A. When they're funded -- yes, as a
15 teaching assistant they're funded by the
16 department. That's correct.

17 Q. And when they're research assistants
18 they may be funded by the department but more often
19 they're funded through a research grant?

20 A. The source could vary. It could be
21 through a fellowship. It could be through a
22 research grant. It could be through departmental
23 funds. It could be through discretionary funds of
24 a particular faculty member.

25 Q. A graduate student does an extra TA-ship

1 beyond the required amount, does the -- is there a
2 difference in the amount of stipend that the
3 graduate student receives for that quarter? Does
4 that differ than if the graduate student were a
5 research assistant in that quarter?

6 A. I don't know the exact current policy.

7 Q. Do you know how common it is that a
8 graduate student TAs beyond the requirement in the
9 chemistry department?

10 A. As in a percentage?

11 Q. If you know?

12 A. I don't know the percentage.

13 Q. Is it a -- is it rare that that happens?

14 A. It does happen. I mean, I work in
15 numbers so rare I wouldn't know. It's less common
16 that students who fulfill the teaching requirement
17 then do not teach.

18 Q. In your laboratory do you currently have
19 grants from outside sources?

20 A. I do.

21 Q. How many?

22 A. I currently have a grant -- I have one
23 grant from the National Science Foundation.

24 Q. And did you prepare a grant application
25 for that grant?

1 A. I did.
 2 Q. In doing that did you follow procedures
 3 established by the university research
 4 administration?
 5 A. I did.
 6 Q. In completing the grant application, did
 7 you complete a section for direct costs?
 8 A. Yes, a budget for a funding proposal
 9 includes direct costs.
 10 Q. And is it correct that direct costs
 11 include personnel costs?
 12 A. Yes.
 13 Q. And under personnel costs the cost
 14 associated with graduate research assistants is
 15 included; is that right?
 16 A. That's correct.
 17 Q. Where do you get the amount to put in
 18 for the amount associated with the cost of the
 19 graduate research assistant?
 20 A. When I prepare a budget for a proposal,
 21 I do this in collaboration with what we call the
 22 local business center, and this is an office that
 23 is a part of physical sciences division. It's a
 24 business office, and part of their speciality is in
 25 preparation of proposals and then the management of

1 A. That's correct.
 2 Q. And do you -- is that a number that,
 3 again, you're given by your business office?
 4 A. Yes.
 5 Q. And do you know whether the indirect
 6 cost is calculated as a percentage of the direct
 7 cost?
 8 A. Typically, yes.
 9 Q. And the indirect costs associated with a
 10 grant, do those go to your lab or do those go to
 11 the university generally?
 12 A. They do not go to my lab.
 13 Q. So they go elsewhere?
 14 A. They go elsewhere. May I add?
 15 Q. You want to add to that answer?
 16 A. Add to that sentence.
 17 Q. Yes.
 18 A. They don't go directly to my laboratory
 19 as expendable funds under my control. They are
 20 broadly used to help support research that goes on
 21 in the lab.
 22 Q. You're talking about indirect costs?
 23 A. Yes.
 24 Q. But they're not used just directly under
 25 your control?

1 any grant funds that are received. And so I work
 2 with specialists in that office and they provide
 3 the number.
 4 Q. And the number -- the personnel cost
 5 associated with the graduate research assistant is
 6 the amount of the graduate student stipend plus an
 7 amount for fringe benefits; is that correct?
 8 A. I don't know if we called them fringe
 9 benefits specifically but whatever is included in
 10 the standard financial support package to a student
 11 would be the numbers that we include in that. It
 12 would include, for example, things like health
 13 insurance.
 14 Q. Have you ever had technicians work in
 15 your lab?
 16 A. No.
 17 Q. In your grant applications do you also
 18 include a portion associated with part of your
 19 salary?
 20 A. I can.
 21 Q. Have you done that?
 22 A. I have.
 23 Q. And then there's also a portion of the
 24 grant application for indirect costs; is that
 25 correct?

1 A. They don't come to my -- they're not
 2 under my control.
 3 Q. The process in which a graduate student
 4 joins a lab as a research assistant is a mutual
 5 decision between the faculty member and the
 6 graduate student, correct?
 7 A. That's correct.
 8 Q. And the research done by the graduate
 9 students in your lab all relates to the -- to areas
 10 of research that you're conducting in your lab,
 11 correct?
 12 MR. WEITZMAN: Objection.
 13 Mischaracterization.
 14 THE HEARING OFFICER: I'm not sure how
 15 he -- so he did testify that there were two
 16 particular research on which he's currently
 17 working. The question is whether or not the grad
 18 students currently working in his lab are also
 19 working on these same two topics.
 20 Is that accurate, Dr. Hopkins? Are
 21 they also working on the two topics that you
 22 previously stated for the record?
 23 BY THE WITNESS:
 24 A. Yes, they are.
 25 BY MS. AUERBACH:

1 Q. In the grant applications that you've
2 completed is there a section involving intellectual
3 properties?

4 A. Is there a section involving
5 intellectual property?

6 Q. Yes. Is there a provision provided?

7 MR. WEITZMAN: Objection. Document
8 speaks for itself. It's not probative.

9 MS. AUERBACH: Well, I'm not referring
10 to a document. I'm asking him whether the grant
11 applications that he's completed include a
12 provision for intellectual property.

13 MR. WEITZMAN: Same objection.

14 THE HEARING OFFICER: Overruled. You
15 can answer, Dr. Hopkins.

16 BY THE WITNESS:

17 A. The applications that I've mentioned in
18 the past do not specifically include, in the
19 narrative portion that I prepare, language that
20 describes intellectual property. Intellectual
21 property rights are -- follow university policies
22 and I don't individually describe those in a grant
23 application.

24 BY MS. AUERBACH:

25 Q. And are you familiar with what the

1 A. As I said, the research conducted in my
2 group conforms to the university policies regarding
3 intellectual property. Whatever those are are the
4 policies that applied for the research.

5 Q. If you successfully applied for a grant
6 and are awarded the grant, the acceptance of the
7 award has to be finalized by the university
8 research administration office; is that correct?

9 A. That's correct.

10 Q. Do you hold any patents with respect to
11 any research done in your lab?

12 A. No, I don't.

13 Q. Do you know whether the university holds
14 any patents with respect to research that has been
15 done in your lab?

16 A. I do know. They do not.

17 Q. Do you know whether the university holds
18 any patents with respect to research done in any of
19 the labs in the country?

20 A. I could not quote you specific examples
21 but it's my impression that they do.

22 Q. Do grant applications include
23 descriptions of research proposals that are forming
24 the basis for a graduate student's research in your
25 lab?

1 intellectual property policies at the university
2 are with respect to the grant?

3 A. Not in fine detail.

4 Q. Does the university, in the grant
5 application process, retain control over the
6 intellectual property of the research done?

7 MR. WEITZMAN: Objection. Best
8 evidence.

9 THE HEARING OFFICER: It's overruled.

10 BY MS. AUERBACH:

11 Q. Does the university, in the grant
12 application received by your lab, retain control of
13 the intellectual property of research done in your
14 lab?

15 A. I could not quote you a detail -- the
16 details of our intellectual policies.

17 Q. So you don't know the answer?

18 A. I don't know the answer.

19 Q. Do you personally hold any copyrights
20 with respect to any of the research done in your
21 lab?

22 A. Copyrights, no.

23 Q. Do you personally hold control over the
24 intellectual property of any of the research done
25 in your lab?

1 A. They're not described in that way in the
2 written proposal. The proposal is -- advance is a
3 scientific idea and an approach to addressing the
4 scientific idea, but the explicit connection with
5 the PhD dissertation is not outlined in the grant
6 proposal itself.

7 Q. So when you testified that you give a
8 student a copy of a research proposal that will go
9 to a funding agency, what is the purpose of doing
10 that?

11 A. Because a research proposal that I would
12 prepare describes a scientific goal, a hypothesis,
13 an experimental approach. That's research. Those
14 are the kinds of research problems that graduate
15 students who choose to join my group then could
16 pursue. So it contains -- it can contain the
17 outline of research that could lead to a
18 dissertation. But if I understood your question
19 correctly, there's not explicit mention that this
20 proposal will produce a PhD dissertation. It's not
21 done that way.

22 Q. Okay. Thanks for clarifying.

23 So the research done by a graduate
24 student in your lab has to be consistent with the
25 goals outlined in the grant proposal or the grant

1 that you receive?
 2 A. It would be broadly consistent. It's
 3 understood from federal agencies that research --
 4 I'll give you a specific example. The current
 5 grant that I mentioned is a three-year grant. One
 6 does not know at the beginning of a research grant
 7 where you will be at the end of three years. It's
 8 possible that new and unexpected findings may
 9 change the direction of the research. So it's not
 10 prescriptive in that regard. It's meant to be a
 11 starting point. And then the research could go in
 12 new directions depending on what a student might
 13 find in the course of their research, so it's a
 14 starting point, and it could go outside those lines
 15 depending on what one finds and depending on the
 16 grant.
 17 Q. But does there have to be some basic
 18 level of consistency between the research for --
 19 A. Yes.
 20 Q. -- the student and the grant?
 21 A. Yes.
 22 Q. To your knowledge are graduate students
 23 able to own patents on research performed in your
 24 lab?
 25 A. I don't know. May I amend -- add to

1 evaluation of an untenured faculty member's
 2 contributions in research, teaching and service to
 3 the university. The research is conducted in a
 4 laboratory. That could include graduate students.
 5 So that research could contribute.
 6 Q. To the promotion and tenure decisions
 7 for the faculty member --
 8 MR. WEITZMAN: Objection. Relevance.
 9 MS. AUERBACH: It's relevant to the fact
 10 that the research done by the graduate students
 11 furthers the interest not just their own interest
 12 but the interest of the faculty member.
 13 THE HEARING OFFICER: Overruled.
 14 So just to be clear. I believe the
 15 question was answered but let's be clear.
 16 The research done in both labs by
 17 the tenured track faculty is used -- is evaluated
 18 in whole or in part when tenure decisions are made;
 19 is that accurate?
 20 BY THE WITNESS:
 21 A. Yes.
 22 BY MS. AUERBACH:
 23 Q. And also in promotion decisions?
 24 A. Yes.
 25 Q. One of the missions of the university is

1 that answer?
 2 Q. Yes.
 3 A. Although I testified that I do not have
 4 a patent -- that I don't have a patent through
 5 research conducted with the university, I did file
 6 an invention disclosure that went through the
 7 initial stages of patent review, and ultimately the
 8 university chose not to pursue it all the way to a
 9 patent, but on that application my graduate
 10 students who contributed to that were listed on
 11 that, on that invention disclosure.
 12 Q. And the patent application was for who
 13 to hold the patent?
 14 A. The research was conducted in my
 15 laboratory. I then had a conversation with the
 16 office of the university that handles such matters
 17 and they pursued it. As I testified earlier, I
 18 don't know the exact details of who ends up holding
 19 what.
 20 Q. If a faculty member in the chemistry
 21 department is tenure track but not tenured, does
 22 the research done in the faculty member's lab
 23 affect the promotion and tenure decisions for that
 24 faculty member?
 25 A. The tenure process involves an

1 to conduct original research, correct?
 2 A. Yes.
 3 Q. And the graduate students conducting
 4 research in your lab and other labs in the
 5 chemistry department further that mission, correct?
 6 A. That's not the goal. The goal is to
 7 teach our graduate students how to become
 8 independent researchers.
 9 Q. But one result of their research in the
 10 lab is to further the mission of conducting
 11 original research, correct?
 12 A. That would seem to be a consequence of
 13 that.
 14 Q. Just so that's clear that -- when you
 15 say it would seem to be a consequence of that,
 16 advancing the mission, conducting original
 17 research, would be a consequence of the research
 18 done by the graduate student; is that what you're
 19 saying?
 20 A. A graduate student conducts research to
 21 further their education and receive a degree. That
 22 is the principal goal of having a graduate program?
 23 Q. But that wasn't the question.
 24 THE HEARING OFFICER: The research done
 25 by the graduate students further the goal of the

1 university to complete the original research; is
 2 that correct? Yes or no?
 3 BY THE WITNESS:
 4 A. Yes.
 5 THE HEARING OFFICER: Thank you.
 6 BY MS. AUERBACH:
 7 Q. When you help a graduate student in your
 8 lab troubleshoot, that helps the lab group as a
 9 whole, correct?
 10 A. My principal focus is in helping that
 11 student advance their research. If students in my
 12 research group are working on intertwined projects,
 13 we all learn from each other. So there is a
 14 spillover benefit from my helping one student if
 15 another student who is having a similar problem in
 16 their research has the same problem.
 17 Q. And it also helps your lab as a whole;
 18 is that correct?
 19 A. Yes.
 20 Q. You talked about not having set amount
 21 of hours that graduate students have to be in the
 22 lab.
 23 Have you ever had a situation with
 24 graduate students not coming to the lab what you
 25 thought would be enough hours?

1 MR. WEITZMAN: Ever meaning going back
 2 to when --
 3 BY MS. AUERBACH:
 4 Q. Since you've had a lab at the University
 5 of Chicago, has that ever risen to the point that
 6 you had a graduate student who felt like not coming
 7 often enough to the lab?
 8 A. Yes.
 9 Q. Did you take any actions in that case?
 10 A. I discussed with the student the
 11 importance of maintaining progress and that
 12 completing research and graduating in a reasonable
 13 period of time is important to their future success
 14 because as I testified earlier, one of the ways I
 15 advise students when they're thinking about future
 16 employment is that one of the criteria that many
 17 employers will apply would be consideration of the
 18 amount of time it takes for a student to complete
 19 their degree.
 20 Q. And if a student doesn't come often
 21 enough to do research in your lab it also adversely
 22 affects your lab as a whole, correct?
 23 A. Yes. My lab as a whole. It wouldn't
 24 affect the other students.
 25 Q. You have grant money coming that isn't

1 being used properly because the student is not
 2 coming in enough?
 3 A. Well, it's important that they maintain
 4 continuous reasonable progress towards their
 5 degree.
 6 Q. That means spending sufficient time
 7 conducting research in your lab?
 8 A. Yes.
 9 (Exhibit No. 23 was marked.)
 10 Q. I've handed you a document marked for
 11 identification as Petitioner Exhibit 23. Can you
 12 identify what this is?
 13 A. This appears to be a page on the
 14 departmental chemistry website that describes the
 15 research that goes on in my research group.
 16 Q. And on the last page, Page 4 of 4, that
 17 document is a collection of publications?
 18 A. Yes.
 19 Q. Are those all publications in which
 20 you're one of the listed authors?
 21 A. Yes, they are.
 22 Q. Are any of the other authors any of the
 23 graduate students in your lab or former graduate
 24 students?
 25 A. These are all former graduate students.

1 Let me clarify that.
 2 Q. Sure.
 3 A. Many of these are former and current
 4 students.
 5 Q. Which one?
 6 A. D.C. O'Hanlon on the first paper. DC
 7 O'Hanlon is a former student. Received a PhD with
 8 me. B.W. Cohen is a former graduate student who
 9 received a PhD with me. D.B. Boravak is a former
 10 student who received a PhD with me. The second
 11 publication N.T. Laporte is a former graduate
 12 student who received a PhD with me. Moravec was
 13 mentioned in the first paper and then in the third,
 14 Moravek again.
 15 Q. And did the graduate students that you
 16 just testified do the research that forms the basis
 17 for their part in these publications while they
 18 were graduate students in your lab?
 19 A. The research described in this
 20 publication was done in my laboratory during the
 21 time that these students were graduate students in
 22 my research group.
 23 (Petitioner No. 24, 25 and 26
 24 were marked.)
 25 Q. I've handed you a document marked for

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1 identification as Petitioner Exhibit 24, Petitioner
2 Exhibit 25 and Petitioner Exhibit 26. You can
3 start with Petitioner Exhibit 24.
4 Are these lists of papers that you
5 have published or papers in which you're one of the
6 listed authors?
7 A. 24?
8 Q. Well, 24, 25 and 26. They're actually
9 all from different pages of the same. They printed
10 out in three separate sections so if you can review
11 all of them.
12 A. 25 is the last page. Mine is truncated
13 so there's a title with no author. I don't know if
14 this is significant but they're listing Pages 1
15 through 7, 2 through 7, et cetera. Mine ends on 6
16 of 7 for 25.
17 Q. I'm missing a page somehow. So just go
18 through what's there.
19 A. For those pages that are here these are
20 papers on which I am listed as a coauthor.
21 Q. For all the papers that are dated since
22 the fall of 1999, were those papers all published
23 while you were in your lab at the University of
24 Chicago?
25 A. I didn't check them specifically, but I

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1 moved to the university in fall of 1999 and I can't
2 testify -- I don't remember the exact date upon
3 which I began listing University of Chicago as the
4 address of record for a publication.
5 THE HEARING OFFICER: Do you recall,
6 Dr. Hopkins, if from the year 2000 onward you would
7 have listed the University of Chicago as the
8 address of record?
9 BY THE WITNESS:
10 A. Yes. By 2000 and onward that would be
11 the case.
12 THE HEARING OFFICER: Thank you.
13 BY MS. AUERBACH:
14 Q. So looking at Petitioner Exhibit 24 and
15 turning to Page 6 of 7, the top paper listed there.
16 Davis B. Moravec was a student graduate in your lab
17 at the time this research -- that resulted in this
18 paper?
19 A. Yes.
20 Q. How about the next paper down on that
21 same page? Were you the --
22 A. The next paper, the one that begins
23 "Synthesis and Structure"?
24 Q. Yes.
25 A. That's an unusual case. One of the

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1 authors, Greg Hillhouse was a faculty member in my
2 department. Junjie Zhai, the first author on that
3 page, was a graduate student in the research group
4 of Professor Hillhouse. Professor Hillhouse passed
5 away after a very brief illness and Junjie Zhai was
6 the graduate student left in that research group,
7 so I accepted him into my research group. And the
8 research that is described in the paper was
9 completed in the research group of Professor
10 Hillhouse. I was formally advising him, and I
11 assisted him preparing the paper, but he wasn't --
12 the research itself was not conducted. The
13 discussion and the analysis, that was done while he
14 was a student with me.
15 Q. So if you turn to Petitioner Exhibit 25
16 on Page 2 of 7, the last paper listed on that page,
17 are any of those coauthors with you? Were any of
18 those graduate students in your lab?
19 A. This is "Axial Ligand Effects"?
20 Q. Correct.
21 A. Judith Kamm is currently a graduate
22 student in my research group. Cameron Iverson and
23 Wing-Yeung Lau are former students in my research
24 group who received their PhDs with me.
25 Q. Was the research -- was this paper done

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1 in your lab?
2 A. Yes.
3 Q. Turning to Page 3 of 7 of Petitioner
4 Exhibit 25. The paper at the top, were any of
5 those people former graduate students in your lab?
6 A. This is the paper entitled "Vibrational
7 Spectroscopy"?
8 Q. Correct.
9 A. Joseph Manna was a graduate student of
10 mine in my research group at the University of
11 Pittsburg and completed the research there, but the
12 analysis continued with some further
13 experimentation with others listed there. Neither
14 of the other two individuals listed there are
15 graduate students. So it was a paper that lists
16 both I think -- I don't recall the details, but it
17 lists the University of Chicago and Pittsburgh
18 where Manna was a student.
19 Q. How about the paper listed on the bottom
20 of that same page, "X-Ray Crystallographic," are
21 any of authors listed there graduate students or
22 former graduate students in your lab?
23 A. One of them is.
24 Q. Which one?
25 A. The second author, Mark Westwood, and he

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1 is a current student in my research group.
2 Q. Did he do his portion of the research
3 for this paper in your lab?
4 A. Yes, he did.
5 Q. Turning the next page of the same
6 exhibit, Petitioner Exhibit 25, Page 4 of 7. The
7 first full entry, "Synthesis, Structures, Bonding"?
8 A. Yes.
9 Q. Are any of the authors there graduate
10 students or former graduate students in your lab?
11 A. There are several former students, Jibin
12 Sun, Sarah Shaner, Marya Jones, Daniel O'Hanlon are
13 former graduate students, all of whom received
14 their PhD with me. Jeffrey Mugridge was an
15 undergraduate researcher in my research group.
16 Q. Was the research that resulted in this
17 paper all done in your lab?
18 A. Yes.
19 Q. And going to the next entry down --
20 THE HEARING OFFICER: I believe you
21 skipped one, the one at the bottom of Page 3,
22 "Correction to Synthesis."
23 MS. AUERBACH: Oh, you're right.
24 BY MS. AUERBACH:
25 Q. Would you go back to the bottom of

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1 Page 3 of 7, the one that starts on the bottom of
2 Page 3. It was published in 2011, "Correction to
3 synthesis."
4 Are any of those listed authors
5 graduate students or former graduate students in
6 your lab?
7 A. So maybe I could explain the format of
8 that particular paper. A correction is a
9 paper -- is a short note that changes some original
10 observation and so this particular entry is coupled
11 with -- oh, in fact, it's the one after it.
12 THE HEARING OFFICER: The one we just
13 discussed?
14 BY THE WITNESS:
15 A. The one we just discussed, the same
16 authors. And it would refer to that original
17 paper, and in this particular case there was a
18 typographical error in one of the entries. And so
19 a practice that there isn't -- that the error isn't
20 perpetuated in the subsequent scientific literature
21 one can issue a correction to say this entry was
22 wrong. So that's what happened there.
23 BY MS. AUERBACH:
24 Q. So on that paper that's corrected, were
25 any of the listed authors graduate students or

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1 former graduate students in your lab?
2 A. Well, it's the same list of authors.
3 It's identical as is the practice for this type of
4 report. It is identical with the author list of
5 the original paper. So it's the same notes I made
6 earlier regarding that paper.
7 Q. And the next paper down, "1000-Fold
8 Enhancement," are any of those listed authors
9 graduate students or former graduate students in
10 your lab?
11 A. Some of these are former graduate
12 students.
13 Q. Which ones?
14 A. B.W. Cohen, B.M. Lovaasen, C.K. Simpson
15 are former graduate students who received their
16 PhDs with me.
17 Q. Was the research that resulted in this
18 paper performed in your lab?
19 A. This was -- some of this was performed
20 in my laboratory. Yes, all of this was. All of
21 the work that was done by -- all of the research
22 that was conducted by those students was performed
23 in my laboratory. There are some other authors
24 here who contributed and they were from other
25 institutions?

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1 Q. Turning to Page 5 of 7, the paper
2 "Electronic Spectra."
3 A. Yes.
4 Q. Was your coauthor a graduate student in
5 your lab?
6 A. The coauthor was a graduate student in
7 my research lab who received a PhD with me.
8 Q. That's Ryan?
9 A. Ryan Da Re.
10 Q. And he did the research -- his research
11 in your lab that resulted in this paper?
12 A. Yes.
13 Q. If you turn to Petitioner Exhibit 26,
14 the one paper listed on there, "Ground Stage," are
15 any of those authors graduate students or former
16 graduate students in your lab?
17 A. Some of them are.
18 Q. Which ones?
19 A. Lovesaan, the first author, is a former
20 graduate student, received a PhD with me. Cohen,
21 the third author, former graduate student, received
22 a PhD with me.
23 Q. And did --
24 A. Yang, the fourth author, was a
25 postdoctoral. Simpson, farther down the list, was

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1 a former graduate student who received a PhD with
2 me.
3 Q. Did the work the graduate students
4 did -- part of the research the graduate students
5 did that resulted in this paper, was that research
6 performed in your lab?
7 A. Some of it was conducted in my
8 laboratory. Some of this was conducted at Argonne
9 National Laboratory. University of Chicago manages
10 Argonne National Laboratory. I had a partial
11 appointment there, and some of the research was
12 conducted there. The majority of work was
13 conducted by these students -- the majority of the
14 research that these students performed was done in
15 my laboratory.
16 MS. AUERBACH: I move Petitioner
17 Exhibit 23, 24, 25 and 26 into evidence. With
18 respect to 25 we can either admit it as is or I can
19 wait and print out the last page. Apparently, it
20 might be left in the printer at the office.
21 MR. WEITZMAN: Are you also offering
22 this for portions that the witness did not testify
23 to?
24 MS. AUERBACH: Well, I think I asked him
25 about the papers he'd done since he's been at the

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1 University of Chicago, which is a list of all of
2 his publications. It was actually all one
3 document. There were several pages on the website.
4 It went into three different pages, but it was all
5 just a list of Dr. Hopkins' papers.
6 MR. WEITZMAN: No objection.
7 THE HEARING OFFICER: Petitioner's 23,
8 24, 25 and 26 are received in evidence.
9 MS. AUERBACH: That's all I have.
10 THE HEARING OFFICER: So then before I
11 proceed with my questions, do you want to take a
12 short break or do you want to proceed?
13 MR. WEITZMAN: I would like a short
14 break to answer your question, but I would like a
15 longer break.
16 THE HEARING OFFICER: That's fine. Off
17 the record.
18 (Whereupon, a break was taken,
19 after which the following
20 proceedings were had:)
21 THE HEARING OFFICER: On the record.
22 BY THE HEARING OFFICER:
23 Q. Before the Employer proceeds with his
24 redirect questions for you, Dr. Hopkins, I have a
25 few questions.

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1 Are graduate students in the
2 chemistry program expected to publish their
3 research during their time at the university?
4 A. It's not a formal requirement but that
5 would be the typical practice. They may publish
6 some of it and then some papers are written later.
7 But the research that they do is suitable to be
8 published. They write that up and attempt to
9 publish it. That's right. There's not a formal
10 requirement for a certain number of papers, no.
11 Q. Would it be viewed negatively by the
12 university if the graduate students in the
13 chemistry program did not publish during their
14 tenure?
15 A. There's not a publication requirement
16 for the degree. And so the dissertation stands as
17 a publication. It is a publication. So there are
18 publications that might appear in journals such as
19 the ones that were reported that we discussed
20 earlier, but the dissertation itself is a published
21 document, so that ultimately is the one publication
22 that matters with regard to whether or not a
23 student receives a degree.
24 Q. Do you know for this past academic year
25 how many undergraduate enrollments there were in

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1 the chemistry major?
2 A. How many undergraduate enrollments there
3 were in chemistry major?
4 Q. Yes.
5 A. I don't have an exact number, no.
6 Q. Do you know approximately?
7 A. So we use the word "enrollment" just to
8 be clear. For us the term "enrollment" is one
9 student in one class for one quarter. So a single
10 student, a single undergraduate student, might
11 account for 9 to 12 enrollments in an academic year
12 depending on how many courses they teach.
13 So whereas a major is a single
14 student who might be majoring in one subject or one
15 major or in several majors depending on what their
16 particular program is.
17 Q. That was my misunderstanding of the
18 terms. I apologize.
19 Do you know, let's say for that
20 past quarter, how many undergraduate majors there
21 were?
22 A. No, I don't know the number.
23 Q. For the past academic year, do you know
24 how many chemistry courses were offered to
25 undergraduates?

1 A. How many chemistry courses in the past
2 quarter?

3 Q. Yes.

4 A. We're still in session right now. I
5 don't know the exact number.

6 Q. Okay. You had testified about an
7 instance when one of your TAs in a course for which
8 you were instructor of record suggested an
9 experiment that you thought was valuable and
10 eventually that TA was listed as an author of the
11 contents of the course. Do you recall what course
12 that was?

13 A. Yes. That's the course I'm currently
14 teaching, Chemistry 227.

15 Q. When was this that the TA made this
16 contribution?

17 A. That was -- I guess it would be two
18 years ago because this is the third year that we're
19 now incorporating that experiment. Approximately
20 two years ago.

21 Q. Do you think you will continue to
22 incorporate that experiment in this course should
23 it continue to be offered?

24 A. It's the best experiment that we have so
25 far until it's replaced by a better one. So it

1 replaced the experiment that the student suggested,
2 replaced an existing experiment and that could
3 happen again. I would have to see what new ideas
4 we come up with, but it's certainly possible.

5 Q. You had testified that typically for the
6 sessions of your course that are being conducted by
7 TAs you also attend those sessions; is that right?

8 A. That's right.

9 Q. Would the TAs for your particular course
10 ever conduct a session without you present?

11 A. So to be clear, I'm not present the
12 entire time that they're there. I attend during
13 each of these laboratory sessions. So there's a
14 period of time when I'm not there, yes.

15 Q. So how -- I know you said the length of
16 these sessions can vary. For these ones that
17 you're referencing, how long do those typically
18 last?

19 A. It can range anywhere -- so we have
20 blocked out a particular period of time. It can a
21 range anywhere from two hours, depending on the
22 experiment being done that day, to the five-hour
23 period of the laboratory session.

24 Q. How long would you typically be present
25 for these sessions?

1 A. I would typically be there from
2 between -- approximately 30 minutes. It's enough
3 time for me to speak individually with the
4 undergraduates and then to spend some time with the
5 teaching assistants.

6 Q. Is that the time frame that you describe
7 fairly typical from week to week?

8 A. It varies. It depends on the complexity
9 of the experiment that's being done. So in one
10 session, which was a demonstration session, I was
11 there for the entirety. At other times it may be
12 less if, you know, what's being performed that week
13 is something that's related to something that
14 they've already done. So I don't need to say the
15 same thing twice or that nature, so it varies.

16 THE HEARING OFFICER: I believe that's
17 all my questions for you.

18 MR. WEITZMAN: Could I have a brief
19 recess?

20 THE HEARING OFFICER: About how long
21 would you say?

22 MR. WEITZMAN: Probably 15 minutes give
23 or take.

24 THE HEARING OFFICER: Off the record.
25 (Whereupon, a break was taken,

1 after which the following
2 proceedings were had:)

3 THE HEARING OFFICER: On the record.

4 Employer can continue with his
5 questions.

6 MR. WEITZMAN: Thank you.

7 REDIRECT EXAMINATION

8 BY MR. WEITZMAN:

9 Q. Dr. Hopkins, can I direct your attention
10 please to Employer Exhibit No. 42 which is the
11 Guide for Teaching Assistants. Do you have it?

12 A. Yes.

13 Q. Good. Please open to Page 3. Find the
14 second paragraph on the page and look at the second
15 sentence in the second paragraph.

16 You were asked whether you agreed
17 with the second sentence in the paragraph and you
18 said yes. Do you recall that testimony?

19 A. Yes.

20 Q. Is the knowledge, concern and dedication
21 of a teaching assistant something that you teach
22 the teaching assistant?

23 A. Well, I would say we -- when we teach
24 our teaching assistants, we impart those values.
25 Some students, of course, by nature of their

1 disposition are concerned and empathetic, so how
2 much teaching one needs to do is a matter of
3 individual -- it varies from case to case, but
4 that's certainly what we convey when we teach
5 students our teaching assistants about teaching.

6 Q. Another question you were asked on
7 cross-examination was whether the effectiveness in
8 teaching discussion groups depended in part on the
9 effectiveness of the teaching assistant. Do you
10 recall that question?

11 A. Yes.

12 Q. You said yes. So I'd like to know
13 whether it's true that the effectiveness of a TA
14 depends on how well you teach the TAs to have
15 discussion sessions?

16 A. Yes.

17 Q. When Counsel asked you questions about
18 your previous courses and how the grading is done
19 in those courses, she asked you do you give the TAs
20 a rubric. You said yes. And then she said do they
21 grade papers and you said yes and then she didn't
22 ask you any more questions about that. So I will.

23 I want to know whether when they
24 grade the paper after you give them the rubric does
25 that end the process of how you teach them?

1 A. No. It's very much as I described for
2 the course I'm currently teaching. I work -- you
3 know, I work -- I instruct the TAs as part of our
4 regular meetings about the -- as I described, the
5 philosophy of grading, how the grading rubric
6 should reflect the goals of the course and the idea
7 of providing constructive feedback.

8 Collaboratively, in the process I
9 described, we develop a group rubric based on their
10 suggestion. We finalize that and then they apply
11 that in the way I described.

12 Q. With Post-Its?

13 A. It depends. In an examination it may
14 not be necessary to provide the Post-Its, but
15 before the grades are finalized, I always sit down
16 with the students, the teaching assistants and the
17 exams and we will discuss them.

18 Q. The subject of student lab notebooks
19 came up on cross and I didn't ask you this on
20 direct. So I'm curious, do you teach your student
21 TAs to review a lab notebook?

22 A. Yes, that's right. The laboratory
23 notebook, as I mentioned, contains a description of
24 the experiment that the undergraduate student will
25 perform and after they begin the experiment, their

1 observations -- so we discuss what goes into good
2 observation, what are sufficient observations, and
3 I give them examples of these. Did a chemical
4 reaction change color? Did it begin to vigorously
5 bubble as gas was liberated? These are the
6 important things that anyone who would reproduce an
7 experiment would be looking for when they conduct
8 it. So writing these observations down is part of
9 being a careful scientist, and we discuss that.
10 These are very similar with -- the purpose of
11 making these observations translates to their own
12 research as well where in their role as researchers
13 in setting the problem they would be doing the same
14 kind of thing.

15 Q. You testified when you were asked about
16 the number of grad students who teach beyond the
17 requirement that you didn't know the number?

18 A. I don't know the number.

19 Q. Does the number three refresh your
20 recollection? It is quarters. Excuse me.

21 A. I'm sorry?

22 Q. Does the number three in this quarter
23 refresh your recollection as the number?

24 A. The number of students --

25 Q. Who are teaching beyond the three

1 requirement?

2 A. Currently?

3 Q. Currently?

4 A. For the department?

5 Q. Correct.

6 A. I don't know the number.

7 Q. Okay. You testified on
8 cross-examination that in filling out grant
9 proposals the stipend amounts are listed under a
10 heading called "Personnel Costs." Do you recall
11 that testimony?

12 A. Yes, I do.

13 Q. Is there a place on the grant proposal
14 that asks you to put down how much financial aid
15 would be covered by the grant?

16 A. How much financial aid?

17 Q. Is there a section that says "Financial
18 Aid"?

19 A. I can't state with certainty that it's
20 labeled with the words "Financial Aid."

21 Q. If you had a choice, Dr. Hopkins,
22 between putting the stipend under a column called
23 "Personnel Costs" or a heading of "Financial Aid,"
24 where would you put that?

25 MS. AUERBACH: Objection. Hypothetical.

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1 THE HEARING OFFICER: I mean, he's
2 testified that this doesn't exist. He doesn't
3 recall this type of -- that language is used. So,
4 I mean, it's one thing to extrapolate some
5 hypothetical based on his personal experience but
6 is there --
7 MR. WEITZMAN: I'll ask another
8 question.
9 BY MR. WEITZMAN:
10 Q. What is your comfort level in putting
11 the stipends down as personnel costs?
12 MS. AUERBACH: Objection. Relevance. I
13 mean whether this witness believes that personnel
14 is the appropriate word...
15 BY MR. WEITZMAN:
16 Q. So it's clear it's not your word, is it?
17 MS. AUERBACH: It's irrelevant. He was
18 asked what he does when he applies for the grant.
19 MR. WEITZMAN: I'm allowed to have
20 redirect on it.
21 MS. AUERBACH: He was asked if there
22 were categories specified on the grants that he --
23 terms that he has to comply with to fill out the
24 grant application. How he would like the grant
25 application to read and how he wished to use other

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1 terminology is irrelevant.
2 MR. WEITZMAN: It is relevant.
3 MS. AUERBACH: That goes back to the
4 questions about the witness's of whether --
5 deductions of employees. It's irrelevant.
6 THE HEARING OFFICER: The term in these
7 grant applications "Personnel Costs," when you are
8 completing them, Dr. Hopkins, do you have any say
9 that type of term that is used?
10 BY THE WITNESS:
11 A. There's a template, and I follow the
12 template?
13 BY MR. WEITZMAN:
14 Q. Dr. Hopkins, if a student wanted to do
15 research on a subject that was outside your grant,
16 would he or she have joined your lab in the first
17 place?
18 A. No.
19 Q. You were asked lots of questions about
20 conducting research in your lab. When a PhD
21 graduate student conducts research in your lab, is
22 that synonymous with doing research on their
23 personal dissertation?
24 A. Yes.
25 Q. With respect to Exhibits 24 to 26.

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1 THE HEARING OFFICER: Petitioner
2 Exhibit 24 through 26?
3 MR. WEITZMAN: Correct.
4 THE HEARING OFFICER: Thank you.
5 BY MR. WEITZMAN:
6 Q. I could go through all of them, but I'm
7 going to try to be economical. With respect to all
8 of them where -- that you've identified where one
9 of the coauthors was a current or former PhD
10 student of yours, was the article based on their
11 respective dissertation research?
12 A. Yes.
13 Q. So when you were asked by counsel was
14 the article based on research in your lab, that was
15 the same as asking you was it based on your
16 dissertation research, correct?
17 A. Yes.
18 Q. Is there a reason why a PhD student
19 would want to be a coauthor for an article?
20 A. Yes.
21 Q. What is that?
22 A. For some jobs publication of this sort
23 is a professional credential that shows that they
24 accomplished a certain amount of research. The
25 journal in which its published is a rough measure,

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1 not exact, but a rough measure. The quality of
2 their search in some journals have a higher
3 reputation than others. So if you've conducted
4 high-impact research, you'd like a paper that's
5 published in -- you'd like a paper.
6 Q. That would go to the benefit of the PhD
7 student in getting a job?
8 A. That's correct. It's a professional
9 credential for subsequent employment.
10 Q. When you are listed as one of the
11 coauthors, what did you do in these articles that
12 entitled you to have a byline?
13 A. In chemistry and in the case of these
14 articles, most of which are published in journals
15 that are published by the American Chemical Society
16 which is a large -- it's the largest chemical
17 society in the world. It's got a large number of
18 memberships and publishes many journals. There are
19 ethical guidelines that govern the authorship of
20 papers. And speaking broadly anyone who made a
21 substantive contribution to the research described
22 in that paper, whether it was in performing
23 experiments or interpretation of experiments or in
24 guiding the intellectual content or in preparing
25 the paper -- I don't mean clerically preparing the

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1 paper but in terms of the actual content of the
2 paper, typically those individuals would be listed
3 as coauthors.
4 And in the case of papers that are
5 described here as the research advisor who
6 individually mentored these students who provided
7 the idea that they pursued for their dissertation
8 research who helped them conceive the experiments
9 and troubleshoot the experiments, helped with the
10 interpretation of the data, who helped with drawing
11 conclusions from the data and then who assisted
12 with the preparation of the paper, is listed as a
13 coauthor.
14 MR. WEITZMAN: No further questions on
15 redirect.
16 THE HEARING OFFICER: Petitioner have
17 any further questions for the witness?
18 MS. AUERBACH: Could I just take a
19 couple minutes?
20 THE HEARING OFFICER: Sure. Off the
21 record.
22 (Whereupon, a break was taken,
23 after which the following
24 proceedings were had:)
25 THE HEARING OFFICER: On the record.

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1 MS. AUERBACH: I just have a couple
2 questions.
3 RE-CROSS-EXAMINATION
4 BY MS. AUERBACH:
5 Q. Are the papers that you have published,
6 that you have coauthored with your grad students at
7 the university listed on your CV?
8 A. Yes, they are.
9 Q. Do you also list them on grant
10 applications?
11 A. Some of them. There are -- according to
12 the grant application there are specific
13 limitations in some cases for the number and the
14 type of publications that can be listed, but yes.
15 MS. AUERBACH: That's all I have.
16 THE HEARING OFFICER: I have no further
17 questions for the witness.
18 MR. WEITZMAN: We have no further
19 questions.
20 THE HEARING OFFICER: With that,
21 Dr. Hopkins, you are excused.
22 Do you want to take a break before
23 the next witness or are the parties ready to
24 proceed?
25 MR. WEITZMAN: We're off the record?

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1 THE HEARING OFFICER: Not yet.
2 MR. PEARLMAN: Yes, we're ready.
3 THE HEARING OFFICER: We're off the
4 record now.
5 (Whereupon, a break was taken,
6 after which the following
7 proceedings were had:)
8 THE HEARING OFFICER: On the record.
9 Employer can proceed with his next
10 witness.
11 MR. PEARLMAN: Thank you, Madam Hearing
12 Officer, the University of Chicago calls to the
13 stand Dean Terri Owens.
14 (Witness sworn.)
15 THE WITNESS: I do.
16 THE HEARING OFFICER: Have a seat.
17 WHEREUPON:
18 TERESA HORD OWENS, PhD,
19 called as a witness herein, having been first duly
20 sworn, was examined and testified as follows:
21 DIRECT EXAMINATION
22 BY THE HEARING OFFICER:
23 Q. Please state and say your name for
24 record.
25 A. Teresa Hord Owens, T-E-R-E-S-A, H-O-R-D,

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1 O-W-E-N-S.
2 BY MR. PEARLMAN:
3 Q. Good afternoon, Dean Owens. By whom are
4 you currently employed?
5 A. The University of Chicago.
6 Q. What is your job title?
7 A. I'm the dean of students in the Divinity
8 School.
9 Q. When did you begin working at the
10 University of Chicago?
11 A. In April of 2003.
12 Q. When you started working at the
13 University of Chicago, where specifically did you
14 begin working?
15 A. I began working at the University of
16 Chicago Hospitals -- now the Medical Center --
17 initially as the director of IT strategy and
18 eventually as the special assistant to the CEO in
19 the Medical Center.
20 Q. Dean Owens, how long have you been the
21 dean of students for the Divinity School?
22 A. Since August of 2005.
23 Q. Now, is it called the Divinity School or
24 the divinity division?
25 A. It's called the Divinity School. It's

1 considered one of the professional schools in the
 2 university.
 3 Q. Please tell us what's your educational
 4 background?
 5 A. I have a bachelor of arts from Harvard
 6 University and a master of divinity from the
 7 University of Chicago Divinity School.
 8 Q. Now, in addition to holding a position
 9 at the University of Chicago, do you have any other
 10 outside employment?
 11 A. Yes, I do.
 12 Q. What is that, please?
 13 A. I'm a minister, and pastor at a
 14 congregation in Downers Grove, Illinois.
 15 Q. You're a minister and a pastor, did you
 16 say?
 17 A. Yes.
 18 Q. Where did you work prior to coming to
 19 the University of Chicago? Could you take us
 20 through a chronology of that, please?
 21 A. Backwards?
 22 Q. Whatever is easiest for you?
 23 A. Sure. I had a career for about 23 years
 24 in information technology. I was a consultant
 25 before coming to the University of Chicago. Most

1 placement activities particularly for PhD students,
 2 both those who are planning to prepare for academic
 3 positions as well as those who are not planning to
 4 take academic jobs and we work with master students
 5 around professional development and placement as
 6 well. I also serve as the disciplinary officer for
 7 the Divinity School. So any matter that would come
 8 before the school from a student with regard to
 9 anything from a behavioral issue to academic
 10 dishonesty, I would be the officer within the
 11 Divinity School who would work with the dean and
 12 the Divinity School disciplinary committee to
 13 adjudicate that matter. I'm also a source of
 14 personal advising and support for students in times
 15 of personal distress, financial situations, et
 16 cetera.
 17 Q. How many academic areas does the
 18 Divinity School have?
 19 A. We have 11 areas of study.
 20 Q. How many faculty members does the
 21 Divinity School have?
 22 A. Approximately 33 and that does not
 23 include a varying number of faculty members who
 24 are, what we call, associated faculty members.
 25 That would include people whose primary academic

1 immediately I worked at what was formerly called
 2 Ameritech, now part of AT&T, as director of IT for
 3 the public communications division. Prior to that
 4 I was with the BlueCross and BlueShield system,
 5 with the BlueCross and BlueCross association as
 6 director of IT strategy and with Anthem and
 7 BlueCross and BlueShield as director of corporate
 8 data management. Prior to that I worked for
 9 Ernst & Young as a consultant. And prior to that I
 10 was with IBM, and I began my work career at
 11 Cummins & Jay Company in Columbus, Indiana.
 12 Q. Dean Owens, let's shift gears and talk
 13 about your current responsibilities. What are your
 14 responsibilities as dean of students for the
 15 Divinity School?
 16 A. I'm responsible for everything from
 17 admissions through the placement of our students.
 18 I am involved with the development of academic
 19 policy. I sit on the academic policy committee of
 20 the faculty as an ex-officio member. I am involved
 21 with monitoring of student academic progress,
 22 reaching of milestones. I do some advising around
 23 students meeting of those requirements, financial
 24 aid. I am -- do orientation for new students. I
 25 participate in recruiting. I also do several

1 appointments are at other parts of the university
 2 but who are allowed to cross courses, supervise PhD
 3 dissertations and serve in the areas of the
 4 faculty.
 5 Q. Does the Divinity School have any
 6 undergraduate programs?
 7 A. No. We have no undergraduate students.
 8 However, we do oversee the religious studies
 9 concentration in the college but all of the
 10 students in the Divinity School are graduate
 11 students.
 12 Q. And approximately how many undergraduate
 13 students have declared majors within one of the
 14 college's religious studies program?
 15 A. On average it's ten to twelve students
 16 in a given year who are declared religious studies
 17 majors.
 18 Q. Does the Divinity School have graduate
 19 students?
 20 A. Yes.
 21 Q. Does the Divinity School offer PhDs?
 22 A. Yes.
 23 Q. How many PhD programs does the Divinity
 24 School have?
 25 A. We have one PhD program but students are

1 admitted into one of the 11 areas of study that I
2 mentioned.

3 Q. You previously said there's 11 of those?

4 A. There's 11 of them.

5 Q. How does the PhD program in the Divinity
6 School of the University of Chicago compare in size
7 to other divinity programs at other educational
8 institutions around the country?

9 MS. AUERBACH: Objection. Foundation.
10 BY MR. PEARLMAN:

11 Q. Do you know how the Divinity School at
12 the University of Chicago compares in size to the
13 size of the Divinity programs at other universities
14 around the country?

15 A. I do.

16 Q. Okay. What is it?

17 A. We are the largest single PhD program in
18 the academic study of religion in the country.

19 Q. I'm going to test your memory here a
20 little bit, but what are the 11 areas of study?
21 Can you tell us that?

22 A. Yes, I can. Anthropology and sociology
23 of religion, Bible, history of Christianity,
24 history of Judaism, history of religion, Islamic
25 studies, philosophy of religions, religions in

1 America, religious ethics, religion literature in
2 visual culture, theology. And I think I'm leaving
3 one out.

4 Q. Did you get religion literature in
5 visual culture?

6 A. Yeah. Religions in America, religious
7 ethics. I think I did get them all.

8 Q. So who establishes academic criteria for
9 the Divinity School? Is it the Divinity School or
10 does that come from the department above or outside
11 of the school?

12 A. It's the Divinity School faculty that
13 establishes its academic criteria.

14 Q. What do they establish that academic
15 criteria based upon?

16 A. Based upon an understanding in each year
17 of study for doctoral study what is considered
18 curriculum that will establish a foundation for
19 each student in existing knowledge and literature
20 in their chosen field, as well as a broader
21 understanding in an interdisciplinary manner.

22 Q. So you said that the Divinity School has
23 PhD students. How many PhD students does the
24 school have?

25 A. At the beginning of this year, we had

1 160 students involved in the PhD program.

2 Q. Are there any educational prerequisites
3 for a student to be admitted as a PhD student at
4 the Divinity School at the University of Chicago?

5 A. Yes. We do require a master's degree in
6 a field related to the area of study to which the
7 student is admitted. That's a requirement that's
8 placed upon us because we are accredited by the
9 Association of Theological Schools.

10 Q. So does that requirement impact where
11 most of the school -- the Divinity School's PhD
12 population comes from?

13 A. Yes. Most of our PhD students actually
14 come from our own master's programs.

15 Q. Does the Divinity School offer master's
16 degrees?

17 A. Yes.

18 Q. Can you please tell us, Dean Owens, what
19 master's programs does the Divinity School have?

20 A. We have three. One is the master of
21 arts and religious studies which can be earned
22 intensively in one year or over time. It's a
23 nine-course degree. We have a two-year master of
24 arts program which is considered preparatory for
25 doctoral work and a three-year master of divinity

1 degree which is a professional degree for
2 ministering, and it's also considered preparatory
3 for doctoral work.

4 Q. Does the Divinity School offer dual
5 masters degrees?

6 A. Yes, we do.

7 Q. When I say "dual masters degrees," what
8 do you understand that term to mean?

9 A. A dual degree means that the student is
10 earning a degree both in the Divinity School and
11 also concurrently another degree within another
12 unit of the university.

13 Q. Dean Owens, could you please tell us
14 what are the dual degrees that the Divinity School
15 offers for master students?

16 A. These are all with our master of
17 divinity degree. So we have a dual degree program
18 with the MDiv degree and the Harris School of
19 Public Policy, a dual degree between the MDiv
20 degree and the MSW, master of social work degree,
21 in the school of social service administration and
22 a dual degree between the MDiv and the JD doctor of
23 law degree.

24 Q. Just so we're all speaking the same
25 language, when you say MDiv --

1 A. That's the master of divinity which is
 2 the ministry degree.
 3 Q. Do you know how many master students
 4 there are who are getting dual degrees with the
 5 Harris School?
 6 A. This year we have had no students to
 7 graduate with the degree. In the Harris School we
 8 have two students who are currently in the dual
 9 program with the school social service
 10 administration.
 11 THE HEARING OFFICER: I'm sorry. What's
 12 that school that you're referring to?
 13 MR. PEARLMAN: Harris School of Public
 14 Policy.
 15 THE HEARING OFFICER: So how do you
 16 spell that?
 17 THE WITNESS: Harris, H-A-R-R-I-S.
 18 THE HEARING OFFICER: Thank you.
 19 Continue.
 20 BY MR. PEARLMAN:
 21 Q. Same question with respect to the dual
 22 degree program for the MDiv and social work within
 23 the social service administration division?
 24 A. We currently have no students who are in
 25 that particular program. We have a first-year

1 Q. Is there a requirement for the master
 2 students to teach?
 3 A. No.
 4 Q. Are you familiar with the GAI fund?
 5 A. Yes.
 6 Q. What is that?
 7 A. It's the graduate aid initiative. It's
 8 a program for doctoral fellowships in the
 9 university within the humanities, social sciences,
 10 the Divinity School and the school of social
 11 service administration.
 12 Q. Do you know when it was established?
 13 A. Yes.
 14 Q. When was that?
 15 A. It was established in 2007.
 16 Q. Does the Divinity School participate in
 17 the GAI?
 18 A. Yes, we do as of the fall of 2008.
 19 Q. Dean Owens, are you familiar with the
 20 funding package that is provided to Divinity School
 21 PhD students?
 22 A. Yes, I am.
 23 Q. We'll get into that in a moment. Let me
 24 ask you, primarily are you aware of any differences
 25 between funding for master students in divinity and

1 student who has not yet begun her work in the
 2 school social service administration.
 3 Q. Is there a dual degree available for
 4 MDiv and a juris doctor of law degree?
 5 A. Yes, there is.
 6 Q. How frequently do you find master
 7 students seeking out that dual degree?
 8 A. It's a very rare degree. We had one
 9 student during my tenure to complete that
 10 particular dual degree.
 11 Q. Dean Owens, can you please tell us
 12 approximately, if necessary, how many masters
 13 students are there in the MDiv program?
 14 A. This year there are 49 students and on
 15 average we have about that many, 50 or so.
 16 Q. How many master students are there in
 17 the master of arts masters program?
 18 A. The average is between 80 and 90
 19 students a year, between the two-year two course.
 20 Q. Same question with respect to master of
 21 arts in religious studies?
 22 A. On average two to four students. It's a
 23 very small program.
 24 Q. Do master students teach?
 25 A. No.

1 PhD students?
 2 A. Yes.
 3 Q. Do master students pay tuition?
 4 A. Some of them do. Most of them do.
 5 Q. Do master students pay healthcare
 6 premiums?
 7 A. Yes.
 8 Q. Do master students receive a stipend?
 9 A. A few of them do. We have about four
 10 fellowships that provide a small stipend for master
 11 students. Otherwise, no.
 12 Q. What do doctoral graduate students
 13 receive under the GAI?
 14 A. It's a five-year fellowship which
 15 provides tuition for the five years. The current
 16 annual stipend is \$24,000 a year and the student
 17 will receive payment of their student health
 18 insurance plan premiums for themselves for that
 19 five years.
 20 Q. You mentioned 24,000 as the stipend. Is
 21 that the maximum stipend?
 22 A. It's the only -- it's the consistent
 23 stipend level, yes.
 24 Q. For PhD students?
 25 A. For PhD students in the GAI in the

1 Divinity School.
 2 Q. Does the Divinity School offer summer
 3 stipends?
 4 A. Yes, we do.
 5 Q. And what specifically does the Divinity
 6 School offer by way of summer stipends?
 7 A. Students are given two summer stipends
 8 without any prerequisite. The third summer stipend
 9 is earned once the student has successfully
 10 completed qualifying exams, and the fourth summer
 11 stipend is available to them once they are admitted
 12 to candidacy.
 13 Q. What's the monetary amount of the summer
 14 stipend?
 15 A. Each are \$3,000.
 16 Q. So is there any requirement that a
 17 student needs to fulfill in order to get the third
 18 summer stipend?
 19 A. They must pass their doctoral qualifying
 20 exam.
 21 Q. What's that?
 22 A. The doctoral exams in the Divinity
 23 School are a series of four written exams. The
 24 student must pass, along with an oral exam, which
 25 usually includes a discussion of a research paper,

1 A. They would have to be admitted to
 2 candidacy.
 3 Q. What does that mean when you say
 4 "admitted to candidacy"?
 5 A. In the Divinity School, being admitted
 6 to PhD candidacy means that you have submitted a
 7 dissertation proposal that has been approved by the
 8 members of the student dissertation committee. The
 9 student holds a colloquium to discuss and approve
 10 that proposal and then the proposal is submitted to
 11 a group of faculty known as the committee on
 12 degrees which is an interdisciplinary committee
 13 that reviews all dissertation proposals and
 14 approves them and approves the student's request to
 15 be admitted to candidacy.
 16 Q. Are you able to tell us what the total
 17 anticipated stipend is for a PhD student in the
 18 Divinity School for a period of five years?
 19 A. Well, for five years it would be
 20 \$125,000 in stipend. If you added on the summer
 21 stipend, assuming that the student were able to
 22 earn all four of them, that's an additional 12, so
 23 137.
 24 Q. Sorry to put you through math here but
 25 you seem fast.

1 as well as a discussion of the written exams, with
 2 the four faculty examiners who have written and
 3 administered those examinations. So there are four
 4 four-hour written exams and a two-hour oral exam
 5 and the student is graded as either pass or fail.
 6 At that point they would be eligible in the
 7 following summer to receive that third stipend.
 8 Q. Do students traditionally finish their
 9 coursework? When I say "students," I'm referring
 10 to PhD students in the Divinity School.
 11 Have students traditionally
 12 finished their coursework and passed their
 13 qualifying exams by the end of the third year?
 14 A. Increasingly that is the case. Students
 15 are able -- as long as they completed those
 16 milestones after their fifth year, they can still
 17 earn the third and fourth stipend but students on
 18 average complete their exam in the third or four
 19 year. Sometimes it takes longer depending on other
 20 requisites of their program, such as additional
 21 languages that they would have to complete before
 22 taking their qualifying exams.
 23 Q. Is there any prerequisite that a PhD
 24 student in the Divinity School must fulfill in
 25 order to obtain a fourth summer stipend?

1 Do you know what the tuition was
 2 for the 2016-2017 academic year for a PhD student
 3 of the Divinity School?
 4 A. It was just over \$50,000.
 5 Q. So here's what I'll ask you to do, a
 6 little bit more math. So if you look over the
 7 five-year period that you're talking about, what's
 8 the total cost of tuition that the university is
 9 providing to PhD students of the Divinity School?
 10 A. About \$375,000 in total between tuition
 11 and stipend.
 12 Q. I'm going to hand you a document that
 13 we'll mark for identification as Employer
 14 Exhibit 45.
 15 (Employer No. 45 was marked.)
 16 If you could please take a moment
 17 and review that document.
 18 (Witness peruses document.)
 19 Are you familiar with this
 20 document?
 21 A. Yes.
 22 Q. What is this document?
 23 A. This is the memo that's given each year
 24 to entering PhD students that explains to them the
 25 process by which taxes will be withheld from moneys

1 that they receive when they're teaching in their
 2 program.
 3 Q. Is this a true and correct copy of this
 4 document?
 5 A. Yes.
 6 Q. Is it maintained in the normal course of
 7 business?
 8 A. Yes, it is.
 9 MR. PEARLMAN: Move to admit Employer
 10 Exhibit 45.
 11 MS. AUERBACH: No objection.
 12 THE HEARING OFFICER: Employer
 13 Exhibit 45 is received.
 14 BY MR. PEARLMAN:
 15 Q. So did you send this document out to PhD
 16 students?
 17 A. Actually, I handed it to them at the
 18 annual PhD orientation.
 19 Q. What's the purpose of this letter?
 20 A. The IRS, I am told, requires us to --
 21 when a student is teaching and receives a teaching
 22 stipend then appropriate payroll taxes must be
 23 held. Because the teaching experience is a part of
 24 academic program, students are not eligible to
 25 receive additional compensation beyond their

1 stipend until they've reached their five point. So
 2 the Divinity School withholds in accord in which
 3 they teach and at the same time when the student
 4 receives the stipend, the appropriate IRS taxes
 5 will be withheld, and this memo serves to explain
 6 that process.
 7 Q. Is that why you handed this letter to
 8 PhD students, to help explain the process to them?
 9 A. Yes.
 10 Q. Are you a tax lawyer?
 11 A. No.
 12 Q. Are you a lawyer?
 13 A. No.
 14 Q. Do you have legal training?
 15 A. No.
 16 Q. Do you have tax training?
 17 A. No.
 18 Q. You didn't create this rule as to
 19 whether or not moneys are withheld from quarterly
 20 stipends, correct?
 21 A. No, I did not.
 22 Q. Dean Owens, are divinity PhD school
 23 students required to obtain certain teaching
 24 experience during their educational program?
 25 A. Yes, they are.

1 Q. And what is that requirement?
 2 A. Five teaching points.
 3 Q. Why does the Divinity School require
 4 these teaching points as part of the PhD program?
 5 A. We are educating the next generation of
 6 scholars in the academic study of religion, and
 7 their teaching experience is important for their
 8 ability to eventually land jobs within the academy
 9 but regardless of how they use that degree, the
 10 ability to communicate with other people who are
 11 not within their specialty is still a valuable
 12 experience, but this is part of their academic and
 13 scholarly experience and training.
 14 Q. Is it your expectation that many, if not
 15 most, of the PhD students in the Divinity School
 16 will go on to become teachers?
 17 A. The vast majority of our students do go
 18 on to teach in higher education, yes.
 19 Q. Is it important to you to help them
 20 become credentialed and prepared to get a job in
 21 that capacity?
 22 A. Yes, it is.
 23 Q. So how does a Divinity School PhD
 24 student typically obtain their teaching points?
 25 A. They have options of teaching within

1 courses within the Divinity School. They can teach
 2 in courses within humanities or social sciences
 3 division usually. Many of them teach in the
 4 writing program, and they also are able to teach
 5 outside the university in any of the local
 6 universities or seminaries.
 7 Q. We're going to come back to that, and
 8 I'll ask you more specific questions on those
 9 issues.
 10 But, first, as a threshold matter,
 11 you say that these folks can teach in order to
 12 obtain teaching points, and what I'd like to know
 13 from you is: Can they be a teaching assistant or
 14 have a teaching assistantship to that end?
 15 A. Yes, they can.
 16 Q. What other types of activity can they
 17 engage in in order to achieve the teaching points?
 18 A. Well, the Divinity School students are
 19 only -- generally appointed as teaching assistants.
 20 We have only three courses in which we appoint
 21 lectures and those are for our scriptural
 22 languages, Koine Greek, Physical Hebrew and Quranic
 23 Arabic. So in the Divinity School for the Divinity
 24 School courses, students are only appointed as TAs
 25 except for those language courses, and those

1 language courses also have TA appointments
2 associated with them.

3 Q. So are you saying you can have TAs and
4 you can have lectureships but there's far more TAs
5 than lectureships?

6 A. Correct.

7 Q. What is a TA?

8 A. Teaching assistant is a graduate
9 student, a PhD student, who assists the instructor
10 of record with a number of activities, including
11 leading discussion sections, preparing course
12 materials, assisting with advising students in the
13 course, and the TA may often give a lecture or two
14 during the course of the course.

15 Q. Dean Owens, what are the duties that are
16 associated with a teaching assistantship?

17 A. In the Divinity School, generally,
18 teaching assistants will prepare course materials.
19 They may ensure that students are registered on the
20 learning management system website, handling
21 communication with students, leading discussion
22 sections. They would attend all lectures, be
23 familiar with all the texts that are being used in
24 the course. If languages are involved, those
25 students would have competency in those languages,

1 but they would also discuss and participate in some
2 preliminary assessment of student work and spend a
3 lot of time with the faculty member of record
4 preparing and discussing and debriefing what
5 happened with each core section, discussing student
6 issues, et cetera.

7 Q. Does the TA learn the fundamentals of
8 learning?

9 A. Yes.

10 Q. Does the TA learn the fundamentals of
11 preparing syllabi?

12 A. Yes.

13 Q. If you said this, I apologize, but I
14 want to be clear. Does the TA learn the
15 fundamentals of holding office hours?

16 A. They would, yes.

17 Q. Does the TA learn the fundamentals of
18 running small group discussions?

19 A. Yes.

20 Q. Who teaches the graduate student how to
21 perform these roles?

22 A. The faculty member who is responsible
23 for the course.

24 Q. What is a lectureship?

25 A. A lectureship is a course in which the

1 student has the responsibility for preparing and
2 delivering the course materials. They are, in
3 fact, the instructor of record for the course.

4 Q. Could you tell us what the duties are
5 that are associated with a lectureship?

6 A. A lecturer would, again, be responsible
7 for the design and delivery of all course sessions
8 and materials and would also be responsible for
9 final evaluation of student work and assigning
10 student grades.

11 Q. Does a lecturer propose and design an
12 instructional course?

13 A. Yes, depending on the course. There may
14 be some situations where the content of the course
15 may already be designed and that's sometimes the
16 case -- usually the course with the language
17 courses that I referenced, but the student would
18 have the option to choose a text and decide how
19 they were going to deliver the material.

20 Q. Do they devise evaluation and testing
21 methods?

22 A. Yes.

23 Q. Why does the Divinity School allow
24 students to serve as lecturers?

25 A. Those courses are important for their

1 development as instructors in the Divinity School
2 because we only have graduate students. We have
3 limited lectureships because the philosophy of the
4 faculty is that we don't offer standalone courses
5 where a graduate student is evaluating another
6 graduate student. Only in the situation where
7 there's a TA and there's another faculty member
8 actually doing the evaluation.

9 Q. Do you believe that allowing or
10 appointing a graduate student to serve in a
11 lectureship role provides a credential that
12 enhances their marketability on the job market?

13 A. Yes.

14 (Employer No. 46 was marked.)

15 Q. I'm going to hand you a document that
16 we'll mark for identification purposes as Employer
17 46. Please take a moment to read that document.

18 Are you familiar with this
19 document?

20 A. Yes, I am.

21 Q. What is this document?

22 A. This is a printout of the doctoral
23 program web page from the Divinity School's
24 website.

25 Q. Is this a true and correct copy of that

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1 document?
2 A. Yes.
3 Q. Is it maintained in the ordinary course
4 of business?
5 A. Yes.
6 MR. PEARLMAN: I move to admit Employer
7 Exhibit No. 46.
8 MS. AUERBACH: No objection.
9 THE HEARING OFFICER: Employer
10 Exhibit 46 is received.
11 BY MR. PEARLMAN:
12 Q. Dean Owens, can you please turn to the
13 second page of Employer Exhibit 46 and take a look
14 at the text following No. 8.
15 Does this text -- actually, I
16 apologize. I don't know if I'm giving you enough
17 time to read it.
18 A. I'm okay.
19 Q. Does this text tell you what the typical
20 schedule of the student's teaching experience is in
21 order to earn the five points?
22 A. Yes.
23 Q. Could you please tell us what is the
24 typical schedule of a student's teaching experience
25 in order to earn the five points?

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1 A. Ordinarily the student would begin
2 teaching in the third year and complete two
3 assignments in each of the third and the fourth
4 years, but the student is also advised in the
5 document to consult with the advisor about the
6 timing of the examinations with regard to teaching.
7 Q. Why?
8 A. Because we want to ensure that the
9 student is carefully considering all the
10 interrelated preparation for both qualifying exams
11 in teaching, and it's part of the academic program
12 and the academic experience.
13 Q. When you say "the advisor" in that
14 answer, to whom are you referring?
15 A. The faculty advisor. Each Divinity
16 School PhD student is assigned a faculty advisor
17 upon matriculation. They would choose a faculty
18 advisor more formally as part of an initial
19 document that we call a course of study petition
20 when they're identifying what they're qualifying
21 exams would be, and when they submit a dissertation
22 proposal, they may choose to keep that same advisor
23 or they may actually choose to have a different
24 faculty advisor for the dissertation work.
25 Q. For whose benefit is this advising done?

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1 A. It's for the student's benefit.
2 Q. Do PhD students in the Divinity
3 School -- and by the way, when I ask you questions
4 about PhD students in general, you should assume
5 they're specific to PhD students in the Divinity
6 School, okay, unless I tell you otherwise just for
7 the sake of clarity.
8 Do PhD students often exceed the
9 five points during their tenure at the university?
10 A. It's actually fairly rare for a divinity
11 school student to exceed the five points.
12 Q. Does the Divinity School discourage its
13 PhD students from exceeding the five points?
14 A. Yes. To a certain degree.
15 Q. Why is that?
16 A. We think it's most important that the
17 student make progress in their program, complete
18 their dissertation research and their degree. The
19 teaching is an important part of their preparation
20 and experience but it is not the sole
21 reason -- it's not the reason that they're there.
22 We don't want that to get in the way of their
23 conducting their own research and doing the writing
24 for their dissertation.
25 Q. Would you say that there's relatively

Page 1002

1 limited opportunities to teach in the Divinity
2 School?
3 A. No. There are probably fewer
4 opportunities for divinity students to teach than
5 there are in other units and divisions.
6 Q. Why?
7 A. We do not have a collegiate division so
8 our students, unless they're teaching in a college
9 program or they're in the humanities core, for
10 example, or they're teaching in the collegiate
11 division within humans and social sciences. We do
12 not have a population of undergraduate students.
13 Most of our courses are small seminar size. There
14 are maybe five or six courses in the course of the
15 year that are large in the sense that they would
16 compare to a large college course, and by that, I
17 mean our largest course is probably 60 students, 60
18 or 65 students, and faculty generally are actually
19 looking quite often to create opportunities for our
20 students to teach. So we do not have the same kind
21 of dynamic with an undergraduate population that
22 other units have.
23 Q. Why is your faculty looking for those
24 opportunities for PhD students to teach?
25 A. Well, they understand that the teaching

Page 1003

1 is a part of the student's academic degree
2 requirement and they also believe that it's really
3 important for a student to get teaching experience
4 during their time in their PhD program since -- it
5 certainly enhances their professional development
6 and they will need to demonstrate some teaching
7 experience when they're on the job market -- on the
8 academic job market.
9 Q. Does the Divinity School offer any
10 accommodations to make it easier for PhD students
11 to find teaching opportunities to meet their
12 teaching requirements?
13 A. Yes.
14 Q. Could you please provide an example?
15 A. We allow our students to earn points by
16 teaching at outside institutions such as Loyola,
17 De Paul. There are several universities and small
18 colleges in the Chicago area that have requirements
19 to take certain kinds of religion and philosophy
20 courses, and students may also teach at one of the
21 local seminaries. They may choose only one of
22 those teaching experiences to count toward their
23 five points, but if they teach a standalone course
24 at an outside institution, they will get the
25 regular two points credit the lecturer would get.

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1 Q. Now, can -- in the same vein can PhD
2 students in the Divinity School also teach in the
3 writing program?
4 A. Yes.
5 Q. What about in the core humanities
6 program? Can they teach there as well?
7 A. Yes, they can.
8 Q. Are different teaching points earned
9 based on different positions?
10 A. Yes. Before a student is appointed to a
11 lectureship, they would receive two points and a
12 student who has a teaching assistantship would
13 receive one point per quarter.
14 Q. What's the reason for this difference?
15 Why does a lecturer get two points?
16 A. A lecturer has a greater responsibility
17 for the overall delivery of the course and
18 evaluation of student performance. The teaching
19 assistant is working with another faculty member
20 and ultimately does not have the full
21 responsibility for preparation or not as much
22 responsibility for preparation as the instructor of
23 record nor does the teaching assistant have the
24 responsibility for evaluating the student.
25 Q. Could you tell us, Dean Owens, what

Page 1005

1 courses are divinity students permitted to teach in
2 order to obtain the teaching appointment?
3 A. Well, we're quite flexible with that
4 generally. Could you be more specific about what
5 you're...
6 Q. Sure. Do you as dean in your faculty
7 want the PhD students to be teaching courses that
8 focus on the study of religion?
9 A. Yes.
10 Q. So where would those courses typically
11 arise -- or pardon me, "arise" is not the right
12 word, reside?
13 A. Primarily in the Divinity School. Many
14 of our faculty have appointments in other
15 departments within the humanities and social
16 sciences division and quite often those faculty
17 members are teaching courses in other departments
18 such as anthropology or history, and some of our
19 students may TA with those courses as well.
20 They're primarily -- they're teaching within the
21 divinity school. Fewer teaching with humanities
22 and social sciences but many of them are also
23 teaching in the writing program.
24 Q. What's the last thing you said? In the
25 writing program?

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1 A. In the writing program.
2 Q. What's the reason for this? Why do you
3 and your faculty want your PhD students to be
4 teaching in courses that are focused on the study
5 of religion?
6 A. These students are training to be
7 scholars in the academic study of religion. Most
8 of them would prefer to be teaching in courses that
9 align with their own research and interest and work
10 with faculty on research and interest aligned with
11 their own from whom they can learn.
12 Q. Dean Owens, earlier you discussed some
13 of the duties of the TA, including grading, office
14 hours, leading discussion groups, so I want to talk
15 about that for a moment.
16 How do the TAs learn how to grade
17 papers?
18 A. Generally, from the Divinity School, our
19 faculty -- there are two aspects of that approach
20 to training. One is just a personal interaction
21 and engagement with the faculty member. Most of
22 our faculty members, to my knowledge, do meet with
23 the TA before the course begins. Sometimes in the
24 Divinity School, because of our small numbers, a TA
25 may not be appointed until after -- right before

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1 the beginning of the quarter so there's often a
2 little intentional outreach to that student to get
3 them on board so that they know what the faculty
4 member is looking for, what they've been appointed,
5 but we also have a craft of teaching program that
6 is our own departmental pedagogical program that
7 students can begin to engage with and attend
8 sessions with from year one in the years before
9 they're actually beginning to do their TA or
10 lectureship as part of their teaching assignment.
11 Q. We'll come back to craft of teaching.
12 For whose benefit are the PhD
13 students taught how to grade papers?
14 A. Well, for their benefit and just to
15 ensure that the course is run in an effective way
16 as well.
17 Q. Is the intention of teaching TAs how to
18 grade papers primarily for the benefit of the PhD
19 student?
20 A. Yes. They're being taught to do that
21 for their benefit.
22 Q. Does that credential help them get a
23 job?
24 A. Yes, eventually. A combination of both
25 TA and lectureships are really important on the

Page 1008

1 student CV. So that teaching experience is
2 definitely important as they prepare their own
3 portfolios.
4 Q. I'm going to hand you a document that
5 we'll mark for identification purposes as Employer
6 Exhibit 47.
7 (Employer No. 47 was marked.)
8 Would you please take a moment to
9 read this document.
10 (Witness peruses document.)
11 Are you familiar with this
12 document?
13 A. Yes, I am.
14 Q. What is this document?
15 A. This is the guidelines for Divinity
16 School faculty who are supervising teaching
17 assistants.
18 Q. Is this a true and correct copy of this
19 document?
20 A. Yes.
21 Q. Is it maintained in the ordinary course
22 of business by the university?
23 A. Yes, it is.
24 MR. PEARLMAN: I would move to admit
25 Employer Exhibit 47 into evidence.

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1 MS. AUERBACH: No objection.
2 THE HEARING OFFICER: Employer
3 Exhibit 47 is received.
4 BY MR. PEARLMAN:
5 Q. Dean Owens, can you please turn to
6 Page 2, No. 4, under bullet two. Could you
7 summarize in just a quick sentence what this
8 discusses?
9 A. It discusses the fact that only faculty
10 members can only assign grades in the course and
11 teaching assistants may assess the work of students
12 in the course, but the faculty member should
13 provide a rubric for that assessment and discuss
14 the graduate student's assessment -- or the TA's
15 assessment of the student, but it stresses that the
16 faculty instructor is the one who makes the final
17 decision about course grades.
18 Q. Is that consistent with the way that
19 things are done in your school in the Divinity
20 School of which you're the dean?
21 A. Yes. I'm the dean of students.
22 Q. I apologize. You're the dean of
23 students.
24 So tell us just so the record is
25 perfectly clear who is responsible for issuing the

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1 ultimate grade to students?
2 A. The instructor of record for the
3 courses, the faculty member.
4 Q. How do teaching assistants learn how to
5 lead small group discussions?
6 A. Most of them have been in small group
7 discussion so they understand the dynamic and the
8 purpose of a discussion section. They will have
9 engaged in conversation with the instructor of
10 record for whom they're the teaching assistant, to
11 understand the goals and objectives of the course,
12 what the faculty member may wish to focus on in
13 discussion of certain texts and materials so that
14 they can plan how best to use the time in the
15 discussion section.
16 Q. For whose benefit are PhD students in
17 the Divinity School taught how to lead small group
18 discussions?
19 A. The students are benefitting so that
20 they can learn how to properly engage as teachers.
21 Q. Are faculty encouraged to mentor PhD
22 students in the Divinity School?
23 A. Yes, absolutely.
24 Q. How so?
25 A. Everything from course selection to

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1 advice on qualifying exams. We have a second-year
2 progress conference where faculty members will meet
3 with the student to just take temperature of how
4 things are going so far in the program and discuss
5 a tentative schedule for qualifying exams and even
6 discuss a possible teaching going forward, but it
7 is -- the Divinity School, you're talking about the
8 top ranked academic program for PhDs in religion in
9 the country and our students are stellar and we
10 know that they're going to be competitive on the
11 job market and we want them to succeed. That's why
12 faculty are encouraged to spend lots of time with
13 their faculty members. We're a small school so the
14 student faculty ratio is much smaller than some of
15 the other larger departments or divisions.
16 Q. Are PhD students compensated for
17 completing the teaching requirements?
18 A. No.
19 Q. Does the Divinity School limit the hours
20 that PhD students are permitted to TA per week?
21 A. Yes.
22 Q. Why?
23 A. Because we see the teaching experience
24 as part of their academic program so the average
25 hours per week for a teaching assistant is set at

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1 eight to ten hours. The idea is not for that
2 teaching to overwhelm them for making progress in
3 their own research and writing.
4 Q. May a PhD student ever exceed that
5 amount?
6 A. Yes, with my approval.
7 Q. What would you look at in determining
8 whether or not to exercise your discretion to grant
9 that approval?
10 A. I would look at the progress the student
11 is making to date in their program. I would look
12 to see what other responsibilities that student
13 might have on campus, and I would know that from
14 their telling me, but I would just try to be sure
15 that the student was someone who was making
16 satisfactory progress and that it was a situation
17 where they -- neither they nor the advisor nor I
18 felt it would hamper their progress going forward.
19 Q. Does the Divinity School track the
20 number of students TA assignments per quarter?
21 A. Yes.
22 Q. How?
23 A. I keep a spreadsheet of when faculty has
24 appointed a TA in the Divinity School.
25 Q. Do you do anything with that

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1 spreadsheet?
2 A. That spreadsheet is on a quarterly basis
3 uploaded into a university-wide system where
4 reports are then made available to us. There's
5 been a bit of a lag with that system this year
6 because we just implemented a new system.
7 Q. Let's talk for a moment, shifting gears,
8 about matching a student to a TA position, Dean
9 Owens.
10 Are you familiar with the process
11 by which students are matched to TA opportunities?
12 A. Yes.
13 Q. Could you please tell us what is the
14 matching process.
15 A. When a faculty member requests having a
16 teaching assistant, they will notify the dean who
17 then gives me permission to send out an
18 announcement to students that there's a teaching
19 opportunity. We have a standard practice of asking
20 the student do submit a cover letter in its current
21 CV which I then forward to the faculty member who
22 wishes to appoint the TA, and the faculty member is
23 then responsible for selecting the TA, or in some
24 cases, multiple TAs for the course.
25 Q. Why does that practice of asking the TA

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1 to submit a cover letter and a CV --
2 A. It's important professional development
3 training. I think it's important for students to
4 learn to write effective cover letters and to just
5 be in practice to always have an up-to-date CV
6 ready. There have been situations where students
7 have sent me a cover letter as an e-mail, and I
8 will reject it and tell them that I want a formal
9 letter. So that's our formal practice, to submit a
10 cover letter and a current CV.
11 Q. Just to be clear, I think I heard you
12 have say that this is for -- it's a professional
13 training exercise. What do you mean by that? Do
14 you mean that it's experience for them later
15 getting a job?
16 A. Absolutely. They will write many cover
17 letters over the course of their careers. They
18 will always have to keep an academic CV and it just
19 encourages them to always have a CV ready for
20 seeking a teaching appointment or even for applying
21 for fellowships. So this is just good professional
22 etiquette to know how to write a good cover letter
23 when you're seeking to be matched or considered for
24 a particular opportunity.
25 Q. So let's talk in practical terms. Let's

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1 pick, for example, the intro to study of religion
2 course. Is that a course in the Divinity School?
3 A. Yes, it is.
4 Q. How many TAs are there in that course?
5 A. Usually five.
6 Q. How are those TAs appointed to that
7 course?
8 A. That course -- it may help if I give a
9 bit of background about the course. It's a
10 required course for all entering master students in
11 the Divinity School. The goal of the course is to
12 expose them to all the disciplinary lenses through
13 which religion is studied within the Divinity
14 School. So we choose five TAs in order to allow
15 for representation across our 11 areas of study.
16 And so as those cover letters and CVs are being
17 evaluated for people who wish to be considered.
18 There's great attention paid to ensure there's a
19 diversity across the 11 areas of study.
20 Q. Is consideration given when selecting or
21 appointing a TA to a position is consideration
22 given to the amount of GAI points?
23 A. Yes.
24 Q. Is consideration given to their
25 expertise?

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1 A. Yes.
2 Q. What happens if a graduate student TA
3 performs poor during a given term?
4 A. That student will be counseled and
5 advised by the faculty member who's in charge of
6 the course.
7 Q. How common is it for a TA to have,
8 quote, poor performance?
9 A. In my experience very rare.
10 Q. If a TA is performing poorly, will
11 additional training be conducted?
12 A. Yes, as well coaching and mentoring.
13 Q. Will they be removed from the position?
14 A. No. That's not happened in my
15 experience.
16 Q. Do you have an example of a time where a
17 student wasn't working out well in the position as
18 a TA and how the Divinity School handled it?
19 A. Yes. We had a student who was --
20 Q. And I apologize. I apologize for
21 interrupting you, too. I mean a teacher, whether
22 it's a TA or whether or not it's a lecturer.
23 A. We had a situation a few years ago where
24 a lecturer in one of our scripture language courses
25 we were receiving a lot of complaints from students

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1 who were concerned about just pedagogical methods.
2 They didn't feel they were learning the term
3 effectively and the faculty member who was
4 responsible to be sort of the lead faculty member
5 in that language sequence met with the student,
6 came in to observe the class, made some
7 recommendations and also worked with the TA to
8 provide a different kind of support for that
9 student who was the lecturer and they successfully
10 completed the teaching assignment that quarter.
11 Q. Did the lecturer get disciplined?
12 A. No.
13 Q. Did the lecturer get taken out of that
14 position?
15 A. No.
16 Q. Did the lecturer's financial package get
17 affected or reduced?
18 A. No.
19 Q. What happened with the lecturer's
20 teaching point?
21 A. That person still received their
22 teaching points.
23 Q. Can a PhD student lose their stipend
24 based on performance of a TA?
25 A. No.

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1 Q. Why not?
2 A. Because it's a part of their academic
3 experience. It's not a performance-based
4 experience -- or an evaluative experience from that
5 standpoint.
6 Q. Does the Divinity School provide an
7 orientation or other introductory training to its
8 students before they TA?
9 A. Yes.
10 Q. What programs are out there?
11 A. There is an orientation session I
12 conduct that begins to lay out the milestones for
13 the program and try to help them think through how
14 they might begin to think through when they might
15 meet each of those milestones. And most
16 importantly, the Divinity School as the craft of
17 teaching in academic study of religion which
18 first-year PhD students through more advanced
19 students can take advantage of.
20 Q. What about the CCT or PhD students in
21 divinity-offered courses through the CCT?
22 A. Yes. And students -- in fact, the craft
23 of teaching program was created as a means to
24 satisfy the need for a departmental or divisional
25 pedagogical course that would meet the requirement

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1 for the teaching certificate within the CCT, in
2 Chicago Center for Teaching.
3 THE HEARING OFFICER: So I know all of
4 us in this room understand what the CCT is, but I
5 just want to make sure the witness states her
6 understanding. What is the CCT?
7 BY THE WITNESS:
8 A. The CCT is a pedagogical institute at
9 the University of Chicago. It stands for the
10 Chicago Center for Teaching. The goal is to
11 prepare PhD students across all the units and
12 divisions. Everything from coaching around,
13 teaching style, public speaking, developing CVs,
14 teaching philosophy statements, providing different
15 opportunities for students to do an exercise called
16 microteaching where you present a lecturer or
17 present a pedagogical experience and people are
18 able to kind of critique and give you some feedback
19 on your teaching style. So it's the university's
20 pedagogical training program.
21 The Divinity School has the craft
22 of teaching. If you earn the Divinity School's
23 craft of teaching certificate, it counts as your
24 departmental pedagogical certificate and then you
25 can earn the teaching certificate through the

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1 Chicago Center for Teaching.
2 THE HEARING OFFICER: Thank you.
3 BY MR. PEARLMAN:
4 Q. I'm going to hand you a document that we
5 will mark as Employer Exhibit 48.
6 (Employer No. 48 was marked.)
7 Are you familiar with this
8 document?
9 A. Yes, I am.
10 Q. What is this document?
11 A. It's a copy of the craft of teaching
12 requirements page from the Divinity School website.
13 Q. Is this maintained in the ordinary
14 course of business?
15 A. Yes, it is.
16 Q. Is this a true and correct copy of this
17 document?
18 A. Yes.
19 MR. PEARLMAN: I would move for the
20 admission of Employer Exhibit 48.
21 MS. AUERBACH: No objection.
22 THE HEARING OFFICER: Employer
23 Exhibit 48 is received.
24 BY MR. PEARLMAN:
25 Q. I don't want you to explain the answer

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1 you've given in the past, but have you explained to
2 us what the craft of teaching is?
3 A. I don't know that I've given you the
4 components and what the students actually do in the
5 craft of teaching, but it is our departmental
6 pedagogical program specifically focused on
7 preparing students to teach in the academic study
8 of religion in a wide variety of institutional
9 context.
10 Q. What happens during the program?
11 A. The foundation of the program are a
12 series of workshops and presentations. They're
13 usually about seven to eight per quarter, about 20
14 to 24 per year. There are different types of
15 workshop sessions. Students have to attend a
16 certain number of each type of session.
17 For example, the students have to
18 attend Chicago Center for Teaching Teaching at
19 Chicago conference if they want to earn the
20 certificate. There are sessions called the dean's
21 seminar -- dean's quarterly craft of teaching
22 seminar. Those sessions involve bringing back
23 Divinity School alumni to share with students about
24 their own learning as they've developed as
25 teachers.

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1 There's a series called the arts of
2 teaching which is more practically oriented.
3 Everything from delivering a lecture in a large
4 course, how to teach an introduction to the study
5 of religion course or in charge of religious
6 studies, public speaking workshops, preparing a
7 syllabus. There's a syllabus development workshop
8 where the students actually work together with the
9 faculty member to get feedback on syllabi that
10 they've created. And then there are other sessions
11 that are developed where faculty from the Divinity
12 School are invited to share as well.
13 Q. So let's turn back to Employer
14 Exhibit 48 for a moment. If you could, please,
15 Dean Owens, turn to the second page. I want to
16 make sure that you inform us of what all of the
17 prerequisites are to gain a craft of teaching
18 certificate. I don't want you to repeat the answer
19 that you just previously gave, but I'd like you to
20 give a full answer in terms of what the
21 requirements are.
22 A. Okay. These are the requirements if the
23 student wants to earn the certificate. PhD
24 students may attend any of the workshops, but if
25 you want to earn the certificate, you must

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1 participate in the Chicago Center for Teaching
2 Teaching at Chicago conference, participation in
3 three dean's quarterly craft of teaching seminars,
4 participation in three arts of teaching workshops,
5 participation at least five additional workshops, a
6 submission of a philosophy of teaching statement.
7 Q. Have you told us what the art of
8 teaching workshops are?
9 A. Yes, I believe I have. Those focus on
10 particular theory and practice of teaching. We
11 talked about syllabus workshops, assignment design,
12 microteaching workshop, which is very popular where
13 students are actually observed by faculty and other
14 students when they present a lecture or conduct a
15 core session, and public speaking is a relatively
16 new addition to that theory. It has been someone
17 from the student counseling service coming over to
18 talk about young adult development and handling
19 mental health issues in the classroom. So those
20 are the kinds of things that would be an art of
21 teaching.
22 Q. You know, something that I wanted to do
23 a little bit earlier and perhaps I was remiss in
24 not doing it earlier so let me just do it now.
25 Which is I want to turn back to the discussion of

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1 GAI points for just a brief moment.
2 If you could just turn your
3 attention to the demonstrative exhibit that is to
4 your left. Do you see that there's a table that
5 has a first column that has divinity in it?
6 A. Yes.
7 Q. It says effectively that there's a
8 teaching requirement of five GAI teaching points;
9 is that correct?
10 A. Yes.
11 Q. And it says, Is teaching an academic
12 requirement? And the answer is yes given there.
13 Is that accurate?
14 A. Yes.
15 Q. It says, Recommended years to fulfill
16 teaching requirement. What does it say there?
17 A. Years three to five.
18 Q. Is that accurate?
19 A. Yes.
20 Q. Thank you.
21 THE HEARING OFFICER: Again, for the
22 record, we are looking at the demonstrative which
23 is a representation of the first page of Employer
24 Exhibit 15.
25 MR. PEARLMAN: Thank you.

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1 BY MR. PEARLMAN:
2 Q. Let's switch back and talk for a moment
3 about mentoring again. I don't want you to repeat
4 what you've said earlier. I know you talked about
5 how mentoring exists and the value of it.
6 Does mentoring for TAs differ from
7 mentoring from lecturers?
8 A. I think in the sense that the faculty
9 member realizes that the student will be the sole
10 instructor in the course that there would be
11 naturally a slightly more advanced understanding of
12 what the responsibilities would be. The faculty
13 member is not going to be in the classroom every
14 day so the student wouldn't know that that faculty
15 member would be available for consult or teaching.
16 Sometimes those students even consult with me about
17 dealing with those certain issues of policy.
18 Q. I'm going to start talking a little bit
19 quickly with the hopes that we can give Counsel
20 adequate time for her cross-examination. We could
21 discuss that afterwards if you like.
22 Is the TA's performance ever
23 monitored?
24 A. Yes.
25 Q. How frequently?

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1 A. Well, a TA is going to be present in all
2 the course lectures, the instructor of record is
3 now always in the discussion section, but it's been
4 my experience that Divinity School faculty will
5 often stop by to observe the discussion sections
6 and students in the course will always submit a
7 course evaluation for the TA in the course where
8 there's a TA.
9 Q. How is the workload of faculty affected
10 by a TA in a course?
11 A. In many ways. It actually increases the
12 workload because there's more intentional
13 preparation involved to meet with the student, be
14 able for the students who are TA-ing to address
15 particular issues and to step through them. I know
16 faculty members who are very focused and very
17 disciplined in how they meet with their students
18 and how they work through, even reflecting on
19 course assessment with the students and talking
20 about why they approached a particular grade or
21 assessment or marked on a paper in a certain way.
22 Q. How is a student TA evaluated throughout
23 the term?
24 A. Generally just with the course
25 evaluation from the student faculty members or

1 students themselves may request that a faculty
2 member write a letter of recommendation eventually
3 for when they're applying for academic jobs or in
4 some cases the faculty member will deposit a letter
5 of recommendation like on an online resume system
6 like Get Your Folio or put a copy of the letter in
7 the file, but the course evaluation is really the
8 primary evaluation for the student and faculty
9 members have access to that and TAs generally want
10 copies of their own course evaluations for use to
11 submit with other applications as well.

12 Q. Do the students who the TAs are teaching
13 have an opportunity to evaluate the TA?

14 A. Yes.

15 Q. Are any records kept regarding the
16 graduate student's performance?

17 A. Only those course evaluations.

18 Q. Where are those records kept?

19 A. Largely because the student eventually
20 wants access to them themselves.

21 Q. When students TA a course, are they
22 working for the Divinity School?

23 A. They are --

24 MS. AUERBACH: Objection.

25 THE HEARING OFFICER: That's sort of a

1 Q. How long can they be registered in the
2 program?

3 A. The students who entered in the fall
4 of 2016 can take up to nine years to be registered.
5 Prior to that students are eligible to be enrolled
6 for 12 years, but that's just a limit on their
7 registration. As students, we do have an option
8 for students to ultimately complete the
9 dissertation and receive the degree. That's just a
10 limit on their registration as active students.

11 Q. Is there an expected length of the PhD
12 program?

13 A. Our faculty really find it difficult to
14 name a number because they don't think that there's
15 such a thing as a copycat or a cookie-cutter-type
16 of degree, but my experience has been that many of
17 our students are able to complete the degree within
18 the five to seven, sometimes eight years.

19 Q. Do graduate students receive any funding
20 if they exceed that length?

21 A. Yes. Students are receiving tuition
22 assistance the entire time that they're registered
23 as students.

24 Q. How long do they receive health
25 insurance coverage?

1 very broad and very specific question. Could you
2 rephrase, Mr. Pearlman.

3 BY MR. PEARLMAN:

4 Q. Is the Divinity School serving the TA or
5 is it vice versa?

6 A. Well, the student is TA-ing in order to
7 meet academic requirements for their degree.

8 Q. Do PhD students receive a benefit for
9 being TAs?

10 A. They receive the experience that they
11 gain in doing that work. I mean, the school
12 doesn't exist just to hire students as TAs. That's
13 not what's happening.

14 Q. Does the experience benefit the
15 student's intellectual growth, the student being
16 the graduate student?

17 A. Yes.

18 Q. Does it assist them in building a
19 theoretical foundation for their own PhD
20 dissertation research?

21 A. Yes.

22 Q. How long does the average PhD student at
23 the Divinity School take to graduate?

24 A. On average a little over seven years,
25 between seven to eight years.

1 A. Three years. Seven, assuming they've
2 been admitted to candidacy.

3 Q. Where does the funding come from?

4 A. From the Divinity School.

5 Q. Were any obligations attached to the
6 funding?

7 A. No.

8 Q. Does the graduate student apply for the
9 funding?

10 A. With student healthcare we simply ask if
11 they plan to take the healthcare insurance. Some
12 of them may have spouses under whose coverage they
13 choose to remain, so we simply ask if they want the
14 coverage, but there's nothing they have to do other
15 than reach the milestone of being admitted to
16 candidacy.

17 Q. Are there lab research requirements for
18 PhD students in the Divinity School?

19 A. No.

20 Q. Will those students ever conduct
21 research?

22 A. Students conduct research but that's a
23 part of their preparation for doing the
24 dissertation. They're not organized in the same
25 sense that science students organize in labs.

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1 Q. Let me shift gears for a moment. I may
2 have asked you this already. I apologize.
3 Have you told us whether or not
4 master students are required to teach? Is there an
5 academic requirement for them to teach?
6 A. No, there's no requirement for master
7 students to teach.
8 Q. Do they teach?
9 A. No.
10 Q. Can a master student earn a craft of
11 teaching certificate?
12 A. No.
13 Q. Do master students take the Chicago
14 Center for Teaching course?
15 A. I'm not aware. As far as I know -- I'm
16 not sure if they can attend sessions. I know they
17 cannot earn the certificate.
18 Q. What are workshop coordinators?
19 A. Workshop coordinators are part of what
20 we call the council on advanced studies. Workshops
21 are a series of topically organized discussion
22 groups that are organized throughout particular
23 topics, but they're subscribed to by students
24 across the humanities, social sciences and
25 divinity. So they're interdisciplinary and their

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1 approach workshop coordinators sort of curate the
2 schedule of discussion and presenters throughout
3 the academic year and they're usually two faculty
4 sponsors who work with the students.
5 Q. What's the council for advance studies?
6 A. Council of advanced studies is a
7 committee of faculty members from humanity, social
8 sciences and divinity who oversee and sort of
9 approve the selection of the topics that have been
10 chosen for the workshops. So a student or faculty
11 member might have a proposal for a particular
12 workshop but a topic council of advanced studies
13 will sort of curate that whole process.
14 Q. Does the workshop coordinator assist
15 that counseling?
16 A. In the sense that they are leading the
17 workshop activity, yes.
18 Q. You testified that there's academic
19 requirements in the Divinity School. Does being a
20 workshop coordinator count toward fulfilling those
21 requirements?
22 A. No.
23 Q. Does the workshop coordinator get a
24 stipend?
25 A. Yes. To my knowledge they do.

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1 Q. Is that the same as or part of the
2 funding package?
3 A. No.
4 Q. Let's talk about nonlaboratory RAs.
5 What is that?
6 A. To my understanding, a nonlaboratory RA
7 in the Divinity School, research assistants, are
8 students who work with particular faculty members.
9 They may assist with the faculty member's research,
10 doing online or archival research, small
11 administrative tasks for the faculty members.
12 Nothing similar to what you would understand a
13 laboratory research assistant to be doing.
14 Q. Do nonlaboratory RAs further their own
15 education through that activity?
16 A. Yes. Usually students are eager to work
17 with particular faculty members because it fosters
18 a fairly close relationship with that faculty
19 member.
20 MR. PEARLMAN: I tender the witness.
21 Thank you very much, Dean Owens.
22 THE HEARING OFFICER: Do you need some
23 time?
24 MS. AUERBACH: Yeah, I do.
25 THE HEARING OFFICER: Off the record.

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1 (Whereupon, a break was taken,
2 after which the following
3 proceedings were had:)
4 THE HEARING OFFICER: On the record.
5 Petitioner can proceed with its
6 questions for the witness.
7 CROSS-EXAMINATION
8 BY MS. AUERBACH:
9 Q. You testified that the faculty member
10 teach TAs to learn fundamentals of grading. Do you
11 have any personal experience with doing that?
12 A. No, I'm not involved with instruction of
13 the Divinity School.
14 Q. And you're not involved with faculty
15 members teaching TAs to prepare syllabi?
16 A. No.
17 Q. And you're not involved with faculty
18 members teaching TAs to hold office hours?
19 A. No.
20 Q. And you're not involved with faculty
21 members teaching TAs to run small groups?
22 A. No, not directly.
23 Q. So you don't have any personal knowledge
24 of what faculty members actually do with respect to
25 any of those things?

1 A. I do know from discussions with the
2 faculty, and I also sit in on the Divinity School's
3 teaching task force which includes myself, the dean
4 and two to three faculty members. So I was a part
5 of the group that developed those guidelines for
6 faculty, but I'm not an active instructor with the
7 Divinity School. So, no, I don't have direct
8 experience with actually doing that myself.

9 Q. And you don't know in actual practice
10 how the various faculty members carry out?

11 A. I could give you examples of what I do
12 know that certain people do.

13 Q. But you don't know what all the faculty
14 members do?

15 A. No.

16 Q. You were asked whether PhD students are
17 discouraged from exceeding five points and you
18 said, yes, to a certain degree. What does that
19 mean "to a certain degree"?

20 A. There are more opportunities for certain
21 students within certain areas within the Divinity
22 School to teach than there are within others. So
23 within the Divinity School -- when students exceed,
24 they're usually teaching outside the Divinity
25 School. So within the Divinity School there are

1 limited opportunities. So that's where we try to
2 keep a closer eye to ensure that everyone has equal
3 opportunity. But when they're exceeding, they're
4 teaching in the writing program. They're getting
5 extra points as a lecturer in the humanities or
6 something like that.

7 Q. So some of the PhD students in the
8 Divinity School do teach beyond their requirements?

9 A. Yes. Yes.

10 Q. Those that do that receive compensation
11 beyond the guaranteed stipend?

12 A. Yes.

13 MR. PEARLMAN: Can we have a standing
14 objection on compensation?

15 THE HEARING OFFICER: Yes. It's noted
16 for the record.

17 You can answer the question. Do
18 they receive some type of money above and beyond
19 their stipend when they teach beyond a requirement?
20 BY THE WITNESS:

21 A. Yes.

22 BY MS. AUERBACH:

23 Q. Do you know how much they receive for
24 being a TA?

25 A. It depends upon whether they're admitted

1 to candidacy. There's a relatively new rule that
2 says if they've been admitted to candidacy and
3 they've met their five points, if they're a TA,
4 they can receive 3,600. If they're a lecturer,
5 they can receive 6,000. If they've not met the
6 points and they're still within the stipend or even
7 if they've met the points but are still receiving
8 the fellowship, the TA pays 3,000 and the lecturer
9 pays 6,000. I know that's true at least for
10 divinity social sciences and humanities.

11 Q. Divinity students can fulfill some of
12 the five points by teaching TA and lecturing
13 courses in the humanities -- in the humanities
14 division even if those courses do not involve the
15 study of religion, correct?

16 A. Yes, they can.

17 Q. And the PhD students can fulfill
18 teaching points by teaching courses in the social
19 sciences division that do not involve the study of
20 religion, correct?

21 A. Yes, they can.

22 Q. And they can also fulfill teaching
23 points by serving as writing interns or lectors in
24 the writing program even though those don't involve
25 the study of religion, correct?

1 A. Yes.

2 Q. The craft of teaching course that you
3 discussed, and that's outlined in Employer
4 Exhibit 48, it's not required --

5 A. No, it's not a course. It's a program.

6 Q. That craft of teaching program is not
7 required of any PhD students in the divinity
8 program?

9 A. No.

10 Q. Is that correct?

11 A. That's correct.

12 Q. Some Divinity School students complete
13 that craft of teaching program or take that craft
14 of teaching program after they've already completed
15 their five teaching points; is that correct?

16 A. That's probably true. I'm not familiar
17 enough with the data by student. I don't really
18 manage the attendance, but yeah, that's definitely
19 possible.

20 Q. If the TAs who are helping grade in a
21 course did a good job of grading, that benefits the
22 students taking that course, correct?

23 A. What do you mean by benefit?

24 Q. It benefits the students taking the
25 course to have an appropriate grade?

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1 A. Well, the TAs are not giving the final
2 grade. The faculty members are responsible for the
3 grade so...

4 Q. Do you know how much feedback all the
5 faculty members give on the grading done by TAs?

6 A. I have no personal knowledge of the
7 extent to which they do that, but they are the
8 instructor of record.

9 Q. If you would look at Employer
10 Exhibit 47.

11 A. Okay.

12 Q. That says that teaching appointments --
13 in paragraph two, teaching appointments are meant
14 both to develop the pedagogical skills or Chicago
15 graduate students and to assist faculty in course
16 instruction and administration. Is that accurate?

17 A. That's what's stated there.

18 Q. And Page 2 of that same document,
19 Employer Exhibit 47, under the bullet task and
20 responsibilities of teaching assistant include
21 these -- all of these things, 1 through 6, are
22 things that may be expected of teaching assistants
23 at the Divinity School?

24 A. Yes.

25 Q. Isn't it true that there have been cases

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1 where TAs have lectured in the absence of a faculty
2 member in classes in Divinity School such as when a
3 faculty member has been away at a conference?

4 A. Yes.

5 Q. You don't have any personal knowledge of
6 faculty members -- how often or whether faculty
7 members sit in on discussion sections led by
8 graduate students, do you?

9 A. No, I don't.

10 Q. You don't have any personal knowledge of
11 whether the faculty members have taught the
12 graduate students how to hold office hours; is that
13 correct?

14 A. I do know of examples of how faculty
15 members approach those tasks, but I have not
16 witnessed that or sat in on them.

17 Q. The PhD students in the Divinity School
18 are required to complete the five teaching points
19 as a condition of receiving their stipend, correct?

20 A. No. They receive the stipend whether or
21 not they meet the five points.

22 (Petitioner No. 27 was marked.)

23 Q. I've handed you a document that's marked
24 for identification as Petitioner Exhibit 27.

25 A. Um-hum.

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1 Q. This is a page from the Divinity School
2 website under financial aid for doctoral students,
3 correct?

4 A. Yes.

5 Q. And under the caption "Am I required to
6 render service to the university as part of the
7 fellowship program," the five point teaching
8 requirement is then discussed, correct?

9 A. Yes.

10 MS. AUERBACH: I move the admission of
11 Petitioner Exhibit 27.

12 MR. PEARLMAN: Was this already entered
13 into evidence?

14 MS. AUERBACH: No.

15 THE WITNESS: I would say in no way does
16 this state that the receipt of the stipend --

17 MS. AUERBACH: There's no question. It
18 wasn't previously entered.

19 MR. PEARLMAN: In the interest of time,
20 I could either ask her to say what she's saying now
21 on redirect or she could just say it now.

22 THE HEARING OFFICER: Well, let's wait
23 until a question is asked.

24 MR. PEARLMAN: No objection.

25 THE HEARING OFFICER: Petitioner

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1 Exhibit 27 is received.
2 (Exhibit No. 28 was marked.)

3 BY MS. AUERBACH:

4 Q. I've handed you a document that I've
5 marked as Petitioner Exhibit 28. Are these
6 accurate copies of admission letters that were sent
7 out by you?

8 A. Yes.

9 MS. AUERBACH: I move to introduce
10 Petitioner Exhibit 28.

11 MR. PEARLMAN: You know, I'm concerned,
12 Counsel. Don't these have student names on them?

13 MS. AUERBACH: Yes.

14 MR. PEARLMAN: So are you comfortable
15 with that? You're not agreeing to a FERPA waiver.

16 MS. AUERBACH: This person has provided
17 his consent to introduce these particular letters.

18 MR. PEARLMAN: Okay. No objection.

19 THE HEARING OFFICER: Petitioner
20 Exhibit 28 is received.

21 BY MS. AUERBACH:

22 Q. You talked about an orientation that you
23 give where you lay out milestones. That does not
24 involve pedagogical training, correct?

25 A. The milestones in the orientation

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1 session?
2 Q. Correct.
3 A. We do discuss the need to meet that. We
4 actually have a particular presentation about the
5 craft of teaching at that orientation session. So
6 the students are aware that that is available to
7 them, and we do talk about what happens when you're
8 appointed as a TA.
9 Q. But you don't actually do pedagogical
10 training?
11 A. No, not at the orientation, no. They do
12 get an introduction to the craft of teaching
13 program.
14 Q. By introduction you mean somebody
15 explains what it is?
16 A. The coordinator of the program comes in
17 and gives them almost an hour-long presentation,
18 yes.
19 Q. It's a presentation about what the craft
20 of the teaching program is?
21 A. Actually, yes.
22 Q. And taking classes at the CCT is not
23 required of any of the PhD students?
24 A. No.
25 Q. Is that correct?

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1 A. Yes, that's correct.
2 Q. You don't have any personal knowledge of
3 the nature of the evaluations done of teaching
4 assistants by either the faculty or the students?
5 MR. PEARLMAN: I apologize. I object to
6 that. It's vague. I really truly don't understand
7 the question.
8 BY MS. AUERBACH:
9 Q. Do you have personal knowledge of the
10 type of evaluations done by the faculty members of
11 the graduate students?
12 A. No. By the faculty members? I do have
13 personal knowledge of the student evaluations that
14 are done for TAs. I see all of those.
15 Q. The student evaluations you see?
16 A. Right.
17 Q. But you do not see the faculty
18 evaluations?
19 A. I see many letters of recommendation
20 that are entered into faculty -- into student files
21 by faculty. I'm often asked to weigh in on letters
22 of recommendations that faculty are writing for
23 students.
24 Q. But you don't know whether there are
25 written evaluations for all the courses the student

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1 TA'd or not?
2 A. No. There are no formal evaluations
3 written by faculty for courses that are deposited
4 into the student file. The only thing that's
5 deposited into the student file are the students'
6 evaluations of the TA.
7 Q. You don't have any personal knowledge of
8 how the workload of faculty members is affected by
9 use of TAs in their classes, do you?
10 A. No. I will say that because we have
11 very few large classes that the decision to have a
12 TA in the Divinity School is probably 80 to 90
13 percent of the time not based on the size of the
14 course.
15 Q. You talked about it taking an average of
16 seven to eight years to get to a PhD degree on
17 average. You said that the students receive
18 tuition assistance the entire time they're
19 registered as students. However, they don't
20 receive the stipend past five years?
21 A. That's correct.
22 Q. So after the five years they receive
23 what's called tuition remission which means they
24 don't pay tuition?
25 A. They do pay some tuition. The

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1 university has frozen the amount of money that the
2 students in years five and beyond pay for the past
3 ten years. So they're responsible -- after the
4 fifth year of the fellowship they're responsible
5 for \$784 per quarter and that's out of an actual --
6 I think this year what we call advance residence
7 tuition is about \$18,900. So the university is
8 paying about 90 percent of that tuition, and that
9 is in place until they graduate or until the end of
10 their 12 years.
11 BY MS. AUERBACH:
12 Q. The university is forgiving that amount
13 of the tuition?
14 A. Yes.
15 Q. Isn't it true that in the spring of 2016
16 a master's student TA'd in the introduction to
17 iconography course?
18 A. I am not aware of that.
19 Q. Does that mean it didn't happen or you
20 don't know?
21 MR. PEARLMAN: Objection.
22 Argumentative.
23 THE HEARING OFFICER: Just for
24 clarification purposes --
25 BY THE WITNESS:

61 (Pages 1043 to 1046)

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1 A. I don't know.
2
3 BY MS. AUERBACH:
4 Q. Do you know how much the stipend is that
5 is given to workshop coordinators?
6 A. I don't know.
7 Q. The students who work as research
8 assistants with faculty members in the Divinity
9 School are paid on an hourly basis for that,
10 correct?
11 A. That's correct.
12 Q. Do you know how much that pays?
13 A. I'm not exactly sure of that amount.
14 MS. AUERBACH: That's all I have.
15 MR. PEARLMAN: Let's go off the record
16 for a moment.
17 THE HEARING OFFICER: Sure. Off the
18 record.
19 (Whereupon, a discussion was
20 had off the record.)
21 THE HEARING OFFICER: On the record.
22 So before the Employer proceeds
23 with redirect, I just have one or two questions.
24 BY THE HEARING OFFICER:
25 Q. So I know you testified about the

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1 programs and workshops that are made available to
2 TAs via the craft of teaching program as well as
3 the programs offered through the CCT, and you also
4 testified about your knowledge of what the faculty
5 do to prepare the TAs working under their
6 supervision, but does the school of divinity
7 require PhD students to -- and this the -- require
8 them to do any formal training before they are
9 permitted to TA?
10 A. No.
11 Q. I know you had said that the Divinity
12 School does not have any undergraduate majors; is
13 that accurate?
14 A. There are no undergraduate students in
15 the Divinity School.
16 Q. Are there courses under the umbrella of
17 the Divinity School that are offered to
18 undergraduates?
19 A. There are courses in which
20 undergraduates may enroll.
21 Q. Do you know approximately how many
22 courses there were of that nature in the spring
23 2017 quarter?
24 A. In the spring 2017 I'm not aware of any.
25 The largest one is usually a course called

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1 introduction to the New Testament which often has
2 enough undergraduates that there's a separate
3 discussion section and the college actually
4 appoints one of those TAs for that course, but any
5 undergraduate student may approach a divinity
6 school faculty member and request permission to
7 enroll in a course. But there are no undergraduate
8 only courses that are taught by the Divinity
9 School. Those would be courses in which
10 undergraduates are simply permitted to enroll.
11 Q. Is that typical that undergraduates
12 enroll in these courses to your knowledge?
13 A. I don't know what you mean by typical.
14 Other than the two large introductions to Hebrew
15 Bible and introduction to the New Testament, in
16 particular, is the one course that sticks out in my
17 mind because we usually have about 20 or so college
18 students. That's the one course where we have a
19 large volume. Other than that it's a very low
20 number, one or two, yeah, and many of those
21 students would be students who are in the college
22 religious studies majors themselves and that's
23 maybe 10 or 12. 12 would be a high number in a
24 given year to have.
25 Q. I apologize if you said this, but in

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1 what school is the religious studies major offered?
2 A. It's in the college. It's not in the
3 Divinity School.
4 Q. And those two courses that you mentioned
5 that you said that have some undergraduate
6 enrollment, the remainder of the enrollment in that
7 course are typically not for students?
8 A. Doctoral and PhD.
9 Q. Okay. Thank you.
10 You mentioned that there are four
11 fellowships in the Divinity School that provides
12 stipend to master students. Do you recall what
13 those fellowships are?
14 A. There's a visiting committee fellowship.
15 There is a Phelps Wilder fellowship. There is a
16 Regenstein fellowship, and there is what we call
17 the Carroll fellowship.
18 THE HEARING OFFICER: I think that's all
19 of my questions.
20 The Employer can proceed.
21 REDIRECT EXAMINATION
22 BY MR. PEARLMAN:
23 Q. You were asked a question, Dean Owens,
24 about generally mentoring and training of PhD
25 students and what your personal knowledge is.

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1 How do you know what mentoring and
2 training they receive, and do you know it with
3 respect to some professors or all? Do you know
4 what mentoring and training is provided to PhD
5 students in divinity?
6 A. As I said before, I know from my own
7 conversations with faculty members what some of
8 their individuals practices are with regard to
9 that. And so while they're all individual, most of
10 them, to my knowledge, do really spend time with
11 their teaching assistants and are often supervising
12 teaching assistants who are their own advisees. So
13 it's not just a matter of that particular student
14 being a TA for the course. Quite often the student
15 has taken courses with that. The faculty member
16 has taken qualifying exams during that. The
17 faculty member may be even that student's advisee
18 or on his dissertation committee.
19 Q. So the faculty members have told you
20 what they do?
21 A. Yeah.
22 Q. In this regard?
23 A. (Nodding head).
24 Q. Do you have any reason to doubt what
25 they're telling you?

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1 MS. AUERBACH: Objection. I mean, she
2 testified --
3 MR. PEARLMAN: Well, if you're willing
4 to stipulate, then I can move on.
5 THE HEARING OFFICER: Well, I mean, she
6 can testify to what they told her.
7 MR. PEARLMAN: It's a basic foundational
8 question. I want to know what she knows and if she
9 knows it. That's all.
10 MS. AUERBACH: Well, I think, you know,
11 it's very general testimony what people told her
12 and whether she doubts it.
13 MR. PEARLMAN: I'm just establishing
14 foundation. She's calling the question foundation.
15 I just want to establish this is what she's been
16 told. Does she have reason to believe that that's
17 true?
18 MS. AUERBACH: I mean, it's hearsay
19 anyway what she's been told. She still doesn't
20 have personal knowledge. She's just saying she's
21 been told. She already testified to this.
22 MR. PEARLMAN: That's all argumentative,
23 okay? Why don't you let the Hearing Officer rule.
24 THE HEARING OFFICER: I'll allow the
25 answer to the question, but I mean, as far as what

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1 they -- I don't know what they told her speaks to
2 the truth of the matter but that will be taken into
3 account at the time of the decision.
4 Do you have any reason to doubt
5 what the faculty has told you with regards to how
6 they conduct their mentoring with their TAs?
7 BY THE WITNESS:
8 A. No. I was involved in the development
9 of that policy.
10 BY MR. PEARLMAN:
11 Q. What was that involvement that you had?
12 A. I was part of a teaching task force that
13 came up with the guidelines for faculty, and their
14 engagement was teaching assistants.
15 Q. You were asked a question about whether
16 or not PhD students in divinity were allowed to
17 teach courses unrelated to religious studies in
18 various areas such as humanities. Do you recall
19 that?
20 A. Yes.
21 Q. How frequently, to your knowledge, does
22 it occur that PhD students in the Divinity School
23 teach courses that are unrelated to religious
24 studies?
25 A. To my knowledge, it doesn't happen very

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1 often. As I said before, they are teaching in the
2 humanities core and in other core curriculum within
3 the college which are more general. It's a core
4 curriculum, so those courses are generally not
5 having anything to do with religion. And as I
6 stated before, they how often teach in the writing
7 program. Those courses do not have anything to do
8 with religion.
9 Q. Are PhD students in the Divinity School
10 encouraged to focus their teaching opportunities on
11 religious study?
12 A. Yes. They're encouraged to do that and
13 to find opportunities that are more aligned with
14 their own interest and research. The reality is
15 that because there are fewer teaching opportunities
16 available, many students do wind up doing teaching
17 in writing program. And the humanities core would
18 be one of the few lecture opportunities available
19 to our students because we don't have a lot of
20 lecture opportunities within the Divinity School.
21 Q. Do you personally know whether or not
22 the divinity PhD students have an interest in
23 TA'ing taking courses that involve religious
24 studies?
25 A. Yes, they do. I've been told by many

1 that they do. I do know that faculty would prefer
2 that they're prodigy with their teaching. Students
3 have told me that sometimes they would prefer to
4 find courses that are more aligned with their own
5 interest but they need to meet the requirement and
6 so they teach a writing program. The writing
7 program has its own benefits in terms of the kind
8 of pedagogical experience they get with teaching
9 about writing and helping other students to improve
10 their own critical teaching skills. It has its own
11 training course to do. Teaching in the writing
12 program you go through a specific training. So
13 it's a valuable experience. It's just not tied to
14 their specific research.

15 Q. Are efforts made in divinity to create
16 opportunities for PhD --

17 MS. AUERBACH: Object.

18 MR. PEARLMAN: Please.

19 BY MR. PEARLMAN:

20 Q. Are efforts made to create opportunities
21 for PhD students to teach religious study courses?

22 MS. AUERBACH: Objection. This was
23 already covered on direct.

24 THE HEARING OFFICER: I believe it was.

25 MR. PEARLMAN: Well, if we can stipulate

1 that it's been answered and that it's been answered
2 yes, I can move on.

3 MS. AUERBACH: Well, I'm just objecting
4 to the question because it's evidence.

5 MR. PEARLMAN: I don't think you're
6 harmed. It's not prejudicial. I mean, asked and
7 answered is really not a substantive objection.
8 She's not harmed by that. If it was answered and
9 she answers inconsistently, she gets a
10 recross-examination. I have very limited time
11 left.

12 THE HEARING OFFICER: Then can you
13 repeat the question, Counsel.

14 BY MR. PEARLMAN:

15 Q. Are efforts made to create opportunities
16 for PhD students in divinity to teach religion
17 studies courses?

18 A. Yes.

19 Q. Counsel asked you a question about
20 whether a TA has ever lectured in the absence of a
21 faculty member and went into an instance when a
22 faculty member was at a conference. Do you recall
23 that?

24 A. I couldn't remember the exact names of
25 the students, but I to know that it has happened.

1 Q. How frequently?

2 A. Not very frequently. At least not to my
3 knowledge.

4 Q. To your knowledge that's very rare?

5 A. Um-hum.

6 Q. I apologize. You need to say yes or no.

7 A. I'm sorry. Yes.

8 Q. Did that instance provide a benefit to
9 the TA?

10 MS. AUERBACH: Objection. Lack of
11 knowledge.

12 THE HEARING OFFICER: To the extent --
13 do you know?

14 BY THE WITNESS:

15 A. Again, when these things happen, I would
16 learn about them after the fact. I'm not the one
17 who would approve them. Those are situations where
18 faculty members are going to be in town and they
19 feel comfortable. It's not unusual that a TA would
20 deliver a course in the regular -- deliver a
21 lecture in the regular conducting of the course
22 anyway so that I don't see that as unusual.

23 BY MR. PEARLMAN:

24 Q. Although you said it's very rare?

25 A. It's rare for a faculty member to be out

1 of town and for a student to have to fill in. I
2 would say that's rare, yes.

3 Q. You were asked a question on
4 Petitioner's Exhibit 28 and you were going to say
5 something and Counsel stopped you from doing so I
6 think it's fair to say.

7 Is the stipend that's referenced
8 there ever reduced for not teaching?

9 A. No.

10 MR. PEARLMAN: I need to go off the
11 record for one moment.

12 THE HEARING OFFICER: Off the record.

13 (Whereupon, a discussion was
14 had off the record.)

15 THE HEARING OFFICER: On the record.

16 MR. PEARLMAN: We'll tender the witness.

17 RECROSS-EXAMINATION

18 BY MS. AUERBACH:

19 Q. When you said that students have told
20 you that they have chosen to teach the writing
21 program because they need to meet their
22 requirements, that's the requirement of the five
23 teaching points?

24 A. Correct.

25 Q. And you don't -- you can't place a

1 number on how many times in the last two years the
2 TA has lectured in the absence of a professor?

3 A. No.

4 MS. AUERBACH: That's all I have.

5 THE HEARING OFFICER: I have no further
6 questions for the witness.

7 MR. PEARLMAN: No further questions.

8 THE HEARING OFFICER: You are excused.

9 With that, if there are no further
10 matters for today, I believe it's an appropriate
11 time to adjourn, so we will resume tomorrow morning
12 at 9:00 a.m.

13 Off the record.

14
15 (Thereupon, at 5:55 p.m. the
16 hearing was continued, to
17 resume at 9:00 a.m., Thursday,
18 May 25, 2017.)
19
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1 CERTIFICATION

2 This is to certify that the attached
3 proceedings before the National Labor Relations
4 Board (NLRB), Region 13, in the matter of The
5 University of Chicago and Graduate Students United,
6 Case No. 13-RC-198325, at Chicago, Illinois, on May
7 24, 2017, was held according to the record, and
8 that this is the original, complete, and true and
9 accurate transcript that has been compared to the
10 recording, at the hearing, that the exhibits are
11 complete and no exhibits received in evidence or in
12 the rejected exhibit files are missing.
13
14

15 YVETTE BIJARRO-RODRIGUEZ, CSR
16 LICENSE No. 084-003734
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