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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CAMBRIDGE UNIVERSITY)
PRESS, et al.,)
)
 Plaintiffs,)
)
 vs.) Civil Action File
) No. 1:08-CV-1425-ODE
MARK P. BECKER, in his)
official capacity as)
Georgia State University)
President, et al.,)
)
 Defendants.)

- - -

Videotaped deposition of PAULA CHRISTOPHER,
taken on behalf of the plaintiffs, pursuant to the
stipulations contained herein, before Teresa Bishop,
RPR, RMR, CCR No. B-307, at 44 Courtland Street, 2nd
floor, Room 278, Atlanta, Georgia, on Wednesday, June 10,
2009, commencing at the hour of 8:32 a.m.

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1 I N D E X

2 Examinations Page

3

4 EXAMINATION BY MS. SINGER 6

5

6 E X H I B I T S

7

8 No. Description Page

9

10 38 new Board Of Regents copyright policy 123

11 121 fair use checklist 125

12 270 e-mail chain dated July 2008 between 55

13 Christopher and Harris, subject Re: Vista

14 question with attachments

15 271 e-mail from Karen Oates to IST directors 59

16 dated September 10th, 2007

17 272 e-mail from WebCT to Perry Binder dated 70

18 June 27th, 2005, subject Re: WebCT guest

19 account

20 273 ULearn Version 8 FAQs 90

21 274 log-in page 102

22 275 e-mail chain dated August 2008 between 115

23 Elsayy and Maharaj, subject Re: Faculty

24 computing flyer for new faculty orientation

25 276 audit report from the ULearn system 132

1	277	report titled GSU-600315781-audit.csv	142
2	278	organizer page from a ULearn course	142
3	279	home page organizer page from a ULearn course	142
4	280	e-mail chain dated May 5 and 6, 2005	153
5		between Christopher and Salloom, subject Re:	
6		Videos for Daniels, Raudebaugh & Sullivan	
7	281	e-mail from Christopher to Sorteberg dated	156
8		February 1st, 2008, subject Re: Question	
9		about U-Learning	
10	282	e-mail chain dated July 2008 between	166
11		Christopher, Gallagher and others, subject	
12		Re: ULearn template request from Elizabeth	
13		Steed	
14	283	e-mail chain dated August 19, 2008 between	169
15		Christopher and Brown, subject Re: Transfer	
16		of ULearn courses	
17	284	e-mail chain dated October 14, 2008 between	170
18		Russell and Christopher and others,	
19		subject Re: Online courses	
20	285	e-mail dated August 16, 2005 from	172
21		Christopher to Dimsdale, subject ERes	
22		and WebCT Vista	
23	286	e-mail dated September 5, 2008 from	173
24		Christopher to Lewis, subject Re: ULearn	
25		and WebCT boxes	

1 287 e-mail dated April 12, 2005 from Salloom to 174

2 Christopher and others, subject Re:

3 results of copyright meeting

4 288 e-mail from you to a variety of individuals 180

5 dated April 16th, 2008. And the subject

6 is FYI publishers sue GSU for copyright

7 infringement

8 289 e-mail dated April 18, 2008 from 183

9 Christopher to Oates, Re: FYI: Publishers

10 sue GSU for copyright infringement

11

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15 (Disclosure was made pursuant to O.C.G.A. Annotated 9-11-28

16 (c) and (d) and 15-14-37 (a), (b) and (c).)

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BRADFORD ROGERS, VIDEOGRAPHER

- - -

1 THE VIDEOGRAPHER: This will be the
2 videotaped deposition of Paula Christopher
3 taken by the plaintiffs in the matter of
4 Cambridge Press et. al, v Mark P. Becker in
5 his official capacity as Georgia State
6 president et. al.

7 The date is June 10th, 2009. We're on the
8 record at 8:32.

9 PAULA CHRISTOPHER,
10 having been first duly sworn, was examined and testified as
11 follows:

12 EXAMINATION

13 BY MS. SINGER:

14 Q. Good morning, Ms. Christopher. Could you
15 please state your name and address for the record.

16 A. Paula Christopher. 672 Stratford Drive,
17 Douglasville, Georgia.

18 Q. Have you ever been deposed before?

19 A. No.

20 Q. I'm sure your counsel probably went over the
21 ground rules with you for this. But all of your answers
22 need to be verbal because the court reporter can't take
23 down nods. And if for any reason you don't understand
24 my question, please let me know and I'll rephrase.

25 If you need to take a break, I would just ask

1 that you don't do it while the question pending, but
2 otherwise just let us know and we can always take a
3 break. Okay?

4 A. Yes.

5 Q. So what did you do to prepare for this
6 deposition if anything?

7 A. I talked with counsel.

8 Q. When was that?

9 A. Two days ago, or Monday.

10 Q. Monday. Approximately how long did you talk
11 to counsel?

12 A. Hour and a half.

13 Q. And who was at that meeting?

14 A. Myself and John.

15 Q. Did you take a look at any documents during
16 that meeting?

17 A. Yes.

18 Q. In connection with this litigation did anybody
19 ask you to check your e-mails or go through your files
20 to produce documents?

21 A. Yes.

22 Q. When was that?

23 A. Several times.

24 Q. What was the most recent time?

25 A. The end of May.

1 Q. And did you in fact go through your files and
2 produce documents at counsel's request?

3 A. Yes.

4 Q. What e-mail system do you have?

5 A. Group Wise.

6 Q. Does Group Wise have a way of archiving
7 e-mails?

8 A. Yes.

9 Q. How far back does your e-mail archive go?

10 A. 1999.

11 Q. Is there any sort of automatic purge or
12 anything that automatically deletes e-mails after a
13 certain amount of time?

14 A. Yes.

15 Q. And how often are e-mails deleted
16 automatically?

17 A. I don't know.

18 Q. What is your usual practice in terms of
19 e-mail? Do you generally tend to keep things, do you
20 generally delete things when you're no longer using
21 them? What are your general practices?

22 A. Depends.

23 Q. With respect to e-mails about the ULearn
24 system, what would your general practice be?

25 A. It depends.

1 Q. What would it depend on?

2 A. The content of the e-mail.

3 Q. What kinds of e-mail would you hang on to?

4 A. Problems.

5 Q. What would fall under the rubric of problems?

6 A. Faculty issues, student issues.

7 Q. Could you give me an example of what you mean
8 by a faculty issue?

9 A. I can't get my students uploaded.

10 Q. Would they fall in the nature of technical
11 issues often?

12 A. Some.

13 Q. What other kinds of issues might there be,
14 just a general classification?

15 A. It could be design.

16 Q. Anything else?

17 A. No.

18 Q. What sorts of e-mails would you not archive or
19 hang on to?

20 A. Thanks.

21 Q. Okay. What's your educational background?

22 A. I have a master's of science in instructional
23 technology and I am all but dissertation for Ph.D. in
24 the same field.

25 Q. Well, congratulations.

1 A. Thank you.

2 Q. Which institution is your master's from?

3 A. Georgia State.

4 Q. When did you get your master's?

5 A. 1999.

6 Q. Have you been working on your dissertation
7 since then or did you take some time off? Working on
8 your Ph.D. I'm sorry.

9 A. I dropped the program but --

10 Q. Where is your bachelor's from?

11 A. St. Louis University.

12 Q. When was that?

13 A. 1990.

14 Q. Could you briefly walk me through your
15 employment history.

16 A. Wow. How far back?

17 Q. How far back does it go?

18 A. I was in the U.S. Army, was a chief warrant
19 officer. Retired in 1988. From there I was a paralegal
20 at Alston & Bird law firm. Then I worked for the
21 University System of Georgia as an admin assistant. And
22 from there I went to Georgia State University as project
23 manager.

24 Q. When did you come to Georgia State?

25 A. November 1999.

1 Q. What did being a project manager entail?

2 A. Started as the WebCT administrator. It
3 entailed managing the server, making sure the courses
4 were created, or the shells of them. And adding users.

5 Q. What is your current position?

6 A. Project manager.

7 Q. Have your responsibilities changed at all?

8 A. Yes.

9 Q. How have they changed?

10 A. I have more software for which I'm responsible
11 and we now do -- help the faculty actually design some
12 of their courses if requested.

13 Q. What software are you responsible for today?

14 A. ULearn, which is also known as the Blackboard,
15 Vista Enterprise Edition, V Class which is the
16 Elluminate Live, Wimba Voice Tools, Respondus. I think
17 that's it.

18 Q. Just briefly what is the purpose of V Class,
19 what is that used for?

20 A. It's Elluminate Live, it's voice over IP
21 virtual classroom.

22 Q. Who uses that generally?

23 A. Any instructor who would like to use it for
24 their classes.

25 Q. Is that used for distance learning or is that

1 actually used on campus?

2 A. It could be both.

3 Q. Was it Wimba --

4 A. Wimba Voice Tools.

5 Q. W-I-M-B-A?

6 A. Correct.

7 Q. What is Wimba voice tools used for?

8 A. Also for supplementing classes.

9 Q. Is that also some kind of voice over software?

10 A. Correct.

11 Q. And how about was it Respondus?

12 A. R-E-S-P-O-N-D-U-S.

13 Q. What is Respondus used for?

14 A. To quickly upload quizzes.

15 Q. Does Respondus upload quizzes to ULearn or to
16 some other kind of software?

17 A. ULearn.

18 Q. How about Wimba Voice Tools or V Class, are
19 those used in connection with ULearn or are those used
20 separately?

21 A. Wimba is used with ULearn. V Class is not.

22 Q. So does ULearn have some kind of audio
23 component to it?

24 A. No.

25 Q. How would a professor use Wimba Voice Tools in

1 connection with ULearn?

2 A. Could be used for a voice bulletin board,
3 could be used for -- I'm trying to think of all the
4 different tools that are in the suite. Bulletin board,
5 presentations, short broadcasts.

6 Q. As the project manager at Georgia State, who
7 do you report to?

8 A. Mike Russell.

9 Q. What is Mike Russell's title?

10 A. He's the director of University Academic
11 Technology Services.

12 Q. And who does Mike Russell report to?

13 A. J. L. Albert.

14 Q. Does anybody report to you?

15 A. Yes.

16 Q. Who?

17 A. Zoe Salloom, Lovely Lewis, Mostafa Elsayy.

18 Q. What is Zoe Salloom's job responsibilities
19 generally?

20 A. She is in charge of training and instructional
21 design.

22 Q. And what about Lovely Lewis?

23 A. She's the ULearn admin.

24 Q. What does that entail?

25 A. Promoting sections to templates, enrolling

1 users into sections, attending weekly phone conferences
2 with the USG. That's about it.

3 Q. And how about Mostafa Elsayy?

4 A. E-L-S-A-W-Y.

5 Q. Okay.

6 A. He is also an instructional designer.

7 Q. What does an instructional designer do?

8 A. We assistant faculty in converting their
9 in-class presentations and materials to an online
10 environment.

11 Q. Other than those three individuals, does
12 anybody else report to you?

13 A. No.

14 Q. Does anybody report to any of those three
15 individuals?

16 A. No.

17 Q. What -- do you have a name for your group or
18 your department?

19 A. E Learning.

20 Q. E Learning. Is the E Learning Group composed
21 of just the four of you?

22 A. Yes.

23 Q. Are you familiar with someone named Karen
24 Oates, O-A-T-E-S?

25 A. Yes.

1 Q. Who is Karen Oates?

2 A. She is a retired Georgia State University
3 employee.

4 Q. When did Karen Oates retire?

5 A. Not sure.

6 Q. Was it within the last year?

7 A. Year and a half maybe. I do not recall
8 exactly.

9 Q. That's fine. What was Ms. Oates's job before
10 she retired?

11 A. She was interim director of University
12 Educational Technology Services.

13 Q. Is that the position currently held by Mike
14 Russell?

15 A. Correct.

16 Q. How does the E Learning Group relate to
17 University Educational Technology Services?

18 A. I don't understand.

19 Q. Are you familiar with University Educational
20 Technology Services, UETS?

21 A. No longer exists.

22 Q. How long ago did it come to not exist?

23 A. About a year ago.

24 Q. Do you know why the group was eliminated?

25 A. Reorganization.

1 Q. Before the group was eliminated, what
2 generally was UETS responsible for?

3 A. The E Learning Group, the software that we
4 have as well as the Digital Media Group.

5 Q. When you say the software that the E Learning
6 Group has, that is what we just talked about, ULearn,
7 V Class, Wimba Voice Tools and Respondus, is that
8 correct?

9 A. Yes.

10 Q. Anything else?

11 A. No.

12 Q. What is the Digital Media Group?

13 A. They are the ones responsible for digital
14 media. They do recordings, video recordings, audio
15 recordings, pod casts, flash animations.

16 Q. Who was in the Digital Media Group?

17 A. Julian Allen, James Polotcus, Cassie Wilcox,
18 Ann Simmons, Roy Ford. I can't recall his name.

19 Q. Does the Digital Media Group still exist?

20 A. Yes.

21 Q. What are their responsibilities? What does
22 the Digital Media Group do?

23 A. As I described it, the same.

24 Q. Do you know who the Digital Media Group
25 reports to?

1 A. Mike Russell.

2 Q. Is there any current analog, was the UETS
3 replaced with anything or was it just eliminated?

4 A. It was merged.

5 Q. What was it merged into?

6 A. With the university computing -- research
7 computing.

8 Q. So the -- I'm sorry, the E Learning Group
9 reports to the university research computing, it's part
10 of that group now?

11 A. No. E Learning reports to Mike Russell who is
12 head of UETS, university educational technology
13 services.

14 Q. How does university research computing fit
15 into that?

16 A. They report to Mike Russell.

17 Q. It's a separate but equal group?

18 A. Yes.

19 Q. More or less.

20 Do you have any responsibilities for the
21 EReserve system?

22 A. No.

23 Q. Do you have any responsibility for faculty web
24 pages?

25 A. No.

1 Q. Do you work with faculty at all on their web
2 pages?

3 A. No.

4 Q. Have you ever worked with faculty on their web
5 pages?

6 A. No.

7 Q. How about departmental web pages, do you have
8 any responsibility for that?

9 A. No.

10 Q. Do you work with faculty or departments at all
11 on departmental web pages?

12 A. No.

13 Q. Do you work with any systems other than those
14 in the E Learning Group that we've discussed?

15 A. No.

16 Q. Do you know who has responsibility for faculty
17 web pages?

18 A. No.

19 Q. Do you know who has responsibility for
20 departmental web pages?

21 A. No.

22 Q. Do you know what server departmental web pages
23 live on?

24 A. No.

25 Q. What about faculty web pages, do you know what

1 server those live on?

2 A. No.

3 Q. What is ULearn?

4 A. ULearn is our generic name for the course
5 management system that we use at Georgia State
6 University, which is the Blackboard, WebCT, Vista
7 Enterprise.

8 Q. And what server does ULearn reside on?

9 A. That is maintained by the University System of
10 Georgia.

11 Q. Has that been the case since you've come to
12 GSU?

13 A. No.

14 Q. When you started at GSU did the ULearn system
15 exist?

16 A. Yes.

17 Q. What server was the ULearn system on when you
18 came to GSU?

19 A. I don't recall the name of it. But we
20 maintained it.

21 Q. When you say we maintained it, you mean GSU
22 maintained it?

23 A. Yes.

24 Q. When did that change?

25 A. When WebCT upgraded to the Vista Enterprise

1 system.

2 Q. When was that?

3 A. I don't recall.

4 Q. Was it within the last five years?

5 A. I'm not sure.

6 Q. Was it within the last three years?

7 A. No.

8 Q. Why was the system upgraded?

9 A. WebCT thought it was better.

10 Q. Did you agree with that decision?

11 A. I don't know.

12 Q. When you say the servers are controlled by the
13 University of Georgia, or maintained, I don't want to
14 rephrase your testimony, where do -- where are the
15 physical servers located?

16 A. Athens, Georgia.

17 Q. Do you have access to those servers?

18 A. No.

19 Q. How do you run ULearn without having access to
20 the servers?

21 A. It's through an interface. I do not control
22 the server directly.

23 Q. And is the interface part of ULearn?

24 A. Yes.

25 Q. What sort of -- is there a technical name for

1 this interface?

2 A. No.

3 Q. It's just part of the ULearn system?

4 A. Yes.

5 Q. What sort of administration rights do you have
6 over the ULearn system?

7 A. To create courses, to create sections, to
8 create users, to add users to sections, to add links on
9 the ULearn log-in page, to upload content, to delete
10 content.

11 Q. Anything else?

12 A. No.

13 Q. Is there anything that you are aware of that
14 you do not have the right to do?

15 A. Oh, there's one more thing. I can run
16 reports. I cannot upload users through the XML upload.
17 And that's it.

18 Q. Who can upload users through the XML upload?

19 A. The USG, the University System of Georgia.

20 Q. Who in particular at USG has those rights?

21 A. I don't know.

22 Q. If you needed to upload a user through the
23 XML, who would you call?

24 A. Harold Powers.

25 Q. Do you know what Harold Powers' position is?

1 A. He is -- he is the trainer for USG and he also
2 assists my department in getting users into ULearn. He
3 does not upload the files that I know of. They are sent
4 to someone else for upload.

5 Q. Do you know who they're sent to?

6 A. No.

7 Q. When you say he assists the department in
8 getting users or uploading users, what does that mean?

9 A. To go into the banner registration system to
10 pull down the registration file, convert it into XML.

11 Q. Is all information entered into ULearn
12 manually or does ULearn pull information from another
13 system?

14 A. One more time, please?

15 Q. For example, when we're talking about users,
16 are they all entered manually into ULearn or does ULearn
17 pull user information from another system?

18 A. ULearn does not pull information from another
19 system.

20 Q. So all users are entered manually into ULearn?

21 A. Yes.

22 Q. Who is responsible for actually entering the
23 users into ULearn?

24 A. Harold Powers pulls the file from the banner
25 system, converts it to XML and forwards that to USG.

1 Q. What's the banner system?

2 A. It's the registration system used here at
3 Georgia State.

4 Q. So just so I'm understanding, so ULearn is
5 pulling the user information directly from the
6 registration system?

7 A. ULearn is not connected to the registration
8 system.

9 Q. Okay. The information that is entered into
10 ULearn is from the registration system?

11 A. Yes.

12 Q. So you aren't manually typing in the name of
13 everybody, all the students?

14 A. No.

15 Q. Are you aware of whether there's a license fee
16 for the ULearn software?

17 A. Yes.

18 Q. Who is that license fee paid by?

19 A. The university, IS&T.

20 Q. When you say the university, do they mean the
21 University System of Georgia or do we mean GSU?

22 A. GSU.

23 Q. Who does GSU pay the license fee to?

24 A. To the USG.

25 Q. Do you know how much that license fee is?

1 A. No.

2 Q. Do you know whether it's more than \$10,000?

3 A. Yes.

4 Q. Do you know whether it's more than \$50,000?

5 A. Yes.

6 Q. Is it more than \$100,000?

7 A. Yes.

8 Q. Is it more than \$250,000?

9 A. Yes.

10 Q. More than 500,000?

11 A. Not sure.

12 Q. That would be why you laughed when I started
13 to hit 10. Okay.

14 Are faculty encouraged to use ULearn?

15 A. Yes.

16 Q. How do you encourage faculty to use the ULearn
17 system?

18 A. Through advertisements, web pages, consulting.

19 Q. What do you mean by consulting?

20 A. Faculty member comes to me with a problem with
21 their class and we advise them on what software may help
22 them.

23 Q. What software do you recommend generally?

24 A. Depends on the situation.

25 Q. Would it be some of the software in the

1 E Learning Group that we've discussed?

2 A. Yes.

3 Q. What do you mean by advertising?

4 A. Group Wise e-mails, web page announcements,
5 flyers.

6 Q. Where would the web page announcements appear,
7 which web pages?

8 A. On the ULearn log-in page or the UETS web
9 page.

10 Q. Do you know approximately what percentage of
11 GSU faculty members use ULearn?

12 A. No.

13 Q. Is it more than half of them?

14 A. I don't know.

15 Q. How many faculty members are there at GSU?

16 A. I don't know.

17 Q. Do you know numerically approximately how many
18 faculty members use the ULearn system?

19 A. No.

20 Q. Who would know that?

21 A. Someone at the University System.

22 Q. If I wanted to find out how many users, how
23 many faculty members at GSU used the ULearn system, how
24 would you go about finding that out?

25 A. I could look at the reports that are put out

1 by the USG.

2 Q. What reports specifically would you look at?

3 A. The semester report.

4 Q. What kind of information is on the semester
5 report?

6 A. Includes the active courses or active
7 sections, rather, number of events occurred in each
8 section and number of users in each section.

9 Q. Anything else?

10 A. I can't recall.

11 Q. How would you define a section?

12 A. A section is the one -- smallest portion, like
13 a class, it's the one with the CRN that the students and
14 the instructor actually meet.

15 Q. CRN stands for --

16 A. Course registration number.

17 Q. How is a section different than a course?

18 A. There is only one course but several sections.

19 Q. Are there different faculty members who teach
20 different sections, or can there be?

21 A. Yes.

22 Q. You said also number of events in each
23 section. What do you mean by events?

24 A. Click on a page, post a discussion, read a
25 discussion posting, take a quiz, events.

1 Q. And then number of users in each section, how
2 are you using the term user?

3 A. A user is a student or a faculty member,
4 instructor, designer.

5 Q. I take it from the name that the semester
6 report comes out each semester?

7 A. Correct.

8 Q. Is that something that's automatically
9 generated and sent to you each semester?

10 A. Yes.

11 Q. How long have you been receiving semester
12 reports?

13 A. I don't know.

14 Q. For the last five years?

15 A. Not sure.

16 Q. For the last three years?

17 A. Yes.

18 Q. When do the semester reports come out to you?
19 When do you receive those?

20 A. It varies.

21 Q. Is it during the semester generally or some
22 time after the semester is over?

23 A. It varies.

24 Q. How much does it vary by?

25 A. Several weeks.

1 Q. Generally towards the end of the semester or
2 after the semester or would you receive it at the
3 beginning of the semester?

4 A. I can usually receive one at the beginning of
5 a semester. Excuse me.

6 Q. It's contagious.

7 A. And one after the semester has ended.

8 Q. Okay. In collecting the documents for this
9 lawsuit, did you collect those semester reports and give
10 them to counsel?

11 A. Yes.

12 Q. In the ordinary course of business, do you
13 review those semester reports?

14 A. Yes.

15 Q. Have you noticed whether the number of faculty
16 members using ULearn has increased or decreased over the
17 last three years?

18 A. Neither. It's maintained.

19 Q. Over the last five years has the number of
20 faculty using ULearn increased or decreased?

21 A. Increased.

22 Q. Approximately how much has it increased by
23 over the last five years?

24 A. I don't know.

25 Q. Are there more than 500 faculty members who

1 use ULearn?

2 A. I don't know.

3 Q. How long are the semester reports, how many
4 pages?

5 A. It's an Excel spread sheet.

6 Q. Is it a big file?

7 A. Yes.

8 Q. What do you do when you review these reports?
9 Do you go through each page? Are there totals on it
10 somehow?

11 A. Totals.

12 Q. Do you look at these totals?

13 A. Yes.

14 Q. Approximately how many sections are there in
15 the most recent ULearn report, ULearn semester report?

16 A. About 2500.

17 Q. Would that mean that there are 2500 separate
18 faculty members using ULearn?

19 A. No.

20 Q. Approximately how many faculty members would
21 that 2500 sections represent?

22 A. I don't know.

23 Q. How many courses do faculty members generally
24 teach each semester at Georgia State?

25 A. I don't know.

1 Q. Would it be more than four?

2 A. I don't know.

3 Q. When you work with faculty members to design
4 their courses, on average how many courses are they
5 designing?

6 A. That one.

7 Q. Just one. So it's possible that 2500 sections
8 would represent 2500 separate faculty members?

9 A. I don't know.

10 Q. So has the 2500 sections remained
11 approximately consistent over the last three years?

12 A. Not sure.

13 Q. How many sections were there when you first
14 began -- strike that.

15 When did you first begin receiving these
16 semester reports?

17 A. About the time the USG took over the server
18 management.

19 Q. And that was we decided three years ago?

20 A. I don't know.

21 Q. Five years ago?

22 A. I don't know.

23 Q. Prior to -- strike that.

24 What other reports do you receive from the USG
25 with regard to ULearn?

1 A. None.

2 Q. Just the semester report?

3 A. That's the only one I can recall at this time.

4 Q. Have you ever asked for any other reports?

5 A. Yes.

6 Q. What other reports have you asked for?

7 A. From the -- wait, there is another one we do
8 get from them. It's from the Presidium help desk that
9 maintains the 24/7 help center for them. They send us a
10 report weekly. And I did recall -- I asked for a yearly
11 report from them a couple months ago.

12 Q. Did you receive that report?

13 A. Yes.

14 Q. What sorts of information is on the Presidium
15 help desk report?

16 A. What the users asked, what their problems
17 were, who asked, their e-mail address. I think that's
18 all.

19 Q. Do you recall how many problems approximately
20 were represented on the yearly report?

21 A. No.

22 Q. Was it more than a thousand?

23 A. I don't know.

24 Q. How long was the yearly report?

25 A. I don't understand. How long?

1 Q. How many pages?

2 A. It was an Excel spread sheet.

3 Q. On the weekly report, do you review those?

4 A. Sometimes.

5 Q. Approximately how many incidents would be on
6 an average weekly report?

7 A. Fewer than 10.

8 Q. Other than the help desk report and the
9 semester report, do you receive any other reports from
10 USG and ULearn?

11 A. I don't recall.

12 Q. Have you ever asked for reports other than the
13 yearly help desk report?

14 A. No.

15 Q. If you wanted other information, who would you
16 ask?

17 A. Depends on what I wanted.

18 Q. If you wanted information about items that
19 were actually in the system, is there a report that you
20 could ask for? If you wanted to know how many quizzes
21 were in the system --

22 A. That would be requested of those who -- DBAs
23 may be able to pull that information. I don't know.

24 Q. DBA is?

25 A. Database administrator. Sorry.

1 Q. Do the database administrators work for GSU or
2 USG?

3 A. USG.

4 Q. Do you work with any particular database
5 administrators?

6 A. No.

7 Q. Who would you talk to if you wanted
8 information from a database administrator?

9 A. Either Doug Hyché or Rann Rudisill.

10 Q. Are Doug and was it Rann?

11 A. Rann, R-A-N-N.

12 Q. Are Doug and Rann database administrators?

13 A. No.

14 Q. Who are Doug and Rann?

15 A. Project managers.

16 Q. What projects do they manage?

17 A. The George U, which is their term for ULearn.

18 Q. If a brand new faculty member decides that he
19 or she wants to use ULearn, how would they go about
20 learning about the system?

21 A. They could look on our web pages, we have
22 information there. Or they could go into the faculty
23 exchange for training.

24 Q. What is the faculty exchange for training?

25 A. It's a lab for faculty members.

1 Q. What do you mean by lab?

2 A. It's a lab with computers with software
3 installed on it where faculty members can go and work on
4 their -- whatever they need, their projects. There's
5 also a sound recording booth there if they need it.

6 Q. So the lab is a physical room somewhere?

7 A. Yes.

8 Q. Where is that?

9 A. Library south room 106.

10 Q. The computers in the lab, is it -- is the
11 software on them some kind of training software or is
12 there a person who would assist them in learning about
13 the system?

14 A. There are trainers and instructional designers
15 on staff.

16 Q. Would those trainers be part of your
17 E Learning Group?

18 A. No.

19 Q. What group are those trainers in?

20 A. Part of the UATS.

21 Q. Is there a particular group within UATS for
22 training?

23 A. No.

24 Q. Would those trainers report directly to Mike
25 Russell?

1 A. Yes.

2 Q. How many trainers are there, do you know?

3 A. One.

4 Q. Who is that?

5 A. Courtney Dubois.

6 Q. Do you work with Courtney?

7 A. Yes.

8 Q. How often do you meet with Courtney?

9 A. I'm in the exchange every Thursday morning.

10 Q. What do you do in the exchange on Thursday
11 mornings?

12 A. I get to help drop-in faculty.

13 Q. As a general matter are there usually faculty
14 there on Thursday mornings?

15 A. Yes.

16 Q. How many faculty members would you have on an
17 average Thursday morning?

18 A. Three to five.

19 Q. What sorts of -- strike that.

20 What kinds of questions do the faculty ask you
21 on Thursday mornings?

22 A. Questions on Second Life I get a lot, there
23 was one last week on how to set up a Word document. And
24 we do get a few for using the different tools in ULearn.

25 Q. Do faculty members generally use Second Life

1 for instructional purposes?

2 A. Usually no.

3 Q. Are there any faculty members who use Second
4 Life for instructional purposes?

5 A. Yes.

6 Q. Do you know generally what they do in Second
7 Life for faculty members who are using it for
8 instructional purposes? Let's be clear there.

9 A. They teach and do research.

10 Q. Do they teach GSU students?

11 A. Yes.

12 Q. How many classes, if you will, are there in
13 Second Life through GSU?

14 A. I'm not sure.

15 Q. Do you know approximately how many faculty
16 members are using Second Life for instructional
17 purposes?

18 A. Approximately yes.

19 Q. Approximately how many?

20 A. About 10.

21 Q. Do you know if they are using any real life
22 books or articles or any of that in Second Life?

23 A. I don't know.

24 Q. Do you know generally the subject matter of
25 the courses that they are teaching in Second Life?

1 A. Yes.

2 Q. What is the subject matter of those courses?

3 A. Educational, instructional technology and
4 computer information science.

5 Q. Who are those instructors?

6 A. Steve Harmon, Brandon Colandra, Charles Wong,
7 Dave McDonald. I don't recall the other ones that are
8 in the college business.

9 Q. I understand -- I think we've seen documents
10 that ULearn is being upgraded to a new version at some
11 point?

12 A. Yes.

13 Q. What was the thinking behind the decision to
14 upgrade ULearn?

15 A. I don't know.

16 Q. What is the new version that ULearn is being
17 upgraded to?

18 A. Version 8.

19 Q. When is that scheduled to happen?

20 A. We will begin teaching in the new version in
21 August of 2009.

22 Q. What are the differences in the Version 8 as
23 opposed to the current version?

24 A. Interface and the underlying software.

25 Q. What is the current version that's in use

1 right now?

2 A. Version 3.

3 Q. So we skipped a couple versions in between?

4 A. One.

5 Q. One. What are the changes to the interface in
6 Version 8?

7 A. Fewer tabs, new locations for the buttons,
8 some additional tools.

9 Q. What do you mean by new locations?

10 A. The buttons are not in the same position in
11 Version 8 as they are in Version 3.

12 Q. What do you mean by new tools?

13 A. New tools have been added like blogs, wickies,
14 roster tool, rubrics.

15 Q. What is a roster tool?

16 A. This allows the user to upload their pictures,
17 put a little bit about themselves in the bio and allows
18 the rest of the class to actually see who the other
19 members are.

20 Q. What is a rubric?

21 A. It's a tool to let a student know what they
22 have to do in order to make an A or a B or a C, to what
23 degree.

24 Q. Is that for a particular assignment or is that
25 general course expectations?

1 A. General course expectations.

2 Q. Would that be something a professor would put
3 into the system?

4 A. They may.

5 Q. If it wasn't the professor, who else would it
6 be?

7 A. No one.

8 Q. So if I understand, your rubrics are not
9 something that's required, it's just a possible tool
10 that a professor could use?

11 A. Yes.

12 Q. What other tools -- there -- strike that.

13 Are there any tools from Version 3 that have
14 been eliminated in Version 8?

15 A. Don't think so.

16 Q. What other tools are there from Version 3 that
17 will be carrying over into Version 8?

18 A. Discussions, quizzes, assignments, grade book
19 pages, organizer pages, media tool, My Notes, My Files,
20 My Progress, announcements. I'm trying to look on the
21 side and see what else is over there. I can't recall
22 any others.

23 Q. What do you mean by organizer pages?

24 A. An organizer page is a page that is created
25 with other icons and links on it.

1 Q. Do all professors use these organizer pages?

2 A. No.

3 Q. What is My Notes?

4 A. It allows the student to write notes as
5 they're going through the course to keep to review
6 later.

7 Q. Would those be individual student notes?

8 A. Yes.

9 Q. Are a student's notes accessible to other
10 students in the course?

11 A. No.

12 Q. Are they accessible to the professor?

13 A. No.

14 Q. What is My Files?

15 A. It is an area where students can upload files
16 on to the server, normally through their course.

17 Q. Are there any guidelines about what students
18 can upload?

19 A. No.

20 Q. Is there any way to -- strike that.

21 Do other students have access to what a
22 student uploads?

23 A. No.

24 Q. Does the professor have access to what a
25 student uploads?

1 A. No.

2 Q. Does anyone have access to it besides the
3 student?

4 A. I don't know.

5 Q. Would you have access to it?

6 A. No.

7 Q. If you wanted to check what a student had
8 uploaded, is there any way that you're aware of to do
9 that?

10 A. No.

11 Q. So if a student uploaded pornography, for
12 example, would there be any way -- and you had a
13 complaint, would there be any way to check that?

14 A. I don't know.

15 Q. What would you do if there was a complaint
16 that a student had uploaded pornography to the ULearn
17 system?

18 A. I would probably talk to someone at the USG.

19 Q. Who would you talk to?

20 A. Rann.

21 Q. What are media tools?

22 A. It's an area where professors can upload
23 pictures and put a small description to one side.

24 Q. And can students upload media tools or that's
25 only professors?

1 A. Only the professor.

2 Q. Who has the rights to change the organizer
3 pages?

4 A. A course designer.

5 Q. Would professors have the ability to do that?

6 A. If they are a course designer.

7 Q. How do you become a course designer?

8 A. You're granted rights.

9 Q. How do you go about getting granted rights or
10 what's the policy for granting rights to people?

11 A. An instructor is normally uploaded with
12 privileges of instructor and designer.

13 Q. Is there ever an occasion where you would take
14 away course designer rights from a professor?

15 A. I don't know.

16 Q. Have you ever taken away course designer
17 rights from a professor?

18 A. Yes.

19 Q. Why was that?

20 A. I was requested by the university, the Georgia
21 State University to do so.

22 Q. Why were you requested by Georgia State
23 University?

24 A. Because the professors had left the
25 university.

1 Q. Other than a professor no longer being at the
2 university, have you ever been requested to remove
3 course designer rights?

4 A. No.

5 Q. So all professors to the best of your
6 knowledge are course designers or have the rights to be
7 course designers?

8 A. Yes.

9 Q. What other rights do professors have?

10 A. They can add and remove students in their
11 sections, they can post to the discussion board, create
12 quizzes, create assignments, post -- I say post grades
13 within the course, post announcements, use all of the
14 ULearn tools.

15 Q. Are there any rights that you have to the
16 ULearn system that a professor would not have for his or
17 her individual course?

18 A. One more time.

19 Q. Are there any -- is there anything you can do
20 in an individual course that a professor would not have
21 the right to do but you as an administrator would have
22 the right to do?

23 A. Yes.

24 Q. What is that?

25 A. I can run reports.

1 Q. So professors aren't able to run reports?

2 A. Not at this time.

3 Q. Will that change in Version 8?

4 A. Yes.

5 Q. What sorts of reports will professors be able
6 to run in Version 8?

7 A. They will be able to run a report to let them
8 know what students logged in, what time, how much time
9 they've spent in the section and what tools they have
10 accessed.

11 Q. Anything else?

12 A. I'm not sure.

13 Q. Other than the ability to run reports, as we
14 sit here today is there anything you could do in an
15 individual course that a professor would not have the
16 right to do?

17 A. No.

18 Q. In Version 8 you mentioned that there were
19 fewer tabs. What does that mean?

20 A. In Version 3 there were three tabs across the
21 top. In the new version there are only two.

22 Q. What are the three tabs in the current
23 version?

24 A. Build, teach, student.

25 Q. What are the two tabs in the new version?

1 A. I think it is build and student.

2 Q. What -- if I clicked on the teach tab, what
3 would I see today as we sit here?

4 A. There would be a bar across the top with the
5 grade books, selective release areas, the tools that the
6 professor would need as a teacher.

7 Q. And are those features still in Version 8,
8 they're just located somewhere else or are those
9 features that have been eliminated?

10 A. They are still in the new version.

11 Q. And where are they in the new version?

12 A. They're located on the left hand side.

13 Q. If I clicked on the build page, what would I
14 see?

15 A. You would see the tools to add or the buttons
16 to add tools to the page, the organizer page, the single
17 page, the course content, create a new assignment,
18 create a new quiz.

19 Q. How about on the student page?

20 A. You would see the page exactly how your
21 students would see it if they had been added.

22 MS. SINGER: I think we're close to the
23 end of the tape so I think this is a good
24 moment to take a break.

25 THE VIDEOGRAPHER: This concludes tape

1 number 1. We're off the record at 9:27
2 a.m.

3 (Brief recess.)

4 THE VIDEOGRAPHER: This will be tape
5 number 2. We're back on the record at 9:40
6 a.m.

7 BY MS. SINGER:

8 Q. Ms. Christopher, at the end of a semester what
9 happens to all of the information that's in a particular
10 ULearn course, a section?

11 A. Nothing.

12 Q. Are professors able to access their sections
13 from prior years or prior semesters?

14 A. Yes.

15 Q. Is there any special procedure they need to go
16 through or can they just access that in the ordinary
17 course of business?

18 A. They can access any course that they have
19 taught in the past.

20 Q. Are professors able to access courses that
21 they have not taught in the past?

22 A. No.

23 Q. If a professor is teaching a course that has
24 been taught in the past by another professor, are they
25 able to get access to the other professor's ULearn

1 section?

2 A. With permission.

3 Q. Who do they need permission from?

4 A. That instructor.

5 Q. Why do they need permission?

6 A. Because these materials belong to the
7 professor who uploaded them and created the section.

8 Q. Does the -- strike that.

9 If a professor wants to use materials that
10 they have posted to their ULearn section in a previous
11 semester, are they able to move that over to a new
12 section or can they just reuse that section? How would
13 they get access to those materials?

14 A. That was about four questions in there. Which
15 one do you want answered?

16 Q. Let's start with can a professor reactivate a
17 ULearn section from a previous semester?

18 A. The sections are never deactivated.

19 Q. Can a professor give new students access to a
20 previous semester section of ULearn?

21 A. No.

22 Q. If a professor has information posted in a
23 previous semester section of ULearn and they would like
24 to give current students access to that information, how
25 would they go about doing so?

1 A. They could request of the ULearn admin to
2 promote the old section to a template and then to
3 reassign that template to their current section that
4 they are teaching.

5 Q. What does it mean to promote something to a
6 template?

7 A. It is a function within ULearn that the admin
8 uses to select a section and say create a template. It
9 will bundle up the materials but none of the student
10 information and create a template of sorts.

11 Q. What information -- when you say student
12 information, what information would not be bundled up
13 into the template?

14 A. Any quiz grades, grade book grades, student
15 postings, assignment uploads.

16 Q. So the actual quiz itself that a professor had
17 created would be included in the template?

18 A. Yes.

19 Q. And the actual course reading materials would
20 be included in that template?

21 A. Yes.

22 Q. And if there were discussion questions that
23 the instructor had created, would the questions make it
24 into the template?

25 A. No.

1 Q. If the instructor had created media tools,
2 would those go into the template?

3 A. Yes.

4 Q. If there were -- well, strike that because --
5 there were not blogs or wickies in the current version,
6 is that correct?

7 A. Correct.

8 Q. Who has the admin clearance to promote
9 something to a template?

10 A. At Georgia State University I can do it, Zoe
11 can do it, Lovely can do it and Mostafa can do it.

12 Q. Professors can not do it?

13 A. No.

14 Q. Anybody other than the four of you have that
15 clearance at Georgia State University?

16 A. No. Oh, Harold.

17 Q. Do you consider Harold to be at Georgia State
18 University?

19 A. Yes.

20 Q. When you upgrade to Version 8, will that
21 affect in any way a professor's ability to access
22 previous sections of ULearn?

23 A. Yes.

24 Q. How will that be affected?

25 A. The USG has told us that at the end of two or

1 three years they will be deleting old sections.

2 Q. If a professor wants to retain the information
3 beyond that two or three years, how will they go about
4 doing that?

5 A. I don't know.

6 Q. Are there any plans to take the information
7 from old sections and archive it in any way?

8 A. I don't know.

9 Q. Has anybody -- has that question been
10 discussed at all?

11 A. I don't know.

12 Q. Have you been involved in any discussions
13 about prior content from the ULearn system prior
14 sections?

15 A. No.

16 Q. Am I correct then the summer session that's
17 going on now is still using Version 3?

18 A. Yes.

19 Q. What sorts of education or training is
20 underway to teach professors about Version 8, if any?

21 A. We have developed tutorials that are currently
22 available. The trainers in the exchange are prepared to
23 teach. We have done several departmental training
24 sessions. As far as training that is it.

25 Q. As a general matter if a professor is

1 relatively computer savvy and able to use Version 3 of
2 ULearn, is the upgrade going to make it significantly
3 more difficult for them to manipulate the ULearn system?

4 A. No.

5 Q. Are there any changes to the way professors
6 upload materials in Version 8?

7 A. No.

8 Q. Is there any difference in the way students
9 access materials in Version 8?

10 A. No.

11 Q. You mentioned also one of the changes in
12 Version 8 was the underlying software. Can you briefly
13 tell me what those changes are?

14 A. It deals with -- I'm not familiar enough with
15 the language in which its written, but it is different
16 than what we have now.

17 Q. Different how?

18 A. I don't know. I'm not a techie.

19 Q. Were you involved in the discussions as to
20 whether to upgrade to Version 8?

21 A. That was not a discussion.

22 Q. How did you learn that ULearn would be
23 upgraded to Version 8?

24 A. USG announced it.

25 Q. When was that announcement made?

1 A. I don't recall.

2 Q. Within the last year?

3 A. No.

4 Q. Within the last two years?

5 A. Yes.

6 Q. Did anybody ever ask for your input into
7 whether the version should be upgraded, whether the
8 software should be upgraded?

9 A. No.

10 Q. Do you have an opinion about whether or not
11 the software should be upgraded?

12 A. No.

13 Q. In your opinion were there any problems with
14 Version 3 that are going to be fixed in Version 8?

15 A. Just the one that allows the faculty to run
16 their own reports.

17 Q. How often did faculty members ask you to run
18 reports about their ULearn sections?

19 A. How often?

20 Q. Yes.

21 A. Not very.

22 Q. How many faculty members approximately in a
23 given semester would ask you to run a report on their
24 ULearn section?

25 A. Fewer than 10.

1 Q. Was it the same faculty members that would ask
2 you each semester or would it be different faculty
3 members each semester?

4 A. The same.

5 Q. And what sorts of reports would you run for
6 these fewer than 10 faculty members about their ULearn
7 section?

8 A. Which students logged in and what -- how many
9 events that occurred during that time.

10 Q. What -- how often do students generally log in
11 to an ULearn section?

12 A. Varies.

13 Q. What is -- does it depend on any particular
14 factors?

15 A. Yes.

16 Q. And what are those factors?

17 A. Who's teaching the class, what's online, if
18 they care.

19 Q. Is there any way to tell from the reports
20 whether a student has downloaded or saved information
21 from the ULearn section page?

22 A. On the reports that I run, no.

23 Q. Is there any way to tell at all?

24 A. I don't know.

25 Q. Have you ever looked?

1 A. I wouldn't know where to look.

2 Q. Have you ever discussed the issue with
3 anybody?

4 A. No.

5 Q. Can you tell from the reports how long a
6 student has looked at a quiz or a course reading?

7 A. No.

8 Q. Can you tell from a report which quizzes or
9 which course readings a student has looked it?

10 A. Yes.

11 Q. Other than the report, is there any way to
12 tell how long a student looked at a particular quiz or a
13 particular page?

14 A. I don't think so.

15 Q. Is there any way to create a report of what
16 information would be moved if something was promoted
17 into a template, so the nonstudent information?

18 A. Can you repeat that one more time?

19 Q. Sure. You told me earlier that if you wanted
20 to move course information other than student
21 information into a new ULearn section you would -- an
22 administrator has the ability to promote that
23 information into a template, correct?

24 A. Yes.

25 Q. Is there any way to see what information,

1 whether it's a list or a report, or see what information
2 would get promoted to that template?

3 A. Other than physically going into the section,
4 no.

5 Q. Will that change at all in Version 8?

6 A. Nope.

7 MS. SINGER: Would you please mark this
8 as Plaintiffs' Exhibit 270.

9 (Plaintiffs' Exhibit No. 270
10 was marked for identification
11 by the reporter.)

12 BY MS. SINGER:

13 Q. Ms. Christopher, you have in front of you a
14 document bearing a Bates stamp Georgia State 11080 to
15 1081, it's been marked as Plaintiffs' Exhibit 270.

16 Do you recognize Plaintiffs' 270?

17 A. Yes.

18 Q. Could you tell me briefly what it is?

19 A. It is an e-mail that was sent to me by a
20 previous graduate student assistant who was working on a
21 project for one of her classes and was interviewing me.

22 Q. And the top of P-270. The graduate student is
23 Doris Harris, right?

24 A. Yes.

25 Q. And Ms. Harris says to you, she sends you some

1 questions and you tell her that you're giving her the
2 stats that you gathered and the information that you
3 have readily available. Is that correct?

4 A. Yes.

5 Q. So on P-270 you note that there was a limited
6 license of 200 students for WebCT in November 1997, is
7 that correct?

8 A. Yes.

9 Q. And were you at GSU at that time?

10 A. No.

11 Q. And then in P-270 you tell Ms. Harris in
12 January 1998 it began the WebCT program with 12 courses,
13 nine instructors and 148 students, do you see that?

14 A. Yes.

15 Q. Were you at Georgia State at that time?

16 A. No.

17 Q. How did you learn that WebCT began in January
18 1998 with 12 courses, nine instructors and 148 students?

19 A. It was a report created by Karen Oates.

20 Q. Do you have access to that report?

21 A. I did. I should still.

22 Q. Do you know if that report was produced to
23 your counsel in connection with this lawsuit?

24 A. I don't know.

25 Q. And then in P-270 you tell -- Ms. Harris asks

1 you approximately how many people log into WebCT every
2 day. And you tell her those stats are not kept, is that
3 correct?

4 A. Correct.

5 Q. Is that still correct that you don't keep the
6 stats of how many people log into WebCT every day?

7 A. We do not keep those stats.

8 Q. If you wanted to know how many people logged
9 into WebCT on a given day, are you able to access that
10 information?

11 A. No.

12 Q. Does the system have the capability of
13 reporting how many people used it on a given day?

14 A. I don't know.

15 Q. Do you know if Version 8 has that ability?

16 A. I don't know.

17 Q. Is that something that you have ever been
18 asked aside from this interview with Ms. Harris?

19 A. No. No.

20 Q. And you tell her in P-270 that you've attached
21 reports of the number of active sections and the number
22 of actions that you receive from the BOR each semester,
23 do you see that?

24 A. Yes.

25 Q. What is the BOR?

1 A. Board Of Regents.

2 Q. And these reports are the semester reports we
3 talked about earlier?

4 A. Yes.

5 Q. And do you know whether those reports that you
6 attached to P-270 are the same reports you produced to
7 your counsel?

8 A. Yes.

9 Q. Ms. Harris in P-270 asks you what is your role
10 in the diffusion of this innovation.

11 What was your understanding of what this
12 innovation was when you answered the question?

13 A. The course management tool itself.

14 Q. And you tell her that you're the project
15 manager and cheerleader?

16 A. Yes.

17 Q. Then in P-270 Ms. Harris asks you, what are
18 the most popular features of this system. And you say
19 to her you should remember this.

20 And what did you mean by that?

21 A. Because she was my student assistant and she
22 worked with the faculty.

23 Q. Okay. And then the features you say are
24 discussions, quizzing and just the simple ability to be
25 able to post materials. What did you mean by that?

1 A. That those are the most popular features.

2 Q. Is that true even as we sit here today still?

3 A. Yes.

4 Q. What sorts of materials did you mean when you
5 say post materials?

6 A. Reading materials, post links to other web
7 sites, that sort of thing.

8 MS. SINGER: If you would please mark
9 this as Plaintiffs' Exhibit 271.

10 (Plaintiffs' Exhibit No. 271
11 was marked for identification
12 by the reporter.)

13 BY MS. SINGER:

14 Q. Ms. Christopher, you have in front of you a
15 document bearing the Bates stamp Georgia State 9752 that
16 has been marked as Plaintiffs' Exhibit 271. It appears
17 to be an e-mail from Karen Oates to IST directors dated
18 September 10th, 2007.

19 Do you recognize Plaintiffs' 271?

20 A. Yes.

21 Q. Who is included in the group IST directors?

22 A. At that time I'm not sure.

23 Q. Were you included in that group?

24 A. No.

25 Q. Okay. In Plaintiffs' 271 Ms. Oates is

1 forwarding an e-mail that is it safe to assume you sent
2 to Ms. Oates --

3 A. Yes.

4 Q. -- on September 10th, 2007. And do you say,
5 Brian just sent out the primary stats for fall '07. Who
6 is Brian?

7 A. Brian Finnegan.

8 Q. What is Brian Finnegan's role?

9 A. He -- I don't know if he's still employed with
10 them, but he had worked for the USG.

11 Q. Was Brian Finnegan the person who would send
12 you the Board Of Regents semester reports?

13 A. Yes.

14 Q. And the preliminary stats you cite in
15 Plaintiffs' 271, do those come from the Board Of Regents
16 semester report?

17 A. Yes.

18 Q. In Plaintiffs' 271 you say that GSU has 1300
19 active sections?

20 A. Yes.

21 Q. As we sit here today, I think you told me
22 earlier that currently it's more along the lines of 2500
23 sections?

24 A. Yes.

25 Q. So the number of active sections has

1 increased?

2 A. Yes.

3 Q. In Plaintiffs' 271 you say GSU has 22,939
4 active users?

5 A. Yes.

6 Q. How many active users are there today?

7 A. I don't know.

8 Q. Do you think it's more than 22,939?

9 A. More than likely it is more than the 22,939.

10 Q. And I think you told me this earlier, but just
11 to clarify, users include students and professors?

12 A. Yes. And staff.

13 Q. And staff. Are these 22,939 unique users or
14 if I'm a student enrolled in four classes would I be
15 counted as four unique users for purposes of this
16 statistic?

17 A. I have been told these are unique users.

18 Q. Okay. So just to make sure I understand you,
19 one of these -- if I'm enrolled in four courses I would
20 only be counted once?

21 A. Yes.

22 Q. Do you have any way of knowing how many
23 courses each of these 22,939 people are enrolled in?

24 A. That would be the number of active sections.

25 Q. Okay. Does active user imply that -- well,

1 strike that.

2 Are there inactive users on the system?

3 A. I don't know.

4 Q. How does a person become defined as an active
5 user?

6 A. They are enrolled in an active section.

7 Q. Does an active user need to have taken any
8 actions in the system? Do they need to have gone to a
9 course page or just being enrolled in an active section
10 will qualify you as an active user?

11 A. Being enrolled in an active section makes you
12 an active user.

13 Q. So even if you never log on to the ULearn
14 system, if you're enrolled in an active section you're
15 counted as an active user?

16 A. Yes.

17 Q. Does anybody in the E Learning Group ever
18 upload materials for professors?

19 A. Yes.

20 Q. Under what circumstances would members of the
21 E Learning Group upload materials for professors?

22 A. When we are assisting the professor in
23 designing a new course.

24 Q. What kinds of materials would you upload for a
25 professor?

1 A. It could be readings, it could be learning
2 objects, it could be media or linking the media. We
3 don't like to upload multi media because it's too huge.
4 Uploading quizzes, uploading assignments.

5 Q. Are there any guidelines or policies or
6 limitations on what professors can upload to their
7 ULearn section?

8 A. There's a limitation on file size.

9 Q. What's that limitation?

10 A. I can't recall at this time.

11 Q. Is the limitation on files bigger than a
12 particular size or is it no more than X number of files
13 that total this particular size?

14 A. The limitation is on one file, the amount of
15 size that one file is.

16 Q. So if the limit were, I don't know, 500 megs
17 just say, I could load 501 files that were one meg each
18 but I couldn't load one file that was 501 megs?

19 A. No, I could upload 500 files of 500 megs but I
20 could not upload one file that was 501 megs.

21 Q. Are there any limitations on the number of
22 files professors can upload?

23 A. No.

24 Q. Aside from the file size limitation, are there
25 any other limitations or policies that apply to what

1 professors may upload to their ULearn section?

2 A. Other than the normal policies that the --
3 copyright and taking things from other professors, it
4 has to be their work, they have to have permissions to
5 upload it or my group will not upload it for them.

6 Q. Has there ever been an occasion when your
7 group has refused to upload something for a professor?

8 A. Yes.

9 Q. Why did your group refuse to upload something
10 for a professor?

11 A. Because they did not have permission.

12 Q. When was -- how many incidents are we talking
13 about?

14 A. I can recall at least two very clearly.

15 Q. How recently were those incidents?

16 A. Several years ago.

17 Q. Were you personally involved in those
18 incidents or was it somebody else in your group?

19 A. One I was.

20 Q. Could you tell me about that incident?

21 A. The professor came to me with a CD and he
22 wanted me to upload the movies from the CD into his
23 course. He said it came from the back of the textbook.
24 I said, do you have permission and he said no. And I
25 said you need permission, I'm not doing it.

1 Q. How about the other incident?

2 A. This was an individual who wanted to use
3 someone else's materials from another course and she
4 could not get their permission. She said I just want to
5 copy the course because I'm taking over, she's left the
6 university. I said you must either have her permission
7 or the permission from the chair. She did not secure
8 either one so we did not allow her to use the materials.

9 Q. Which policy was in effect that you were
10 refusing to allow her to copy, which policy was that?

11 A. It's not a policy, but on my web page I have
12 the links to where I outline what we will and we would
13 not do. To use other professor's materials you have to
14 have their permission. In a research university your
15 published materials are yours.

16 Q. So would it be violating the policy of taking
17 something from another professor?

18 A. Yes.

19 Q. Do you have any way to track what professors
20 upload themselves to their ULearn sections?

21 A. No.

22 Q. In the active events reports or the events
23 reports, would it mention when a professor uploaded
24 something to their course page? Would that be an event?

25 A. No.

1 Q. Is there -- if you as the admin sign in, can
2 you look at a particular course and see what materials a
3 professor has uploaded?

4 A. Yes.

5 Q. Is there any way besides physically logging
6 into the course and clicking on each item that you could
7 tell what a professor has uploaded?

8 A. I don't know.

9 Q. Have you ever tried?

10 A. No.

11 Q. Have you ever had a discussion about whether
12 it's possible?

13 A. No.

14 Q. Do you know whether that's something that will
15 be possible in Version 8?

16 A. I don't know.

17 Q. How often does the E Learning Group receive
18 requests from professors to upload something on to their
19 ULearn course section?

20 A. Not often.

21 Q. Would it be once a week maybe?

22 A. No.

23 Q. Less than that?

24 A. Yes.

25 Q. What materials aside from the movie that we

1 discussed or another professor's work, what sorts of
2 materials do professors generally request assistance
3 from the E Learning Group to upload to ULearn?

4 A. Quizzes.

5 Q. Does the E Learning Group ever assist
6 professors in uploading journal articles or PDFs of
7 chapters of books to the ULearn course section page?

8 A. At this time, no.

9 Q. Has that changed?

10 A. Yes.

11 Q. When did that change?

12 A. When Carolyn Guard was director of UATS.

13 Q. When was that?

14 A. Has been three years -- it must have been four
15 or five years ago.

16 Q. And when Carolyn Guard was in that position
17 what was the policy?

18 A. She said that whatever the professor wanted we
19 would do for them.

20 Q. When Carolyn Guard left how did that change?

21 A. I changed what we did.

22 Q. What did you change to?

23 A. We changed to teaching the professor how to do
24 their own work and gave them more responsibility for
25 uploading their own materials rather than relying on us.

1 Q. Why did you make that change?

2 A. Because I was not comfortable doing their work
3 for them. And basically, yes.

4 Q. Why were you not comfortable doing their work
5 for them?

6 A. I felt that it gave them a higher stature in
7 the face of their students and their classes and it
8 would help their self esteem if they knew how to work it
9 rather than saying I don't know how to do it, go talk
10 with the ULearn people.

11 Q. When Carolyn Guard was in her position prior
12 to the policy change, how often was the E Learning Group
13 or whatever its predecessor was uploading materials for
14 professors?

15 A. Daily.

16 Q. Was it the E Learning Group at that time?

17 A. I don't recall the name of the group at the
18 time.

19 Q. Okay. Was the -- that group prior to the
20 policy change uploading most or a large percentage of
21 the materials that were uploaded to ULearn, was that
22 done by the E Learning Group or by the professors?

23 A. Carolyn Guard when she was here if a professor
24 came to us with materials either in an electronic or
25 hard copy I had a group of graduate research assistants

1 who would upload the materials for them.

2 Q. During that time was there ever an occasion
3 when you or your group of graduate students or anyone in
4 the group refused to upload something for a professor?

5 A. I don't recall.

6 Q. To your knowledge were there any policies that
7 would cause someone in your group not to upload
8 something for a professor?

9 A. I don't recall.

10 Q. If a professor wants assistance in learning
11 how to upload something, what would they do to get that
12 assistance?

13 A. They would drop in at the faculty exchange.

14 Q. Do they ever e-mail requests?

15 A. Sometimes.

16 Q. When you receive an e-mail request how do you
17 respond?

18 A. We give them instructions.

19 MS. SINGER: Let's mark this as

20 Plaintiffs' 272.

21 (Plaintiffs' Exhibit No. 272

22 was marked for identification

23 by the reporter.)

24 BY MS. SINGER:

25 Q. Ms. Christopher, you've been handed

1 Plaintiffs' 272, which bears the Bates stamp Georgia
2 State 6267. It's an e-mail from WebCT to Perry Binder
3 dated June 27th, 2005. Do you see that?

4 A. Yes.

5 Q. Who is involved in the e-mail address WebCT?

6 A. The e-mail address no longer exists. At that
7 time I had access to it, Zoe had access to it, Mostafa
8 and Karen Oates and I think that Mike Aikens was with us
9 at that time. And Tony. I can't remember Tony's last
10 name. He was a graduate assistant.

11 Q. I take it from your answer that Mike and Tony
12 are no longer with you?

13 A. Correct.

14 Q. In Plaintiffs' 272, I believe this is Mostafa
15 who is responding to the e-mail?

16 A. Yes.

17 Q. And he is saying -- he is telling Professor
18 Binder that he created this account and added it to the
19 course as a student, and this is a guest account?

20 A. No.

21 Q. Under what circumstances would a guest account
22 be created?

23 A. The professor may have a guest lecturer that
24 they want to invite in to post on the discussion board.
25 They may want to invite another professor in. Don't see

1 here. He just wanted a guest account but he doesn't say
2 why he wanted it.

3 Q. Okay. Under Version 3 professors cannot
4 create guest accounts, is that correct?

5 A. Correct.

6 Q. Under Version 8 professors will be able to
7 create their own guest accounts, do you know?

8 A. No.

9 Q. That will still have to go through the
10 E Learning Group?

11 A. An admin.

12 Q. Are there admins other than the E Learning
13 Group?

14 A. Yes.

15 Q. Who are those admins?

16 A. Depends on the software.

17 Q. Are there admins for the ULearn software other
18 than the E Learning Group?

19 A. No.

20 Q. In Plaintiffs' 272 if we look at the bottom of
21 the e-mail chain looks like Professor Binder is asking
22 when he's tracking students under articles read he asks
23 what two features are referring to hits and items read?

24 A. Yes.

25 Q. And you respond to him that hits refers to the

1 number of times the students accessed a home page, tool
2 page and content module. You see that?

3 A. Yes.

4 Q. As far as you know, will that change under
5 Version 8?

6 A. No.

7 Q. Is there anything else that hits might refer
8 to?

9 A. No.

10 Q. And in Plaintiffs' 272 you say items read is
11 the number of articles the students has accessed in
12 discussions?

13 A. Yes.

14 Q. And that information is still available in
15 current reports?

16 A. Yes.

17 Q. Will that be available in Version 8?

18 A. Yes.

19 Q. Are hits and items read information that a
20 professor has access to?

21 A. If they can run a report.

22 Q. Does the semester report that you receive from
23 the Board Of Regents include hits and items read?

24 A. It includes hits.

25 Q. How do you run a report on items read?

1 A. It's one of the reports that you can run in
2 ULearn.

3 Q. And who has the ability to run that report?

4 A. An admin.

5 Q. Will a report on items read be something that
6 a professor can run in Version 8?

7 A. Yes.

8 Q. Are reports regularly run on items read?

9 A. No.

10 Q. Can you tell from a report that has items read
11 what items they are or is it limited to just the number
12 of items that the student has read?

13 A. I cannot tell what they read.

14 Q. So items read will just give you a number?

15 A. Yes.

16 Q. Will it tell you the breakdown of what the
17 items are? Is there any way to know, for example,
18 whether a student has read quizzes versus articles?

19 A. Items read deals only with discussions. So it
20 will tell me the number of discussions the student
21 clicked on. It won't tell me how much time they spent
22 on it.

23 Q. What's included under discussions?

24 A. Discussion is a threaded list and I read this
25 post, I read this post, I read this post. Each one of

1 those would be an item.

2 Q. Okay. Is there any report that you could run
3 that would determine items read for quizzes?

4 A. No.

5 Q. Is there any way to run a report that would
6 tell you the number of uploaded course readings that a
7 student has read?

8 A. That would be hits.

9 Q. That would be hits. Hits would include things
10 other than just the uploaded course materials that the
11 student has read, though, wouldn't it?

12 A. Hits would include access of the home page,
13 how many times you clicked it, how many times you looked
14 at a course material posting, how many times you went
15 into a quiz. Those are hits.

16 Q. Is there any way to distinguish how many times
17 you did each of those individual activities or is hits
18 just a general number?

19 A. It does break it down by item.

20 Q. It does break it down by item?

21 A. Yes.

22 Q. What report breaks it down by item?

23 A. It is -- I don't know the title of it. There
24 are several reports in ULearn that you can choose from
25 to run and one of them will give you that breakdown.

1 Q. Is that breakdown included in the semester
2 reports from the Board Of Regents?

3 A. No.

4 Q. That would be a separate report that you would
5 have the ability to run?

6 A. Yes.

7 Q. Is there a way to run that report for all of
8 the sections in ULearn for a given semester?

9 A. You would have to run each one individually.

10 Q. By course section?

11 A. Exactly.

12 Q. Does the E Learning Group interact with
13 students about the ULearn?

14 A. Yes.

15 Q. Do you provide training to students on ULearn?

16 A. No. Wait. Sometimes we do go to class for
17 the Teach My Class just to give them an overview. But
18 that's about all we can offer right now.

19 Q. How would you characterize in terms of the
20 nature of your interactions with students over ULearn?

21 A. Characterize the nature?

22 Q. In other words, is it students asking you
23 questions about ULearn, is it helping students upload
24 something to ULearn? You said you had interactions with
25 students over ULearn. What is the --

1 A. All of the above.

2 Q. Okay. Do professors ever ask questions about
3 copyright?

4 A. Yes.

5 Q. How do you respond to those questions?

6 A. I point them to the link on my log-in page.

7 Q. Do you ever provide substantive answers about
8 copyright?

9 A. Substantive?

10 Q. Do you ever answer the question other than
11 pointing them to the log-in -- the copyright policy on
12 the log-in page?

13 A. I try not to.

14 Q. Why not?

15 A. I'm not a lawyer.

16 Q. How often do questions -- strike that.

17 How often do professors ask you questions
18 about copyright?

19 A. Not often.

20 Q. Would it be monthly?

21 A. I don't know.

22 Q. More than 10 times in a semester?

23 A. To me I don't know.

24 Q. Do you know whether professors ask questions
25 to the E Learning Group in general about copyright?

1 A. Yes, they do.

2 Q. How often do they do that?

3 A. I don't know.

4 Q. More than 10 times a semester?

5 A. I don't know.

6 Q. Would you be aware of all of the questions
7 that get asked to the E Learning Group by professors
8 about copyright?

9 A. No.

10 Q. Would anybody in your group answer a copyright
11 question without you being aware of it?

12 A. I don't know.

13 Q. Have you ever had discussions with anyone in
14 the E Learning Group about how to answer professors'
15 questions about copyright?

16 A. Yes.

17 Q. And in those conversations did you provide
18 advice or guidance to the members of your E Learning
19 Group?

20 A. I directed them to point out where our links
21 were on the log-in page.

22 Q. Are you aware of any occasions in which
23 someone in your E Learning Group has given a professor
24 copyright advice other than pointing to the link on the
25 log-in page?

1 A. Yes.

2 Q. How many occasions?

3 A. One or two.

4 Q. Who was involved in those one or two
5 occasions?

6 A. Mostafa.

7 Q. Mostafa in both occasions?

8 A. Yes.

9 Q. What was the nature of those occasions?

10 A. I don't recall exactly.

11 Q. Generally?

12 A. The professor had a question on something he
13 wanted to upload and Mostafa tried to advise him.

14 Q. How did you come to find out about that?

15 A. An e-mail.

16 Q. What did you do if anything when you found
17 out?

18 A. I don't recall.

19 Q. Do you recall the advice Mostafa gave?

20 A. No.

21 Q. Do you recall whether Mostafa allowed the
22 professor to upload it?

23 A. I don't know.

24 Q. Is there any way for the E Learning Group to
25 determine whether professors are uploading materials

1 that don't comply with the copyright policy?

2 A. No.

3 Q. Is there any way to check to see what
4 professors have uploaded?

5 A. Without clicking into every section, no.

6 Q. Are professors given any advice about
7 copyright in connection with the ULearn system?

8 A. We have the links to the copyright policy on
9 our web page. We have also developed a course called
10 Preparing To Teach Online and there's a large section in
11 there on copyright.

12 Q. Do professors have to look at the web page
13 with the copyright link before they're able to upload
14 something to ULearn?

15 A. No.

16 Q. Is there any point at which professors are
17 required to look at the page that contains the links to
18 the copyright policy?

19 A. No.

20 Q. So if a professor wanted to upload something
21 to ULearn without ever looking at the copyright policy,
22 that would be possible?

23 A. Yes.

24 Q. Do you know whether professors are given any
25 training on copyright?

1 A. The legal department has a class they now
2 offer on copyright.

3 Q. Do you know whether that's a required course?

4 A. I don't know.

5 Q. Have you personally taken that course?

6 A. That course, no.

7 Q. Has anyone in the E Learning Group taken that
8 course?

9 A. I don't know.

10 Q. Do you plan to take that course?

11 A. No.

12 Q. In your prior answer you said that course, no.
13 What did you mean? Have you taken any other copyright
14 training?

15 A. I sat in on a talk that was given by the legal
16 department. It was not a course.

17 Q. When was the talk by the legal department?

18 A. Within the last few months.

19 Q. Who from the legal department gave that talk?

20 A. Cynthia.

21 Q. Cynthia Hall?

22 A. Yes.

23 Q. Approximately how long was that talk?

24 A. It was about an hour and a half.

25 Q. What was the occasion that Cynthia gave the

1 talk?

2 A. There was a group of admins from across the
3 campus, the techno -- the instructional technology type
4 admins and she was giving us the talk on copyright. We
5 had asked her to present it.

6 Q. Who had asked her to present it?

7 A. Cassie Wilcox.

8 Q. What did Cynthia Hall cover during that talk?

9 A. I don't recall everything.

10 Q. Was ULearn mentioned?

11 A. I don't recall.

12 Q. Were any materials distributed?

13 A. Yes.

14 Q. Do you have those materials?

15 A. Not here.

16 Q. Were those -- were those materials produced to
17 your counsel?

18 A. I don't know.

19 Q. Did you personally turn over that?

20 A. I don't remember.

21 Q. What sort of materials was it? Was it a --

22 A. It was a flyer that outlined the new USG
23 policy on copyright. And there was another one, it was
24 an e-mail that she had gotten where she had been trying
25 to get permission to use a movie and used it as an

1 example.

2 Q. Was there PowerPoint slides?

3 A. Yes.

4 Q. Were the PowerPoint slides distributed or were
5 they just used during the talk?

6 A. They were used during the talk.

7 Q. So you never had a copy of the PowerPoint
8 slides?

9 A. No.

10 Q. How many people were present at that talk?

11 A. I don't know exactly.

12 Q. Aside from the talk by Cynthia Hall within the
13 last few months, have you ever had any copyright
14 training at Georgia State University?

15 A. No.

16 Q. Have you had any copyright training outside of
17 Georgia State University?

18 A. Yes.

19 Q. What -- when was that copyright training?

20 A. I was an intellectual property paralegal.

21 Q. And that was at Alston & Bird?

22 A. Yes.

23 Q. What kind of training did you receive for that
24 position?

25 A. In my paralegal classes there was copyright

1 training as well as the talks through Alston & Bird on
2 copyright.

3 Q. When chronologically are we talking about?
4 Approximately what years?

5 A. We're talking 1990 through 1996.

6 Q. Other than your paralegal classes and whatever
7 copyright training was given at Alston & Bird, have you
8 had any other copyright training?

9 A. At conferences.

10 Q. How many conferences?

11 A. One or two.

12 Q. What was the nature of the copyright training
13 at those conferences?

14 A. It was a talk given by speakers at the
15 conference.

16 Q. Which conferences specifically are you
17 referring to?

18 A. I don't recall.

19 Q. What kind of conferences were they?

20 A. They were International EDUCAUSE was probably
21 one, the Education Southeastern Regional Conference.

22 And there was one probably at the WebCT International
23 Conference.

24 Q. Would those have been within the last five
25 years?

1 A. No.

2 Q. Within the last 10 years?

3 A. Yes.

4 Q. Aside from the legal talk with Cynthia Hall,
5 have you had any copyright training in the last five
6 years?

7 A. No.

8 Q. Has any of your copyright training been
9 specific to ULearn?

10 A. My training?

11 Q. Uh-huh.

12 A. That I've received or that I have given?

13 Q. That you've received.

14 A. I have not received any in a long time.

15 Q. So no?

16 A. I have received no copyright training in over
17 five years.

18 Q. Prior to those five years did you ever receive
19 any copyright training specific to ULearn?

20 A. No.

21 Q. Have you given any copyright training?

22 A. No.

23 Q. Have you been involved in any way in any
24 copyright training at GSU other than the legal talk by
25 Cynthia Hall?

1 A. Yes.

2 Q. What was your role in that copyright training?

3 A. We are developing a course called Preparing To
4 Teach Online and there's a section in there on
5 copyright.

6 Q. Who prepared the copyright section of that
7 course?

8 A. Mostafa and I did.

9 Q. What did you use as a resource?

10 A. It's based on the USG policy. And we also
11 took other links off of the web.

12 Q. What links did you take off of the web?

13 A. I don't recall all of them. But there's one
14 to a UTube movie based on Disney clips.

15 Q. Anything else?

16 A. I don't recall. I don't recall the name of
17 the other link.

18 Q. What information is covered in the copyright
19 section of the Preparing To Teach Online course?

20 A. It covers copyright and fair use, what you can
21 use, how to get permission. That sort of thing.

22 Q. Why did you create the Preparing To Teach
23 Online course?

24 A. It was requested to us by the deans.

25 Q. Which deans?

1 A. The deans of the various colleges.

2 Q. When was this course put together?

3 A. It will be offered as a pilot beginning on the
4 22nd of June.

5 Q. How will it be offered?

6 A. Online.

7 Q. Who will have access to it?

8 A. The two of us who will be moderating it and
9 the faculty members who are enrolling in it.

10 Q. Is it a one time course that's offered at a
11 particular -- strike that.

12 Is this course offered at a particular time?

13 A. Yes.

14 Q. So it isn't something -- it's not a self
15 guided tutorial?

16 A. No.

17 Q. How long is the course?

18 A. Six weeks.

19 Q. How often does it meet?

20 A. This is a pilot. We hope to do it once a
21 semester.

22 Q. And I'm sorry, in those six weeks does it meet
23 once a week, does it meet twice a week?

24 A. There will be one formal meeting a week and
25 the rest of the assignments are online at your pace.

1 Q. What kinds of assignments will there be?

2 A. Readings and developing actual course parts,
3 learning objects for their online courses.

4 Q. What is the purpose of the course? What do
5 you hope your students will accomplish?

6 A. Currently faculty need help in looking at what
7 they're doing in the classroom and how to take those
8 activities and move them into the online environment.
9 And this we hope will help them to do that better.

10 Q. Do you consider this to be a basic course or
11 an intermediate course or an advanced course?

12 A. Basic.

13 Q. Do you know how many faculty members are
14 enrolled?

15 A. I got four enrollments yesterday, the first
16 four.

17 Q. How much of this course is devoted to
18 copyright?

19 A. One small section.

20 Q. How long -- you said one formal meeting a
21 week.

22 A. Yes.

23 Q. How long is that meeting?

24 A. It will probably be an hour.

25 Q. When you say one small section will be devoted

1 to copyright, it's one section out of how many sections?

2 A. Six.

3 Q. So would that translate to one week we'll
4 focus on copyright --

5 A. Yes.

6 MS. SINGER: I think we're near the end
7 of the tape, so why don't we take another
8 break.

9 THE VIDEOGRAPHER: This concludes tape
10 number 2. We're off the record at 10:35
11 a.m.

12 (Brief recess.)

13 THE VIDEOGRAPHER: This will be tape
14 number 3. We're back on the record at
15 10:45 a.m.

16 BY MS. SINGER:

17 Q. With your admin privileges are you able to
18 delete things that professors have posted in their
19 ULearn sections?

20 A. Yes.

21 Q. Have you ever done so?

22 A. At their request.

23 Q. Have you ever deleted anything at the request
24 of someone other than a professor?

25 A. No.

1 Q. Under what circumstances would a professor
2 request that you remove something or delete something
3 from their ULearn section page?

4 A. They were unable to do so.

5 Q. How often would a professor request that you
6 delete something from their ULearn page?

7 A. Very rarely.

8 Q. Do professors change, add things or delete
9 things from their ULearn section page during the course
10 of the semester?

11 A. Yes.

12 Q. Is that something that professors commonly do
13 or is it more common for professors to design the entire
14 page at the beginning of a semester?

15 A. I don't know.

16 MS. SINGER: If you would please mark
17 this as Plaintiffs' 273.

18 (Plaintiffs' Exhibit No. 273
19 was marked for identification
20 by the reporter.)

21 BY MS. SINGER:

22 Q. Ms. Christopher, you've been handed what's
23 been marked as Plaintiffs' Exhibit 273. It bears the
24 Bates stamp Georgia State 46199 to 46202.

25 Do you recognize Plaintiffs' 273?

1 A. Yes.

2 Q. What is Plaintiffs' 273?

3 A. These are the ULearn Version 8 FAQs.

4 Q. Is Plaintiffs' 273 currently available on the
5 web?

6 A. Yes.

7 Q. Is this the most up-to-date version of this
8 document?

9 A. I don't think I changed it since it was
10 uploaded, so yes.

11 Q. Approximately when did you upload Plaintiffs'
12 273?

13 A. It was in the last six months when we got
14 access to Version 8.

15 Q. On the first page of Plaintiffs' 273 in the
16 middle section under specific ULearn FAQs --

17 A. Yes.

18 Q. -- there's three bullet points, the middle one
19 is August 2009. The last sentence there is if any files
20 are missed in a migration process, our administrators
21 will still be able to retrieve them.

22 What does that mean?

23 A. Currently we are requesting professors to fill
24 out a form to let us know what sections they need to
25 have moved from Version 3 to Version 8. We are trying

1 every way possible to get their attention. If they
2 procrastinate and wait until the last minute when they
3 can no longer access Version 3, then they will have to
4 come to us to retrieve them. So we will be the only
5 ones who can access Version 3 at that point.

6 Q. When is that point?

7 A. I believe the professors' access to the old
8 version will be cut off in October of this year.

9 Q. How do you convert files from Version 3 to
10 Version 8, convert sections?

11 A. There's several ways you can do it. You can
12 download them manually and reupload them and place them
13 manually. The admin has access to a tool called Smart.
14 Don't ask me what the acronym stands for. It was
15 developed by USG to choose the sections that need to be
16 moved and it packages them some way and magically moves
17 them across. I cannot explain the process.

18 Q. Who has the ability to use the Smart tool to
19 move things from version --

20 A. Myself and Lovely.

21 Q. So professors don't have access to that?

22 A. No.

23 Q. What would happen if professors did have
24 access to that?

25 A. More work for me.

1 Q. Fair enough.

2 Are professors able to download things and
3 then reupload them themselves?

4 A. Yes.

5 Q. So other than manually downloading and
6 reuploading or using the Smart tool, are there any other
7 ways to move things from Version 3 to Version 8?

8 A. Nope.

9 Q. When you say you're trying to contact
10 professors in any way possible, what methods are you
11 using?

12 A. We have put up information on the web page, we
13 put up an announcement that pops open, we have sent out
14 broadcast e-mails to all professors and most recently we
15 sent a postcard to their home. That got the biggest
16 response.

17 Q. How many professors have asked you to move
18 things from Version 3 to Version 8 so far?

19 A. I don't know.

20 Q. Is it more than a hundred?

21 A. I don't know.

22 Q. How many times approximately have you employed
23 this Smart tool so far to move things from Version 3 to
24 Version 8?

25 A. On my last report there were over 800 sections

1 in Version 8 that now have templates applied to them.

2 And almost all of those were with the Smart tool.

3 Q. So that's approximately 800 out of
4 approximately the 2500 sections?

5 A. That's 2500 sections per semester for the fall
6 semester. 2500 for the spring semester. Summer
7 semester is lighter.

8 Q. So that's 800 of the total existing sections
9 on ULearn then?

10 A. No. There's about 150,000 sections on ULearn,
11 but they are not all active.

12 Q. How does a section become active?

13 A. A professor logs in and uploads the materials.

14 Q. Of those 150,000 -- well, strike that.

15 Is that 150,000 sections on ULearn a
16 cumulative number?

17 A. Yes.

18 Q. And when did that number begin?

19 A. When we went to Vista.

20 Q. And that was in --

21 A. Five or six years ago.

22 Q. So it's approximately 150,000 cumulative from
23 sometime in the mid 2000s?

24 A. Yes.

25 Q. And a section is only active during a

1 particular semester or once it's active it's always
2 considered active?

3 A. A section is active when the professor uploads
4 the materials. It's counted as an active section by
5 semester. Does that answer?

6 Q. I think so.

7 When we were talking before about the 2500
8 active sections, that was for that particular semester
9 then?

10 A. Yes.

11 Q. So if we looked at cumulatively the number of
12 sections that were active during their semester it would
13 be a much greater number than 2500?

14 A. There are more than 2500 sections on the
15 server that have been used for classes.

16 Q. So more than 2500 and less than 150,000?

17 A. Yes.

18 Q. Back on Plaintiffs' 273, the third bullet
19 point says August 2010 the old version of ULearn and all
20 materials will be deleted.

21 A. Yes.

22 Q. What is your understanding of what that means
23 in a practical sense?

24 A. The server will be deactivated, there will be
25 no record kept of any of the old sections.

1 Q. So if in September 2010 a professor comes to
2 you and says, oops, I forgot to call you, any time
3 during the last year and a half can you get my materials
4 from spring 2006, will there be any way at all of doing
5 that?

6 A. No.

7 Q. That should be fun for you.

8 On page 2 of Plaintiffs' 273 under answers,
9 the first answer is to the question why are we
10 upgrading. The last line says, last sentence, the new
11 ULearn should also return some of the functionality we
12 lost in the past including the reports and tracking
13 feature which now has an automatic graph generator.

14 What does that sentence mean?

15 A. Currently the professors, as I said, cannot
16 run reports. That function will be returned to them so
17 they can run reports. Rather than just having it as a
18 numeric, they will have a graph.

19 Q. What will that graph show?

20 A. Stats.

21 Q. Which stats?

22 A. Whatever report they run.

23 Q. In Plaintiffs' 273 it says functionality we
24 lost in the past. Was that functionality ever present?

25 A. Yes.

1 Q. When was it lost?

2 A. I believe that was in September of 2008.

3 Q. Do you know why it was lost?

4 A. Because the Board Of Regents said we were
5 killing the server.

6 Q. Meaning -- what do you mean by killing the
7 server?

8 A. Because our professors were running it several
9 times during the semester and it was causing too great a
10 load on the server. So they just turned it off.

11 Q. So as far as you know that was for technical
12 reasons?

13 A. Yes.

14 Q. On Plaintiffs' 273, the second answer to the
15 question -- question is what are the differences between
16 the two versions. The second -- third sentence, sorry,
17 says there's more flexibility for uploading materials
18 including drag and drop from your computer to ULearn.
19 What does that mean?

20 MR. SHEESLEY: Objection.

21 BY MS. SINGER:

22 Q. Do you know what's meant by that?

23 A. There is a -- when you go into the file
24 manager there is a small area that says my computer.
25 That will bring up your files and you can drag and drop

1 it into the new file manager.

2 Q. How is that different from the system as we
3 sit here today?

4 A. That function is not there.

5 Q. How would a professor upload a file into the
6 current system?

7 A. They go to file manager, they click upload
8 file, the screen comes up, they select it off their
9 computer and click open and then it uploads it.

10 Q. The last sentence of section 2 on the second
11 page of Plaintiffs' 273 says another new feature is the
12 repository where files and learning objects may be
13 placed and shared with other courses and sections or
14 across the entire campus.

15 Do you know what's meant by that?

16 A. Yes.

17 Q. What's meant by that?

18 A. When a professor develops a learning object or
19 we develop it for them, it can be reused and repurposed
20 for several different courses. It's a way to upload it
21 in one place to point to it and everyone can take
22 advantage of that learning object.

23 Q. What is a learning object?

24 A. How to explain this one. It's materials that
25 are organized in a pedagogically sound manner that will

1 help a learner to grasp a concept.

2 Q. Can you give me an example?

3 A. We had a professor that came to us, was trying
4 to show his students a muscle contraction down to the
5 cellular level. We developed a 3D interactive module
6 that allowed them to do this. That can be shared in all
7 of the biology courses, other anatomy courses as well as
8 a lot of the nursing courses.

9 Q. How would a professor get permission to
10 include a learning object in his or her own course?

11 A. They don't need permission.

12 Q. Where do these learning objects live that a
13 professor could get access to them?

14 A. Right now they don't reside anywhere. They're
15 kind of all over. That's why this is a good thing
16 because it will pull them together in one area.

17 Q. What distinction is being drawn between
18 learning objects that you don't need permission for and
19 course content created by another professor that you
20 need permission to obtain?

21 A. If the course has been set up and designed by
22 another professor, that is considered their work. That
23 cannot be shared. A learning object, if they allow we
24 can share that.

25 Again, there's still a permission issue. I'm

1 not going to put every object into the repository. Only
2 those with permission.

3 Q. How do you get permission to put them into the
4 repository?

5 A. We ask or we will ask. We have not done those
6 yet. That's a new tool.

7 Q. Have you determined yet specifically and
8 logistically how you will ask for permission to put
9 those learning objects in the repository?

10 A. No.

11 Q. Are there any plans for there to be a form or
12 a box that the person checks or do you think it will
13 have to be specifically asking permission for each
14 learning object?

15 A. I don't know.

16 Q. On page two of Plaintiffs' 273, number 5, the
17 question is I use an E Pack of publisher materials, how
18 will my materials be moved.

19 Do you know what's meant by an E Pack?

20 A. Yes.

21 Q. What's an E Pack?

22 A. Electronic pack of materials. It is developed
23 by a publisher to supplement their textbook.

24 Q. How do professors obtain E Packs?

25 A. Through the publisher.

1 Q. Do you know whether the professors pay for
2 E Packs?

3 A. No.

4 Q. No you don't know or no they don't pay?

5 A. I don't know what they pay, if they pay, how
6 they pay.

7 Q. Do you know whether students pay for them?

8 A. I don't know.

9 Q. How are E Packs currently dealt with in
10 Version 3 of the ULearn system?

11 A. The instructor will contact the publisher
12 requesting the E Pack, the publisher will then send the
13 faculty member a link telling them to forward it to the
14 admin who can then install it on the system.

15 Q. So what would your role be in this process?

16 A. Mine personally none.

17 Q. What would be the admin's role in this
18 process?

19 A. She would go to that link, download the
20 E Pack, upload it as a template and then it could then
21 be installed into the section for use.

22 Q. The admin that we're talking about in this
23 scenario would be somebody limited to the E Learning
24 Group?

25 A. Yes.

1 Q. Are the uploads of E Packs specific to a
2 particular semester in ULearn?

3 A. No.

4 Q. So once this process -- once the admin has
5 placed -- uploaded the materials on to the ULearn course
6 section, a professor could then use it in subsequent
7 semesters without having to go through the admin again?

8 A. Yes.

9 Q. Will professors have to repeat the process of
10 having the publishers send the information to the admin
11 for Version 8 or will they be able to take materials
12 that had already been placed on their Version 3 pages
13 and just move them over?

14 A. E Packs that have been uploaded to Version 3
15 will not work in Version 8. That's why we have -- it
16 says here to please contact your publisher for a new
17 E Pack that will -- that will be compatible.

18 Q. And on page 3 of Plaintiffs' 273, the answer
19 to question number 9, where can I get help in training.
20 Says the exchange is the place to go.

21 Is this the exchange we were talking about
22 earlier today, the actual computer lab in the library?

23 A. Yes.

24 MS. SINGER: If you would mark this as
25 Plaintiffs' 274, please.

1 (Plaintiffs' Exhibit No. 274
2 was marked for identification
3 by the reporter.)

4 BY MS. SINGER:

5 Q. Ms. Christopher, you have in front of you a
6 document bearing the Bates stamp Georgia State 46206 to
7 46211. It's been marked as Plaintiffs' Exhibit 274.

8 Do you recognize Plaintiffs' 2744?

9 A. Yes.

10 Q. What is Plaintiffs' 274?

11 A. This is what I have listed on my log-in page
12 for the faculty and users.

13 Q. When we talk about your log-in page, what
14 is -- what do you mean?

15 A. ULearn.gsu.edu.

16 Q. And that is something you have control over
17 the content on?

18 A. Yes.

19 Q. Gsu.edu, does that imply -- well, strike that.

20 Is that a server that is owned by GSU?

21 A. The first page you come to at ULearn.gsu.edu
22 is on the ULearn server. The ones that link to that
23 including this document are on my server.

24 Q. So Plaintiffs' 274 is on the GSU server?

25 A. Yes.

1 Q. Is Plaintiffs' 274 the current version of what
2 is currently on ULearn.gsu.edu?

3 A. Yes.

4 Q. Has this information changed at all in the
5 last year? You uploaded any changes?

6 A. I don't think so. Wait, the one change in
7 there with the new link to the copyright policy, the new
8 one, we changed the link.

9 Q. Could you show me on Plaintiffs' 274 what you
10 mean?

11 A. Okay. It's on page 46208. There's links in
12 here to see the University System Georgia policy on
13 copyright and fair use. Where those links are, I had to
14 change those because the Board of course changed their
15 link, so I had to make them match. But that line has
16 always been there. It's just where it's linking to had
17 to change.

18 Q. Before the change what did those -- what did
19 those links lead to?

20 A. To the old policy.

21 Q. The old Board Of Regents policy?

22 A. Yes.

23 Q. As we sit here today what do they link to?

24 A. The new.

25 Q. Are there any other changes you're aware of in

1 Plaintiffs' 274?

2 A. No.

3 Q. Who drafted the language of Plaintiffs' 274?

4 A. I did.

5 Q. Did anyone help you?

6 A. Yes.

7 Q. Who helped you?

8 A. Karen Oates and Zoe Salloom.

9 Q. Did anyone from legal have any input into the
10 language that's in Plaintiffs' 274?

11 A. No.

12 Q. The section we were just looking at on 46208
13 under number 6 responsibilities, says the ultimate
14 responsibility for the development, content and
15 management of an ULearn course lies with the instructor.
16 You see that?

17 A. Yes.

18 Q. That's your language?

19 A. Yes.

20 Q. After the bullet point it says, instructors
21 are responsible for the course content including the
22 appropriateness, meeting accessibility standards,
23 copyright compliance, FERPA, HIPAA and conformance to
24 other university policies and procedures. Do you see
25 that?

1 A. Yes.

2 Q. What does accessibility standards link to?

3 A. I'm not sure.

4 Q. What does copyright compliance link to?

5 A. I'm not exactly sure.

6 Q. What should copyright compliance link to?

7 A. To what --

8 MR. SHEESLEY: Objection.

9 THE WITNESS: To what we have here at
10 the university, Georgia State.

11 BY MS. SINGER:

12 Q. What specifically would you be referring to?

13 A. There is a page they have on copyright.

14 Q. At Georgia State?

15 A. I think.

16 Q. Okay. What does FERPA refer to?

17 A. There's a link here at a page at Georgia State
18 University that deals with FERPA.

19 Q. How about HIPAA?

20 A. Again, here at Georgia State, one of their
21 pages.

22 Q. What does other university policies and
23 procedures link to?

24 A. Another GSU web page.

25 Q. Do you know what policies and procedures are

1 encompassed on that web page?

2 A. No.

3 Q. Does anyone in the E Learning Group check
4 whether an instructor's ULearn course section page
5 complies with these policies?

6 A. Only if we have developed it.

7 Q. If you haven't developed the page -- strike
8 that.

9 What do you mean by if we've developed it?

10 A. If an instructor comes to me and says I want
11 to take this what I'm doing in the classroom, move it to
12 online, we will work with them to develop the course for
13 them, for ULearn. Those materials that go into that
14 course that we have control over will comply with all of
15 the policies set forth here.

16 Q. How do you determine in that circumstance
17 whether something complies with the university's
18 copyright policy?

19 A. Based on the materials that the professor has
20 given us to upload and if they have the copyright
21 permissions to upload them, if they have written --
22 created the PowerPoints, whatever, that we have
23 permission to use it then we will use it.

24 Q. Who checks to see if there is permission?

25 A. Normally the instructional designer.

1 Q. Forgive me, the instructional designer is
2 somebody in the E Learning Group?

3 A. Yes.

4 Q. And that would be either Mostafa or Zoe?

5 A. Yes.

6 Q. What do Mostafa or Zoe look for when they
7 check to see if the professor has copyright permission?

8 A. Normally they will ask them or it's very
9 evident as to whether or not this document could even be
10 used, or this file.

11 Q. What do you mean by very evident?

12 A. If a professor comes to you with a textbook
13 and says scan this, upload this, we know it's wrong.

14 Q. Anything short of scanning or uploading a full
15 textbook?

16 A. If the professor has come to us with film
17 clips we will normally ask them where is your
18 permission.

19 Q. Aside from a full textbook or a film clip, is
20 there anything else that you would consider very
21 evident?

22 A. I don't know.

23 Q. Have there been any instances where a
24 professor has asked the E Learning Group to upload
25 something and the E Learning Group has refused?

1 A. Yes, as I said before.

2 Q. Other than -- strike that.

3 How many situations have there been in which
4 the E Learning Group has created the page for the
5 instructor?

6 A. I have no idea.

7 Q. Since February 2009 how many instances
8 approximately has the E Learning Group created an ULearn
9 page?

10 A. I don't know.

11 Q. Of the 2500 active sections for spring
12 semester approximately, would the E Learning Group have
13 created more than 100 of those?

14 A. No.

15 Q. More than 50 of them?

16 A. I don't know.

17 Q. When the E Learning Group creates an ULearn
18 page, does the E Learning Group look at everything that
19 has been uploaded or only what is uploaded at the time
20 they create it?

21 A. Only what we uploaded at the time and have
22 turned over to the professor.

23 Q. So the professor can upload things after the
24 page has been created and no one in the E Learning Group
25 would see that?

1 A. Yes.

2 Q. Is there any procedure in place to determine
3 whether a professor has complied with any of the
4 university policies?

5 A. No.

6 Q. Is there any plans to have any procedure to
7 determine whether a professor has complied with
8 copyright policies?

9 A. I don't know.

10 Q. In Version 8 will there be any procedures to
11 determine whether a professor has complied with
12 copyright policies?

13 A. I don't know.

14 Q. Have there been any discussions about plans to
15 put in procedures to make sure that professors comply
16 with the copyright policy?

17 A. No.

18 Q. As we sit here today there's no procedure in
19 place to make sure that professors have complied with
20 GSU's copyright policies before they've uploaded
21 something to ULearn?

22 A. In my department there is, no.

23 Q. In any department that you're aware of?

24 A. I don't know.

25 Q. What other possible departments might be able

1 to determine whether professors have complied with
2 copyright policies with respect to ULearn?

3 A. I don't know.

4 Q. Are there any other departments at GSU that
5 have access to the ULearn system at an admin level?

6 A. Yes.

7 Q. What other departments?

8 A. College of Ed.

9 Q. What kind of access does the College of Ed
10 have?

11 A. There is one admin there that is responsible
12 for uploading the sections to GOML, which is Georgia On
13 My Line. And she's restricted strictly to that area.
14 That's all she can access.

15 Q. And what is Georgia On My Line?

16 A. It is a program that was started by the USG to
17 allow students to take their entire first two years
18 fully online.

19 Q. What does that mean to take your first two
20 years fully online?

21 A. Never have to step foot in a brick and mortar
22 room. Everything is done via the computer.

23 Q. Do you know approximately how many students
24 participate in this program?

25 A. No.

1 Q. Aside from -- would the admin at the College
2 of Ed have access to all of the same ULearn section
3 pages that the E Learning Group has access to?

4 A. No.

5 Q. What sections would the College of Ed person
6 have access to?

7 A. They're restricted only to those from the
8 College of Ed.

9 Q. Okay. Is the College Of Law, do they have a
10 separate ULearn system or is that part of the ULearn
11 system that the E Learning Group administers?

12 A. There's only one ULearn system. The College
13 Of Law uses the home grown program. I don't know about
14 it.

15 Q. The College Of Law does not use the ULearn
16 system?

17 A. Some professors do.

18 Q. And if a College Of Law professor uses an
19 ULearn section page, the E Learning Group would have
20 admin privileges over that page?

21 A. Yes.

22 Q. Okay. Other than the College of Ed admin, are
23 there any other departments at GSU that have admin
24 privileges?

25 A. No.

1 Q. Have you ever had any complaints about
2 materials that were posted in the ULearn system?

3 A. Yes.

4 Q. What were the complaints about?

5 A. I can't download it, I can't read it, it's not
6 displaying.

7 Q. Have you ever had any complaints about the
8 content itself?

9 A. No.

10 Q. Is there any procedure in place to facilitate
11 reporting of complaints about content on the ULearn
12 system?

13 A. Not that I'm aware.

14 Q. Would there -- strike that.

15 If such a policy existed, as the head of the
16 E Learning Group you would likely be aware of that,
17 right?

18 A. I hope so.

19 Q. Are you aware of whether professors have ever
20 failed to comply with their ultimate responsibility for
21 complying with these copyright policies?

22 A. Yes.

23 Q. What if anything did you do upon becoming
24 aware that professors were not complying with their
25 copyright responsibilities?

1 A. I don't think I did anything.

2 Q. How did you become aware that professors were
3 not complying with their copyright responsibilities?

4 A. Inadvertently.

5 Q. Can you explain what you mean by that?

6 A. A professor was having difficulty with her
7 section and asked me to go in to fix it for her, at
8 which time I noticed some things that had been uploaded
9 that I was not 100 percent sure were there -- were
10 supposed to be there.

11 Q. What was your criteria for thinking that you
12 were not 100 percent sure they were supposed to be
13 there?

14 A. Because they had been used for several
15 semesters.

16 Q. Anything else?

17 A. No.

18 Q. Other than that one instance, are you aware of
19 any other professors who have not complied with their
20 copyright responsibility?

21 A. Personally specifically, no.

22 Q. Generally?

23 A. No.

24 Q. Is there any expectations at GSU that
25 professors will take any steps with regard to copyright

1 before posting things to the ULearn system?

2 A. I don't know.

3 Q. Currently is there any training given to
4 professors about what they can and cannot upload to
5 ULearn in compliance with copyright policies?

6 A. Yes.

7 Q. And what is that training?

8 A. That's the training that's coming from the
9 legal office.

10 Q. Other than that, are there any training
11 provided?

12 A. There will be in the Preparing To Teach Online
13 course.

14 Q. Okay. So prior to these legal trainings that
15 have -- well, strike that.

16 The legal trainings that you're referring to
17 have mainly taken place since the new policy went into
18 effect, is that correct?

19 A. The Preparing To Teach Online course was --
20 development on that was started before the new policy.

21 Q. Okay. The legal trainings given by Cynthia
22 Hall and members of the legal department have been since
23 the new policy went into effect, correct?

24 A. Yes.

25 Q. Prior to the new policy going into effect,

1 were there any trainings actually given to professors?

2 A. I'm not aware of any.

3 MS. SINGER: If you would mark this,
4 please, as Plaintiffs' 275.

5 (Plaintiffs' Exhibit No. 275
6 was marked for identification
7 by the reporter.)

8 BY MS. SINGER:

9 Q. Ms. Christopher, you have in front of you a
10 document bearing the Bates stamp Georgia State 980
11 that's been marked as Plaintiffs' Exhibit 275. Do you
12 recognize Plaintiffs' 275?

13 A. Yes.

14 Q. Could you describe it briefly, please?

15 A. It's an e-mail originally -- was originated
16 with Chandra. I'm not exactly sure who everyone was who
17 it all went out to, but eventually was copied to myself
18 and Lovely and Mostafa.

19 Q. Who is Chandra?

20 A. She was in charge of training.

21 Q. And was Chandra in charge of training in
22 August 2008 at the time of Plaintiffs' 275?

23 A. Yes.

24 Q. The e-mail at the top of the chain on
25 Plaintiffs' 275 is Mostafa's changes to language on

1 ULearn for a flyer for new faculty orientation day, is
2 that correct?

3 A. Yes.

4 Q. And Mostafa made a couple of changes. Did you
5 have any input into the changes that Mostafa made?

6 A. No. Well, I would have had a chance to. I
7 don't recall that I did.

8 Q. Do you know why in Plaintiffs' 275 the words
9 course reading were deleted from the original verbiage?

10 A. No.

11 Q. Do you know whether the new faculty
12 orientation day flyer was ever created?

13 A. I was not here. I don't know.

14 Q. Why weren't you here?

15 A. I was in Arkansas. My mother was having open
16 heart surgery.

17 Q. Approximately what period of time were you
18 gone?

19 A. The entire month of August.

20 Q. Of 2008?

21 A. Yes.

22 Q. Who was in charge in August 2008 while you
23 were gone?

24 A. Zoe.

25 Q. How can students access the ULearn system?

1 A. They go to ulearn.gsu.edu and enter their
2 campus ID and password and they can access it.

3 Q. Which ULearn sections are students able to
4 access?

5 A. The ones for which they are registered or have
6 been added to.

7 Q. So a student wouldn't be able to access the
8 ULearn section page for a course that they were not
9 registered for unless they had been added?

10 A. Exactly, yes.

11 Q. Are students able to access ULearn section
12 pages from prior semesters?

13 A. No.

14 Q. So students are only able to access courses to
15 which they've been registered or currently added for the
16 current semester?

17 A. And if it is within four weeks of the semester
18 they can access the old ones for make-up work and then
19 it's cut off.

20 Q. But professors would still have access to
21 their own prior semesters?

22 A. Yes.

23 Q. Okay. What can a student do once they've
24 entered an ULearn section page for which they're
25 registered, what activities do they have access to?

1 A. They can view pages. It depends on what tools
2 have been implemented by the professor.

3 Q. For course readings that have been uploaded by
4 professors, what rights or what abilities does a student
5 have with respect to those uploaded files?

6 A. They can read them, depending on how they've
7 been uploaded they may be able to download them or print
8 them.

9 Q. Is there any way to determine whether a
10 student has downloaded or printed an uploaded file?

11 A. No.

12 Q. In Version 8 will there be any way to
13 determine whether a student has downloaded or printed a
14 file?

15 A. No.

16 Q. When a student accesses an uploaded file
17 through ULearn, what is your understanding of what they
18 see on the screen?

19 A. Whatever's there.

20 Q. Are there any naming conventions for files
21 that are uploaded?

22 A. No.

23 Q. Does the E Learning Group or anyone at GSU
24 provide any guidance on how to name files?

25 A. No.

1 Q. It's completely within the professor's
2 discretion?

3 A. Yes.

4 Q. When a student clicks on the PDF and it opens
5 up, what are they -- they seeing a copy of the document?

6 A. It's like any other web page. If I go to a
7 web page and click on a PDF, it's going to be the same
8 as it would be if it was in ULearn.

9 Q. Are there any PDF features that are disabled
10 through the ULearn system?

11 A. No.

12 Q. So you can do anything with a PDF that you
13 access through ULearn that you could do with a regular
14 PDF outside of the ULearn system?

15 A. Depending on which Adobe product you have
16 installed on your computer.

17 Q. That's the only limitation is the version you
18 have installed on your computer?

19 A. Yes.

20 Q. Does the university have printers that
21 students can use to print materials that they've
22 downloaded from ULearn?

23 A. Yes.

24 Q. Do students have to pay to use those printers?

25 A. Yes.

1 Q. How much do they pay?

2 A. I don't know.

3 Q. Is there a card system or how logistically do
4 students pay for printing?

5 A. It's done off their Panther ID.

6 Q. Do you know whether students have a certain
7 amount of free printing or do they start paying from
8 page one that they print?

9 A. I understand that the tech fee allows them so
10 many printed pages per semester and then it's so much a
11 page.

12 Q. Do you know whether the general practice is to
13 print uploaded files that have been placed on ULearn
14 sections?

15 A. I don't know.

16 Q. Do you know whether professors encourage
17 students to print materials and bring them to class?

18 A. I don't know.

19 Q. Have you ever spoken with a professor about
20 whether they should encourage students to print things
21 and bring them to class?

22 A. I have not done that.

23 Q. When a student views a PDF on the ULearn
24 system, does that create a cache file on the student's
25 computer?

1 A. I don't know.

2 Q. Does the ULearn system to the best of your
3 knowledge do caching or file saving or any of that
4 differently than any other program that uses PDF?

5 A. I don't know.

6 Q. Okay. Can students access a particular PDF
7 multiple times?

8 A. Yes.

9 Q. Is there any way to know how many people have
10 accessed a particular PDF through the ULearn system?

11 A. If it has been uploaded to a course module,
12 yes.

13 Q. And what do you mean by that?

14 A. A course module allows the professor to put
15 things in an organized manner. In this module they can
16 put the other tools, the readings, the link to the
17 discussion boards, possibly a quiz. If it is uploaded
18 in this module the report will tell them this many
19 students accessed this document, that document. If it
20 is just uploaded to an organizer page as a single icon,
21 it does not track.

22 Q. Is there any way to tell how long a student
23 viewed a particular PDF in either way?

24 A. No.

25 Q. Are there any plans for that to change in

1 Version 8?

2 A. I don't know. I don't think so at this time.

3 Q. So there's no way for a professor to tell
4 whether a student actually read the PDF, they can just
5 tell if the student accessed it?

6 A. The student -- I mean, the professor can only
7 see if the student clicked on the document.

8 Q. How long does it take to download a printed
9 document from the ULearn system?

10 A. It depends on the size.

11 Q. Is it generally something that takes seconds
12 or is it generally something that takes minutes?

13 A. That depends on the size and your connection
14 speed. Same as with your computer at home when you try
15 to download a PDF.

16 Q. If a student has a fast connection and they
17 have accessed several PDFs in the course of one minute,
18 is it possible depending on the size of the file and the
19 speed of their connection that they have actually
20 downloaded multiple files in the course of a single
21 minute?

22 A. I don't know.

23 Q. Who would know that?

24 A. Somebody who deals with that stuff. I'm not a
25 techie.

1 Q. By that -- if you wanted to know the answer to
2 that question, who would you call?

3 A. It would have to be somebody who works with
4 servers.

5 Q. Who would you call if you wanted to know the
6 answer to that question?

7 A. I have no idea. Maybe talk with one of my
8 sons. I don't know.

9 Q. Okay. Are you familiar with the new copyright
10 policy implemented by the Board Of Regents?

11 A. I know there is one. I'm not that familiar
12 with it, no.

13 Q. I am going to show you a document that has
14 been previously marked as Plaintiffs' Exhibit 38. Do
15 you recognize Plaintiffs' Exhibit 38?

16 A. Yes.

17 Q. What is Plaintiffs' 38?

18 A. It appears to be the new Board Of Regents
19 copyright policy.

20 Q. How did you learn that there was a new Board
21 Of Regents copyright policy?

22 A. An e-mail.

23 Q. And who was that e-mail from?

24 A. Probably somebody at the Board Of Regents. I
25 don't recall who exactly.

1 Q. Do you remember approximately when you learned
2 about the new policy?

3 A. About the time it came out.

4 Q. Was the e-mail that you received a broadcast
5 e-mail to the entire university or was it specifically
6 sent to you or some group that you're in?

7 A. I belong to so many groups I don't know which
8 one it came through. It probably came through
9 multiples.

10 Q. How -- strike that.

11 Has the ULearn system been changed at all as a
12 result of the new Board Of Regents policy?

13 A. Other than the link that I put on my page, I
14 don't think so.

15 Q. Was there any discussion about whether any
16 changes needed to be made to the ULearn system as a
17 result of the new copyright policy?

18 A. I was not involved in any. I do not know.

19 Q. In your opinion are there any changes that
20 need to be made to the ULearn system as a result of the
21 new copyright policy?

22 A. I don't know.

23 Q. Have you noticed any changes in the way
24 faculty used the ULearn system as a result of the new
25 copyright policy?

1 A. No.

2 Q. Let me hand you what has been previously
3 marked as Plaintiffs' Exhibit 121. Do you recognize
4 Plaintiffs' 121?

5 A. Yes.

6 Q. What is Plaintiffs' 121?

7 A. This is the checklist that the Board Of
8 Regents made to go along with their new policy.

9 Q. Have you ever had occasion yourself to fill
10 out the checklist?

11 A. No.

12 Q. Have you ever seen any filled out checklist by
13 any faculty members?

14 A. No.

15 Q. When the E Learning Group helps professors
16 create section pages, would they ever look at the fair
17 use checklist?

18 A. I don't know.

19 Q. Has to the best of your knowledge in the time
20 since February of 2009 when this policy was implemented,
21 has anyone in the E Learning Group ever requested that a
22 professor show them a filled out fair use checklist?

23 A. I don't know.

24 Q. Do you have any occasion to apply this four
25 factor checklist as part of your duties?

1 A. No.

2 Q. Is there any -- does the E Learning Group
3 collect filled out fair use checklists?

4 A. No.

5 Q. Are there any plans for the E Learning Group
6 or anyone at ULearn to collect copies of filled out fair
7 use checklists?

8 A. I don't know.

9 Q. Who would know that?

10 A. The next manager.

11 Q. I'm sorry?

12 A. The next manager. We're under a
13 reorganization right now.

14 Q. Can you tell me about that reorganization?

15 A. IST is going through a major reorganization in
16 which there's complete new departments, new managers,
17 new leaders, and duties are going to be redistributed
18 across to where there will be less duplication of
19 efforts and more concentration on our specialities.

20 Q. What will be your role after the
21 reorganization?

22 A. I don't know. Won't know until August.

23 Q. Do you know whether the E Learning Group will
24 still exist after August?

25 A. It will not.

1 Q. And who will be in charge of -- strike that.

2 Who will have admin privileges over the ULearn
3 system after the reorganization?

4 A. I don't know. They're still writing domain
5 statements.

6 Q. Who is in charge of the reorganization?

7 A. J.L.

8 Q. Are you aware of whether anyone in the
9 E Learning Group -- what their role will be after the
10 reorganization, have you had any input into that
11 process?

12 A. I have had input, but I do not know where they
13 will be.

14 Q. On how many occasions have you given input
15 into the process?

16 A. I attended several meetings.

17 Q. And when approximately were those meetings?

18 A. Within the last six months.

19 Q. What was the nature of the input that you gave
20 into this process?

21 A. I designed an organizational chart on how I
22 felt the unit should be designed. Gave comments on
23 other people's designs. And we also discussed what
24 duties should go into which department.

25 Q. What is your recommendation about how the

1 ULearn duties should be handled after the
2 reorganization?

3 A. The admin functions will probably go to the
4 help center. And the instructional designers will go
5 into their own department.

6 Q. What is your recommendation for your own role
7 after the reorganization?

8 A. To go into the programming units and work with
9 Second Life.

10 Q. What is the help center that you just referred
11 to?

12 A. It's the help desk at Georgia State
13 University.

14 Q. What do they currently handle?

15 A. Any question that comes across for any piece
16 of software or whatever happens to be going on at the
17 university at the time.

18 Q. Do they currently answer questions about
19 ULearn?

20 A. Yes.

21 Q. But they currently don't have admin privileges
22 over the ULearn system?

23 A. No.

24 Q. So am I understanding you that your
25 recommendation is --

1 A. Wait, they do have admin privileges to the
2 point where they can go in to see if somebody is
3 enrolled in a section. When we could still do passwords
4 they would do that, but that was their limit. It was
5 limited to the help desk role.

6 Q. And just so I make sure I'm understanding you,
7 your recommendation is that they should take over some
8 of the admin functions that are currently handled by the
9 E Learning Group?

10 A. Yes.

11 Q. What -- how does the ULearn system interact
12 with the EReserve system?

13 A. It doesn't.

14 Q. The -- is it possible to link to the ERes
15 system from the ULearn system?

16 A. Yes.

17 Q. How do you go about doing that?

18 A. ERes system gives you a -- you just take the
19 URL, put it in there just like you would a web link.
20 The student clicks on there, it takes them to that web
21 site and they log on to the ERes.

22 Q. Does GSU give any guidance as to when it's
23 appropriate to link to the ERes system or when it's
24 appropriate to just upload things to your ULearn page?

25 A. No.

1 Q. Do you know whether professors generally use
2 both the ULearn system and the EReserve system or do you
3 know whether professors generally use one or the other?

4 A. They use the tool most appropriate.

5 Q. In your opinion is it appropriate to use both
6 tools or is it appropriate to use one or the other?

7 A. It depends on the situation.

8 Q. In the majority of situations?

9 A. I can't qualify that.

10 MS. SINGER: I think we're almost out
11 of tape, so why don't we take a quick
12 break.

13 THE VIDEOGRAPHER: This concludes tape
14 number 3. We're off the record at 11:41
15 a.m.

16 (Lunch recess.)

17 THE VIDEOGRAPHER: This will be tape
18 number 4. We're back on the record at
19 12:32 p.m.

20 BY MS. SINGER:

21 Q. Ms. Christopher, have you ever heard of the
22 Copyright Clearance Center?

23 A. It sounds familiar.

24 Q. Do you have any understanding of what the
25 Copyright Clearance Center does?

1 A. No.

2 Q. Have you ever had occasion to interact with
3 the Copyright Clearance Center?

4 A. No.

5 Q. Is there any budget that you're aware of to
6 pay license or permissions fees for materials that are
7 uploaded to the ULearn system?

8 A. No.

9 Q. If an instructor had to pay a license fee to
10 upload something to the ULearn system, do you know who
11 would pay that fee?

12 A. I don't know.

13 Q. But it wouldn't be anybody in the E Learning
14 Group? It wouldn't come out of your budget?

15 A. I have not seen a line for that.

16 MS. SINGER: If you would please mark
17 this as Plaintiffs' Exhibit 276.

18 (Plaintiffs' Exhibit No. 276
19 was marked for identification
20 by the reporter.)

21 BY MS. SINGER:

22 Q. Ms. Christopher, you've been handed a document
23 marked as Plaintiffs' Exhibit 276. It bears the Bates
24 stamp Georgia State 49748 to 49802.

25 Are you familiar with Plaintiffs' 276?

1 A. No.

2 Q. Do you recognize the format of this report
3 that's Plaintiffs' 276?

4 A. No.

5 Q. I will represent to you that this was a
6 document produced to us as an audit report from the
7 ULearn system.

8 A. Okay.

9 Q. And I will represent to you that column A of
10 P-276 says redacted and what we have done is redacted
11 out in consultation with your counsel information about
12 individual students in order not to violate any FERPA
13 guidelines or create any issues there.

14 A. Okay.

15 Q. Who has the ability to create this sort of
16 report represented in Plaintiffs' 276?

17 A. It would be someone at the University System.

18 Q. And by University System, you mean somebody at
19 USG?

20 A. Yes.

21 Q. Would you have the ability to create the kind
22 of report represented by Plaintiffs' 276?

23 A. No.

24 Q. If we look at column B of Plaintiffs' 276 we
25 see a variety of entries. Do you have an understanding

1 of what these entries mean?

2 A. Some of them.

3 Q. Okay. Let's start with I guess it's line 4,
4 the first line, wio-user_view. You do know what that
5 means?

6 A. No.

7 Q. Next line is organizer-view. Do you know what
8 that means?

9 A. Yes.

10 Q. What does that mean?

11 A. Somebody looked at an organizer page.

12 Q. Next entry on P-276 is content-page-view. Do
13 you have an understanding of what that means?

14 A. Yes.

15 Q. What does -- what does content page viewed
16 mean?

17 A. Somebody looked at the content page.

18 Q. Is there an ability to tell what they looked
19 at on the content page, a particular item, or is it just
20 they viewed the content page?

21 A. If you guide your finger across to column D it
22 says McDermott2002.pdf.

23 Q. Okay. Well, let's go across then. Column C
24 on P-276 has a date and a time?

25 A. Yes.

1 Q. Would that be the date and the time that
2 whatever actions in column B was taken?

3 A. Depends on how this program or how they ran
4 the report. That's what I would assume, but I cannot
5 say definitely.

6 Q. Okay. Column D of P-276, just so I understand
7 you, the item that's in column D will tell you
8 specifically what the view was from column B, what the
9 action was?

10 A. I would assume based on what it looks like.

11 Q. Okay. Column E of P-276, spring semester 2009
12 POLS-4190-005, do you have an understanding of what that
13 is?

14 A. Yes.

15 Q. And what is the entry in column E?

16 A. It is a particular ULearn section.

17 Q. So everything that has POLS-4190-005 for
18 spring semester 2009, this would be all actions that
19 were taken on that ULearn section page?

20 A. Again, I would assume because I don't -- I
21 don't have anything up here that tells me who ran the
22 report, what the parameters were. But based on what
23 this looks like.

24 Q. Okay. Column F of P-276 says 600313046. Do
25 you know what that entry means?

1 A. No.

2 Q. Given your knowledge of the ULearn system, can
3 you tell what might generally be in that column or what
4 a series of numbers like that might represent?

5 A. I have no idea.

6 Q. On P-276 we were just looking at a line that
7 said -- it's line 9 says McDermott2002.pdf?

8 A. Uh-huh.

9 Q. I want to make sure I understand you. That is
10 what we talked about before, this would be a particular
11 item that was uploaded to the ULearn section?

12 A. Yes.

13 Q. And this would be uploaded by the professor?

14 A. It could be.

15 Q. Who else could it be uploaded by?

16 A. It could have been uploaded by a designer that
17 he had in there, it could have been uploaded by his GRU
18 if he gave them privileges, it could have been uploaded
19 by ULearn personnel. I cannot tell from this document.

20 Q. GRU stands for what?

21 A. Graduate research assistant.

22 Q. Anybody else that could have uploaded it?

23 A. Unless you had designer privileges, no.

24 Q. And just so we're clear, naming these files is
25 what we talked about earlier, that it's completely

1 within the discretion of the professor?

2 A. Yes.

3 Q. So you couldn't -- you would have no way of
4 looking at a report and knowing what the contents of
5 McDermott2002.pdf is?

6 A. No.

7 Q. Do you have the ability to prepare reports
8 similar to Plaintiffs' 276?

9 A. No.

10 Q. What kind of -- of the information that's on
11 P-276, do you have access to all of this information?

12 A. I would click on a course and go in and look
13 at it, but other than that there are no reports I can
14 run that would give me this.

15 Q. Are there reports that you can run that would
16 produce some of this information?

17 A. No.

18 Q. So you have no ability to print or run a
19 report that would show all of the actions taken in a
20 particular course for a particular semester?

21 A. I can run the report that will tell me the
22 students had so many hits at this page, that page and
23 how long they spent on the course. That kind of report
24 I can run. But it doesn't list out specific documents.

25 Q. Okay. So it doesn't show you individually

1 what actions each person took?

2 A. There is one that will run it by student and
3 tell you where they have been, what they have done, yes.

4 Q. Is there a way to run the by student report
5 for the course or you can only run one student at a
6 time?

7 A. You can run it for the whole section.

8 Q. How would that report be different than
9 Plaintiffs' 276?

10 A. It's done as numbers. It's not lined out like
11 this at all.

12 Q. When you say it's done by numbers, what do you
13 mean?

14 A. You'll have a line with a student's name and
15 then in the various columns you'll have discussions with
16 a number, how many discussions did you read, how many
17 did you post, organize -- not organize, content page,
18 viewed and put a number in there. And it will have date
19 first access, most recent access with a date and time.

20 Q. But it wouldn't list each instance of access
21 the way P-276 does?

22 A. No.

23 Q. Let's see, on page 6 of P-276, the internal
24 numbering is page 6 of 55.

25 A. Uh-huh.

1 Q. You see an entry in column A that is content
2 audit 1. Do you know what content audit 1 stands for?

3 A. Yes.

4 Q. What is content audit 1?

5 A. That was an idea I created for your attorneys
6 to go in and look at some courses.

7 Q. So on the content audit 1 ID, the activity
8 would be coded on this report the same as a regular
9 student, right?

10 A. Right. Because it is a user.

11 Q. Okay. If you turn on Plaintiffs' 276 to the
12 internal page numbering is page 30 of 55, it's Georgia
13 State 49777. Do you see in column A there's entries
14 under J. Riefler?

15 A. Yes.

16 Q. Do you know who J. Riefler is?

17 A. No, I don't.

18 Q. If I represent to you that it's my
19 understanding that he is the professor whose section,
20 ULearn section this is, would the professor's entries be
21 the same as the student, same user, the same way as
22 content audit 1, the activities should be recorded in
23 the same way?

24 MR. SHEESLEY: Objection.

25 THE WITNESS: I'm not sure.

1 BY MS. SINGER:

2 Q. On line 1363 of Plaintiffs' 276 the entry for
3 J. Riefler in column B is file manager accessed?

4 A. Yes.

5 Q. Do you know what that means?

6 A. Yes.

7 Q. What is file manager accessed?

8 A. That is the area in the ULearn software where
9 the professors upload materials.

10 Q. Is that something the student would have
11 access to?

12 A. Through My Files area. But not to professor's
13 direct files.

14 Q. Okay. In line 1364 it says file uploaded in
15 column B?

16 A. Uh-huh.

17 Q. Do you know what file uploaded means?

18 A. Yes.

19 Q. What is file uploaded?

20 A. They uploaded a file.

21 Q. And again only the professor would have access
22 to the professor's section to upload files?

23 A. Yes.

24 Q. If a student uploaded something to My Files,
25 would the entry be file uploaded?

1 A. I don't know.

2 Q. A couple lines down, line 1367. The entry in
3 column B is log out. Do you know what that means?

4 A. Yes.

5 Q. What does log out mean?

6 A. They logged out of the system. You click the
7 log-out button.

8 Q. Do you have any understanding of why log out
9 appears at the end of certain sessions and not at the
10 end of other sessions?

11 A. No, because I don't know what this report is.

12 Q. Okay. Who would know what this report is?

13 A. Whoever ran it.

14 Q. If you wanted to find out internally, who
15 would you show it to to ask?

16 A. Probably somebody at the USG.

17 Q. After our attorneys -- after you created
18 content audit 1 and our attorneys came and looked at the
19 system, were you asked to produce any reports or do any
20 follow-up in the USG system?

21 I don't want to invade attorney client
22 privilege but these reports were produced to us from
23 your counsel. So I'm trying to figure out how they came
24 into being, if you had any role in these reports?

25 A. I had none.

1 Q. Were you -- without divulging anything that
2 might be privileged, and if you need to talk to your
3 counsel we can do that, but were you asked to do any
4 follow-up after our attorneys came and viewed the
5 ULearn system?

6 A. What kind of follow-up?

7 Q. Were you asked to produce reports, were you
8 asked to create other IDs for other courses, did you
9 have any role in any other kind of ongoing auditing of
10 the system?

11 A. Other than producing more documents, no.

12 Q. Is there any way to tell from Plaintiffs' 276
13 whether a student who viewed a page downloaded or
14 printed the file?

15 A. I did not run the report. I don't see
16 anything here that says that.

17 MS. SINGER: If we can mark this as
18 Plaintiffs' 277, please.

19 (Plaintiffs' Exhibit No. 277
20 was marked for identification
21 by the reporter.)

22 BY MS. SINGER:

23 Q. Ms. Christopher, you've been handed a document
24 bearing the Bates stamp Georgia State 49803 to 49841
25 that's been marked as Plaintiffs' Exhibit 277.

1 Do you recognize Plaintiffs' 277?

2 A. Nope.

3 Q. Have you ever seen a report of the type of
4 Plaintiffs' 277 before?

5 A. The one that you just handed me.

6 Q. Okay.

7 MS. SINGER: If you would please mark
8 this as Plaintiffs' 278. And mark this as
9 Plaintiffs' 279.

10 (Plaintiffs' Exhibit Nos. 278
11 and 279 were marked
12 for identification by the reporter.)

13 BY MS. SINGER:

14 Q. Ms. Christopher, you've been handed a document
15 bearing the Bates stamp Georgia State 33632 that's been
16 marked as Plaintiffs' 278. And a document bearing the
17 Bates stamp Georgia State 32437 that's been marked as
18 Plaintiffs' Exhibit 279.

19 Do you recognize Plaintiffs' 278?

20 A. It appears to be a page from an ULearn course.

21 Q. We talked earlier about organizer tools and
22 learning modules. How would you characterize
23 Plaintiffs' 278?

24 A. This is an organizer page.

25 Q. Organizer page. Do you recognize Plaintiffs'

1 279?

2 A. Again, it appears to be a page from the ULearn
3 course.

4 Q. How would you characterize Plaintiffs' 279?

5 A. It's the home page organizer page.

6 Q. So Plaintiffs' 278 and Plaintiffs' 279 are
7 both examples of organizer pages?

8 A. Yes. And they're both home pages.

9 Q. Is there a difference between a home page and
10 an organizer page?

11 A. A home page is also an organizer page but the
12 home page is the first page, the entry into the rest.

13 Q. So is it possible to have an organizer page
14 that is not a home page?

15 A. Yes.

16 Q. What would a home page that is not an
17 organizer page look like?

18 A. It would look like this. This could be placed
19 anywhere. This organizer page doesn't necessarily have
20 to be on the home page. There could be a link out here
21 where we click it and this would open.

22 Q. On Plaintiffs' 278 it looks -- do you see on
23 the first column third one down it says reaction papers?

24 A. Okay.

25 Q. And there's little pictures of a page with a

1 thumb tack in front of it is the icon?

2 A. Yes.

3 Q. Does that icon have any significance for the
4 type of file?

5 A. Yes. Or the type of tool.

6 Q. Type of tool. What type of tool is signified
7 by that icon?

8 A. A discussion board.

9 Q. Above it we see for McDermott2002.pdf just a
10 picture of a page with a corner folded down?

11 A. Yes.

12 Q. What does that icon signify?

13 A. A content page.

14 Q. And a content page is something that was
15 uploaded by the professor?

16 A. Yes, it's a single page, single file.

17 Q. So on P-278 aside from the reaction paper
18 discussion tool everything else is a single file?

19 A. Yes.

20 Q. And just to do this in context, there's no way
21 without actually clicking on it and opening the file,
22 there's no way for anyone to tell what actually these
23 files contain, is that correct?

24 A. Correct.

25 Q. On Plaintiffs' 279 the first entry in the

1 column on the left says read 1st ULearn for EPSF
2 8040.ppt and there's a picture of a -- hard to tell from
3 this print quality but a piece of paper kind of tilted
4 to the side?

5 A. Yes.

6 Q. What does that icon signify?

7 A. A content page.

8 Q. Is that the same kind of content page we saw
9 in Plaintiffs' 278?

10 A. Yes.

11 Q. Why are there different icons?

12 A. The professor can put anything there they
13 want.

14 Q. Is there a choice of icons for particular
15 items?

16 A. There are some that are preloaded or the
17 professor can upload their own to use.

18 Q. Okay. The next on P-279, the next thing the
19 icon is a backpack of some kind?

20 A. Yes.

21 Q. Is that a standard icon?

22 A. Yes, it's standard.

23 Q. What sort of file would the backpack icon
24 signify?

25 A. It's content module.

1 Q. What's a content module?

2 A. It would be like taking all of this stuff and
3 putting it into one file so it would have a table of
4 contents running down the left, I would click on one of
5 the files and it would show up in the right hand frame.
6 So that the student could go through in an organized
7 manner it's packaged, hence the backpack.

8 Q. What might the components of that package be?

9 A. They can upload a content file, they can put a
10 link to a discussion board, they can put an assignment
11 in there, they can put a quiz.

12 Q. So it could be anything you can put on an
13 organizer page you can put inside a content module?

14 A. Yes.

15 Q. On the bottom of the middle column it looks
16 like -- I don't know if it's file folders or what that
17 icon is?

18 A. Yes.

19 Q. What would that signify?

20 A. That's an organizer page.

21 Q. What's on an organizer page? So that is --

22 A. I'm sorry, it would be the same as the home
23 page with just a group of icons that are not organized
24 with the table of contents.

25 Q. So is it fair to say that that entry on P-279

1 is an organizer page within an organizer page?

2 A. Upcoming conferences is an organizer page on
3 an organizer page, or a link to an organizer page.

4 Q. So you can have more than one organizer page?

5 A. Yes.

6 Q. In the third column on P-279 the third one
7 down says syllabus. Looks like maybe a piece of paper
8 with either a syllabus or a pencil or something next to
9 it?

10 A. Yes.

11 Q. What would that signify?

12 A. It's a standard icon for a syllabus.

13 Q. And that would be the professor's syllabus for
14 the course?

15 A. Yes.

16 Q. The bottom entry in the third column on P-279
17 says peer review assignments updated. What kind of file
18 would that be?

19 A. That is a content page.

20 Q. Is that something that the professor would
21 upload or is that something the students would upload?

22 A. The professor can only place items on the --
23 within there. The only -- that's it.

24 Q. So only the professor or somebody with
25 designer clearance can put things on the organizer page,

1 is that --

2 A. Yes.

3 Q. If a student uploaded things on to the student
4 page, is there any way to tell what's been uploaded by a
5 student versus uploaded by a professor?

6 A. On the student page?

7 Q. Can the professor see the student pages?

8 A. What students? Student pages?

9 Q. We talked earlier I think you told me that
10 students can upload things --

11 A. To the file manager.

12 Q. To the file manager. How would that appear
13 when you opened the screen?

14 A. They cannot be opened by anyone but the
15 student that uploaded them.

16 Q. So the professor can't see them?

17 A. No.

18 Q. And they wouldn't appear on an organizer page?

19 A. No.

20 Q. Will the outline of an organizer page change
21 in Version 8?

22 A. No.

23 Q. One of the things you mentioned I think that
24 changes in Version 8 was fewer tabs?

25 A. Yes.

1 Q. Are those tabs visible on either page 278 --
2 P-278 or Plaintiffs' 279?

3 A. No.

4 Q. Where would those tabs appear?

5 A. They would be in between the -- there's a line
6 right underneath, Studies In American politics would be
7 visible underneath there.

8 Q. On Plaintiffs' 279 if you click the top right
9 corner says online readings?

10 A. Okay.

11 Q. What would you expect to find if you clicked
12 on that icon?

13 A. A content module.

14 Q. How are pages set up in ULearn for professors?
15 Professor is starting from scratch and they go to a
16 ULearn page to set it up, what would they see?

17 A. Totally blank.

18 Q. Are there any guidelines or modules or
19 templates that a professor can use to create an ULearn
20 page?

21 A. No.

22 Q. So everything that appears on the organizer
23 page has to be created by the professor or somebody with
24 designer clearance?

25 A. Yes.

1 Q. Is there any way to tell on Plaintiffs' 278 --
2 the top left corner it's McDermott2002.pdf, do you see
3 that?

4 A. Yes.

5 Q. And that was -- has the same file name as on
6 Plaintiffs' 276 we saw one of the entries in column D?

7 A. Yes.

8 Q. Is there any way to tell whether those two --
9 whether that file on Plaintiffs' 278 matches up to the
10 entry on Plaintiffs' 276?

11 A. I would have to know how this report was run
12 in order to know that.

13 Q. Okay. Understanding that you didn't create
14 the report and you don't know how it's run, is it
15 technically possible to match up a particular entry on
16 an organizer page with the entry in the ULearn report?

17 A. I don't know.

18 Q. On Plaintiffs' 279 what's going -- what would
19 happen if you plugged this into the Smart tool to move
20 it up to Version 8?

21 A. Hopefully it would move it over and it would
22 look exactly like this in Version 8.

23 Q. And everything would be the same in terms of
24 if I clicked on read 1st ULearn for EPSF 8040
25 PowerPoint, theoretically I would get the exact same

1 thing in Version 3 and the exact same thing in Version
2 8?

3 A. Yes.

4 Q. And for a content module it would look exactly
5 the same in Version 3 and in Version 8 theoretically?

6 A. Yes.

7 Q. Have you personally ever dealt with any
8 copyright owners in connection with ULearn?

9 A. It's my understanding that when a professor
10 writes a paper that he is the copyright owner. So yes,
11 I have.

12 Q. Have you ever worked with or dealt with any
13 kind of copyright owner in terms of trying to get
14 permission for something that was being posted to
15 ULearn?

16 A. Yes.

17 Q. On how many occasions?

18 A. One that I can recall now.

19 Q. Tell me about that occasion, please.

20 A. Campbell Soup Company. For the new version we
21 had started calling it V8 and I thought it would be kind
22 of nice if we could have information sessions and serve
23 V8 and kind of use the trademark. And so I called
24 Campbell Soup Company and they said no.

25 Q. So it's not called V8?

1 A. We now call it Version 8. Very clearly.

2 Q. Have you ever had occasion to negotiate or
3 obtain a license from a copyright owner in connection
4 with material being uploaded to ULearn?

5 A. No.

6 Q. Have you ever written to a copyright owner to
7 request permission?

8 A. Not that I can recall.

9 Q. Have you ever given any professors advice or
10 guidance on writing to a copyright owner to obtain
11 permission?

12 A. Other than pointing them to my web page, no.

13 Q. Does your web page contain any samples or
14 forms to use to request copyright permission?

15 A. The links may. I do not know at this time.

16 Q. Are all of the links on your log-in pages --
17 am I calling it the right thing?

18 A. Yes.

19 Q. Are all of the links on your log-in page to
20 GSU or USG sites?

21 A. Yes.

22 Q. Have you ever told a professor that he or she
23 needed to obtain a license in order to post something on
24 ULearn?

25 A. Yes.

1 Q. When was that?

2 A. When a professor came to me with a CD and he
3 wanted me to upload the movies from it into his ULearn
4 course. And I asked him if he had permission and he
5 said they were in the back of the textbook. And again I
6 said do you have permission. And he said no, because I
7 thought I could use it. And I said I'm not uploading
8 them.

9 Q. Other than that occasion, have there been any
10 other occasions where you've talked to a professor about
11 obtaining copyright information?

12 A. There was another professor who came to me
13 with a book that was out of print that she wanted me to
14 scan in for her summer course and I wouldn't do it.

15 MS. SINGER: Okay. If you would please
16 mark this as Plaintiffs' 280.

17 (Plaintiffs' Exhibit No. 280
18 was marked for identification
19 by the reporter.)

20 BY MS. SINGER:

21 Q. Ms. Christopher, you have in front of you a
22 document bearing the Bates stamp Georgia State 1075 that
23 has been marked as Plaintiffs' Exhibit 280. It appears
24 to be an e-mail chain, at least part of an e-mail chain
25 between you and Zoe dated May 6, 2005. You see that?

1 A. Yes.

2 Q. Do you recognize Plaintiffs' 280?

3 A. Yes.

4 Q. In the earliest e-mail in the chain on page
5 280, it appears to be an e-mail chain between Mourad
6 Dakhli at Georgia State University and somebody named
7 Mary Fernandez with an e-mail address at Prenhall.com.
8 You see that?

9 A. Yes.

10 Q. Do you have any understanding of -- and then
11 Mourad Dakhli forwards that e-mail to Zoe Salloom on May
12 5th, 2005. Do you see that?

13 A. Yes.

14 Q. And then I don't know if she forwards the
15 e-mail to you or she copies you on her response, but the
16 top e-mail in the chain is from you to Zoe Salloom?

17 A. Yes.

18 Q. Saying to her, good for you. You're right
19 that instructors need to start taking responsibility.

20 A. Yes.

21 Q. What did you mean by that?

22 A. Mourad was asking us to take on the
23 responsibility of securing copyrights for all the
24 materials. And that is something that is beyond the
25 staff that I could have.

1 Q. Why is that?

2 A. I don't have people, I don't have resource, I
3 cannot do it.

4 Q. What would you need in order to be able to do
5 the -- clear the copyrights?

6 A. I don't know. It would take a long study to
7 figure that one out.

8 Q. Have you ever performed such a study?

9 A. No.

10 Q. Have there ever been such discussions about
11 performing such a study?

12 A. To my knowledge, no.

13 Q. Do you know what kind of copyrights Mourad was
14 trying to secure?

15 A. It says securing copyrights for videos.

16 Q. Is this e-mail chain with Mourad Dakhli the
17 incident you were describing earlier about trying to put
18 a video that was in the back of the textbook?

19 A. No.

20 Q. What professor did that incident involve?

21 A. I don't remember. It was College of Business.

22 MS. SINGER: Mark this please as

23 Plaintiffs' 281.

24 BY MS. SINGER:

25 Q. You've been handed a document bearing the

1 Bates stamp Georgia State 1034 that's been marked as
2 Plaintiffs' 281. That appears to be an e-mail chain
3 between you and Corrin Marie Sorteberg dated February
4 1st, 2008. Do you see that?

5 A. Yes.

6 Q. Who is Corrin Marie Sorteberg?

7 A. Says she's the benefits counselor at human
8 resources.

9 Q. And she writes to you, I am sitting in on
10 another class with Walter Wallace. How would I ask him
11 to post -- I assume that is meant to be his syllabus.
12 I'm not sure if you had to post the one currently up for
13 Dr. Park's class.

14 What did you understand her to be asking you?

15 A. She wanted him to use ULearn or to post his
16 syllabus online somewhere so she could access it.

17 Q. And did you cause that syllabus to be posted?

18 A. I don't recall.

19 Q. You write back each instructor is responsible
20 for posting their own materials. It's a liability and a
21 FERPA thing for us.

22 A. Yes.

23 Q. What did you mean?

24 A. We cannot be responsible for any materials
25 that a student is going to be getting a grade for in the

1 courses. And it's better for us the faculty takes that
2 responsibility and uploads what they want in there.
3 That way they have precisely what they need.

4 Q. Why is it better for you?

5 A. Because the students if they have a complaint
6 they know who to complain to and about.

7 Q. What kind of complaints would they have?

8 A. Could be all kinds of complaints.

9 Q. Can you give me an example?

10 A. The wrong file was uploaded, I don't deserve
11 this grade because I didn't have the materials, the quiz
12 was incorrect, I answered it right.

13 Q. How is that a FERPA thing?

14 A. It's a privacy issue with the students. My
15 group needs to put the onus on the professor to -- it's
16 what students do in the courses it's not to be spread
17 across campus. And it's just their responsibility I
18 feel.

19 Q. How would it be spread across campus if it
20 wasn't -- if the onus wasn't on the professor?

21 A. I have GRUs that used to work for me that
22 uploaded materials. Even though they are held to be
23 confidential I did not always have that guarantee.

24 Q. Do you have any instances where there was a
25 FERPA violation or were you just intending to make sure

1 there weren't any violations?

2 A. I didn't want any.

3 Q. Were there any examples where there were FERPA
4 issues because of ULearn?

5 A. No. No.

6 Q. When you say in Plaintiffs' 281 it's a
7 liability, what did you mean by that?

8 A. Professors sometimes are very quick to hand
9 things off to somebody else to do and have made mistakes
10 and I did not want the responsibility of uploading a
11 mistake.

12 Q. What kind of mistake?

13 A. The wrong file.

14 Q. What do you mean by wrong file?

15 A. They would hand me file B and really meant to
16 hand me file A.

17 Q. How is that a liability?

18 A. It depends on what was in the file that we
19 uploaded and posted for them.

20 Q. What would an example of a liability be?

21 A. They upload incorrect answers for quizzes.
22 They could have given me somebody -- another student's
23 paper to upload and we just on a normal course would
24 have uploaded it without -- we don't read what we
25 upload, here's the file electronically, we post it. And

1 because I don't know what the subject matter is, I'm not
2 the subject matter expert, the faculty member is, it is
3 not my responsibility to upload their materials unless
4 I'm designing it with them and we are working closely.

5 Q. In Plaintiffs' 281 when you talk about
6 liability and a FERPA thing, did you have in mind
7 copyright liability in any way?

8 A. Could have been.

9 Q. Can you give me an example of a copyright
10 liability?

11 A. Uploading an entire Disney movie, uploading
12 "Gone With The Wind".

13 Q. Can you give me an example of a copyright
14 violation short of uploading an entire movie or an
15 entire book?

16 A. Not at this time.

17 Q. I think you mentioned earlier that you
18 inadvertently came across what might have been a
19 copyright violation because a professor had used
20 something in multiple semesters. Do you recall?

21 A. Yes.

22 Q. Why would multiple semesters cause you to
23 think that there might be a copyright violation?

24 A. It's my understanding that some documents may
25 only be used for a limited time for that one course.

1 For the next course they should be changed out. And
2 when they are continually reused unless there is an
3 agreement with a publisher, that I felt that this was a
4 violation.

5 Q. What kind of documents in your understanding
6 can only be used for a limited time?

7 A. What documents?

8 Q. You said there was a certain kind of document
9 that can only be used for a limited time. What did you
10 mean by that?

11 A. Like full journal articles.

12 Q. Are you aware of that GSU has subscriptions to
13 various databases of journals?

14 A. Yes.

15 Q. Is there any provision in the ULearn system to
16 link to these database?

17 A. Through URL.

18 Q. How would I -- how would a professor go about
19 linking to a journal article in a journal database on an
20 ULearn page?

21 A. There are instructions in Galileo to do that.

22 Q. What is Galileo?

23 A. Georgia -- what is it. Georgia Library
24 Learning Online.

25 Q. Is any instruction given to professors about

1 whether they should link to a licensed database or
2 whether they should just upload a PDF of the journal
3 article on ULearn?

4 A. I don't know.

5 Q. If a professor asked you whether they should
6 link to a journal article or upload the PDF, what advice
7 would you give?

8 A. Link.

9 Q. Have any professors ever consulted you for
10 advice on linking to journal databases?

11 A. Rare. Rare.

12 Q. Is any instruction given to professors about
13 whether to upload PDFs or link to ERes?

14 A. I don't know.

15 Q. Do you know approximately how many or a
16 percentage of ULearn pages contain links to the ERes
17 system?

18 A. I don't know.

19 Q. How complicated is the procedure to link to
20 ERes through ULearn?

21 A. Easy.

22 Q. What exactly do you do to link to ERes?

23 A. You would select the URL tool, give it a
24 title, copy and paste the ERes link. Click create or go
25 and you've got a link to ERes.

1 Q. And when the student clicks that link on an
2 ULearn page, what happens?

3 A. It opens up the ERes site at which point they
4 put in their ID and password to access the documents for
5 the professor.

6 Q. So a student has to enter their password twice
7 then, once to get into the ULearn system and once to get
8 into the ERes system?

9 A. Yes.

10 Q. Do students ever complain about having to
11 enter passwords twice?

12 A. Yes.

13 Q. Has there been any discussion about whether to
14 change the system so you only have to enter your
15 password once?

16 A. It's not possible.

17 Q. How do you know that?

18 A. We tried.

19 Q. When was that?

20 A. It's been several years ago.

21 Q. What happened when you tried?

22 A. It kept asking for the other password.

23 Q. If you would please turn back to -- in your
24 pile there, it's Plaintiffs' Exhibit 38. It's the Board
25 Of Regents policy.

1 If you turn to I think the second page of
2 Plaintiffs' 38, it says additional guidelines for
3 electronic reserves.

4 A. Okay.

5 Q. In the -- well, strike that.

6 Do you know whether these additional
7 guidelines apply to the ULearn system?

8 A. I don't know.

9 Q. Let's look at the first bullet point on page 2
10 of Plaintiffs' 38. It says instructors are responsible
11 for evaluating on a case by case basis whether the use
12 of a copyrighted work on electronic reserves requires
13 permission or qualifies as fair use. If relying on the
14 fair use exception, instructors must complete a copy of
15 the fair use checklist before submitting material for
16 electronic reserves.

17 Does that apply to ULearn?

18 A. No. Because it is not electronic reserves.

19 Q. Do you know whether professors need to fill
20 out a copy of the fair use checklist if they're relying
21 on the fair use exception in ULearn?

22 A. Do I know if they need to fill it out? No, I
23 don't.

24 Q. Do you know whether instructors are
25 responsible for evaluating on a case by case basis

1 whether the use of copyrighted work on ULearn requires
2 permission or qualifies as fair use?

3 A. I would say yes.

4 Q. Do you know?

5 A. Do I know for certain, no.

6 Q. The second bullet point says inclusion of
7 materials on electronic reserves will be at the request
8 of the instructor for his or her educational needs.

9 Does that policy apply to ULearn?

10 A. This has been written for electronic reserves
11 and ULearn is not electronic reserves.

12 Q. Okay. But does that policy apply to ULearn as
13 well?

14 A. This policy is for electronic reserves, not
15 for ULearn.

16 Q. Okay. For -- is inclusion of materials on
17 ULearn at the request of the instructor for his or her
18 educational needs?

19 A. If the professor wants materials in electronic
20 reserves it has to be at their request for their
21 educational needs.

22 Q. For materials made available on ULearn, should
23 they include a citation to the original source of
24 publication in the form of copyright notice?

25 A. I don't know.

1 Q. Is there any form of copyright notice on the
2 ULearn system?

3 A. No.

4 Q. In order to submit -- in order to upload
5 material to ULearn does the instructor, library or other
6 unit of the institution need to possess a lawfully
7 obtained copy of the material?

8 A. I don't know.

9 Q. Is there any ULearn or other staff that checks
10 to see whether materials submitted for ULearn is
11 available through an electronic database or otherwise
12 legally available?

13 A. No.

14 Q. Do the E Learning or other staff delete
15 materials available on ULearn at the conclusion of every
16 semester?

17 MR. SHEESLEY: Objection.

18 THE WITNESS: With the term other staff,
19 I don't know.

20 BY MS. SINGER:

21 Q. Does anyone on the E Learning staff delete
22 materials available on ULearn at the conclusion of the
23 semester?

24 A. No.

25 MR. SHEESLEY: Objection.

1 MS. SINGER: If you would please mark
2 this as Plaintiffs' 282.

3 (Plaintiffs' Exhibit No. 282
4 was marked for identification
5 by the reporter.)

6 BY MS. SINGER:

7 Q. Ms. Christopher, you've been handed a document
8 bearing the Bates stamp Georgia State 1066 to 1067
9 that's been marked as Plaintiffs' Exhibit 282. Do you
10 recognize Plaintiffs' 282?

11 A. Yes.

12 Q. The subject line is Re: ULearn template
13 request from Elizabeth Steed.

14 What is an ULearn template request?

15 A. It's when we are requested to promote a
16 section to a template to be used for another semester.

17 Q. And so Plaintiffs' 282 reflects a template
18 request submitted by Elizabeth Steed who appears to be a
19 professor at GSU?

20 A. Yes.

21 Q. In Plaintiffs' 282 Professor Steed submits her
22 request and she gets a response from
23 ULearn@langate.gsu.edu. You see that about three
24 quarters of the way down the first page?

25 A. Let me go back here because there's something

1 I don't quite understand.

2 Q. Take your time.

3 A. Now I know what's going on. I'm sorry.

4 Q. Well, let's back up then. What is going on in
5 Plaintiffs' 282?

6 A. Okay. Down at the very bottom of the first
7 page is a template request form that we have received
8 through the help system. It looks like it was picked up
9 by Mostafa who when he checked it saw that Elizabeth was
10 not the primary instructor of record, that Deborah Moock
11 was and he questioned that. It came back that Peggy
12 Gallagher said that she was the chair and that the
13 course that Deborah Moock was teaching would become Dr.
14 Steed's. Since Peggy was the chair she was taking
15 responsibility saying it's all right for someone else to
16 take these materials.

17 So at the very top I'm saying, yes, and this
18 is, you know, outlining what had happened, that she
19 was -- since you are the chair, you have given us
20 permission, so it's now your responsibility.

21 Q. Okay. And you say in P-282, in an effort to
22 protect work product and possible copyright infringement
23 we always request permission to give access to materials
24 to anyone other than the primary instructor. Do you see
25 that?

1 A. Yes.

2 Q. What did you mean by protecting work product
3 and possible copyright infringement?

4 A. As I said before, the materials that are
5 uploaded to ULearn are -- they're the professor's work
6 product. It is their creation. This is the way they
7 choose to design their course. That is their work. I
8 cannot give that to someone else without permission.

9 Q. What if the professor's work product includes
10 a selection of articles or chapters from books by other
11 people?

12 A. If they want to give that to someone else to
13 use that is up to them.

14 Q. Do you think it reflects work product that the
15 professor picked out certain articles or chapters?

16 A. Yes.

17 MS. SINGER: If you would please mark
18 this as Plaintiffs' 283.

19 (P Plaintiffs' Exhibit No. 283
20 was marked for identification
21 by the reporter.)

22 BY MS. SINGER:

23 Q. Ms. Christopher, you have in front of you a
24 document bearing the Bates stamp Georgia State 1045
25 that's been marked as Plaintiffs' Exhibit 283. Appears

1 to be an e-mail chain between you and Nancy Brown Ph.D.
2 dated August 19th, 2008.

3 Can you tell me what's going on in Plaintiffs'
4 283?

5 A. Nancy appears to need access to someone else's
6 classes and I have told her that we need permission
7 either from the former professor or from the chair or
8 Dean and that I was out on family emergency and please
9 contact either Lovely or Mostafa.

10 Q. Do you know what happened with --

11 A. No, I don't.

12 Q. In the paren in the last line of your e-mail
13 at the top of the chain on P-283 you say BTW, which I
14 assume is by the way, this permission thing is a
15 combination FERPA and copyright. We want to protect
16 student information and we want to prevent unauthorized
17 usage of work product.

18 You see that?

19 A. Yes.

20 Q. And the work product you were referring to
21 here is this professor's compilation of all the elements
22 of his course?

23 A. Yes.

24 MS. SINGER: All right. I think we're
25 at the end of the tape, so why don't we

1 take another short break.

2 THE VIDEOGRAPHER: This concludes tape
3 number 4. We're off the record at 13:28
4 p.m.

5 (Brief recess.)

6 THE VIDEOGRAPHER: This will be tape
7 number 5. We're back on the record at
8 13:36 p.m.

9 MS. SINGER: If you would mark this as
10 Plaintiffs' 284, please.

11 (Plaintiffs' Exhibit No. 284
12 was marked for identification
13 by the reporter.)

14 BY MS. SINGER:

15 Q. Ms. Christopher, you've been handed a document
16 bearing the Bates stamp Georgia State 9951 to 9953.
17 It's been marked as Plaintiffs' Exhibit 284.

18 Do you recognize Plaintiffs' 284?

19 A. Yes.

20 Q. What is Plaintiffs' 284?

21 A. It's e-mails that are going between -- let's
22 see, let me read it here. It started with Fred, went to
23 Harold, came to me and then went to Mike. And we copied
24 Zoe on it.

25 Q. Plaintiffs' 284 references a benchmarking

1 online operation survey.

2 A. Yes.

3 Q. Do you know what that is?

4 A. No.

5 Q. The information you provide on page 1 of
6 Plaintiffs' 284 about USG maintains the server, it's
7 housed in Athens, WebCT was first used on campus in
8 1998, is that correct?

9 A. Yes.

10 Q. All of the information that you provide to --
11 in Plaintiffs' 284 was provided in October 2008. As we
12 sit here today, is all this information still accurate?

13 A. Yes.

14 Q. Do you know if this will still be accurate
15 when the conversion to Version 8 is complete?

16 A. Not sure about the reports part.

17 Q. Other than the reports part?

18 A. Yes.

19 MS. SINGER: If you would please mark
20 Plaintiffs' 285.

21 (Plaintiffs' Exhibit No. 285
22 was marked for identification
23 by the reporter.)

24 BY MS. SINGER:

25 Q. Ms. Christopher, you've been handed a document

1 bearing Bates stamp Georgia State 945 that's been marked
2 as Plaintiffs' Exhibit 285. It's an e-mail from you to
3 Marjorie Denise Dimsdale on August 6th, 2005.

4 What's going on in Plaintiffs' 285?

5 A. I was asking Marjorie to please add a couple
6 of URLs in the old WebCT system, the two, the ERes and
7 WebCT, it would recognize, in Vista no longer did. And
8 we talked about that earlier. And this is when we found
9 out it did not work.

10 Q. Do you know whether Ms. Dimsdale added those
11 URLs so that ERes recognizes Vista?

12 A. I think I recall that she did and that's how
13 we found out it did not work. Or someone on her staff.

14 Q. Sure. Do you know whether the 50 item limit
15 on posting things on ERes applies to ULearn as well?

16 A. As I said before, there is no limit to the
17 number of files you may upload on to ULearn.

18 MS. SINGER: Please mark this as
19 Plaintiffs' 286.

20 (Plaintiffs' Exhibit No. 286
21 was marked for identification
22 by the reporter.)

23 BY MS. SINGER:

24 Q. Ms. Christopher, you've been handed a document
25 bearing the Bates stamp Georgia State 1056 that has been

1 marked as Plaintiffs' 286. It's an e-mail from you to
2 etsldl@langate.gsu.edu dated September 5th, 2008.

3 A. Yes.

4 Q. Who is etsldl?

5 A. Lovely.

6 Q. Rolls right off the tongue, estldl.

7 What's going on in Plaintiffs' 286?

8 A. Lovely was looking for some old WebCT e-mails
9 that we no longer had. This was part of the production.

10 Q. When you say on Plaintiffs' 286 something
11 happened at one point and we lost the archives, what do
12 you mean?

13 A. We changed from one version of Group Wise to
14 another. In the older system I was able to archive my
15 personal e-mails as well as the ones from the WebCT box.
16 When they switched the WebCT box archives disappeared.

17 Q. Were you ever able to recover those e-mails?

18 A. No.

19 Q. When you say in Plaintiffs' 286 we're covered,
20 what do you mean?

21 A. The fact that we can only produce what we have
22 access to and that we did -- you know, the thing was
23 upgrade, there's nothing I could do. There's no way I
24 can produce something that doesn't exist.

25 Q. Were you the only person who archived the

1 WebCT e-mails?

2 A. Yes.

3 MS. SINGER: If you would please mark
4 this as Plaintiffs' 287.

5 (Plaintiffs' Exhibit No. 287
6 was marked for identification
7 by the reporter.)

8 BY MS. SINGER:

9 Q. Ms. Christopher, you have in front of you a
10 document bearing the Bates stamp Georgia State 1041
11 that's been marked as Plaintiffs' Exhibit 287. Do you
12 recognize Plaintiffs' 287?

13 A. Yes.

14 Q. What is Plaintiffs' 287?

15 A. It's an e-mail from Zoe to Julian and Karen
16 and copied to myself.

17 Q. Karen's e-mail at the bottom of the chain
18 talks -- says, any media requests to UETS should have a
19 hard copy, printed e-mail or otherwise version that
20 gives the following information and should come from the
21 requester.

22 What's the media request?

23 A. The Digital Media Group to have something
24 digitized to be placed on to the web.

25 Q. Does that have any relation to ULearn?

1 A. No.

2 Q. If something is digitized through the Digital
3 Media Group and placed on the web, where on the web is
4 it placed?

5 A. The media is digitized and placed on the
6 Hollywood server which is a streaming video server. The
7 link is then given to the professor and they may place
8 that anywhere they like.

9 Q. Could a professor place a link to the
10 Hollywood media server on ULearn?

11 A. Yes.

12 Q. Who controls the Hollywood media -- the
13 Hollywood server?

14 A. The Digital Media Group.

15 Q. Is the Hollywood server owned by GSU?

16 A. Yes.

17 Q. Is the Hollywood server limited only to just
18 streaming media?

19 A. No.

20 Q. What else is on the Hollywood server?

21 A. I've been told there are other files on there,
22 but I don't have access to them. I don't know for sure.

23 Q. Do you know what other kind of files are on
24 there?

25 A. Audio.

1 Q. The top of the e-mail chain in Plaintiffs' 287
2 says who gets to keep all the hard copies so they are in
3 one place. Do you see that?

4 A. Yes.

5 Q. Do you know what hard copies are being
6 referred to in Plaintiffs' 287?

7 A. Karen said that there could be a hard copy
8 printed version with the following information. So I
9 assume that's what is being talked about.

10 Q. Do you know what the answer was, who gets to
11 keep all the hard copies?

12 A. No.

13 Q. Does the E Learning Group keep hard copies of
14 any media requests?

15 A. We do not get media requests.

16 Q. You mentioned earlier today I think one of
17 Lovely's job responsibilities was that she was on a
18 weekly phone conference?

19 A. Yes.

20 Q. What is that weekly -- what's the subject of
21 that weekly phone conference?

22 A. ULearn.

23 Q. Who else is on the weekly phone conference?

24 A. Admins from any of the institutions who decide
25 to come in as well as representatives from the ALT.

1 Q. What is the ALT?

2 A. Advanced Learning Technology, which is a
3 division of the Board Of Regents USG.

4 Q. Do you know who from the Board Of Regents ALT,
5 do you know who those individuals are?

6 A. It varies from week to week.

7 Q. Do you ever sit in on those weekly calls?

8 A. I used to.

9 Q. When did you stop?

10 A. When they started having them on Thursdays.

11 Q. Thursday morning when you're in the exchange?

12 A. Uh-huh.

13 Q. When was that approximately?

14 A. A few weeks ago.

15 Q. What is discussed on these weekly calls?

16 A. They discuss the week in the past, what
17 happened during the week, updates. They also discuss
18 the week in advance, what's coming up. And then they do
19 a round robin of the various admin events, problems or
20 issues they would like to bring up.

21 Q. Can you give me an example of what might be
22 discussed during what's happened in the past week?

23 A. They usually summarize the e-mails that have
24 gone across the list or the server was down, this is why
25 it went down, things like that.

1 Q. Is what happened generally related to
2 technical incidents?

3 A. Yes.

4 Q. Would there ever be discussions about
5 complaints by a professor or questions by students or
6 professors?

7 A. Specific ones, no.

8 Q. Is the discussion -- well, strike that.
9 What kinds of things would be discussed in the
10 what's coming up next week part?

11 A. Maintenance is scheduled for this time, this
12 date. You know, like on the week of June 22nd the --
13 July 22 the server is going to be down for a week. So
14 that would be in the week in advance.

15 And if there's -- recently there was the admin
16 conference that reminded everyone about that. And
17 reminded them to fill out the surveys.

18 Q. Are policies ever discussed?

19 A. Yes.

20 Q. What kinds of policies are discussed?

21 A. Usually to do with the ULearn.

22 Q. What sorts of policies about ULearn have been
23 discussed on these weekly calls?

24 A. At one time they did bring up the copyright,
25 pointed that out, made sure we had the link to it. And

1 policies as far as, you know, how to post to the list
2 serve and who you should contact, when to contact OIT
3 and help set that up.

4 Q. What is OIT?

5 A. Office of informational and instructional
6 technology. They're the ones that maintain the servers.

7 Q. Under the policy when should you contact OIT?

8 A. You can call them if it's an emergency,
9 mission critical, something happens. Otherwise you just
10 submit a ticket and they will handle it and try to fix
11 it for you.

12 Q. You mentioned that one week the copyright
13 policy was discussed?

14 A. Yes.

15 Q. Other than making sure everyone had a link,
16 was there any more to that discussion?

17 A. Yes, but I don't recall.

18 Q. Approximately how long did that discussion
19 last?

20 A. The entire phone call only lasts an hour, so
21 it was a portion of that.

22 Q. Other than that one occasion when the
23 copyright policy was discussed, has copyright ever been
24 discussed on the weekly ULearn calls?

25 A. I don't recall.

1 Q. How long have these weekly phone conferences
2 been going on?

3 A. Ever since the board took over the service.

4 Q. Are the individuals on the call, as a general
5 matter is it the same individuals each week?

6 A. Usually.

7 MS. SINGER: If you would please mark
8 this as Plaintiffs' 288.

9 (Plaintiffs' Exhibit No. 288
10 was marked for identification
11 by the reporter.)

12 BY MS. SINGER:

13 Q. Ms. Christopher, you've been handed a document
14 bearing the Bates stamp Georgia State 950 that's been
15 marked as Plaintiffs' Exhibit 288. It's an e-mail from
16 you to a variety of individuals dated April 16th, 2008.
17 And the subject is FYI publishers sue GSU for copyright
18 infringement. You see that?

19 A. Yes.

20 Q. What individuals did you address this e-mail
21 to generally?

22 A. At the time this went to Chandra, Courtney and
23 Doris who were graduate assistants. Lovely, Mostafa and
24 off over there it probably also went to -- no, it's
25 down -- cc'd down here, Harold and Julian and Karen.

1 Q. Why did you send Plaintiffs' 288?

2 A. Because this was something that they needed to
3 be aware of that was happening at the university.

4 Q. Why did they need to be aware of it?

5 A. To be more careful in how we helped faculty
6 with their courses and always to point them, as I said
7 here, to the links that talk about the our FERPA and
8 copyright compliance.

9 Q. Prior to sending this e-mail did you have any
10 reason to believe that these individuals weren't careful
11 in what they advised faculty?

12 A. No. But it's just a good manager will keep
13 their group running smoothly.

14 Q. In Plaintiffs' 288 you say this is why we no
15 longer upload documents for faculty and publish in our
16 policies that instructors are responsible for the course
17 content including appropriateness, meeting accessibility
18 standards, copyright compliance, FERPA, HIPAA and
19 conformance to other university policies and procedures,
20 end quote.

21 What did you mean by that?

22 MR. SHEESLEY: Objection.

23 THE WITNESS: That it was my

24 understanding from reading the article that

25 faculty had been violating copyright

1 policies. And in the past, as explained to
2 you, we had uploaded files and I did not
3 feel comfortable with those. And this was
4 a reason for us not to do that any longer.
5 The professors should be uploading them.

6 BY MS. SINGER:

7 Q. Did you provide any guidance or advice as to
8 how any of the individuals here might prevent the
9 professors from violating copyright?

10 MR. SHEESLEY: Objection.

11 THE WITNESS: By asking them to point
12 the instructors to the web site with the
13 links so they could make a sound judgment.

14 BY MS. SINGER:

15 Q. Other than counseling these individuals to
16 point professors to the links, did you provide any other
17 information about the copyright policies?

18 MR. SHEESLEY: Objection.

19 THE WITNESS: When the new one came out
20 from GSU, I think we did forward it around
21 to various members of the team.

22 BY MS. SINGER:

23 Q. Other than forwarding around policies or
24 pointing people to policies, did you provide any advice
25 or guidance to your staff about copyright policies?

1 A. No.

2 MS. SINGER: If you would please mark
3 this as Plaintiffs' 289.

4 (P Plaintiffs' Exhibit No. 289
5 was marked for identification
6 by the reporter.)

7 BY MS. SINGER:

8 Q. Ms. Christopher, you have in front of you a
9 document bearing the Bates stamp Georgia State 1014
10 that's been marked as Plaintiffs' Exhibit 289. This
11 appears to be an e-mail later in the chain from
12 Plaintiffs' 288 because the e-mail from Plaintiffs' 288
13 is at the bottom of 289.

14 Do you see that?

15 A. Yes.

16 Q. So in Plaintiffs' 289 Karen Oates responded to
17 your e-mail and she says, mother just called and read me
18 an article in today's paper about this. Seems Dr.
19 Patton, Ron Henry, Charlene Hurt and JL are being sued
20 by the publishers basically because they never responded
21 to the publisher's concerns. That's hard to believe. I
22 don't remember the publishers contacting anyone on
23 campus about this unless we were never told. Do you.

24 Do you have any recollection of the publishers
25 contacting anyone on campus?

1 A. No.

2 Q. She says in 289, also they mention coursepacks
3 and electronic reserves. I always thought that
4 permissions were obtained for publishing anything there.
5 Just doesn't make sense.

6 Do you have an understanding of whether
7 permissions are obtained for anything published on
8 electronic reserves?

9 A. I assumed they were.

10 Q. Do you have an understanding of whether
11 permissions were obtained for anything -- for publishing
12 anything in coursepacks?

13 A. I understand they were.

14 Q. Is that your understanding as we sit here
15 today?

16 A. Yes.

17 Q. For both coursepacks and electronic reserves?

18 A. Yes.

19 Q. And what is that understanding based on?

20 A. That they have copyright permission to do and
21 use them for the classes.

22 Q. How did you come to that understanding?

23 A. I can't remember precisely, but I think Karen
24 had told me.

25 Q. In Plaintiffs' 289 Karen goes on to say, and

1 how can an instructor use an E Pack without having paid
2 for it. Any idea what's going on here.

3 In your understanding can an instructor use an
4 E Pack without having paid for it?

5 A. I don't believe they can.

6 Q. Your response in Plaintiffs' 289 is I read the
7 complaint. One of the big pieces is the instructor
8 copying stuff and uploading it themselves. I know
9 several of the ones named and they are most likely in
10 violation.

11 What did you mean by that?

12 A. That these were professors that I knew who
13 uploaded their own things and used them semester after
14 semester.

15 Q. Why would you say that means they're most
16 likely in violation?

17 A. Because it was my understanding that articles
18 could only be used for a limited time, normally that one
19 class, that one semester unless permission had been
20 received to use it for multiple.

21 Q. Has that understanding changed?

22 A. No.

23 Q. Any other reasons why you thought these names
24 might be in violation?

25 A. No.

1 Q. And you say later in Plaintiffs' 289, my line
2 and I told everyone in the group if anyone asks about
3 it, we cannot comment and if you want information to
4 please read the complaint or contact the legal
5 department?

6 A. Yes.

7 Q. Okay. Did anyone ask you to comment about it?

8 A. Yes.

9 Q. What did you do?

10 A. I told them to talk to my legal department.

11 Q. Who had asked you for a comment?

12 A. It was one of other admins from another
13 school.

14 Q. In Plaintiffs' 289 you say, second paragraph,
15 I don't think the publishers have the full scoop on
16 what's happening.

17 What did you mean by that?

18 A. I would have to go back and read the complaint
19 that was filed because I don't remember at this point.

20 Q. You say in Plaintiffs' 289, from the looks of
21 it they got their information from a disgruntled
22 student.

23 What did you mean by that?

24 A. I think there was something in there that led
25 me to the belief that they had gotten into ULearn and

1 had actually looked at documents. Since ULearn is
2 password protected they could not have gone in
3 themselves. It had to have come from either a professor
4 or from a student.

5 Q. Anything else?

6 A. No.

7 MS. SINGER: I have no further
8 questions.

9 MR. SHEESLEY: If we could just take a
10 minute off the record.

11 MS. SINGER: Sure.

12 THE VIDEOGRAPHER: Off the record at
13 13:59 p.m.

14 (Brief recess.)

15 THE VIDEOGRAPHER: Back on the record
16 at 14:00 p.m.

17 MR. SHEESLEY: I have no questions for
18 the witness. We would just like to reserve
19 the right to review and sign the
20 transcript.

21 MS. SINGER: That concludes our
22 deposition. Thank you very much for your
23 time, Ms. Christopher.

24 THE VIDEOGRAPHER: This concludes tape
25 number 5 and today's deposition of Paula

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Christopher. The time is 14:00 p.m.
(Deposition concluded at 2:00 p.m.)

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C E R T I F I C A T E

G E O R G I A :

FULTON COUNTY:

I hereby certify that the foregoing deposition was taken down, as stated in the caption, and the questions and the answers thereto were reduced to printing under my direction; that the preceding pages represent a true and correct transcript, to the best of my ability, of the evidence given by said witness upon said hearing. And I further certify that I am not of kin or counsel to the parties to the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 16th day of June, 2009.

Teresa Bishop, RPR, RMR

CCR No. B-307

My commission expires 11-21-11.

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DISCLOSURE

STATE OF GEORGIA
COUNTY OF DEKALB

Deposition of Paula Christopher

Pursuant to Article 10.B of the Rules and Regulations of the Board of court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Shugart & Bishop.

I am not disqualified for a relationship of interest under the provisions of O.C.G.A. 9-11-28.

Shugart & Bishop was contacted by the offices of Bondurant Mixson & Elmore to provide court reporting services for this deposition.

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Teresa Bishop
RPR, RMR, CCR B-307