OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of: UNIVERSITY OF CHICAGO
Employer

And

GRADUATE STUDENTS UNITED
Petitioner

Case No.: 13-RC-198325

Place: Chicago, IL
Date: 05/24/17
Pages: 806--1060
Volume: 5

OFFICIAL REPORTERS

Veritext National Court Reporters
Mid-Atlantic Region
1250 Eye Street, NW – Suite 350
Washington, DC  20005
888-777-6690
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
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...
litigated a 23 issue, which was at Duke University, a stipulation such as this was used and entered into by the students and the Union. We also litigated that case, and we'd like to find out the Board's position and get the Board's assistance on this in terms of being able to come up with some sort of solution to try to minimize risk on both sides.

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

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

The issue in this case is whether or not the individuals are employees. There's no dispute that they are students and their student records and privacy rights shouldn't have to be waived for them to exercise their right to testify in the proceeding. We don't see that it's relevant. And I don't know about the Duke case, but I have confirmed that there was no request by the Employer and no agreement for a FERPA waiver in the Yale University case which was also litigated post Columbia.

MR. PORZIO: So a couple of comments.

One, there was a FERPA request made at Yale because I made it myself. We litigated that case as well. While there wasn't a full agreement, we did recognize that there could be an issue. The Union just wouldn't agree to sign the document.

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

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

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

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

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

THE HEARING OFFICER: So I will take that under consideration. As I believe I stated on the record before, FERPA is not a statute which I'm intimately familiar. Same, I believe, goes for the Regional Director, so we will have to look into this matter a little further before we can give an educated response.

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

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

MS. AUERBACH: The Union also objects to that portion of the request. There was no
agreement, although Employer Counsel noted they
made that suggestion. There was no agreement to
exchange witness lists ahead of time. The Union
was not provided with advance notice of when the
Employer's witnesses were testifying and the Union
does not think that the Union chooses to give it.

THE HEARING OFFICER: Anything further
before we proceed with witnesses?

MR. PORZIO: No.

MR. WEITZMAN: Could we have a moment
outside?

THE HEARING OFFICER: Sure. Off the
record.

(Whereupon, a break was taken,
and together, and it's clear and been confirmed.

THE HEARING OFFICER: On the record.

Before we proceed with the next witness, I do have
a response with regard to the Employer's proposed
stipulation. The Region is not taking a position
with regard to whether or not the information that
may or may not be covered by a stipulation are
relevant to these proceedings, but the Region is
not going to compel a stipulation in this matter.

When it comes time to take
testimony from any potential student witnesses, we
can determine at that time whether or not
additional information is necessary. But as
Petitioner Counsel pointed out, this is fact
finding proceeding, not making the same kind of
credibility determinations that we would in, for
example, a post-election proceeding.

So with that, is there anything
further before the next witness?

MR. PORZIO: One thing. In
off-the-record conversations with Counsel for the
Petitioner, we discussed a slight amendment to the
petition.

I can go into it, Melissa, if you'd
like.

Essentially the petition for unit
includes a description of the Oriental Institute.
We've discussed both independently on both sides,
and together, and it's clear and been confirmed
that there's no students in the petition for unit
that would be honed independently within --
(Whereupon, an interruption was
had in the proceedings.)

MR. PORZIO: There's nothing to indicate
that they would be honed independently with the

Oriental Institute as compared to what the facts
are, which is they would be honed in a department
that's otherwise covered by the petition for unit
and that's where their degree will be granted from.
That's where they're actually honed in. And if
they teach class, that may be within, kind of, the
umbrella of the Oriental Institute. It will still
be picked up. So that's been discussed off the
record, and I think there's been an agreement to
amend the petition to strike the Oriental
Institute.

THE HEARING OFFICER: Does the
Petitioner stipulate to that?

MS. AUERBACH: Yes. It's my
understanding that the assignment to the position
comes from the division and so we agree to strike
the Oriental Institute from the petition.

THE HEARING OFFICER: Just a moment to
pull up the amended petition.

MR. PORZIO: I have it here if that
would be easier.

THE HEARING OFFICER: Thank you. So
then based on the parties' agreement, the Second
Amended Petition for the unit would read,"All
graduate students who are regular full-time and
part-time teaching assistants, research assistants,
course assistants, workshop coordinators, writing
interns, preceptors, language assistants,
instructors, lecturers, lectors and teaching
interns in the school of divinity, school of social
services administration, division of social
sciences, division of humanities, division of
biological sciences, division of physical sciences
at the University of Chicago and excluding all
other employees, managerial employees, guards and
supervisors as defined by the Act," is that
correct?

MR. PORZIO: That's correct.

MS. AUERBACH: Yes.

THE HEARING OFFICER: Since there is no
objection, the amendment is allowed.

MR. PORZIO: Thank you.

THE HEARING OFFICER: So Employer
Counsel whenever you're ready.

MR. WEITZMAN: The University of Chicago
calls to the stand as its next witness Dr. Michael
Hopkins.

(Witness sworn.)

THE WITNESS: I do.

THE HEARING OFFICER: Please have a
WHEREUPON:

MICHAEL HOPKINS, PhD,
called as a witness herein, having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WEITZMAN:

Q. Can you please state and spell your name
for the record.

A. My name is Michael Hopkins,

THE HEARING OFFICER: Thank you.

BY MR. WEITZMAN:

Q. Good morning, Dr. Hopkins.

A. Good morning.

Q. By whom are you employed, Dr. Hopkins?

A. By the University of Chicago.

Q. When did you begin working at the
University of Chicago?

A. I began working at the University of
Chicago in fall of 1999.

Q. What is your current job title at the
University of Chicago?

A. I am professor of chemistry, and I'm the
deputy dean for strategic planning in the physical
sciences division.

Q. Have you been the deputy dean in the
physical science division ever since you started
working at the University of Chicago?

A. No. I began at that role in November
of 2013.

Q. Have you held any other positions at the
University of Chicago?

A. I was chair of the chemistry department
from 2003 to 2009, served two three-year terms.

Q. For the entire time you've been a
professor, correct?

A. That's correct.

Q. What is your educational background?

A. I received a bachelor of arts degree in
chemistry from the University of California at San
Diego, a doctorate PhD in inorganic chemistry from
the California Institute of Technology and then I
was a postdoctoral fellow, at Los Alamos National
Laboratory.

Q. Where did you work immediately before
coming to the University of Chicago in 1999?

A. When I left Los Alamos, I joined the
faculty at the University of Pittsburgh in
Pittsburgh, Pennsylvania, as an assistant
professor, a tenure track position. I was
tenured at the time. While there I moved through
the ranks to tenure associate professor, then full
professor and then I left the University of
Pittsburgh in 1999 and moved to the University of
Chicago.

Q. When did you start at the University of
Pittsburgh?


Q. Where did you work before you went to
the University of Pittsburgh?

A. I was a postdoctoral fellow at Los
Alamos National Laboratory.

Q. You were a postdoctoral fellow at the
Los Alamos National Laboratory from when to when?


Q. Yesterday, Dr. Hopkins, Dr. Victoria
Prince was here and she, like you, is a professor
of a science and she talked about having classroom
TAs in science. And I'd like to talk to you about
having lab TAs in science. There are such things,
right?

A. Yes, there are.

Q. Good. What is the goal of the chemistry
department in having TAs in labs?

A. The goal of the chemistry department in
having TAs in labs is to provide teaching
assistants with the opportunity to learn how to
teach laboratory sciences.

Q. To fulfill this goal, does the chemistry
department have a teaching requirement?

A. Yes, it does.

Q. What is that teaching requirement?

A. The teaching requirement for doctoral
students in the chemistry department is three
quarters of teaching.

Q. Dr. Hopkins, we have in front of you a
demonstrative exhibit that hasn't been put into
evidence yet. As witnesses take the stand, we're
asking them to look at the demonstrative and asking
them whether they can confirm that the information
on the demonstrative is accurate with respect to
areas that they're familiar with.

A. Yes.

Q. So let me direct your attention to the
middle of the demonstrative that's in front of you
and the column that says "Chemistry."

Would you please read across and
tell us whether the information there is accurate.

A. If you don't mind, the glare from the
lights obscures the top, so if I could stand up and see what the top columns are. Thank you.

So chemistry, it says the teaching requirement is three quarters. Is teaching an academic requirement? Yes. Recommended years to fulfill a teaching requirement, year one.

Q. Thank you.

A. And that is correct.

THE HEARING OFFICER: And just -- I've been doing this. I want to make sure that the record is clear. We're looking at a demonstrative that reflects the first page of Employer Exhibit 15 which, as Employer Counsel noted, has not yet been moved.

BY MR. WEITZMAN:

Q. To give the record and the Hearing Officer a little context, how many PhD students are approximately in the chemistry department of PSD?

A. During the fall quarter -- at the beginning of the fall quarter, which is the beginning of our academic year, there were 209 PhD students in the chemistry department.

Q. At the beginning of the fall quarter in 2016, approximately how many PhD students were in the division of physical science?

A. Approximately 750.

Q. Which department within PSD represents the largest number of PhD students?

A. The chemistry department.

Q. This will be Employer Exhibit 42. Dr. Hopkins, you have in front of you Employer Exhibit 42 for identification. Have you seen this document before?

A. Yes, I have.

Q. Can you describe it for the record, please?

A. Yes. This is the guide for teaching assistants. It is a document prepared by the chemistry department and provided to teaching assistants that provides basic information about being a teaching assistant.

Q. I direct your attention to the page that has a small (i) at the bottom. It's the third page into the exhibit. Please read into the record the fourth paragraph?

A. The one beginning "as a teaching assistant"?

Q. Correct.

A. As a teaching assistant, you will have a great opportunity to practice your teaching skills and benefit from the teaching experience. If you choose a career in teaching or research, the ability to effectively communicate your scientific work with other professionals in the general public may prove to be vital to your success. Therefore, the role of a teaching assistant has the potential to significantly affect your personal and professional development.

Q. Do you agree with what you just read?

A. Yes, I do.

Q. I now direct your attention to Page 3.

Please read the first paragraph on Page 3 under the word "Goals."

THE HEARING OFFICER: Before we go on, is the Employer going to move to enter this into the record.

MR. WEITZMAN: Eventually.


Which paragraph?

BY MR. WEITZMAN:

Q. Please read the first paragraph into the record.

A. Our goal for teaching in the department of chemistry is to ensure that the students gain a strong foundation of chemical knowledge through independent application of concepts and problem solving both in the laboratory and in written work.

Q. Do you agree with that?

A. Yes, I do.

MR. WEITZMAN: The Employer offers Employer's Exhibit 42 into evidence.

MS. AUERBACH: No objection to the document.

THE HEARING OFFICER: Employer Exhibit 42 is received, but I just have a quick question about the document before we move on.

On the second page of this document it says 2012 Department of Chemistry the University of Chicago Second Edition. Do you know if this document is still in effect at this time?

BY THE WITNESS:

A. That's my understanding, yes.

BY MR. WEITZMAN:

Q. Dr. Hopkins, referring back to the demonstrative, the teaching requirement is three quarters in chemistry. Why three, Dr. Hopkins?
A. It's our belief as instructors that three quarters represents the minimum amount of time necessary for students to gain an understanding of how to teach the subject of chemistry.

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

Q. Why has the chemistry department chosen year one as the year in which PhD students in chemistry must have three quarters of teaching -- teaching assistant, excuse me?
A. There are several reasons. One reason is that as first-year graduate students, they are close in time to the time when they were undergraduates and therefore their relationship to the undergraduates who they will be teaching is close so they have that as fresh experience.

Second, they are taking courses during this time period, graduate level courses. And by teaching at the same time that they’re taking courses, they can think about the relationship between the instruction that they’re receiving and the way that they’re teaching.

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

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

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

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

Q. Do TAs -- let me rephrase that. Do PhD students in a chemistry department who are fulfilling their teaching requirement teach classrooms?
A. Teach classrooms, no.

Q. This is just in the lab?
A. Teaching assistants -- teaching assistants will teach in a lab or in a recitation section but they're not lecturers. They do not stand in front of the room. They're not the lecturer of record.

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

A. Let me provide a little bit of background. When students are admitted to our graduate program, they indicate the research areas that they might be interested in pursuing in their application. So they will designate one of five recognized subdisciplines of chemistry. Those would be inorganic chemistry, organic chemistry, physical chemistry, chemical biology and materials of chemistry. They would also indicate in the application names of the faculty who they may be interested in pursuing research with. And then further, when they visit the university to decide whether or not to accept our offer, they request to speak with particular faculty. So this information then provides insight into the areas that the students may wish to pursue. The department then uses this information to pair students with a teaching assignment that most closely matches their possible research interests. The information that they indicate in terms of the research interest is nonbinding, but based on the information that we have at the time, at the beginning of the fall quarter, that assignment is made.

But because these are general
courses, students who are admitted to our program would be expected to be able to teach both. In other words, their foundation would be strong enough that they should be capable of teaching in either of these two-course sequences because they are foundational.

Q. Are there advanced-level courses in which PhD students in the chemistry department TA?
A. Yes.

Q. And how does the pairing or matching process proceed with respect to advanced-level courses?
A. Advanced-level courses are by nature more sophisticated. They are typically taken by chemistry majors -- undergraduates who are chemistry majors, so these tend to be smaller courses and more specialized. The graduate students who might be selected for those courses, the same what we would do, again, is to consider their research interests as they have indicated. And also to look at the record for their undergraduate record for evidence of advanced course room study in those topics. Many of our students will have already completed some graduate coursework as undergraduates because they're very strong students. So those -- or we would also look to see whether they have been a teaching assistant as an undergraduate. At some institutions undergraduate students can be teaching assistants in undergraduate courses.

Q. Can you give us an example of how someone's academic record or prior experience would be taken into consideration in matching that student to an advanced level course?
A. Well, I think in perhaps in much the way I just described. So we would look at the -- we would look at the student's application. We would look at their transcript. We would look at their personal statement, their letters of recommendation. All the terms that go into the application and examine that for preparation, potential preparation to teach at a more advanced level.

Q. Is someone with a 4.0 that graduated from college more likely to get an advanced-level course?
A. Certainly. That's right. The strongest -- if the student is from an exceptional university and has done exceptionally well and has taught, served as a teaching assistant, that would be strong evidence that they could be a TA for an advanced course.

Q. In the chemistry department who manages the matching of TAs to the courses for the first-year requirement?
A. That is done by Dr. Vera Dragisich.

Q. Could you spell that for the record, please?
A. (No response.)


What is Dr. Dragisich's official position?
A. Dr. Dragisich is the executive officer for chemistry. She's a senior lecturer and she is the associate director of undergraduate studies.

Q. How does she fulfill her role of matching?
A. Dr. Dragisich is intimately familiar with each of the -- with the backgrounds of each of our students in the incoming class. She chairs the graduate admissions committee. This is a committee of faculty that is chaired by Dr. Dragisich that reviews all of the applications to our doctoral program. And so in the course of that -- in the course of serving as chair of that committee, she knows a lot about each student, has read their file intimately, knows the areas that they are interested in potentially studying, the students, knows the backgrounds, their coursework, and so she's in the best position of anyone in the department to make that pairing.

As senior lecturer, she also has experience teaching in these larger courses and therefore understands the pedagogical requirements of making that assignment.

Q. With all that as background, Dr. Hopkins, I want to talk about your personal experience.

So do you regularly teach courses that have TAs?
A. Yes.

Q. Which one or ones?
A. Most recently I have taught chemistry number 227. It's a course entitled advanced synthetic chemistry laboratory. I also in the past few years taught chemistry 201 which is inorganic chemistry. Both of those had TAs, but currently I'm teaching chemistry 227.

Q. What is covered in a course in advanced synthetic chemistry?
Let's focus our attention on the two week training program you described.

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

A. Yes, I have.

Q. Please identify it for us?

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

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

A. Yes.

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

A. The first entry would be on Tuesday, September 13th at 1 o'clock. There's a session on global TA policies that is headed by Dr. Dragisich, Dr. Zhao, Dr. Keller. Dr. Dragisich, I described her position previously. Dr. Zhao and Dr. Keller are laboratory coordinators for general chemistry and organic chemistry, the two large course sequences I described earlier.

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

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

Q. Please continue down the list of activities, Dr. Hopkins.
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 14th</td>
<td>1:30 p.m.</td>
<td>Session led by Dr. Dragisich. Inclusive teaching. Title is self-explanatory.</td>
</tr>
<tr>
<td>September 15th</td>
<td>1:00 p.m.</td>
<td>Practice lab would be at 1 o'clock on September 15th.</td>
</tr>
<tr>
<td>September 16th</td>
<td>9:00 a.m.</td>
<td>In addition to teaching the undergraduates how to perform laboratory experiments, our teaching assistants in these courses are also lead discussion sections.</td>
</tr>
<tr>
<td>September 20th</td>
<td>1:00 p.m.</td>
<td>A discussion section in general chemistry, organic chemistry can take several forms.</td>
</tr>
</tbody>
</table>

Q. What do they cover in introduction to leading a discussion?  
A. Next would be on September 16th at 4:00 p.m. It's entitled "Making the Most of Teaching." It's a faculty panel. So this is a panel discussion in which faculty discuss with teaching assistants, or soon to be teaching assistants, their perspectives on teaching. What makes effective teaching, what kinds of problems, or what are the interesting situations they might encounter. How to get the most out of teaching, how to be a good teacher. In the case of this year, it's led by Dr. Ka Yee Lee. She's a faculty...
member in the department of chemistry, an award
winning teacher. She's the director of
undergraduate studies and Dr. Viresh Rawal is also
a faculty member in the chemistry department and is
currently the chair in the chemistry department.
Q. Please keep moving down the list of
activities.
A. On Monday, September 19th at 9 o'clock
9 to noon. It is an entry labeled practice
discussions and this will appear several times down
the list.
Q. Please point them out.
A. It appears September 20, 9:00 to noon.
It appears September 22nd 9:00 to noon. It appears
in this hybrid form on September 22, 1:30 to 5:00
where it's mixed with practice labs and then
September 23rd from 9:00 to noon also practice
discussions.
Q. Did you mention the one on Thursday, the
22nd at 9 o'clock?
A. I don't know if I did, but I think -- I
intended to so it's there, yes.
Q. Tell us how the chemistry department
teaches PhD students to teach by virtue of the
practice discussion sessions you just pointed out?

A. There was a session that I mentioned
earlier, September 16, 1:00 to 2:00, introduction
to leading a discussion. During that session the
basic principles of how to lead a discussion
section are taught. And then each of the teaching
assistants is presented with a topic that would be
covered in their course during the first quarter,
and they are asked to prepare that discussion.
Independently prepare. They can receive advice
from the coordinators and from the faculty, but
they work on this and develop a plan for that
discussion section.
And then during the sessions that I
just mentioned, the practice discussions, they will
go to the front of the room. The audience would be
their fellow teaching assistants and the laboratory
coordinators, Dr. Zhao or Dr. Keller, and they
would present the material that they have prepared
and then they would receive feedback from their
fellow students, from the laboratory -- from the
coordinator for the laboratory, Dr. Zhao or
Dr. Keller, and they would use that to refine their
approach to make improvements and to use this as an
experience that would be similar to that that they
might encounter when they're teaching

Q. So that the record is clear, when you
say they did this in front of their fellow teaching
assistants, are you talking about fellow first-year
PhDs in the two weeks before class starts?
A. That's correct. Yes. It's meant to be
a collaborative environment where the students are
learning together how to teach.
Q. Okay. Let's keep moving down the column
of activities on the second page of Employer
Exhibit 42. What is the next way in which the
chemistry department teaches its PhD students how
to teach?
A. I believe the next entry would be
Wednesday, September 21st at 9 o'clock, 9:00 to
10:00. This is a panel discussion entitled "Ethics
and Authority in the Classroom," senior TA panel
discussion, and this is a panel discussion in which
senior graduate students in the program who
previously have been teaching assistants offer
their advice on teaching. So it's an opportunity
for the senior students to teach how to teach and
for our new teaching assistants, or soon-to-be
teaching assistants, to learn from students who
have been in these same roles.

Q. Is there any other teaching to teach
topic in the activity section that you haven't told
us about already?
A. Moving down the list would be Wednesday,
September 21st at 10 o'clock, advice for
international TAs, a similar discussion. All
students attend this. It's not broken out for
international TAs, but we do have students from
other countries. And so, again, former teaching
assistants who are senior advanced graduate
students in our program talk about their
experiences. So perhaps reflecting differences in
culture or language or other topics that would be
relevant from students from other countries or
teaching assistants from other countries.
Moving down the list. The last
entry here on the list would be first TA meeting.
This is September 26th, 12:30 to 1 o'clock, the
first TA meeting. So this would be the first of a
series of regular meetings for each of the major
courses in which the teaching assistants in that
course would gather with faculty, with the
laboratory coordinator, to discuss the beginning of
term and whatever would be relevant to start the
course.
THE HEARING OFFICER:  Employer Exhibit 42.

MR. WEITZMAN:  We offer Employer Exhibit 43 received.

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

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

A.    The first of these -- in fact, the first of these topics, Wednesday, September 14th, is included in the two-week period. So the first of these overlaps with what I described already but then after that these are separate topics. And many of them I won't belabor because I think the titles are self-explanatory.

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

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

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

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

BY THE WITNESS:

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

THE HEARING OFFICER:  Thank you.

Q.    Throughout the year does the chemistry...
of students for whom that's beneficial, and she provides her expertise on that.

Peer discussion review, I can't tell you. I don't know. I don't know exactly what that involves.

Critical thinking is a session taught by Dr. Zhao, and it's, again, self-explanatory. How to think about -- really how to incisively present material in the classroom, what are the ways to avoid just repeating what might be in the textbook or to think beyond the textbook.

Presentation and public speaking skills, I think is self-explanatory.

Safety as a graduate student and beyond. As this course says, it's a graduate training and so as the students are now progressing through the year, they're also beginning the process of selecting research groups and starting their research simultaneously. So some of this is relevant to teaching but it's also relevant to future research.

Scientific writing, led by Kathy Cochran. She is part of the University of Chicago writing program. It's an outstanding program that teaches critical writing skills. And so this is a preparation for students to begin to prepare their own research for reports for publication and so on. The next is outreach. Outreach is not really a teaching topic, but it has to do with the way that we scientists can connect with the community, so the way we do our own research and teaching. We'd like our research to have broader impacts. So outreach is a way to connect, for example, with schools, lower elementary schools and provide stimulation for students and we encourage students to participate in that.

And then the last is the transition from teaching assistant to research assistant led by Dr. Dragisich, which the research assistant is someone who is conducting research in a research group.

Q. You have told me about all the formal training that PhD students in chemistry receive from the chemistry department that teach them how to teach?
A. Yes.
Q. So I'd like to take a break and come back and talk to you about how you personally teach your PhD students to teach?

have that in front of you, Dr. Hopkins?
A. What's the title?
Q. (Indicating).
A. Yes, I do.
Q. For whose benefit does the chemistry department provide the graduate training courses you've described to us in your previous testimony?
A. For our graduate students. It's an integral part of their graduate education.
Q. Now, let's get personal. I want you to tell us how you teach your TAs to teach. Not theory, not hypothetical, how you actually do it.
A. So in the course that I teach -- I mentioned earlier, chemistry 227. That's a course that has three teaching assistants associated with it. When those teaching assistants are identified -- before the quarter I meet with them and start by outlining the aims of the course. One of the things that's important to be an effective teacher as a faculty member is to have a clear set of objectives for the course and then to ensure that the material that you present is aligned with those objectives.
So we begin, before the quarter, by discussing the goals for the course, the materials for the course, the types of assignments that we will be doing, how those are aligned with the course, what are the goals of the course and also then discuss some of the laboratory techniques and the special ways of teaching those that will be part of the course. I do this -- the course materials involve lectures that are prepared and presented by me. They provide background for the course, for the undergraduates to then apply in the laboratory and then there isn't a textbook. All the course materials are custom written for this course, and I've written those. We discuss the content.

In other words, we discuss the theory of why the materials contain what they contain so that my teaching assistants will learn how they might construct their own materials. I give them the copies of these laboratory manuals and background materials. They -- and then ask them to read them critically from the perspective of an undergraduate student, and I ask them not to read them. In other words, to just prepare but to think of themselves as the student who they will be teaching, are the instructions clear, is the background material sufficient and then I ask them to make suggestions about how the material might be improved. They mark up the manual with their own thoughts on clarity and conciseness and direction, are there problems that might have two correct answers. We don't want that. We like questions to be posed with one correct answer.

And then we meet again prior to the distribution of those materials before the quarter begins to discuss their ideas about this and then if there are suggestions that are valuable, we incorporate that material before it's distributed. So that's all in the way of background preparation for materials. This can range anywhere from relatively minor contributions, minor adjustments, to really important suggestions. And in one recent case an entire experiment was conceived by one of the teaching assistants. I thought it was a great idea and that teaching assistant is now listed as a coauthor on the course material because their contributions were substantial.

In addition to going over the course material, we go to the laboratory as necessary depending on their background, which, again, it varies from teaching assistant to teaching assistant, but depending on their background we would go to the laboratory and we would review some of the experimental methods that will be taught. The teaching assistant might perform some of the experiments, again, depending on their background. We -- in the course of preparing for this, we do a trial run of one of the demonstrations where I ask them to show how they will be teaching some of these techniques, and we talk about different ways of doing this. I give them my advice and guidance on how I think the most effective way to do this is and then they implement those ideas or bring their own ideas. So that's before the quarter begins.

Q. Do you go over course mechanics with them?

A. Yes. I discuss -- as part of discussing the goals of the course, I discuss why the material is what it is, you know, it's sort of a broad structure of the point distribution that might be in place and talk to them about the ways in which, if they were teaching this material in my position, they would prepare the materials and then try to teach them how to teach their undergraduates, yes.

Q. Do you explain to them what undergraduates will have to do to get a grade?

A. Well, so the course has several required components. Students, as I mentioned earlier, in this course conduct essentially a research project, two of them, but the second of them results in the synthesis of a new molecule. It's an original research project, and they will be graded on their ability to describe the results, not their success, because it's an experimental science and sometimes the experiments go off in directions that could be unexpected, but to describe accurately the results of their work. So that's -- their ability -- the students are graded on the report and their -- the report that they prepare and we discuss how that grading might take place and the role that I play.

Q. For whose benefit do you do what you just described, for the record, before the quarter even begins?

A. I do this for the benefit of the teaching assistants who at some point may be in my position teaching a similar course.
Q. So now the course begins. Tell us what other mentoring you provide.

A. The teaching assistants will be in the laboratory portion of the course. The teaching assistants will be in the laboratory with the undergraduate students, and they will be advising them on how to safely conduct the experiments, how to perform certain experimental techniques and how to interpret the results, how to make accurate observations of what they're doing which is an integral of the undergraduate experience. I go to the laboratory, to each of the sessions, and talk individually, and sometimes in a group depending on the circumstances, with each of the TAs, as well as with each of the undergraduates, use it as an opportunity to both teach the undergraduates and the TA, who will be standing there generally with one of these undergraduates about a particular concept. And I do this both so that the undergraduate learns but also the teaching assistant who is there can see what I think is an important observation to make or what is an important point to be conveying. And then I might take the teaching assistant aside and explain why I've done that. I will also typically get a group of the TA -- a group of the TAs off together to the side to discuss something I've observed or to make some general observations. It just depends on the particular material that's being taught that day. So that would be during the quarter in the laboratory.

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

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

A. I do. When I was a teaching assistant in graduate school, I was a teaching assistant in a laboratory course. I learned from that experience. I also then meet with them outside of the laboratory on a regular basis to discuss what is going on and to help them prepare in advance of the laboratory how best to convey the concepts that will be taught.

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

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

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

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

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

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

Students may be most -- you know, teaching assistants might be most familiar with large introductory course sequences where there are many students from many different backgrounds with many different interests. Some of them chemistry majors, some of them not.

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

Q. Why not?

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

Q. For chemistry?

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

The other extreme though, by the time they take my course, these are students who have completed, in the past, all series of other courses. These are students who are chemistry majors ready to launch a career in chemistry or an affiliated scientific field. And so a broad distribution is not as appropriate for them. By
the time they're in graduate programs, often the average grade is quite a bit higher. Say in our graduate program it would be a B for a graduate course as opposed to say a C for an undergraduate course, and I think that that reflects that. So I teach students why that is.

Q. Your philosophy on grading?

A. That's my philosophy.

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

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

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

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

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

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

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

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

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

MS. AUERBACH: Objection.

THE HEARING OFFICER: So after they have --

BY MR. WEITZMAN:

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

A. I present on outline of a rubric.

Q. And what happens?

A. And then I ask the teaching assistants to fill in the details. We discuss what those details roughly could look like but then they are -- I ask them to develop on their own, based on the way they think the course would be graded if they were the instructor, the finer details and then we discuss their proposed grading rubrics and we come to a final grading rubric.

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

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

After they complete that, we meet again and we go through each of those reports. We discuss the comments, the points. We discuss how this reflects the rubric and the philosophy. Oftentimes it's possible to lose a point many times over if you make a mistake in one portion of a report and you make that same mistake again. One of the challenges in grading is to not over
penalize because you made one mistake that just happens to appear statically too much times. So we discuss how these situations arise, how to adjust it accordingly.

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

Q. You've gone through each and every one?
A. Yes, I have.

Q. And agreed to the grade?
A. I am the instructor for the course of record and so the grades reflect my decisions.

Q. For whose benefit do you teach your PhD students how to grade?
A. I do this so that they will learn how to grade. I teach the graduate students so that they will learn how to grade and provide feedback on undergraduate course materials.

Q. Do you have a wrap-up at the end of the semester?
A. I do. At the conclusion of the quarter, I gather the teaching assistants again. We discuss what took place over the quarter. I mean, in many cases we will have had these informal discussions in the lab or during our weekly meetings, but this is sort of a chance for a global review, and we discuss what could be done better, what could be done differently and then use that as a way to prepare for the next time the course is taught.

Q. For whose benefit do you hold this meeting at the end of the quarter with your TA?
A. I do that for the graduate students, benefit because I believe that this is an important part of being a good teacher.

Q. What part of the teaching that you just described, in terms of teaching PhD students to be TAs in the lab has, an effect on their post-employment opportunities?
A. I would say it's essential to their post-employment opportunities.

Q. Do you have any personal experience in reflecting that when you're recommending students for positions?
A. I am frequently asked by former teaching assistants in the course to provide a letter of recommendation for other teaching positions. I've been asked to do this, including one currently.

One of the students currently looking for a job has completed their PhD, is no longer at the university, is a post-doc, but he is a former graduate student and asked me to comment on their teaching, how they teach, were they effective at teaching, how did they learn to teach. So I do that as part of my -- it's an essential part.

Q. Have you ever had a poor performance by a TA who is a first-year graduate student in your experience?
A. Poor might be too strong a term.

Q. How about less than satisfactory?
A. Yes.

Q. What happened in those situations?
A. I will provide extra attention to that teaching assistant so that the performance improves.

Q. And have you been successful?
A. I have.

Q. When somebody is less than satisfactory, does that affect their stipend?
A. No, it does not.

Q. Is their stipend reduced when they're less than satisfactory?
A. No, it's not.

Q. And rather than have the impression on the record that this is a big deal, how often does this happen that you have situations where your TAs are less than satisfactory?
A. In my experience, quite infrequently.

Q. Are PhD students admitted to the University of Chicago because what they can do as TAs will benefit the chemistry department?
A. No.

Q. Does the number of TAs that the chemistry department has figure in any way in deciding how big the next class should be or how small it should be?
A. The decision for how many students to admit is independent of undergraduate enrollments.

Q. Does a chemistry PhD graduate student have the opportunity to volunteer to be a TA beyond the degree requirements?
A. Yes.

Q. When that happens, is there a difference in how you treat the TA who is doing it voluntarily versus the TA who is still going through the three required courses?
A. Could you define what you mean by treat?
Q. Compare or contrast the way in which you teach a teaching assistant to teach who's in their
A. It means that the goal -- the PhD degree
Q. What does that mean?
A. The PhD degree in chemistry is a research-based degree.
Q. Why?
A. Yes.
Q. Now we're going to turn to the people who are researching in your lab. In chemistry, is every PhD student required to conduct research?
A. They are compensated as teaching assistants.
Q. So they just receive the same stipend?
A. Yes.
Q. Now we're going to turn to the people who are researching in your lab. In chemistry, is every PhD student required to conduct research?
A. They are encouraged to join a research group.
Q. The PhD degree in chemistry is a research-based degree.
Q. What does that mean?
A. It means that the goal -- the PhD degree

in chemistry signifies that a student has progressed from a knowledge of sort of the fundamentals at the undergraduate level to a level of which they would be considered an independent scientist. By that I mean they have moved from a relationship with a research advisor where the advisor is helping them very intimately think about how to conduct experiments and perform research to one in which the student would be able to identify an important -- independently identify an important scientific problem, pose a hypothesis, devise experiments to test that hypothesis, independently analyze the data and independently draw conclusions, and the course of doing that requires the student conduct independent research and so the PhD is a research-based degree.
Q. Their dissertation is based on that research?
A. Their dissertation describes the research they've conducted during their PhD studies.
Q. What are students who conduct research in the lab in the chemistry department called?
A. Graduate students.
Q. As part of their conducting research, do chemistry students elect to join a research group?
A. Yes.
Q. What is a research group?
A. A research group would be a group of researchers that are affiliated with a particular faculty member, generally in the chemistry department. That group of researchers could include graduate students, undergraduate students. It might include postdoctorals. It might include technicians. Broadly speaking that would be a research group.
Q. When do PhD students join a research group?
A. They are encouraged to join a research group for the beginning of the second quarter of their first year.
Q. Why is that particular moment in time chosen?
A. It provides roughly one quarter. During the first quarter they will have had an opportunity to learn about the research opportunities, or I should say learn better about the research opportunities in the chemistry department, to meet individually with faculty about possible research projects, to meet with members of those faculty

research groups about the environment and the research laboratories that they may join and through all of that have enough information to make an informed decision.
Q. Dr. Hopkins, could you give me some more detail as to how students are made aware of the various research groups they may join?
A. Well, they typically have a good understanding of the research opportunities in the department before they even apply. So students apply generally based on their knowledge of the opportunities and the representation of the department. Students who are admitted to the program are -- frequently visit the department in which they can meet with faculty. They can meet with current graduate students in the program. They have the information that's available on websites. Before they even arrive on campus, they have a pretty good idea of the kinds of opportunities that are available. And then just prior to the beginning of the quarter, we have a two-day symposium in which faculty present research projects that are being conducted in their laboratories. I believe the first day of that
symposium is indicated on the -- is part of the
two-week orientation and appeared on that schedule.
And in conjunction with that there's a poster
session where current graduate students who are
members of the research group can talk about their
own projects and provide informal -- provide an
informal contact so that prospective
students can learn about the research group from a
prospective fellow student.

Q. During the application process, are some
of the students -- do some of the students have an
opportunity to visit the campus?
A. Yes.
Q. What role does that play in helping them
select a lab?
A. Well, I think it's an important part of
coming to the decision to attend -- to be part of
our program. It gives them an opportunity to meet
with faculty, to meet with students, to see the
facilities, to get a sense of the intellectual
climate, the personal climate, where they can -- we
ask them to ask the question of themselves, can you
see yourself being here? So that's what we design
the program to try to give them the information so
that they can adequately answer that question.

Q. What role, if any, do any current PhD
students have in helping first-year PhD students
besides what research group they want to join?
A. Well, they are informal resources. We
encourage -- we actively encourage the graduate
students, the first-year graduate students who have
not yet joined a research group to take advantage
of the fact that there are many fellow students
there who are in those research groups and they can
ask the questions that are important to them? Is
this a good fit personally? Is it a good fit
scientifically? What are the kinds of projects?
What are the details that sometimes get glossed
over maybe when a faculty member describes the big
picture. The fine details are the ones that the
student is aware of. And so they could attend a
research group meeting. Many ways in which our
current graduates need to participate
in that process.

Q. What role does the student's
dissertation topic have in the student's choice as
to whether to affiliate with a particular group or
a different particular group?
A. The dissertation topic is typically
chosen on the basis of the research project that
the student chooses. So faculty have researched
interests and then graduate student who chooses
to join that research group would do so because
there is a project within the scope of that
research group that they find interesting. And
then the project is firmed up by mutual agreement
between the advisor and the student and that then
becomes the dissertation topic.

Q. So would it be fair to say that when a
student chooses a research group, they are choosing
the research that they want to do?
A. That's correct.
Q. After the student does their research,
how do they ultimately join the research group?
A. When you say "the research group" --
Q. I'll rephrase that so it's less
confusing.

Once they do their homework as to
where they want to do their research, how does the
pairing become effectuated?
A. Well, they meet with a faculty member,
and these are arrangements that are by mutual
agreement. So the faculty member would say, yes,
I'm delighted you wish to conduct research with me.

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

Q. Do you have some PhD students who do
anything during the summer to start the decision
making process for which lab they want join?
A. Some students arrive on campus the
summer before the quarter -- the first quarter
begins and then an offer is made to students who
are admitted to our program that if they wish to
come and conduct -- it's voluntary and it's
nonbinding. They would conduct research with a
faculty member, sort of a mini project, or become
embraced in a particular research group of interest.
They could use that as an opportunity to learn more
about the research that's being conducted, the
environment of that research group, the kinds of
methods that might be employed, the kinds of
knowledge that they might gain. It's nonbinding.
If students at the end of that period choose to
join a different research group after the normal

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

Q. Dr. Hopkins, do you have a lab?
A. I do.
Q. Tell us what goes on in the Hopkins lab in terms of its focus of its research?
A. I'm a chemist in the subspecialty known as inorganic chemistry. My research -- I'm interested in two research areas that are being pursued in my laboratory. One of them is in the area called artificial photosynthesis.

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

The second area is in the area of nanochemistry. Nano means one billionth, so nanochemistry involves objects that are within one-billionth of a meter in size. And the promise of nanotechnology is that because the substances that would go into a nano device are so small they might be at the very limits of miniaturization for new types of electronic circuits or sensors or diagnosis tools. But because these substances are so small, a billionth of a meter. So a piece of paper is about 100,000 nanometers thick. So if we took these little objects, it would take 100,000 of them to make up the thickness of a paper.

Manipulating them is small. We don't have tweezers that are small enough to manipulate them so we do chemistry to encode into those particles the information that would allow them to spontaneously organize into a potential useful device or arrangement. And so those are the two areas of my research.

Q. So I didn't have chemistry in college. I think you said that the first area of interest is you're trying to find ways in which we could use the sun to create energy?
A. In short form, that's correct.
Q. When they do research, are they researching for Mike Hopkins as opposed to their dissertation?
A. They are doing the research for their dissertation.

Q. As the faculty advisor in the Hopkins lab, what is the process by which -- withdrawn.
A. How much guidance do you provide the PhD students in the Hopkins lab in terms of everything you just described, the hypothesis, the experiments, the performance of the experiments and the conclusions that are drawn?

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

Q. So let's talk about someone that you're teaching from the beginning. How do you teach them how to do research?
A. Well, a new student has elected to join my group. So we've already discussed the research projects that are of interest. They have aligned themselves with one of the two that I've described and then within those broad goals there may be subprojects that test different parts of the central hypothesis or have their own independent hypothesis. It varies somewhat from student to student.

So we begin by -- often I will give a student a copy of a research proposal, a research proposal that would go to a funding agency such as the National Science Foundation that would provide the research funding that supports that research, and in that document it's outlined the goal and some of the possible approaches to reaching that goal and the hypothesis. They use that as background. I provide them with a description, scientific literature that they should begin to read which provides the foundation for the research. So we discuss particular papers and why these papers are important. The importance of keeping up with the scientific literature because many of these fields are fast moving and so one needs to stay current. We discuss that.

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

So, for example, in my own research one of these projects uses some very fast lasers. By fast laser I mean it's a laser that produces extremely short pulses of light. Just a few nanoseconds a blink so that's a billionth of a second. And then in another case we use very advanced microscopes that probe matter at sort of the atomic level and so I explain the kind of approaches they might use and guide them toward that. They do background readings so that we can prepare to use these experiments. And in some cases if a student is very advanced, they may come and say, well, you know, well, based on my reading I've actually found this other approach. What about that? And so we discuss that. So it depends on the individual. That would be the typical way that we would start.

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

Q. And how does what you just described fit within the PhD students on the dissertation?
A. That is the dissertation. Basically all of this is providing the results for their PhD dissertation.

Q. For their benefit?
A. For their degree.

Q. Which is their benefit?
Q. What is the purpose of training PhD students in the lab?
A. The purpose of training PhD students in the lab is to further their education.

Q. They start as what?
A. They start with book knowledge typically of the subject of chemistry. They may have had a course or maybe two courses in inorganic chemistry which is my subspecialty. They would almost never have had a course in photosynthesis or nanochemistry simply because it's not foundational. It's the type of advanced research and advanced topics that aren't in that basic knowledge that you learn as an undergraduate. And so they learn how to conduct research on an independent problem toward an independent hypothesis and to devise and refine and execute experiments. And that's what they learn in my research group.

Q. And when they come out on the other end where are they?
A. Well, as a PhD, as I mentioned earlier, they are -- it is a signification that they are an independent scientist who could identify a problem, formulate a hypothesis, conduct experiments, interpret the experiments and draw conclusions.

Q. As the person who provides all this training, are you also the faculty advisor on their dissertation?
A. Yes, I am.

Q. Who sets the number of hours for the PhD students in the Hopkins lab?
A. The graduate students do.

Q. Do you track the hours that PhD students spend in the lab?
A. No, I do not.

Q. Do you impose a limit on the hours per week that a student can spend in the lab?
A. No, I do not.

Q. Does a student's stipend level depend on the hours that he or she spends in the lab?
A. No.

Q. Does a student obtain additional funds as a result of spending more hours in the lab?
A. No.

Q. Is there any benefit to a student spending more hours per week in the lab than fellow students?
A. Yes.
nature -- it's governed by the laws of nature, but
sometimes experiments don't produce expected
results and maybe that's a different way of
phrasing it.

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

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

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

Q. Please tell Madam Hearing Officer about
that sign on the wall in your lab?
A. Well, it's not in my lab. I did mention
though that I think this represents something that
I find very insightful. There's a laboratory I
pass on my way walking from one building to
another. There's a white board and somebody has
written on it, "Let's make better mistakes
tomorrow."

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

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

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

Q. Occasionally do personal problems arise
between you personally and a PhD student?
A. Yes.

Q. What has happened in those situations?
A. Well, without going into individual
detail --

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

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

Q. From your lab?
A. That's correct.

Q. Are you familiar with the grade advance
to candidacy?
A. I am.
Q. What does it mean?
A. In the chemistry department advancement to candidacy is a requirement to receive the PhD degree, so it is a milestone between entry into the program and graduation with a PhD. The candidacy examination is an examination that takes place at the beginning of the second year of graduate studies sometime during the fall quarter and graduate students at that point will have already been conducting research in that research group typically from the -- starting roughly the beginning of the winter quarter from the previous year and then they prepare a report according to the guidelines provided by the department that describes the research problem that they are pursuing for -- that ultimately will be the basis of their dissertation. They describe the hypothesis and the goals and the initial experimental results that they've obtained, a plan for future research.

In a way this is something of a early developmental stage of what a thesis might look like. And then that examination is conducted by a faculty committee. The research advisor is not part of that committee. It's a committee of independent other faculty and they have discretion to do an oral examination of the student on the basis of a document, a presentation that the student gives in conjunction with that and then their own questionings which could be wide ranging.

Q. If a person passes, they advance to the next stage?
A. Yes. That's called advancement to candidacy, yes.
Q. Candidate for a PhD?
A. That's correct.
Q. Sometimes somebody doesn't advance?
A. It's an unusual occurrence where someone would leave the program as a result of not having passed the examination. Typically what we do is if a student -- if the first attempt of an examination is below the level necessary to receive a pass, the student will receive advice from the faculty committee, what areas should be improved. And then it can be -- the mechanism for that can range from additional written material that the student will prepare or background research into a topic that they feel -- that the committee feels should be pursued or a complete reexamination before the committee with a report. But generally the goal is not to weed out students. We try to admit -- we work very hard to admit students that we believe will be successful.

So most of the students ultimately pass that examination and advance to candidacy. It may take more than one -- it may not happen on the first time, but it all takes place during the fall quarter of the second year.

Q. If I understand what you just told me, whether somebody is a good TA or not so good TA has nothing to do with passing candidacy?
A. No.
Q. Is that correct?
A. That's correct.
Q. What happens in the rare case where somebody doesn't advance to candidacy?
A. At that point they would -- on the basis of their coursework -- and so to take a step backward. During their first year in the program, they are also -- that is the year in which generally they complete the graduate course requirements, a series of courses on prescribed lines depending on their research interest. And if they pass those courses and remain in good standing in the program, they will have fulfilled the requirements for a master's degree. And so at that point a student would leave the department program with a master's degree.

Q. For those who do advance to candidacy, what is the average length in chemistry for a tenure of a PhD student?
A. The average length is 5.8 years.
Q. Does the chemistry department have any nonlab research assistants?
A. Nonlab research assistants? So these would be graduate students in the doctoral program who serve as workshop coordinators?
A. No.
Q. Is there a master's chemistry program?
A. No.
Q. Are there any master's student TAs in

24 (Pages 895 to 898)
Page 899

the chemistry department?
A. We don't have a master's program.

MR. WEITZMAN: No further questions of the witness. We pass the witness.

THE HEARING OFFICER: So it's about the same time we finished with direct yesterday. So it's quarter to 12:00 now. Do the parties want to go ahead and break for lunch? We'll resume with cross at 1 o'clock.

MR. WEITZMAN: Yes.

THE HEARING OFFICER: All right. Off the record.

(Whereupon, a lunch break was taken, after which the following proceedings were had:)

THE HEARING OFFICER: On the record. Petitioner can proceed with its questions for the witness.

CROSS-EXAMINATION

BY MS. AUERBACH:

Q. Dr. Hopkins, you discussed two large undergraduate course sequences that are -- grad students in chemistry serve in as TAs. Are those course sequences ever taught without lab sections?
A. No, they're not.

Q. Does anyone other than grad student TAs lead lab sections in those courses?
A. No.

Q. So taking the inorganic chemistry, the initial sequence, how many -- approximately how many lab sections are there of that in a quarter?
A. Did you say inorganic chemistry?

THE HEARING OFFICER: I thought it was organic.

BY MS. AUERBACH:

Q. One was organic. And what was the other one?
A. General chemistry.

Q. So the general chemistry sequence, approximately how many lab sections are there in a quarter?
A. I don't know. I don't know the exact number.

Q. Do you know how many in the organic chemistry?
A. Not the exact number.

Q. Do you know approximate numbers for either?
A. Range probably between 10 to 20.

Q. In both sequences?
A. In general chemistry. Organic chemistry is somewhat smaller.

Q. Do you know what the range would be?
A. I don't have an approximation.

Q. Approximately how many students are assigned to a lab section in the general chemistry?
A. The goal in general chemistry is to have 18 students per section and the goal in organic chemistry is 14 students per section.

Q. Do those lab sections meet once per week?
A. The lab section is once per week.

Q. How many hours is that?
A. I don't know the exact hours. It changes with the curriculum. I'm not currently teaching in those sequences.

Q. And then is there -- you referred to a recitation group. Is that the same as a discussion section?
A. Yes.

Q. In the general chemistry sequence, is there a discussion section held by the TA every week?
A. Yes.

Q. And approximately how long does that discussion section last?
A. It would last for 50 minutes.

Q. Is the same 50-minute weekly discussion held in the organic chemistry sequence?
A. Yes.

Q. Are the TAs in the general chemistry course sequence expected to conduct office hours?
A. Yes.

Q. On a weekly basis?
A. I don't know the exact policies.

Q. Are the TAs in the organic chemistry course sequence also expected to conduct office hours?
A. Yes. Again, I don't know the exact policies.

MR. PORZIO: Could we go off the record for one second?

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

THE HEARING OFFICER: On the record.

BY MS. AUERBACH:

Q. Would you turn to Employer Exhibit 42 which is the Guide for Teaching Assistants that you
identified and turn to Page 3, the Arabic number 3.
The second paragraph under Section C, Goals.  The second sentence says that a large portion of the individual attention and instruction for undergraduates in chemistry class depends on the knowledge, concern and dedication of the teaching assistant. Do you agree with that?

A. Yes.

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

A. Generally, yes.

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

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

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

A. Yes, we do.

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

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

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

A. It is the inevitable outcome --

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

BY MS. AUERBACH:

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

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

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

A. That is true.

Q. And the only people who provide instruction to undergraduates in the lab section are the TAs, correct?

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

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

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

Q. Those are half faculty members?

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

Q. So they occasionally pop into the labs?

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

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

A. I would agree with that.

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

A. Yes.

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

MR. WEITZMAN: Objection compound.

MS. AUERBACH: Trying to shorten it.

BY MS. AUERBACH:

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

A. Yes.

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

A. Yes.

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

A. Well, education is a two-way process. It requires receptiveness on the part of the
Q. And then on the top of Page 6 of 25
A. Yes.

Q. And the laboratory director. Does that happen?
A. The instructors meaning the faculty member of record?
Q. Correct.
A. Yes.
Q. And then so the students have a choice of going to the TA or the instructor of record?
A. There are usually multiple sources for assistants that could include the faculty member of record who has office hours, a teaching assistant, tutors.

Q. Now, turning to Employer Exhibit 42, Part 5. On the bottom there's a section, evaluation of teaching, which says that teaching assistants are evaluated quarterly by the students and the laboratory director. Does that happen?
A. Yes.
Q. And then on the top of Page 6 of

Employer Exhibit 42 it says that the teaching evaluations may be used to determine future employment and salary. Is that also correct?
A. I believe that's referring to beyond the PhD. It has nothing do with the student's status in the PhD program. As I mentioned this morning, students who have served as my TAs, when they have done an exceptional job, have contacted me for letters of reference. And so I'm obviously better able to write a strong letter of recommendation for those students who have been excellent teaching assistants. And while the evaluation process is different for my course than for general or organic chemistry, one could see in parallel the same kind of outcome.

Q. So the salary doesn't refer to salary from the university?
A. No.
Q. How about the next paragraph referring to teaching prizes? Are teaching assistants who do a good job of teaching also offered teaching prizes at the university?
A. Yes, they are.

THE HEARING OFFICER: Can you give an example of the teaching prize that would be offered?

BY THE WITNESS:
A. The physical sciences division has a prize called the -- I don't know the exact title. It's a physical sciences teaching prize. Each quarter, I think, up to three students may be designated on the basis of having received nominations from the students who they have taught for this award. That's a division-wide prize, so across all of the departments that participate in undergraduate teaching in the physical sciences division. And then individual departments may also have awards to recognize students who have done exceptionally well and have been exceptional teachers, and the chemistry department has some of those as well.

THE HEARING OFFICER: Thank you.
<table>
<thead>
<tr>
<th>Page 911</th>
<th>Page 913</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. We have an ideal section size for each of these courses that I mentioned earlier that is governed by what we think is educationally optimal and then the enrollment in a given course which is not within our control provides a guideline as to the number of sections that will be held. So there can always be fine adjustments. However, as I mentioned earlier, these courses are foundational to all areas of chemistry. And so it's our expectation when we admit students that they have a sufficient background to be able to teach in either one. Q. If a graduate student expressed an interest in teaching in one of the two but you had a higher than expected enrollment in the other one, you might need to move some TAs into the one with the higher expected enrollment, correct? A. As I described the process. MS. AUERBACH: Objection. Hypothetical. THE HEARING OFFICER: First off, to your knowledge, Dr. Hopkins, has that ever occurred? A. As I described the process. THE HEARING OFFICER: You can answer, Dr. Hopkins. BY THE WITNESS: A. Yes. THE HEARING OFFICER: You can answer to your experience.</td>
<td>Q. So do most of the graduate students not express a strong interest between the two? A. That's my understanding. Q. When you were asked whether the chemistry department thrusts students -- thrusts them into being a teaching assistant, what do you understand that to mean, &quot;thrusting students into being a teaching assistant&quot;? A. Well, I'm not a master of the definition of words, but I would take that to mean that they are placed in front -- given a teaching assignment without preparation to carry out that teaching assignment. Q. And is it accurate that you don't believe that's a good idea? A. I don't believe -- MR. WEITZMAN: Objection. Relevance. THE HEARING OFFICER: You can answer, Dr. Hopkins. BY THE WITNESS: A. I believe that what our graduate education -- the goal of our graduate education is to teach students to be independent researchers and to be excellent teachers and so it's part of the goal of our PhD program to prepare students for teaching -- to teach them how to teach. BY MS. AUERBACH: Q. And is providing a high quality of education to the undergraduates taking courses in the chemistry department one of the missions of the department also? A. The goal of our graduate program is to teach our graduate students to be outstanding researchers and teachers. They're inextricably linked in our view. So the program is designed to pair them to conduct independent research and to prepare them to teach, and those are two separate words, but in our view there is substantial crossover between the two, because outstanding researchers ultimately have to explain complicated ideas and that is a form of teaching even when they're not in a formal classroom setting. So that's the goal of the program. Q. The question I asked you was focused not on the goal of the graduate program but on the goals of the department with respect to the undergraduates who are enrolled in courses in your department. MR. WEITZMAN: Objection. That's not a question.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page 912</th>
<th>Page 914</th>
</tr>
</thead>
</table>
| BY THE WITNESS: Pardon me? THE HEARING OFFICER: What was your experience when that occurred? BY THE WITNESS: A. It hasn't occurred when I have been involved, because I have not been involved, because I have not been directly involved as the instructor of record for these courses. BY MS. AUERBACH: Q. But you testified on direct about how the registrants are matched with teaching -- with being a teaching assistant in a course. A. Yes. Q. And so based on the knowledge to the extent you already testified -- A. Yes. Q. Do you know how adjustments would be made if you have -- when you have a higher -- A. It's my understanding -- Q. -- than expected enrollment? A. -- if a student expresses a strong interest in an assignment other than the one that has been made by the process that I described, that an accommodation is made for those students. | 28 (Pages 911 to 914)
THE HEARING OFFICER: Can you repeat your question?

BY MS. AUERBACH:
Q. So the question I asked was: Is one of the goals of the chemistry department to provide a high quality of education to the undergraduates --

MR. WEITZMAN: Asked and answered.

BY MS. AUERBACH:
Q. Is one of the missions of the chemistry department to provide a high quality of education to the undergraduates taking --

THE HEARING OFFICER: I think it was answered in the context of the particular courses of general chemistry and organic chemistry, so this is the program at large.

MS. AUERBACH: Right.

MR. WEITZMAN: Could I have the question read back?

(Whereupon, the record was read as requested.)

THE HEARING OFFICER: You can answer, Dr. Hopkins, with regards to the undergraduate students at large who take courses.

BY THE WITNESS:
A. Yes, it is a goal.

BY MS. AUERBACH:
Q. And having TAs who have training in teaching helps advance that goal, correct?

A. That's not why we teach TAs to teach. We teach TAs to teach so that they learn how to teach.

Q. Again, I'm asking a question from the perspective of the undergraduate education. Having TAs who are trained to teach helps advance the goal of high quality of education in the department for undergraduates, correct?

MR. WEITZMAN: Asked and answered.

MS. AUERBACH: No, he didn't.

THE HEARING OFFICER: No, he didn't answer it in that context.

We had your testimony about why the individuals are given this training, but is it true that having these TAs who have this training furthers the goal of giving high quality education to the undergraduate students whom they teach?

BY THE WITNESS:
A. It's an outcome of our teaching of those teaching assistants how to teach. I want to be clear that I'm trying to draw a distinction between

why do we teach teaching assistants what we do and how do we structure our program. The goal of our teaching assistants is to become excellent teachers because that's an essential part of their education. We have a second goal of providing excellent undergraduate instruction. There are many different ways of doing that. One way is through a model that we use, but the reason we use that model is not to deliver excellent undergraduate instruction. Our goal in having teaching assistants is to teach them how to teach, and if they do a good job, it's a consequence of that, that undergraduates receive good instruction. There would be other ways in which they could receive good instruction, and it doesn't involve teaching assistants.

Q. Well, I wasn't asking you if there are other ways. I was asking whether having high quality teaching assistants advances the goal of providing high quality teaching --

A. It does.

MR. WEITZMAN: Asked and answered.

THE HEARING OFFICER: He gave an answer now. It does.

BY MS. AUERBACH:
Q. If you would turn to Employer Exhibit 43, which is the training schedule, TA training schedule.

A. Yes.

Q. On the first page under Wednesday, 9-14 3:30 to 5 o'clock p.m. there's an activity entitled "Workplace Harassment/Title IX Awareness." What is covered in that section?

A. I'm not familiar with -- I haven't attended that.

Q. So you don't know?

A. I don't know in detail.

Q. Would you look at Employer Exhibit 44. That's the syllabus for the graduate training course. On the bottom section under the top it's covered in different dates. The fourth one down "Plagiarism Internal Case Studies," what is discussed in that section?

A. I haven't attended that.

Q. Do you know what -- have you been involved in telling TAs what they're expected to do if they encounter potential plagiarism?

A. Yes.

Q. And what is that?

A. In terms of how do I discuss this with
TAs?

Q. Yes. What do you discuss with them?

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

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

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

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

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

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

Q. Right. So after the graduate students contribute their suggestions, you make the final decision on what the final version of the grading rubric will be?

A. Yes.

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

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

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

A. Yes.

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

A. Yes.
A. Yes.
Q. You were asked whether -- you said that occasionally graduate students TA beyond the requirements of the three TAs and you said that they're paid as TAs; is that correct?
MR. WEITZMAN: Objection.
MS. AUERBACH: I want to know. I think that's what he said.
THE HEARING OFFICER: Mr. Weitzman.
MR. WEITZMAN: If there's a question as to what he said, it's in the transcript.
MS. AUERBACH: Well, it's to follow up on that one. I want to make sure my notes are correct before I ask him follow up.
THE HEARING OFFICER: You can answer it.
MR. WEITZMAN: Is the question what he said or the question is what is the practice?
MS. AUERBACH: I'm asking him what he said because I want to follow up.
THE HEARING OFFICER: Just to clarify, is it -- do you recall what you said, Dr. Hopkins, with regards to the money that the PhD students are given when they TA beyond their three TA requirements.
BY THE WITNESS:

A. I responded to a question of a very particular form. It wasn't -- I don't believe it was worded the same as the question you just asked.
So if I'm being asked to verify my earlier answer, I would say that I -- whatever I answered to the earlier question in the form that it was asked is the answer I would give, but I don't think it was exactly worded the way you worded it. That may just be because I misremember the exact question I was asked.

BY MS. AUERBACH:
Q. The graduate students in chemistry every quarter are designated either as a TA or else doing research, correct?
A. That's correct.
Q. They're given a stipend towards being a TA or for doing research; is that correct?
A. That's correct.
Q. And so if the graduate student TA'd any extra time beyond the requirements during that quarter, then for that quarter the TA is paid as a TA rather than as a researcher?
A. That's correct.

(Petitioner No. 22 was marked.)
Q. I've handed you a document marked for identification as Petitioner Exhibit 22. Are you familiar with this letter?
MR. WEITZMAN: The one to Mr. Phillips or in general?
BY MS. AUERBACH:
Q. Well, first I'm asking him this particular letter.
A. No, I'm not familiar with this particular letter.
Q. Are you familiar with the -- this particular form letter?
A. I've seen versions of it. I believe the version differs from year to year.
Q. And the letter refers to teaching assistantship and research assistant. Is that accurate that generally the admitted students are told that they'll be -- have a teaching assistantship for the first nine months and then after that be appointed as a research assistant?
MR. WEITZMAN: Objection. Vague.
THE HEARING OFFICER: Overruled.
Do you know if that's what they're generally told Dr. --
BY THE WITNESS:
A. Could you direct me to a specific
Q. The source of the funding given to the
graduate student differ for the period when the
graduate student is a teaching assistant and when a
graduate student is research assistant?

THE HEARING OFFICER: Are you referring
to the stipend?

MS. AUERBACH: Yes.

BY THE WITNESS:

A. Do you mean the amount?

BY MS. AUERBACH:

Q. No. The source.

A. It can.

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

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

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

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

Q. A graduate student does an extra TA-ship
beyond the required amount, does the -- is there a
difference in the amount of stipend that the
graduate student receives for that quarter? Does
that differ than if the graduate student were a
research assistant in that quarter?

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

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

A. As in a percentage?

Q. If you know?

A. I don't know the percentage.

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

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

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

A. I do.

Q. How many?

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

Q. And did you prepare a grant application
for that grant?
A. I did.

Q. In doing that did you follow procedures established by the university research administration?

A. I did.

Q. In completing the grant application, did you complete a section for direct costs?

A. Yes, a budget for a funding proposal includes direct costs.

Q. And is it correct that direct costs include personnel costs?

A. Yes.

Q. And under personnel costs the cost associated with graduate research assistants is included; is that right?

A. That's correct.

Q. Where do you get the amount to put in for the amount associated with the cost of the graduate research assistant?

A. When I prepare a budget for a proposal, I do this in collaboration with what we call the local business center, and this is an office that is a part of physical sciences division. It's a business office, and part of their specialty is in preparation of proposals and then the management of any grant funds that are received. And so I work with specialists in that office and they provide the number.

Q. And the number -- the personnel cost associated with graduate research assistants is the amount of the graduate student stipend plus an amount for fringe benefits; is that correct?

A. I don't know if we called them fringe benefits specifically but whatever is included in the standard financial support package to a student would be the numbers that we include in that. It would include, for example, things like health insurance.

Q. Have you ever had technicians work in your lab?

A. No.

Q. In your grant applications do you also include a portion associated with part of your salary?

A. I can.

Q. Have you done that?

A. I have.

Q. And then there's also a portion of the grant application for indirect costs; is that correct?

A. That's correct.

Q. And do you -- is that a number that, again, you're given by your business office?

A. Yes.

Q. And do you know whether the indirect cost is calculated as a percentage of the direct cost?

A. Typically, yes.

Q. And the indirect costs associated with a grant, do those go to your lab or do those go to the university generally?

A. They do not go to my lab.

Q. So they go elsewhere?

A. They go elsewhere. May I add?

Q. You want to add to that answer?

A. Add to that sentence.

Q. Yes.

A. They don't go directly to my laboratory as expendable funds under my control. They are broadly used to help support research that goes on in the lab.

Q. You're talking about indirect costs?

A. Yes.

Q. But they're not used just directly under your control?

A. They don't come to my -- they're not under my control.

Q. The process in which a graduate student joins a lab as a research assistant is a mutual decision between the faculty member and the graduate student, correct?

A. That's correct.

Q. And the research done by the graduate students in your lab all relates to the -- to areas of research that you're conducting in your lab, correct?

MR. WEITZMAN: Objection. Mischaracterization.

THE HEARING OFFICER: I'm not sure how he -- so he did testify that there were two particular research on which he's currently working. The question is whether or not the grad students currently working in his lab are also working on these same two topics. Is that accurate, Dr. Hopkins? Are they also working on the two topics that you previously stated for the record?

BY THE WITNESS:

A. Yes, they are.

BY MS. AUERBACH:
Q. In the grant applications that you've completed is there a section involving intellectual properties?
A. Is there a section involving intellectual property?
Q. Yes. Is there a provision provided?
MS. AUERBACH: Well, I'm not referring to a document. I'm asking him whether the grant applications that he's completed include a provision for intellectual property.
MR. WEITZMAN: Same objection.
THE HEARING OFFICER: Overruled. You can answer, Dr. Hopkins.

Q. Do you personally hold control over the lab?
A. Copyrights, no.
Q. Do you personally hold any copyrights with respect to any of the research done in your lab?
A. I don't know the answer.
Q. So you don't know the answer?
A. I could not quote you a detail -- the details of our intellectual policies.
Q. So you don't know the answer?
A. I don't know the answer.
Q. Do you personally hold any copyrights with respect to any of the research done in your lab?
A. Copyrights, no.
Q. Do you personally hold control over the intellectual property of any of the research done in your lab?

A. As I said, the research conducted in my group conforms to the university policies regarding intellectual property. Whatever those are are the policies that applied for the research.
Q. If you successfully applied for a grant and are awarded the grant, the acceptance of the award has to be finalized by the university research administration office; is that correct?
A. That's correct.
Q. Do you hold any patents with respect to any research done in your lab?
A. No, I don't.
Q. Do you know whether the university holds any patents with respect to research that has been done in your lab?
A. I do know. They do not.
Q. Do you know whether the university holds any patents with respect to research done in any of the labs in the country?
A. I could not quote you specific examples but it's my impression that they do.
Q. Do grant applications include descriptions of research proposals that are forming the basis for a graduate student's research in your lab?

BY THE WITNESS:

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

BY MS. AUERBACH:

Q. And are you familiar with what the

THE HEARING OFFICER: It's overruled.

BY MS. AUERBACH:

Q. Does the university, in the grant application process, retain control over the intellectual property of the research done?
MR. WEITZMAN: Objection. Best evidence.

A. They're not described in that way in the written proposal. The proposal is -- advance is a scientific idea and an approach to addressing the scientific idea, but the explicit connection with the PhD dissertation is not outlined in the grant proposal itself.
Q. So when you testified that you give a student a copy of a research proposal that will go to a funding agency, what is the purpose of doing that?
A. Because a research proposal that I would prepare describes a scientific goal, a hypothesis, an experimental approach. That's research. Those are the kinds of research problems that graduate students who choose to join my group then could pursue. So it contains -- it can contain the outline of research that could lead to a dissertation. But if I understood your question correctly, there's not explicit mention that this proposal will produce a PhD dissertation. It's not done that way.
Q. Okay. Thanks for clarifying.

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

VERITEXT LEGAL SOLUTIONS
1250 EYE STREET - SUITE 350 - WASHINGTON DC 20005 -- 888-777-6690
that you receive?
A. It would be broadly consistent. It's understood from federal agencies that research -- I'll give you a specific example. The current grant that I mentioned is a three-year grant. One does not know at the beginning of a research grant where you will be at the end of three years. It's possible that new and unexpected findings may change the direction of the research. So it's not prescriptive in that regard. It's meant to be a starting point. And then the research could go in new directions depending on what a student might find in the course of their research, so it's a starting point, and it could go outside those lines depending on what one finds and depending on the grant.

Q. But does there have to be some basic level of consistency between the research for --
A. Yes.

Q. -- the student and the grant?
A. Yes.

Q. To your knowledge are graduate students able to own patents on research performed in your lab?
A. I don't know. May I amend -- add to
university to complete the original research; is that correct? Yes or no?

BY THE WITNESS:

A. Yes.

THE HEARING OFFICER: Thank you.

BY MS. AUERBACH:

Q. When you help a graduate student in your lab troubleshoot, that helps the lab group as a whole, correct?

A. My principal focus is in helping that student advance their research. If students in my research group are working on intertwined projects, we all learn from each other. So there is a spillover benefit from my helping one student if another student who is having a similar problem in their research has the same problem.

Q. And it also helps your lab as a whole; is that correct?

A. Yes.

Q. You talked about not having set amount of hours that graduate students have to be in the lab. Have you ever had a situation with graduate students not coming to the lab what you thought would be enough hours?

MR. WEITZMAN: Ever meaning going back to when --

BY MS. AUERBACH:

Q. Since you've had a lab at the University of Chicago, has that ever risen to the point that you had a graduate student who felt like not coming often enough to the lab?

A. Yes.

Q. Did you take any actions in that case?

A. I discussed with the student the importance of maintaining progress and that completing research and graduating in a reasonable period of time is important to their future success because as I testified earlier, one of the ways I advise students when they're thinking about future employment is that one of the criteria that many employers will apply would be consideration of the amount of time it takes for a student to complete their degree.

Q. And if a student doesn't come often enough to do research in your lab it also adversely affects your lab as a whole, correct?

A. Yes. My lab as a whole. It wouldn't affect the other students.

Q. You have grant money coming that isn't being used properly because the student is not coming in enough?

A. Well, it's important that they maintain continuous reasonable progress towards their degree.

Q. That means spending sufficient time conducting research in your lab?

A. Yes.

(Exhibit No. 23 was marked.)

Q. I've handed you a document marked for identification as Petitioner Exhibit 23. Can you identify what this is?

A. This appears to be a page on the departmental chemistry website that describes the research that goes on in my research group.

Q. And on the last page, Page 4 of 4, that document is a collection of publications?

A. Yes.

Q. Are those all publications in which you're one of the listed authors?

A. Yes, they are.

Q. Are any of the other authors any of the graduate students in your lab or former graduate students?

A. These are all former graduate students.

Let me clarify that.

Q. Sure.

A. Many of these are former and current students.

Q. Which one?

A. D.C. O'Hanlon on the first paper. DC O'Hanlon is a former student. Received a PhD with me. B.W. Cohen is a former graduate student who received a PhD with me. D.B. Boravak is a former student who received a PhD with me. The second publication N.T. Laporte is a former graduate student who received a PhD with me. Moravec was mentioned in the first paper and then in the third, Moravek again.

Q. And did the graduate students that you just testified do the research that forms the basis for their part in these publications while they were graduate students in your lab?

A. The research described in this publication was done in my laboratory during the time that these students were graduate students in my research group.

(Petitioner No. 24, 25 and 26 were marked.)

Q. I've handed you a document marked for identification as Petitioner Exhibit 24. Can you identify what this is?
<table>
<thead>
<tr>
<th></th>
<th>identification as Petitioner Exhibit 24, Petitioner Exhibit 25 and Petitioner Exhibit 26. You can start with Petitioner Exhibit 24. Are these lists of papers that you have published or papers in which you're one of the listed authors?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A. 24?</td>
</tr>
<tr>
<td></td>
<td>Q. Well, 24, 25 and 26. They're actually all from different pages of the same. They printed out in three separate sections so if you can review all of them.</td>
</tr>
<tr>
<td></td>
<td>A. 25 is the last page. Mine is truncated so there's a title with no author. I don't know if this is significant but they're listing Pages 1 through 7, 2 through 7, et cetera. Mine ends on 6 of 7 for 25.</td>
</tr>
<tr>
<td></td>
<td>Q. I'm missing a page somehow. So just go through what's there.</td>
</tr>
<tr>
<td></td>
<td>A. For those pages that are here these are papers on which I am listed as a coauthor.</td>
</tr>
<tr>
<td></td>
<td>Q. For all the papers that are dated since the fall of 1999, were those papers all published while you were in your lab at the University of Chicago?</td>
</tr>
<tr>
<td></td>
<td>A. I didn't check them specifically, but I moved to the university in fall of 1999 and I can't testify -- I don't remember the exact date upon which I began listing University of Chicago as the address of record for a publication.</td>
</tr>
<tr>
<td></td>
<td>THE HEARING OFFICER: Do you recall, Dr. Hopkins, if from the year 2000 onward you would have listed the University of Chicago as the address of record?</td>
</tr>
<tr>
<td></td>
<td>BY THE WITNESS:</td>
</tr>
<tr>
<td></td>
<td>A. Yes. By 2000 and onward that would be the case.</td>
</tr>
<tr>
<td></td>
<td>THE HEARING OFFICER: Thank you.</td>
</tr>
<tr>
<td></td>
<td>BY MS. AUERBACH:</td>
</tr>
<tr>
<td></td>
<td>Q. So looking at Petitioner Exhibit 24 and turning to Page 6 of 7, the top paper listed there, Davis B. Moravec was a student graduate in your lab at the time this research -- that resulted in this paper?</td>
</tr>
<tr>
<td></td>
<td>A. Yes.</td>
</tr>
<tr>
<td></td>
<td>Q. How about the next paper down on that same page? Were you the --</td>
</tr>
<tr>
<td></td>
<td>A. The next paper, the one that begins &quot;Synthesis and Structure&quot;?</td>
</tr>
<tr>
<td></td>
<td>Q. Yes.</td>
</tr>
<tr>
<td></td>
<td>A. That's an unusual case. One of the authors, Greg Hillhouse was a faculty member in my department. Junjie Zhai, the first author on that page, was a graduate student in the research group of Professor Hillhouse. Professor Hillhouse passed away after a very brief illness and Junjie Zhai was the graduate student left in that research group, so I accepted him into my research group. And the research that is described in the paper was completed in the research group of Professor Hillhouse. I was formally advising him, and I assisted him preparing the paper, but he wasn't -- the research itself was not conducted. The discussion and the analysis, that was done while he was a student with me.</td>
</tr>
<tr>
<td></td>
<td>Q. So if you turn to Petitioner Exhibit 25 on Page 2 of 7, the last paper listed on that page, are any of those coauthors with you? Were any of those graduate students in your lab?</td>
</tr>
<tr>
<td></td>
<td>A. This is &quot;Axial Ligand Effects&quot;?</td>
</tr>
<tr>
<td></td>
<td>Q. Correct.</td>
</tr>
<tr>
<td></td>
<td>A. Judith Kamm is currently a graduate student in my research group. Cameron Iverson and Wing-Yeung Lau are former students in my research group who received their PhDs with me.</td>
</tr>
<tr>
<td></td>
<td>Q. Was the research -- was this paper done in your lab?</td>
</tr>
<tr>
<td></td>
<td>A. Yes.</td>
</tr>
<tr>
<td></td>
<td>Q. Turning to Page 3 of 7 of Petitioner Exhibit 25. The paper at the top, were any of those people former graduate students in your lab?</td>
</tr>
<tr>
<td></td>
<td>A. This is the paper entitled &quot;Vibrational Spectroscopy&quot;?</td>
</tr>
<tr>
<td></td>
<td>Q. Correct.</td>
</tr>
<tr>
<td></td>
<td>A. Joseph Manna was a graduate student of mine in my research group at the University of Pittsburgh and completed the research there, but the analysis continued with some further experimentation with others listed there. Neither of the other two individuals listed there are graduate students. So it was a paper that lists both I think -- I don't recall the details, but it lists the University of Chicago and Pittsburgh where Manna was a student.</td>
</tr>
<tr>
<td></td>
<td>Q. How about the paper listed on the bottom of that same page, &quot;X-Ray Crystallographic,&quot; are any of authors listed there graduate students or former graduate students in your lab?</td>
</tr>
<tr>
<td></td>
<td>A. One of them is.</td>
</tr>
<tr>
<td></td>
<td>Q. Which one?</td>
</tr>
</tbody>
</table>
|   | A. The second author, Mark Westwood, and he
is a current student in my research group.

Q. Did he do his portion of the research for this paper in your lab?
A. Yes, he did.

Q. Turning the next page of the same exhibit, Petitioner Exhibit 25, Page 4 of 7. The first full entry, "Synthesis, Structures, Bonding"?
A. Yes.

Q. Are any of the authors there graduate students or former graduate students in your lab?
A. There are several former students, Jibin Sun, Sarah Shaner, Marya Jones, Daniel O'Hanlon are former graduate students, all of whom received their PhD with me. Jefrey Mugridge was an undergraduate researcher in my research group.

Q. Was the research that resulted in this paper performed in your lab?
A. Yes.

Q. Turning the next page of the same exhibit, Petitioner Exhibit 25, Page 4 of 7. The first full entry, "Synthesis, Structures, Bonding"?
A. Yes.

Q. Are any of the authors there graduate students or former graduate students in your lab?
A. There are several former students, Jibin Sun, Sarah Shaner, Marya Jones, Daniel O'Hanlon are former graduate students, all of whom received their PhD with me. Jefrey Mugridge was an undergraduate researcher in my research group.

Q. Was the research that resulted in this paper performed in your lab?
A. Yes.

Q. Turning to the next entry down --
THE HEARING OFFICER: I believe you skipped one, the one at the bottom of Page 3, "Correction to Synthesis."
MS. AUERBACH: Oh, you're right.
BY MS. AUERBACH:
Q. Would you go back to the bottom of Page 3 of 7, the one that starts on the bottom of Page 3. It was published in 2011, "Correction to synthesis."
Are any of those listed authors graduate students or former graduate students in your lab?
A. So maybe I could explain the format of that particular paper. A correction is a paper -- is a short note that changes some original observation and so this particular entry is coupled with -- oh, in fact, it's the one after it.
THE HEARING OFFICER: The one we just discussed?
BY THE WITNESS:
A. The one we just discussed, the same authors. And it would refer to that original paper, and in this particular case there was a typographical error in one of the entries. And so a practice that there isn't -- that the error isn't perpetuated in the subsequent scientific literature one can issue a correction to say this entry was wrong. So that's what happened there.

BY MS. AUERBACH:
Q. So on that paper that's corrected, were any of the listed authors graduate students or former graduate students in your lab?
A. Some of them are.

Q. Which ones?
A. B.W. Cohen, B.M. Lovaasen, C.K. Simpson are former graduate students who received their PhDs with me.

Q. Was the research that resulted in this paper performed in your lab?
A. This was -- some of this was performed in my laboratory. Yes, all of this was. All of the work that was done by -- all of the research that was conducted by those students was performed in my laboratory. There are some other authors here who contributed and they were from other institutions?

Q. Turning to Page 5 of 7, the paper "Electronic Spectra."
A. Yes.

Q. Was your coauthor a graduate student in your lab?
A. The coauthor was a graduate student who received a PhD with me.

Q. That's Ryan?
A. Ryan Da Re.

Q. And he did the research -- his research in your lab that resulted in this paper?
A. Yes.

Q. If you turn to Petitioner Exhibit 26, the one paper listed on there, "Ground Stage," are any of those authors graduate students or former graduate students in your lab?
A. Some of them are.

Q. Which ones?
A. Lovesaan, the first author, is a former graduate student, received a PhD with me. Cohen, the third author, former graduate student, received a PhD with me.

Q. And did --
A. Yang, the fourth author, was a postdoctoral. Simpson, farther down the list, was
Q. Did the work the graduate students did -- part of the research the graduate students did that resulted in this paper, was that research performed in your lab?
A. Some of it was conducted in my laboratory. Some of this was conducted at Argonne National Laboratory. University of Chicago manages Argonne National Laboratory. I had a partial appointment there, and some of the research was conducted there. The majority of work was conducted by these students -- the majority of the research that these students performed was done in my laboratory.

MS. AUERBACH: I move Petitioner Exhibit 23, 24, 25 and 26 into evidence. With respect to 25 we can either admit it as is or I can wait and print out the last page. Apparently, it might be left in the printer at the office.

MR. WEITZMAN: Are you also offering this for portions that the witness did not testify to?

MS. AUERBACH: Well, I think I asked him about the papers he'd done since he's been at the University of Chicago, which is a list of all of his publications. It was actually all one document. There were several pages on the website. It went into three different pages, but it was all just a list of Dr. Hopkins' papers.

MR. WEITZMAN: No objection.

THE HEARING OFFICER: Petitioner's 23, 24, 25 and 26 are received in evidence.

MS. AUERBACH: That's all I have.

THE HEARING OFFICER: So then before I proceed with my questions, do you want to take a short break or do you want to proceed?

MR. WEITZMAN: I would like a short break to answer your question, but I would like a longer break.

THE HEARING OFFICER: That's fine. Off the record.
(Whereupon, a break was taken, after which the following proceedings were had:)

BY THE HEARING OFFICER:
Q. Before the Employer proceeds with his redirect questions for you, Dr. Hopkins, I have a few questions.

Q. Are graduate students in the chemistry program expected to publish their research during their time at the university?
A. It's not a formal requirement but that would be the typical practice. They may publish some of it and then some papers are written later. But the research that they do is suitable to be published. They write that up and attempt to publish it. That's right. There's not a formal requirement for a certain number of papers, no.

Q. Would it be viewed negatively by the university if the graduate students in the chemistry program did not publish during their tenure?
A. There's not a publication requirement for the degree. And so the dissertation stands as a publication. It is a publication. So there are publications that might appear in journals such as the ones that were reported that we discussed earlier, but the dissertation itself is a published document, so that ultimately is the one publication that matters with regard to whether or not a student receives a degree.

Q. Do you know for this past academic year how many undergraduate enrollments there were in the chemistry major?
A. How many undergraduate enrollments there were in chemistry major?
Q. Do you know approximately?
A. I don't have an exact number, no.
Q. Do you know approximately?
A. So we use the word "enrollment" just to be clear. For us the term "enrollment" is one student in one class for one quarter. So a single student, a single undergraduate student, might account for 9 to 12 enrollments in an academic year depending on how many courses they teach.

So whereas a major is a single student who might be majoring in one subject or one major or in several majors depending on what their particular program is.

Q. That was my misunderstanding of the terms. I apologize.
Do you know, let's say for that past quarter, how many undergraduate majors there were?
A. No, I don't know the number.
Q. For the past academic year, do you know how many chemistry courses were offered to undergraduates?
A. How many chemistry courses in the past quarter?
Q. Yes.
A. We're still in session right now. I don't know the exact number.
Q. Okay. You had testified about an instance when one of your TAs in a course for which you were instructor of record suggested an experiment that you thought was valuable and eventually that TA was listed as an author of the contents of the course. Do you recall what course that was?
A. Yes. That's the course I'm currently teaching, Chemistry 227.
Q. When was this that the TA made this contribution?
A. That was -- I guess it would be two years ago because this is the third year that we're now incorporating that experiment. Approximately two years ago.
Q. Do you think you will continue to incorporate that experiment in this course should it continue to be offered?
A. It's the best experiment that we have so far until it's replaced by a better one. So it replaced the experiment that the student suggested, replaced an existing experiment and that could happen again. I would have to see what new ideas we come up with, but it's certainly possible.
Q. You had testified that typically for the sessions of your course that are being conducted by TAs you also attend those sessions; is that right?
A. That's right.
Q. Would the TAs for your particular course ever conduct a session without you present?
A. So to be clear, I'm not present the entire time that they're there. I attend during each of these laboratory sessions. So there's a period of time when I'm not there, yes.
Q. So how -- I know you said the length of these sessions can vary. For these ones that you're referencing, how long do those typically last?
A. It can range anywhere -- so we have blocked out a particular period of time. It can a range anywhere from two hours, depending on the experiment being done that day, to the five-hour period of the laboratory session.
Q. How long would you typically be present for these sessions?
disposition are concerned and empathetic, so how much teaching one needs to do is a matter of individual -- it varies from case to case, but that's certainly what we convey when we teach students our teaching assistants about teaching.

Q. Another question you were asked on cross-examination was whether the effectiveness in teaching discussion groups depended in part on the effectiveness of the teaching assistant. Do you recall that question?
A. Yes.
Q. When Counsel asked you questions about your previous courses and how the grading is done in those courses, she asked you do you give the TAs a rubric. You said yes. And then she said do they grade papers and you said yes and then she didn't ask you any more questions about that. So I will.
Q. I want to know whether when they grade the paper after you give them the rubric does that end the process of how you teach them?
A. No. It's very much as I described for the course I'm currently teaching. I work -- you know, I work -- I instruct the TAs as part of our regular meetings about the -- as I described, the philosophy of grading, how the grading rubric should reflect the goals of the course and the idea of providing constructive feedback.
Collaboratively, in the process I described, we develop a group rubric based on their suggestion. We finalize that and then they apply that in the way I described.
Q. With Post-Its?
A. It depends. In an examination it may not be necessary to provide the Post-Its, but before the grades are finalized, I always sit down with the students, the teaching assistants and the exams and we will discuss them.
Q. The subject of student lab notebooks came up on cross and I didn't ask you this on direct. So I'm curious, do you teach your student TAs to review a lab notebook?
A. Yes, that's right. The laboratory notebook, as I mentioned, contains a description of the experiment that the undergraduate student will perform and after they begin the experiment, their observations -- so we discuss what goes into good observation, what are sufficient observations, and I give them examples of these. Did a chemical reaction change color? Did it begin to vigorously bubble as gas was liberated? These are the important things that anyone who would reproduce an experiment would be looking for when they conduct it. So writing these observations down is part of being a careful scientist, and we discuss that.
These are very similar with -- the purpose of making these observations translates to their own research as well where in their role as researchers in setting the problem they would be doing the same kind of thing.
Q. You testified when you were asked about the number of grad students who teach beyond the requirement that you didn't know the number?
A. I don't know the number.
Q. Does the number three refresh your recollection? It is quarters. Excuse me.
A. I'm sorry?
Q. Does the number three in this quarter refresh your recollection as the number?
A. The number of students --
Q. Who are teaching beyond the three
THE HEARING OFFICER: I mean, he's testified that this doesn't exist. He doesn't recall this type of -- that language is used. So, I mean, it's one thing to extrapolate some hypothetical based on his personal experience but is there --

MR. WEITZMAN: I'll ask another question.

BY MR. WEITZMAN:

Q. What is your comfort level in putting the stipends down as personnel costs?

A. For some jobs publication of this sort accomplished a certain amount of research. The quality of their search in some journals have a higher reputation than others. So if you've conducted high-impact research, you'd like a paper that's published in -- you'd like a paper.

Q. That would go to the benefit of the PhD student in getting a job?

A. That's correct. It's a professional credential for subsequent employment.

Q. When you are listed as one of the coauthors, what did you do in these articles that entitled you to have a byline?

A. In chemistry and in the case of these articles, most of which are published in journals that are published by the American Chemical Society which is a large -- it's the largest chemical society in the world. It's got a large number of memberships and publishes many journals. There are ethical guidelines that govern the authorship of papers. And speaking broadly anyone who made a substantive contribution to the research described in that paper, whether it was in performing experiments or interpretation of experiments or in guiding the intellectual content or in preparing the paper -- I don't mean clerically preparing the

MR. WEITZMAN: Correct.

THE HEARING OFFICER: Thank you.

BY MR. WEITZMAN:

Q. I could go through all of them, but I'm going to try to be economical. With respect to all of them where -- that you've identified where one of the coauthors was a current or former PhD student of yours, was the article based on their respective dissertation research?

A. Yes.

Q. So when you were asked by counsel was the article based on research in your lab, that was the same as asking you was it based on your dissertation research, correct?

A. Yes.

Q. Is there a reason why a PhD student would want to be a coauthor for an article?

A. Yes.

Q. What is that?

A. For some jobs publication of this sort is a professional credential that shows that they accomplished a certain amount of research. The journal in which its published is a rough measure,
paper but in terms of the actual content of the paper, typically those individuals would be listed as coauthors.

And in the case of papers that are described here as the research advisor who individually mentored these students who provided the idea that they pursued for their dissertation research who helped them conceive the experiments and troubleshoot the experiments, helped with the interpretation of the data, who helped with drawing conclusions from the data and then who assisted with the preparation of the paper, is listed as a coauthor.

MR. WEITZMAN: No further questions on redirect.

THE HEARING OFFICER: Petitioner have any further questions for the witness?

MS. AUERBACH: Could I just take a couple minutes?

THE HEARING OFFICER: Sure. Off the record.

(Whereupon, a break was taken, after which the following proceedings were had:)

THE HEARING OFFICER: On the record.

MS. AUERBACH: I just have a couple questions.

RECROSS-EXAMINATION

BY MS. AUERBACH:

Q. Are the papers that you have published, that you have coauthored with your grad students at the university listed on your CV?

A. Yes, they are.

Q. Do you also list them on grant applications?

A. Some of them. There are -- according to the grant application there are specific limitations in some cases for the number and the type of publications that can be listed, but yes.

MS. AUERBACH: That's all I have.

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

MR. WEITZMAN: We have no further questions.

THE HEARING OFFICER: With that, Dr. Hopkins, you are excused.

Do you want to take a break before the next witness or are the parties ready to proceed?

MR. WEITZMAN: We're off the record.
I have a bachelor of arts from Harvard University and a master of divinity from the University of Chicago Divinity School. Now, in addition to holding a position at the University of Chicago, do you have any other outside employment?

A. Yes, I do.

Q. What is that, please?

A. I'm a minister, and pastor at a congregation in Downers Grove, Illinois.

Q. You're a minister and a pastor, did you say?

A. Yes.

Q. Where did you work prior to coming to the University of Chicago? Could you take us through a chronology of that, please?

A. Backwards?

Q. Whatever is easiest for you?

A. Sure. I had a career for about 23 years in information technology. I was a consultant for Ernst & Young as a consultant. And prior to that I worked for Ameritech, now part of AT&T, as director of IT for the public communications division. Prior to that I was with the BlueCross and BlueShield system, with the BlueCross and BlueCross association as director of IT strategy and with Anthem and BlueCross and BlueShield as director of corporate data management. Prior to that I worked for Ernst & Young as a consultant. And prior to that I was with IBM, and I began my work career at Cummins & Jay Company in Columbus, Indiana.

Q. Dean Owens, let's shift gears and talk about your current responsibilities. What are your responsibilities as dean of students for the Divinity School?

A. I'm responsible for everything from admissions through the placement of our students. I'm involved with the development of academic policy. I sit on the academic policy committee of the faculty as an ex-officio member. I am involved with monitoring of student academic progress, reaching of milestones. I do some advising around students meeting of those requirements, financial aid. I am -- do orientation for new students. I participate in recruiting. I also do several placement activities particularly for PhD students, both those who are planning to prepare for academic positions as well as those who are not planning to take academic jobs and we work with master students around professional development and placement as well. I also serve as the disciplinary officer for the Divinity School. So any matter that would come before the school from a student with regard to anything from a behavioral issue to academic dishonesty, I would be the officer within the Divinity School who would work with the dean and the Divinity School disciplinary committee to adjudicate that matter. I'm also a source of personal advising and support for students in times of personal distress, financial situations, et cetera.

Q. How many academic areas does the Divinity School have?

A. We have 11 areas of study.

Q. How many faculty members does the Divinity School have?

A. Approximately 33 and that does not include a varying number of faculty members who are, what we call, associated faculty members. That would include people whose primary academic background?
admitted into one of the 11 areas of study that I
mentioned.
Q. You previously said there’s 11 of those?
A. There’s 11 of them.
Q. How does the PhD program in the Divinity
School of the University of Chicago compare in size
to other divinity programs at other educational
institutions around the country?

BY MR. PEARLMAN:
Q. Do you know how the Divinity School at
the University of Chicago compares in size to the
size of the Divinity programs at other universities
around the country?
A. I do.
Q. Okay. What is it?
A. We are the largest single PhD program in
the academic study of religion in the country.
Q. I’m going to test your memory here a
little bit, but what are the 11 areas of study?
Can you tell us that?
A. Yes, I can. Anthropology and sociology
of religion, Bible, history of Christianity,
history of Judaism, history of religion, Islamic
studies, philosophy of religions, religions in
America, religious ethics, religion literature in
visual culture, theology. And I think I’m leaving
one out.
Q. Did you get religion literature in
visual culture?
A. Yeah. Religions in America, religious
ethics. I think I did get them all.
Q. So who establishes academic criteria for
the Divinity School? Is it the Divinity School or
does that come from the department above or outside
of the school?
A. It’s the Divinity School faculty that
establishes its academic criteria.
Q. What do they establish that academic
criteria based upon?
A. Based upon an understanding in each year
of study for doctoral study what is considered
curriculum that will establish a foundation for
each student in existing knowledge and literature
in their chosen field, as well as a broader
understanding in an interdisciplinary manner.
Q. So you said that the Divinity School has
PhD students. How many PhD students does the
school have?
A. At the beginning of this year, we had
160 students involved in the PhD program.
Q. Are there any educational prerequisites
for a student to be admitted as a PhD student at
the Divinity School at the University of Chicago?
A. Yes. We do require a master’s degree in
a field related to the area of study to which the
student is admitted. That’s a requirement that’s
placed upon us because we are accredited by the
Association of Theological Schools.
Q. So does that requirement impact where
most of the school -- the Divinity School’s PhD
population comes from?
A. Yes. Most of our PhD students actually
come from our own master’s programs.
Q. Does the Divinity School offer master’s
degrees?
A. Yes.
Q. Can you please tell us, Dean Owens, what
master’s programs does the Divinity School have?
A. We have three. One is the master of
arts and religious studies which can be earned
intensively in one year or over time. It’s a
nine-course degree. We have a two-year master of
arts program which is considered preparatory for
doctoral work and a three-year master of divinity
degree which is a professional degree for
ministering, and it’s also considered preparatory
for doctoral work.
Q. Does the Divinity School offer dual
masters degrees?
A. Yes, we do.
Q. When I say "dual masters degrees," what
do you understand that term to mean?
A. A dual degree means that the student is
earning a degree both in the Divinity School and
also concurrently another degree within another
unit of the university.
Q. Dean Owens, could you please tell us
what are the dual degrees that the Divinity School
offers for master students?
A. These are all with our master of
divinity degree. So we have a dual degree program
with the MDiv degree and the Harris School of
Public Policy, a dual degree between the MDiv
degree and the MSW, master of social work degree,
in the school of social service administration and
a dual degree between the MDiv and the JD doctor of
law degree.
Q. Just so we're all speaking the same
language, when you say MDiv --
A. That's the master of divinity which is
the ministry degree.
Q. Do you know how many master students
there are who are getting dual degrees with the
Harris School?
A. This year we have had no students to
graduate with the degree. In the Harris School we
have two students who are currently in the dual
program with the school social service
administration.

THE HEARING OFFICER: I'm sorry. What's
that school that you're referring to?
MR. PEARLMAN: Harris School of Public
Policy.

THE HEARING OFFICER: So how do you
spell that?
THE WITNESS: Harris, H-A-R-R-I-S.

THE HEARING OFFICER: Thank you.
Continue.

BY MR. PEARLMAN:
Q. Same question with respect to the dual
degree program for the MDiv and social work within
the social service administration division?
A. We currently have no students who are in
that particular program. We have a first-year
student who has not yet begun her work in the
school social service administration.

Q. Is there a dual degree available for
MDiv and a juris doctor of law degree?
A. Yes, there is.
Q. How frequently do you find master
students seeking out that dual degree?
A. It's a very rare degree. We had one
student during my tenure to complete that
particular dual degree.
Q. Dean Owens, can you please tell us
approximately, if necessary, how many masters
students are there in the MDiv program?
A. This year there are 49 students and on
average we have about that many, 50 or so.
Q. How many master students are there in
the master of arts masters program?
A. The average is between 80 and 90
students a year, between the two-year two course.
Q. Same question with respect to master of
arts in religious studies?
A. On average two to four students. It's a
very small program.
Q. Do master students teach?
A. No.
Divinity School.

Q. Does the Divinity School offer summer stipends?
A. Yes, we do.

Q. And what specifically does the Divinity School offer by way of summer stipends?
A. Students are given two summer stipends without any prerequisite. The third summer stipend is earned once the student has successfully completed qualifying exams, and the fourth summer stipend is available to them once they are admitted to candidacy.

Q. What's the monetary amount of the summer stipend?
A. Each are $3,000.

Q. So is there any requirement that a student needs to fulfill in order to get the third summer stipend?
A. They must pass their doctoral qualifying exam.

Q. What's that?
A. The doctoral exams in the Divinity School are a series of four written exams. The student must pass, along with an oral exam, which usually includes a discussion of a research paper, as well as a discussion of the written exams, with four faculty examiners who have written and administered those examinations. So there are four four-hour written exams and a two-hour oral exam and the student is graded as either pass or fail.

At that point they would be eligible in the following summer to receive that third stipend.

Q. Do students traditionally finish their coursework? When I say "students," I'm referring to PhD students in the Divinity School.
A. Yes.

Have students traditionally finished their coursework and passed their qualifying exams by the end of the third year?

A. Increasingly that is the case. Students are able -- as long as they completed those milestones after their fifth year, they can still earn the third and fourth stipend but students on average complete their exam in the third or fourth year. Sometimes it takes longer depending on other requisites of their program, such as additional languages that they would have to complete before taking their qualifying exams.

Q. Is there any prerequisite that a PhD student in the Divinity School must fulfill in order to obtain a fourth summer stipend?
A. They would have to be admitted to candidacy.

Q. What does that mean when you say "admitted to candidacy"?
A. In the Divinity School, being admitted to PhD candidacy means that you have submitted a dissertation proposal that has been approved by the members of the student dissertation committee. The student holds a colloquium to discuss and approve that proposal and then the proposal is submitted to a group of faculty known as the committee on degrees which is an interdisciplinary committee that reviews all dissertation proposals and approves them and approves the student's request to be admitted to candidacy.

Q. Are you able to tell us what the total anticipated stipend is for a PhD student in the Divinity School for a period of five years?
A. Well, for five years it would be $125,000 in stipend. If you added on the summer stipend, assuming that the student were able to earn all four of them, that's an additional 12, so 137.

Q. Sorry to put you through math here but you seem fast.

Do you know what the tuition was for the 2016-2017 academic year for a PhD student of the Divinity School?
A. It was just over $50,000.

Q. So here's what I'll ask you to do, a little bit more math. So if you look over the five-year period that you're talking about, what's the total cost of tuition that the university is providing to PhD students of the Divinity School?
A. About $375,000 in total between tuition and stipend.

Q. I'm going to hand you a document that we'll mark for identification as Employer Exhibit 45.

(Witness peruses document.)

Are you familiar with this document?
A. Yes.

Q. What is this document?
A. This is the memo that's given each year to entering PhD students that explains to them the process by which taxes will be withheld from moneys...
Q. Is this a true and correct copy of this document?
A. Yes.

Q. Is it maintained in the normal course of business?
A. Yes, it is.

MR. PEARLMAN: Move to admit Employer Exhibit 45.

MS. AUERBACH: No objection.

THE HEARING OFFICER: Employer Exhibit 45 is received.

BY MR. PEARLMAN:
Q. So did you send this document out to PhD students?
A. Actually, I handed it to them at the annual PhD orientation.

Q. What's the purpose of this letter?
A. The IRS, I am told, requires us to -- when a student is teaching and receives a teaching stipend then appropriate payroll taxes must be held. Because the teaching experience is a part of academic program, students are not eligible to receive additional compensation beyond their stipend until they've reached their five point. So the Divinity School withholds in accord in which they teach and at the same time when the student receives the stipend, the appropriate IRS taxes will be withheld, and this memo serves to explain that process.

Q. Is that why you handed this letter to PhD students, to help explain the process to them?
A. Actually, I handed it to them at the annual PhD orientation.

BY MR. PEARLMAN:
Q. Are you a tax lawyer?
A. No.

Q. Are you a lawyer?
A. No.

Q. Do you have legal training?
A. No.

Q. Do you have tax training?
A. No.

Q. You didn't create this rule as to whether or not moneys are withheld from quarterly stipends, correct?
A. No, I did not.

Q. Dean Owens, are divinity PhD school students required to obtain certain teaching experience during their educational program?
A. Yes, they are.

Q. And what is that requirement?
A. Five teaching points.

Q. Why does the Divinity School require these teaching points as part of the PhD program?
A. We are educating the next generation of scholars in the academic study of religion, and their teaching experience is important for their ability to eventually land jobs within the academy but regardless of how they use that degree, the ability to communicate with other people who are not within their specialty is still a valuable experience, but this is part of their academic and scholarly experience and training.

Q. Is it your expectation that many, if not most, of the PhD students in the Divinity School will go on to become teachers?
A. The vast majority of our students do go on to teach in higher education, yes.

Q. Is it important to you to help them become credentialed and prepared to get a job in that capacity?
A. Yes, it is.

Q. So how does a Divinity School PhD student typically obtain their teaching points?
A. They have options of teaching within courses within the Divinity School. They can teach in courses within humanities or social sciences division usually. Many of them teach in the writing program, and they also are able to teach outside the university in any of the local universities or seminaries.

Q. We're going to come back to that, and I'll ask you more specific questions on those issues.
But, first, as a threshold matter, you say that these folks can teach in order to obtain teaching points, and what I'd like to know from you is: Can they be a teaching assistant or have a teaching assistantship to that end?
A. Yes, they can.

Q. What other types of activity can they engage in in order to achieve the teaching points?
A. Well, the Divinity School students are only -- generally appointed as teaching assistants. We have only three courses in which we appoint lectures and those are for our scriptural languages, Koine Greek, Physical Hebrew and Quranic Arabic. So in the Divinity School for the Divinity School courses, students are only appointed as TAs except for those language courses, and those
Q. So are you saying you can have TAs and you can have lectureships but there's far more TAs than lectureships?
A. Correct.

Q. What is a TA?
A. Teaching assistant is a graduate student, a PhD student, who assists the instructor of record with a number of activities, including leading discussion sections, preparing course materials, assisting with advising students in the course, and the TA may often give a lecture or two during the course of the course.

Q. Dean Owens, what are the duties that are associated with a teaching assistantship?
A. In the Divinity School, generally, teaching assistants will prepare course materials. They may ensure that students are registered on the learning management system website, handling communication with students, leading discussion sections. They would attend all lectures, be familiar with all the texts that are being used in the course. If languages are involved, those students would have competency in those languages, but they would also discuss and participate in some preliminary assessment of student work and spend a lot of time with the faculty member of record preparing and discussing and debriefing what happened with each core section, discussing student issues, et cetera.

Q. Does the TA learn the fundamentals of learning?
A. Yes.

Q. Does the TA learn the fundamentals of preparing syllabi?
A. Yes.

Q. If you said this, I apologize, but I want to be clear. Does the TA learn the fundamentals of holding office hours?
A. They would, yes.

Q. Does the TA learn the fundamentals of running small group discussions?
A. Yes.

Q. Who teaches the graduate student how to perform these roles?
A. The faculty member who is responsible for the course.

Q. What is a lectureship?
A. A lectureship is a course in which the student has the responsibility for preparing and delivering the course materials. They are, in fact, the instructor of record for the course.

Q. Could you tell us what the duties are that are associated with a lectureship?
A. A lecturer would, again, be responsible for the design and delivery of all course sessions and materials and would also be responsible for final evaluation of student work and assigning student grades.

Q. Does a lecturer propose and design an instructional course?
A. Yes, depending on the course. There may be some situations where the content of the course may already be designed and that's sometimes the case -- usually the course with the language courses that I referenced, but the student would have the option to choose a text and decide how they were going to deliver the material.

Q. Do they devise evaluation and testing methods?
A. Yes.

Q. Why does the Divinity School allow students to serve as lecturers?
A. Those courses are important for their development as instructors in the Divinity School because we only have graduate students. We have limited lectureships because the philosophy of the faculty is that we don't offer standalone courses where a graduate student is evaluating another graduate student. Only in the situation where there's a TA and there's another faculty member actually doing the evaluation.

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

(Employer No. 46 was marked.)

Q. I'm going to hand you a document that we'll mark for identification purposes as Employer 46. Please take a moment to read that document. Are you familiar with this document?
A. Yes, I am.

Q. What is this document?
A. This is a printout of the doctoral program web page from the Divinity School's website.

Q. Is this a true and correct copy of that
### Question 1

**Q.** Is it maintained in the ordinary course of business?

**A.** Yes.

**Q.** For whose benefit is this advising done?

**A.** It's for the student's benefit.

**Q.** Do PhD students in the Divinity School -- and by the way, when I ask you questions about PhD students in general, you should assume they're specific to PhD students in the Divinity School, okay, unless I tell you otherwise just for the sake of clarity.

**A.** It's actually fairly rare for a divinity school student to exceed the five points.

**Q.** Does the Divinity School discourage its PhD students from exceeding the five points?

**A.** Yes. To a certain degree.

**Q.** Why is that?

**A.** We think it's most important that the student make progress in their program, complete their dissertation research and their degree. The teaching is an important part of their preparation and experience but it is not the sole reason -- it's not the reason that they're there.

We don't want that to get in the way of their conducting their own research and doing the writing for their dissertation.

**Q.** Would you say that there's relatively limited opportunities to teach in the Divinity School?

**A.** No. There are probably fewer opportunities for divinity students to teach than there are in other units and divisions.

**Q.** Why?

**A.** We do not have a collegiate division so our students, unless they're teaching in a college program or they're in the humanities core, for example, or they're teaching in the collegiate division within humans and social sciences. We do not have a population of undergraduate students. Most of our courses are small seminar size. There are maybe five or six courses in the course of the year that are large in the sense that they would compare to a large college course, and by that, I mean our largest course is probably 60 students, 60 or 65 students, and faculty generally are actually looking quite often to create opportunities for our students to teach. So we do not have the same kind of dynamic with an undergraduate population that other units have.

**Q.** Why is your faculty looking for those opportunities for PhD students to teach?

**A.** Well, they understand that the teaching

---

<table>
<thead>
<tr>
<th>Q.</th>
<th>A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is it maintained in the ordinary course of business?</td>
<td>Yes.</td>
</tr>
<tr>
<td>For whose benefit is this advising done?</td>
<td>It's for the student's benefit.</td>
</tr>
<tr>
<td>Do PhD students in the Divinity School -- and by the way, when I ask you questions about PhD students in general, you should assume they're specific to PhD students in the Divinity School, okay, unless I tell you otherwise just for the sake of clarity.</td>
<td>It's actually fairly rare for a divinity school student to exceed the five points.</td>
</tr>
<tr>
<td>Does the Divinity School discourage its PhD students from exceeding the five points?</td>
<td>Yes. To a certain degree.</td>
</tr>
<tr>
<td>Why is that?</td>
<td>We think it's most important that the student make progress in their program, complete their dissertation research and their degree. The teaching is an important part of their preparation and experience but it is not the sole reason -- it's not the reason that they're there. We don't want that to get in the way of their conducting their own research and doing the writing for their dissertation.</td>
</tr>
<tr>
<td>Would you say that there's relatively limited opportunities to teach in the Divinity School?</td>
<td>No. There are probably fewer opportunities for divinity students to teach than there are in other units and divisions.</td>
</tr>
<tr>
<td>Why?</td>
<td>We do not have a collegiate division so our students, unless they're teaching in a college program or they're in the humanities core, for example, or they're teaching in the collegiate division within humans and social sciences. We do not have a population of undergraduate students. Most of our courses are small seminar size. There are maybe five or six courses in the course of the year that are large in the sense that they would compare to a large college course, and by that, I mean our largest course is probably 60 students, 60 or 65 students, and faculty generally are actually looking quite often to create opportunities for our students to teach. So we do not have the same kind of dynamic with an undergraduate population that other units have.</td>
</tr>
<tr>
<td>Why is your faculty looking for those opportunities for PhD students to teach?</td>
<td>Well, they understand that the teaching</td>
</tr>
</tbody>
</table>
is a part of the student's academic degree requirement and they also believe that it's really important for a student to get teaching experience during their time in their PhD program since -- it certainly enhances their professional development and they will need to demonstrate some teaching experience when they're on the job market -- on the academic job market.  

Q. Does the Divinity School offer any accommodations to make it easier for PhD students to find teaching opportunities to meet their teaching requirements?  

A. Yes.  

Q. Could you please provide an example?  

A. We allow our students to earn points by teaching at outside institutions such as Loyola, De Paul. There are several universities and small colleges in the Chicago area that have requirements to take certain kinds of religion and philosophy courses, and students may also teach at one of the local seminaries. They may choose only one of those teaching experiences to count toward their five points, but if they teach a standalone course at an outside institution, they will get the regular two points credit the lecturer would get. 

Q. Now, can -- in the same vein can PhD students in the Divinity School also teach in the writing program?  

A. Yes.  

Q. What about in the core humanities program? Can they teach there as well?  

A. Yes, they can.  

Q. Are different teaching points earned based on different positions?  

A. Yes. Before a student is appointed to a lectureship, they would receive two points and a student who has a teaching assistantship would receive one point per quarter.  

Q. What's the reason for this difference?  

A. A lecturer has a greater responsibility for the overall delivery of the course and evaluation of student performance. The teaching assistant is working with another faculty member and ultimately does not have the full responsibility for preparation or not as much responsibility for preparation as the instructor of record nor does the teaching assistant have the responsibility for evaluating the student.  

Q. Could you tell us, Dean Owens, what courses are divinity students permitted to teach in order to obtain the teaching appointment?  

A. Well, we're quite flexible with that generally. Could you be more specific about what you're...  

Q. Sure. Do you as dean in your faculty want the PhD students to be teaching courses that focus on the study of religion?  

A. Yes.  

Q. So where would those courses typically arise -- or pardon me, "arise" is not the right word, reside?  

A. Primarily in the Divinity School. Many of our faculty have appointments in other departments within the humanities and social sciences division and quite often those faculty members are teaching courses in other departments such as anthropology or history, and some of our students may TA with those courses as well. They're primarily -- they're teaching within the divinity school. Fewer teaching with humanities and social sciences but many of them are also teaching in the writing program.  

Q. What's the last thing you said? In the writing program?
the beginning of the quarter so there's often a little intentional outreach to that student to get them on board so that they know what the faculty member is looking for, what they've been appointed, but we also have a craft of teaching program that is our own departmental pedagogical program that students can begin to engage with and attend sessions with from year one in the years before they're actually beginning to do their TA or lectureship as part of their teaching assignment.

Q. We'll come back to craft of teaching.

A. Well, for their benefit and just to ensure that the course is run in an effective way as well.

Q. Is the intention of teaching TAs how to grade papers primarily for the benefit of the PhD student?

A. Yes. They're being taught to do that for their benefit.

Q. Does that credential help them get a job?

A. Yes, eventually. A combination of both TA and lectureships are really important on the student CV. So that teaching experience is definitely important as they prepare their own portfolios.

Q. I'm going to hand you a document that we'll mark for identification purposes as Employer Exhibit 47.

(Employer No. 47 was marked.)

Would you please take a moment to read this document.

(Witness peruses document.)

Are you familiar with this document?

A. Yes, I am.

Q. What is this document?

A. This is the guidelines for Divinity School faculty who are supervising teaching assistants.

Q. Is this a true and correct copy of this document?

A. Yes.

Q. Is it maintained in the ordinary course of business by the university?

A. Yes, it is.

MR. PEARLMAN: I would move to admit Employer Exhibit 47 into evidence.

MS. AUERBACH: No objection.

THE HEARING OFFICER: Employer Exhibit 47 is received.

BY MR. PEARLMAN:

Q. Dean Owens, can you please turn to Page 2, No. 4, under bullet two. Could you summarize in just a quick sentence what this discusses?

A. It discusses the fact that only faculty members can only assign grades in the course and teaching assistants may assess the work of students in the course, but the faculty member should provide a rubric for that assessment and discuss the graduate student's assessment -- or the TA's assessment of the student, but it stresses that the faculty instructor is the one who makes the final decision about course grades.

Q. Is that consistent with the way that things are done in your school in the Divinity School of which you're the dean?

A. Yes. I'm the dean of students.

Q. I apologize. You're the dean of students.

So tell us just so the record is perfectly clear who is responsible for issuing the ultimate grade to students?

A. The instructor of record for the courses, the faculty member.

Q. How do teaching assistants learn how to lead small group discussions?

A. Most of them have been in small group discussion so they understand the dynamic and the purpose of a discussion section. They will have engaged in conversation with the instructor of record for whom they're the teaching assistant, to understand the goals and objectives of the course, what the faculty member may wish to focus on in discussion of certain texts and materials so that they can plan how best to use the time in the discussion section.

Q. For whose benefit are PhD students in the Divinity School taught how to lead small group discussions?

A. The students are benefitting so that they can learn how to properly engage as teachers.

Q. Are faculty encouraged to mentor PhD students in the Divinity School?

A. Yes, absolutely.

Q. How so?

A. Everything from course selection to
Q. Do you do anything with that spreadsheet?
A. That spreadsheet is on a quarterly basis uploaded into a university-wide system where reports are then made available to us. There's been a bit of a lag with that system this year because we just implemented a new system.

Q. Let's talk for a moment, shifting gears, about matching a student to a TA position, Dean Owens.

Are you familiar with the process by which students are matched to TA opportunities?
A. Yes.

Q. Could you please tell us what is the matching process.
A. When a faculty member requests having a teaching assistant, they will notify the dean who then gives me permission to send out an announcement to students that there's a teaching opportunity. We have a standard practice of asking the student do submit a cover letter in its current CV which I then forward to the faculty member who wishes to appoint the TA, and the faculty member is then responsible for selecting the TA, or in some cases, multiple TAs for the course.

Q. Why does that practice of asking the TA

A. It's important professional development training. I think it's important for students to learn to write effective cover letters and to just be in practice to always have an up-to-date CV ready. There have been situations where students have sent me a cover letter as an e-mail, and I will reject it and tell them that I want a formal letter. So that's our formal practice, to submit a cover letter and a current CV.

Q. Just to be clear, I think I heard you have say that this is for -- it's a professional training exercise. What do you mean by that? Do you mean that it's experience for them later getting a job?
A. Absolutely. They will write many cover letters over the course of their careers. They will always have to keep an academic CV and it just encourages them to always have a CV ready for seeking a teaching appointment or even for applying for fellowships. So this is just good professional etiquette to know how to write a good cover letter when you're seeking to be matched or considered for a particular opportunity.

Q. So let's talk in practical terms. Let's
Q. Is consideration given to their expertise?
A. Yes, it is.

Q. How many TAs are there in that course?
A. Usually five.

Q. How are those TAs appointed to that course?
A. That course -- it may help if I give a bit of background about the course. It's a required course for all entering master students in the Divinity School. The goal of the course is to expose them to all the disciplinary lenses through which religion is studied within the Divinity School. So we choose five TAs in order to allow for representation across our 11 areas of study. And so as those cover letters and CVs are being evaluated for people who wish to be considered. There's great attention paid to ensure there's a diversity across the 11 areas of study.

Q. Is consideration given when selecting or appointing a TA to a position is consideration given to the amount of GAI points?
A. Yes. And students -- in fact, the craft of teaching in academic study of religion which the Divinity School offers courses through the CCT?

Q. What happened with the lecturer's teaching point?
A. That person still received their teaching points.

Q. What happened with the lecturer's financial package get affected or reduced?
A. No.

Q. Did the lecturer get taken out of that position?
A. No.

Q. Did the lecturer get disciplined?
A. No.

Q. Did the lecturer's financial package get affected or reduced?
A. No.

Q. What happened with the lecturer's teaching point?
A. That person still received their teaching points.

Q. Can a PhD student lose their stipend based on performance of a TA?
A. No.

Q. Why not?
A. Because it's a part of their academic experience. It's not a performance-based experience -- or an evaluative experience from that standpoint.

Q. Does the Divinity School provide an orientation or other introductory training to its students before they TA?
A. Yes.

Q. What programs are out there?
A. There is an orientation session I conduct that begins to lay out the milestones for the program and try to help them think through how they might begin to think through when they might meet each of those milestones. And most importantly, the Divinity School as the craft of teaching in academic study of religion which first-year PhD students through more advanced students can take advantage of.

Q. What about the CCT or PhD students in divinity-offered courses through the CCT?
A. Yes. And students -- in fact, the craft of teaching program was created as a means to satisfy the need for a departmental or divisional pedagogical course that would meet the requirement...
by the witness:
A. The CCT is a pedagogical institute at the University of Chicago. It stands for the Chicago Center for Teaching. The goal is to prepare PhD students across all the units and divisions. Everything from coaching around, teaching style, public speaking, developing CVs, teaching philosophy statements, providing different opportunities for students to do an exercise called microteaching where you present a lecturer or present a pedagogical experience and people are able to kind of critique and give you some feedback on your teaching style. So it's the university's pedagogical training program.

The Divinity School has the craft of teaching. If you earn the Divinity School's craft of teaching certificate, it counts as your departmental pedagogical certificate and then you can earn the teaching certificate through the Chicago Center for Teaching.

There's a series called the arts of teaching which is more practically oriented. Everything from delivering a lecture in a large course, how to teach an introduction to the study of religion course or in charge of religious studies, public speaking workshops, preparing a syllabus. There's a syllabus development workshop where the students actually work together with the faculty member to get feedback on syllabi that they've created. And then there are other sessions that are developed where faculty from the Divinity School are invited to share as well.

Q. So let's turn back to Employer Exhibit 48 for a moment. If you could, please, Dean Owens, turn to the second page. I want to make sure that you inform us of what all of the prerequisites are to gain a craft of teaching certificate. I don't want you to repeat the answer that you just previously gave, but I'd like you to give a full answer in terms of what the requirements are.

A. Okay. These are the requirements if the student wants to earn the certificate. PhD students may attend any of the workshops, but if you want to earn the certificate, you must...
participate in the Chicago Center for Teaching
Teaching at Chicago conference, participation in
three dean's quarterly craft of teaching seminars,
participation in three arts of teaching workshops,
participation at least five additional workshops, a
submission of a philosophy of teaching statement.

Q. Have you told us what the art of
teaching workshops are?
A. Yes, I believe I have. Those focus on
particular theory and practice of teaching. We
talked about syllabus workshops, assignment design,
microteaching workshop, which is very popular where
students are actually observed by faculty and other
students when they present a lecture or conduct a
core session, and public speaking is a relatively
new addition to that theory. It has been someone
from the student counseling service coming over to
talk about young adult development and handling
mental health issues in the classroom. So those
are the kinds of things that would be an art of
teaching.

Q. You know, something that I wanted to do
a little bit earlier and perhaps I was remiss in
not doing it earlier so let me just do it now.
Which is I want to turn back to the discussion of
GAI points for just a brief moment.
If you could just turn your
attention to the demonstrative exhibit that is to
your left. Do you see that there's a table that
has a first column that has divinity in it?
A. Yes.
Q. It says effectively that there's a
teaching requirement of five GAI teaching points;
is that correct?
A. Yes.
Q. And it says, Is teaching an academic
requirement? And the answer is yes given there.
Is that accurate?
A. Yes.
Q. It says, Recommended years to fulfill
teaching requirement. What does it say there?
A. Years three to five.
Q. Is that accurate?
A. Yes.
Q. Thank you.
THE HEARING OFFICER: Again, for the
record, we are looking at the demonstrative which
is a representation of the first page of Employer
Exhibit 15.

A. Well, a TA is going to be present in all
the course lectures, the instructor of record is
now always in the discussion section, but it's been
my experience that Divinity School faculty will
often stop by to observe the discussion sections
and students in the course will always submit a
course evaluation for the TA in the course where
there's a TA.

Q. How is the workload of faculty affected
by a TA in a course?
A. In many ways. It actually increases the
workload because there's more intentional
preparation involved to meet with the student, be
able for the students who are TA-ing to address
particular issues and to step through them. I know
faculty members who are very focused and very
disciplined in how they meet with their students
and how they work through, even reflecting on
course assessment with the students and talking
about why they approached a particular grade or
assessment or marked on a paper in a certain way.

Q. How is a student TA evaluated throughout
the term?
A. Generally just with the course
evaluation from the student faculty members or

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

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

Q. Are any records kept regarding the graduate student's performance?
A. Only those course evaluations.

Q. Where are those records kept?
A. Largely because the student eventually wants access to them themselves.

Q. When students TA a course, are they working for the Divinity School?
A. They are --

MS. AUERBACH: Objection.

THE HEARING OFFICER: That's sort of a very broad and very specific question. Could you rephrase, Mr. Pearlman.

BY MR. PEARLMAN:
Q. Is the Divinity School serving the TA or is it vice versa?
A. Well, the student is TA-ing in order to meet academic requirements for their degree.

Q. Do PhD students receive a benefit for being TAs?
A. They receive the experience that they gain in doing that work. I mean, the school doesn't exist just to hire students as TAs. That's not what's happening.

Q. Does the experience benefit the student's intellectual growth, the student being the graduate student?
A. Yes.

Q. Does it assist them in building a theoretical foundation for their own PhD dissertation research?
A. Yes.

Q. How long does the average PhD student at the Divinity School take to graduate?
A. On average a little over seven years, between seven to eight years.

Q. How long do they receive health insurance coverage?
A. The students who entered in the fall of 2016 can take up to nine years to be registered. Prior to that students are eligible to be enrolled for 12 years, but that's just a limit on their registration. As students, we do have an option for students to ultimately complete the dissertation and receive the degree. That's just a limit on their registration as active students.

Q. Is there an expected length of the PhD program?
A. Our faculty really find it difficult to name a number because they don't think that there's such a thing as a copycat or a cookie-cutter-type of degree, but my experience has been that many of our students are able to complete the degree within the five to seven, sometimes eight years.

Q. Do graduate students receive any funding if they exceed that length?
A. Yes. Students are receiving tuition assistance the entire time that they're registered as students.

Q. How long do they receive health insurance coverage?
A. Three years. Seven, assuming they've been admitted to candidacy.

Q. Where does the funding come from?
A. From the Divinity School.

Q. Were any obligations attached to the funding?
A. No.

Q. Does the graduate student apply for the funding?
A. With student healthcare we simply ask if they plan to take the healthcare insurance. Some of them may have spouses under whose coverage they choose to remain, so we simply ask if they want the coverage, but there's nothing they have to do other than reach the milestone of being admitted to candidacy.

Q. Are there lab research requirements for PhD students in the Divinity School?
A. No.

Q. Will those students ever conduct research?
A. Students conduct research but that's a part of their preparation for doing the dissertation. They're not organized in the same sense that science students organize in labs.
Q. Let me shift gears for a moment. I may have asked you this already. I apologize. Have you told us whether or not master students are required to teach? Is there an academic requirement for them to teach?
A. No, there's no requirement for master students to teach.
Q. Do they teach?
A. No.
Q. Can a master student earn a craft of teaching certificate?
A. No.
Q. Do master students take the Chicago Center for Teaching course?
A. I'm not aware. As far as I know -- I'm not sure if they can attend sessions. I know they cannot earn the certificate.
Q. What are workshop coordinators?
A. Workshop coordinators are part of what we call the council on advanced studies. Workshops are a series of topically organized discussion groups that are organized throughout particular topics, but they're subscribed to by students across the humanities, social sciences and divinity. So they're interdisciplinary and their approach workshop coordinators sort of curate the schedule of discussion and presenters throughout the academic year and they're usually two faculty sponsors who work with the students.
Q. What's the council for advance studies?
A. Council of advanced studies is a committee of faculty members from humanity, social sciences and divinity who oversee and sort of approve the selection of the topics that have been chosen for the workshops. So a student or faculty member might have a proposal for a particular workshop but a topic council of advanced studies will sort of curate that whole process.
Q. Does the workshop coordinator assist with counseling?
A. In the sense that they are leading the workshop activity, yes.
Q. You testified that there's academic requirements in the Divinity School. Does being a workshop coordinator count toward fulfilling those requirements?
A. No.
Q. Does the workshop coordinator get a stipend?
A. Yes. To my knowledge they do.
A. I do know from discussions with the faculty, and I also sit in on the Divinity School's teaching task force which includes myself, the dean and two to three faculty members. So I was a part of the group that developed those guidelines for faculty, but I'm not an active instructor with the Divinity School. So, no, I don't have direct experience with actually doing that myself.

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

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

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

A. No.

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

A. There are more opportunities for certain students within certain areas within the Divinity School to teach than there are within others. So within the Divinity School -- when students exceed, they're usually teaching outside the Divinity School. So within the Divinity School there are limited opportunities. So that's where we try to keep a closer eye to ensure that everyone has equal opportunity. But when they're exceeding, they're teaching in the writing program. They're getting extra points as a lecturer in the humanities or something like that.

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

A. Yes. Yes.

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

A. Yes.

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

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

You can answer the question. Do they receive some type of money above and beyond their stipend when they teach beyond a requirement?

BY THE WITNESS:

A. Yes.

BY MS. AUERBACH:

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

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

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

A. Yes, they can.

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

A. Yes, they can.

Q. And they can also fulfill teaching points by serving as writing interns or lectors in the writing program even though those don't involve the study of religion, correct?
A. Well, the TAs are not giving the final
grade. The faculty members are responsible for the
grade so...
Q. Do you know how much feedback all the
faculty members give on the grading done by TAs?
A. I have no personal knowledge of the
extent to which they do that, but they are the
instructor of record.
Q. If you would look at Employer
Exhibit 47.
A. Okay.
Q. That says that teaching appointments --
in paragraph two, teaching appointments are meant
both to develop the pedagogical skills or Chicago
graduate students and to assist faculty in course
instruction and administration. Is that accurate?
A. That's what's stated there.
Q. And Page 2 of that same document,
Employer Exhibit 47, under the bullet task and
responsibilities of teaching assistant include
these -- all of these things, 1 through 6, are
things that may be expected of teaching assistants
at the Divinity School?
A. Yes.
Q. Isn't it true that there have been cases
where TAs have lectured in the absence of a faculty
member in classes in Divinity School such as when a
faculty member has been away at a conference?
A. Yes.
Q. You don't have any personal knowledge of
faculty members -- how often or whether faculty
members sit in on discussion sections led by
graduate students, do you?
A. No, I don't.
Q. You don't have any personal knowledge of
whether the faculty members have taught the
graduate students how to hold office hours; is that
correct?
A. I do know of examples of how faculty
members approach those tasks, but I have not
witnessed that or sat in on them.
Q. The PhD students in the Divinity School
are required to complete the five teaching points
as a condition of receiving their stipend, correct?
A. No. They receive the stipend whether or
not they meet the five points.
(Petitioner No. 27 was marked.)
Q. I've handed you a document that's marked
for identification as Petitioner Exhibit 27.
A. Um-hum.
Q. This is a page from the Divinity School
website under financial aid for doctoral students,
correct?
A. Yes.
Q. And under the caption "Am I required to
render service to the university as part of the
fellowship program," the five point teaching
requirement is then discussed, correct?
A. Yes.
MS. AUERBACH: I move the admission of
Petitioner Exhibit 27.
MR. PEARLMAN: Was this already entered
into evidence?
MS. AUERBACH: No.
THE WITNESS: I would say in no way does
this state that the receipt of the stipend --
MS. AUERBACH: There's no question. It
wasn't previously entered.
MR. PEARLMAN: In the interest of time,
I could either ask her to say what she's saying now
on redirect or she could just say it now.
THE HEARING OFFICER: Well, let's wait
until a question is asked.
MR. PEARLMAN: No objection.
THE HEARING OFFICER: Petitioner
Exhibit 27 is received.
(Exhibit No. 28 was marked.)
BY MS. AUERBACH:
Q. I've handed you a document that I've
marked as Petitioner Exhibit 28. Are these
accurate copies of admission letters that were sent
out by you?
A. Yes.
MS. AUERBACH: I move to introduce
Petitioner Exhibit 28.
MR. PEARLMAN: You know, I'm concerned,
Counsel. Don't these have student names on them?
MS. AUERBACH: Yes.
MR. PEARLMAN: So are you comfortable
with that? You're not agreeing to a FERPA waiver.
MS. AUERBACH: This person has provided
his consent to introduce these particular letters.
Mr. PEARLMAN: Okay. No objection.
THE HEARING OFFICER: Petitioner
Exhibit 28 is received.
BY MS. AUERBACH:
Q. You talked about an orientation that you
give where you lay out milestones. That does not
involve pedagogical training, correct?
A. The milestones in the orientation
session?
Q. Correct.
A. We do discuss the need to meet that. We actually have a particular presentation about the craft of teaching at that orientation session. So the students are aware that that is available to them, and we do talk about what happens when you're appointed as a TA.
Q. But you don't actually do pedagogical training?
A. No, not at the orientation, no. They do get an introduction to the craft of teaching program.
Q. By introduction you mean somebody explains what it is?
A. The coordinator of the program comes in and gives them almost an hour-long presentation, yes.
Q. It's a presentation about what the craft of the teaching program is?
A. Actually, yes.
Q. And taking classes at the CCT is not required of any of the PhD students?
A. No.
Q. Is that correct?
A. Yes, that's correct.
Q. You don't have any personal knowledge of the nature of the evaluations done of teaching assistants by either the faculty or the students?
MR. PEARLMAN: I apologize. I object to that. It's vague. I really truly don't understand the question.
BY MS. AUERBACH:
Q. Do you have personal knowledge of the type of evaluations done by the faculty members of the graduate students?
A. No. By the faculty members? I do have personal knowledge of the student evaluations that are done for TAs. I see all of those.
Q. The student evaluations you see?
A. Right.
Q. But you do not see the faculty evaluations?
A. I see many letters of recommendation that are entered into faculty -- into student files by faculty. I'm often asked to weigh in on letters of recommendations that faculty are writing for students.
Q. But you don't know whether there are written evaluations for all the courses the student TA'd or not?
A. No. There are no formal evaluations written by faculty for courses that are deposited into the student file. The only thing that's deposited into the student file are the students' evaluations of the TA.
Q. You don't have any personal knowledge of how the workload of faculty members is affected by use of TAs in their classes, do you?
A. No. I will say that because we have very few large classes that the decision to have a TA in the Divinity School is probably 80 to 90 percent of the time not based on the size of the course.
Q. You talked about it taking an average of seven to eight years to get to a PhD degree on average. You said that the students receive tuition assistance the entire time they're registered as students. However, they don't receive the stipend past five years?
A. That's correct.
Q. So after the five years they receive what's called tuition remission which means they don't pay tuition?
A. They do pay some tuition. The university has frozen the amount of money that the students in years five and beyond pay for the past ten years. So they're responsible -- after the fifth year of the fellowship they're responsible for $784 per quarter and that's out of an actual -- I think this year what we call advance residence tuition is about $18,900. So the university is paying about 90 percent of that tuition, and that is in place until they graduate or until the end of their 12 years.
BY MS. AUERBACH:
Q. The university is forgiving that amount of the tuition?
A. Yes.
Q. Isn't it true that in the spring of 2016 a master's student TA'd in the introduction to iconography course?
A. I am not aware of that.
Q. Does that mean it didn't happen or you don't know?
MR. PEARLMAN: Objection. Argumentative.
THE HEARING OFFICER: Just for clarification purposes --
BY THE WITNESS:
A. I don't know.

BY MS. AUERBACH:
Q. Do you know how much the stipend is that is given to workshop coordinators?
A. I don't know.
Q. The students who work as research assistants with faculty members in the Divinity School are paid on an hourly basis for that, correct?
A. That's correct.
Q. Do you know how much that pays?
A. I'm not exactly sure of that amount.

MS. AUERBACH: That's all I have.

A. I don't know.
Q. Are there courses under the umbrella of the Divinity School that are offered to undergraduates?
A. There are no undergraduate students in the Divinity School. Those would be courses in which undergraduates are simply permitted to enroll.
Q. Is that typical that undergraduates enroll in these courses to your knowledge?
A. I don't know what you mean by typical.

Other than the two large introductions to Hebrew Bible and introduction to the New Testament, in particular, is the one course that sticks out in my mind because we usually have about 20 or so college students. That's the one course where we have a large volume. Other than that it's a very low number, one or two, yeah, and many of those students would be students who are in the college religious studies majors themselves and that's maybe 10 or 12. 12 would be a high number in a given year to have.
Q. I apologize if you said this, but in programs and workshops that are made available to TAs via the craft of teaching program as well as the programs offered through the CCT, and you also testified about your knowledge of what the faculty do to prepare the TAs working under their supervision, but does the school of divinity require PhD students to -- and this the -- require them to do any formal training before they are permitted to TA?
A. No.
Q. I know you had said that the Divinity School does not have any undergraduate majors; is that accurate?
A. There are no undergraduate students in the Divinity School.
Q. Are there courses under the umbrella of the Divinity School that are offered to undergraduates?
A. There are courses in which undergraduates may enroll.
Q. Do you know approximately how many courses there were of that nature in the spring 2017 quarter?
A. In the spring 2017 I'm not aware of any.
The largest one is usually a course called introduction to the New Testament which often has enough undergraduates that there's a separate discussion section and the college actually appoints one of those TAs for that course, but any undergraduate student may approach a divinity school faculty member and request permission to enroll in a course. But there are no undergraduate only courses that are taught by the Divinity School. Those would be courses in which undergraduates are simply permitted to enroll.
Q. You were asked a question, Dean Owens, about generally mentoring and training of PhD students and what your personal knowledge is.
Q. Do you have any reason to doubt what they're telling you?

A. (Nodding head).

Q. In this regard?

A. Yeah.

Q. How frequently, to your knowledge, does it occur that PhD students in the Divinity School teach courses that are unrelated to religious studies?

A. To my knowledge, it doesn't happen very often. As I said before, they are teaching in the humanities core and in other core curriculum within the college which are more general. It's a core curriculum, so those courses are generally not having anything to do with religion. And as I stated before, they how often teach in the writing program. Those courses do not have anything to do with religion.

Q. Are PhD students in the Divinity School encouraged to focus their teaching opportunities on religious study?

A. Yes. They're encouraged to do that and to find opportunities that are more aligned with their own interest and research. The reality is that because there are fewer teaching opportunities available, many students do wind up doing teaching in writing program. And the humanities core would be one of the few lecture opportunities available to our students because we don't have a lot of lecture opportunities within the Divinity School.

Q. Do you personally know whether or not the divinity PhD students have an interest in TA'ing taking courses that involve religious study?

A. Yes, they do. I've been told by many
that they do. I do know that faculty would prefer
that they're prodigy with their teaching. Students
have told me that sometimes they would prefer to
find courses that are more aligned with their own
interest but they need to meet the requirement and
so they teach a writing program. The writing
program has its own benefits in terms of the kind
of pedagogical experience they get with teaching
about writing and helping other students to improve
their own critical teaching skills. It has its own
training course to do. Teaching in the writing
program you go through a specific training. So
it's a valuable experience. It's just not tied to
their specific research.

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

MS. AUERBACH: Object.

MR. PEARLMAN: Please.

BY MR. PEARLMAN:

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

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

THE HEARING OFFICER: I believe it was.

MR. PEARLMAN: Well, if we can stipulate

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

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

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

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

BY MR. PEARLMAN:

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

A. Yes.

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

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

Q. How frequently?

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

Q. To your knowledge that's very rare?

A. Um-hum.

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

A. I'm sorry. Yes.

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

MS. AUERBACH: Objection. Lack of
knowledge.

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

BY THE WITNESS:

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

BY MR. PEARLMAN:

Q. Although you said it's very rare?

A. It's rare for a faculty member to be out
of town and for a student to have to fill in. I
would say that's rare, yes.

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

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

A. No.

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

THE HEARING OFFICER: Off the record.

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

THE HEARING OFFICER: On the record.

MR. PEARLMAN: We'll tender the witness.

RECROSS-EXAMINATION

BY MS. AUERBACH:

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

A. Correct.

Q. And you don't -- you can't place a
number on how many times in the last two years the TA has lectured in the absence of a professor?

A. No.

MS. AUERBACH: That's all I have.

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

MR. PEARLMAN: No further questions.

THE HEARING OFFICER: You are excused.

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

Off the record.

(Thereupon, at 5:55 p.m. the hearing was continued, to resume at 9:00 a.m., Thursday, May 25, 2017.)

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

YVETTE BIJARRO-RODRIGUEZ, CSR
LICENSE No. 084-003734
familiar 361:13
false 862:4
fails 890:21
fairly 961:7
finishes 899:6
finding 813:22
filing 966:8
final 866:4,13
financial 932:10
finalized 937:7
firmer 944:6
firms 897:2
fifth 988:16
field 885:6
fields 885:6
fieldwork 990:24
file 820:19
filings 882:16
finally 897:2
filing 966:8
final 866:4,13
financial 932:10
finalized 937:7
firmer 944:6
firms 897:2
fifth 988:16
field 885:6
fields 885:6
fieldwork 990:24
file 820:19
filings 882:16
finally 897:2
filing 966:8
final 866:4,13
financial 932:10
finalized 937:7
universities 979:13
university 806:3
university's 806:3
university-wide 806:3
units 1002:5,22
university 806:3
university's 806:3
university-wide 806:3
units 1002:5,22
university 806:3
university's 806:3
university-wide 806:3
units 1002:5,22