

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

In the Matter of:

Case No.: 13-RC-198325

**UNIVERSITY OF CHICAGO
Employer**

And

**GRADUATE STUDENTS UNITED
Petitioner**

**Place: Chicago, IL
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

UNIVERSITY OF CHICAGO)
)
Employer)
)
and) Case No.
) 13-RC-198325
GRADUATE STUDENTS UNITED)
)
Petitioner)

The above-entitled matter came on for hearing pursuant to notice, before CHRISTINA MOLLS, Hearing Officer, at 219 South Dearborn Street, Eighth Floor, Chicago, Illinois, on Thursday, May 18, 2017, at 9:00 a.m.

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1 HEARING OFFICER MOLS: On the record.
2 The hearing will be in order. This is a
3 formal hearing in the matter of the University of
4 Chicago, Case Number 13-RC-198325 before the
5 National Labor Relations Board.
6 The Hearing Officer appearing for the
7 National Labor Relations Board is Christina Mols.
8 All parties have been informed of the
9 procedures at formal hearings before the Board by
10 service of a Description of Procedures and
11 Certification and Decertification Cases with the
12 Notice of Hearing. I have additional copies of the
13 this document for distribution if any party wants
14 more.
15 Will Counsel please state their appearances
16 for the record. For the Petitioner?
17 MS. AUERBACH: Melissa Auerbach.
18 MS. COOPER: Channing Cooper.
19 HEARING OFFICER MOLS: For the Employer?
20 MR. FASMAN: Zachary Fasman, Steven Porzio,
21 and Allan Weitzman.
22 HEARING OFFICER MOLS: Are there any other
23 appearances?
24 Let the record show no response.
25 Are there other persons, parties or labor

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1 organizations in the hearing room who claim an
2 interest in this proceeding?
3 Let the record show no response.
4 (Board's Exhibit 1-A through 1-J
5 were marked for identification.)
6 I now propose to receive the formal papers.
7 They have been marked for identification as Board's
8 Exhibit 1-A through 1-J inclusive, Exhibit 1-J being
9 an index and description of the entire exhibit. The
10 exhibit has been shown to all parties. Are there
11 any objections to the receipt of the exhibits into
12 the record?
13 MR. FASMAN: None.
14 MS. AUERBACH: No objection.
15 HEARING OFFICER MOLS: Hearing no
16 objection, the formal papers are received in
17 evidence.
18 (Board's Exhibits 1-A through 1-J
19 were received in evidence.)
20 Are there any motions to intervene in these
21 proceeding to be submitted to the Hearing Officer
22 for ruling by the Regional Director at this time?
23 Let the record show no response.
24 Are the parties aware of any other
25 employers or labor organizations that have an

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1 interest in this proceeding?
2 MR. FASMAN: We are, the University is
3 aware, and I believe, Madam Hearing Officer, you are
4 aware because you were the Hearing Officer in a case
5 that was heard yesterday involving library
6 attendants or assistants.
7 We've identified 27 of those individuals
8 who are also TAs or RAs and who are covered by both
9 units.
10 It's our position that these individuals
11 are students and not employees of the University in
12 any way under Columbia or any other test.
13 We would adopt by reference the position
14 statement the University made in the Teamsters
15 petition case which, I understand, is received in
16 the record in that case. We suggest that they --
17 they are not employees for the reasons stated there
18 and for the reasons that will be developed at this
19 hearing to the extent they're TAs or RAs, but if
20 they could be considered employees, we also submit
21 they are not properly placed in any bargaining unit
22 as library attendants, comprised of Ph.D. students
23 who are TAs or RAs fulfilling their academic
24 requirements. And I will state for the record then
25 in a long career of these proceedings, I've never

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1 quite seen one where there are simultaneous
2 petitions seeking to represent, in part, the same
3 group of employees in two units. That happens from
4 time to time, but it's unusual to see two petitions
5 at the same time.
6 There is a section in the Hearing Officer
7 Manual that deals with this, as I'm sure you
8 probably know. We're happy to cite it to you. It
9 has all kinds of law in it. It's not 20 percent of
10 this unit, so perhaps we don't have to deal with it,
11 but there is a competing petition somewhere in your
12 office.
13 HEARING OFFICER MOLS: So, before I address
14 that, would the Petitioner like to state its
15 position?
16 MS. AUERBACH: Yes. The Petitioner
17 understands that the Teamsters have filed a petition
18 yesterday to represent employees at the library and
19 that some of those are graduate students. However,
20 the petition in this case is seeking to represent
21 certain job classifications held by employees, which
22 positions are held by graduate students, and there
23 are no overlap in the position sought in this unit
24 in this case and that sought by the Teamsters. So,
25 to the extent that the same individuals may hold two

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1 jobs that are different, they could be included in
2 two different bargaining units. So, we don't see
3 any conflict between the petitions.
4 HEARING OFFICER MOLS: So, as was brought
5 in the proceeding yesterday with for the Teamsters
6 and University of Chicago, the Regional Director
7 will address the overlap of these individuals as he
8 sees necessary in his decisions for these two
9 petitions and their eligibility to vote. It may be
10 that they could be subject to challenges.
11 Employer's counsel correctly noted they do not make
12 up 20 percent of either petition for a unit, so it's
13 not a significant number under the current rules.
14 So, but it will be addressed in the Regional
15 Director's decision.
16 Okay. Moving on. Are there any other
17 prehearing motions made by any party that need to be
18 addressed at this time?
19 MR. FASMAN: No, ma'am.
20 HEARING OFFICER MOLS: Let the record show
21 no response.
22 (Board Exhibit Number 2 was marked
23 for identification.)
24 The parties to this proceeding have
25 executed a document which has been marked as Board

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1 Exhibit 2. That exhibit contains as series of
2 stipulations including, among other items, that the
3 Petitioner is a labor organization within the
4 meaning of the act, there is no contract bar, and
5 the Employer meets the jurisdictional standards of
6 the Board.
7 The parties have stipulated that Board
8 Exhibit 2 will be received without objection.
9 Therefore, Board Exhibit 2 is received in evidence.
10 (Board Exhibit Number 2 was
11 received in evidence.)
12 The parties are reminded that prior to the
13 close of the hearing the Hearing Officer will
14 solicit the parties on the type, dates, times and
15 locations of elections should one be set by the
16 Regional Director, but will not permit litigation of
17 those issues.
18 The Hearing Officer will also inquire as to
19 the need of -- I guess I apologize. We addressed
20 that foreign language necessity in the Board Exhibit
21 2. We will not need to address that at this time,
22 but with regard to the mechanics of the election,
23 please have your positions ready prior to the close
24 of the hearing.
25 The parties have been advised that the

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1 hearing will continue from day-to-day as necessary
2 until completed unless the Regional Director
3 concludes extraordinary circumstances warrant
4 otherwise. The parties are also advised that upon
5 request they shall be entitled to a reasonable
6 period at the close of the hearing for oral
7 argument.
8 Post-hearing briefs shall be filed upon
9 special permission from the Regional Director. In
10 addition, a party may offer into evidence a brief,
11 memo, points and authorities, case citations or
12 other legal arguments during the course of the
13 hearing before the hearing closes.
14 (Board Exhibit Number 3 was marked
15 for identification.)
16 The Employer has completed, and I have
17 marked for identification as Board Exhibit 3, a
18 Statement of Position in this matter. The Exhibit
19 contains the Employer's Statement of Position, its
20 attached rider and Exhibit B.
21 Prior to the opening of the hearing, the
22 Employer also submitted some updated employee lists
23 which are being added to the Statement of Position
24 which will be marked as Board Exhibit 3 A and Board
25 Exhibit 3 B, which it asserts is lists of the

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1 graduate assistants currently in the Petition for
2 Unit with the job titles and appears to show that
3 all of the individuals within the unit have varying
4 schedules.
5 The exhibit also contains a list of
6 employees the Employer asserts should be excluded.
7 (Board Exhibit 3 A and 3 B were marked
8 for identification.)
9 Are there any objections to the receipt of
10 this exhibit into the record?
11 MR. PORZIO: No objection.
12 MS. AUERBACH: No.
13 HEARING OFFICER MOLS: Hearing no
14 objection, Board Exhibit 3 is received.
15 (Board Exhibit 3 was received
16 in evidence.)
17 I'm going to provide a brief summary of the
18 issues, the primary issues raised in the Employer's
19 Statement of Position, and then I may ask for some
20 clarification on a few issues and solicit briefly
21 the parties' positions on the matter.
22 So, the first and primary issue raised in
23 the Employer's Statement of Position is that the
24 individuals for whom the Petitioner seeks to
25 represent are not employees as defined in Section

1 2-3 of the Act. Is that correct?
 2 MR. PORZIO: That is correct.
 3 MR. FASMAN: Yes, Your Honor.
 4 HEARING OFFICER MOLS: Briefly, what is the
 5 Petitioner's position on that matter?
 6 MS. AUERBACH: The Petitioner's position is
 7 that the individuals petitioned for are employees
 8 under Section 2- 3 of the Act.
 9 HEARING OFFICER MOLS: Moving on.
 10 So, turning to the items listed in Section
 11 3 B of the Employer's Statement of Position, the
 12 Employer asserts that any Master's students should
 13 be excluded from any appropriate unit because they
 14 lack a community of interest with the Ph.D.
 15 students; is that correct?
 16 MR. PORZIO: That's correct. With the
 17 explanation that this is assuming arguendo that any
 18 students in the Petitioner for Unit are found to be
 19 employees, we would assert that there are certain
 20 classifications within the Petition For Unit that
 21 lack a community of interest with other groups. The
 22 first is, as you correctly pointed out, that
 23 Master's students lack of community of interest with
 24 the petition for Ph.D. students.
 25 HEARING OFFICER MOLS: Does the Employer

1 would only look at those students who have a covered
 2 position in this quarter. With that being said, the
 3 question asks, what's the issue, what are issues
 4 with the petition for unit, so to make apples to
 5 apples, we looked at those numbers of
 6 Master's students that have a covered position at
 7 any point during the Union's petition for
 8 eligibility period, which they've asserted is a
 9 one-year, one-academic-year look-back.
 10 So, to make things easier for everyone to
 11 understand, and we can slice this both ways, but so
 12 that everyone can understand, the number of Master's
 13 students with a covered position during academic
 14 year '16-17 is 169.
 15 HEARING OFFICER MOLS: The number you cited
 16 previously of ten was just for this quarter?
 17 MR. PORZIO: Correct.
 18 HEARING OFFICER MOLS: So, aside from
 19 Master's students, the Employer has also raised a
 20 community of interest argument with regard to those
 21 individuals who seek additional teaching experiences
 22 beyond what is academically required; is that
 23 correct?
 24 MR. PORZIO: That is correct.
 25 HEARING OFFICER MOLS: So, can you

1 know offhand approximately the number of Master's
 2 students who are currently within the petition for
 3 unit?
 4 MR. PORZIO: We do.
 5 MR. FASMAN: Yes. At this time, based upon
 6 Master's students who are acting as teaching
 7 assistants, this quarter there are ten.
 8 HEARING OFFICER MOLS: Thank you. And what
 9 is the Petitioner's position on the community of
 10 interest between Master's students and Ph.D.
 11 students?
 12 MS. AUERBACH: The Petitioner's position is
 13 that Master's students share a community of interest
 14 with the Ph.D. students when they are performing the
 15 same job, and it's the jobs that are being
 16 petitioned for in connectin with the jobs they are
 17 performing, so our position is they are
 18 appropriately in the unit.
 19 MR. PORZIO: Madam Hearing Officer, just to
 20 make a slight tweak to the number that was cited
 21 before, it's a little bit misleading, and it's
 22 difficult to explain this, so let me help explain
 23 this. One of -- as you'll see in a later argument,
 24 our position is that the only appropriate unit, if
 25 one were found to be appropriate, would be one that

1 elaborate on your position a little bit?
 2 MR. PORZIO: Sure. The University has a
 3 number of different departments, schools and
 4 divisions that have graduate programs, graduate
 5 students housed in those programs. While the
 6 requirements differ between those department,
 7 schools, and divisions to some extent, a large
 8 majority of those departments do have what's called
 9 an academically required amount of teaching.
 10 As you'll hear from witnesses that we're
 11 prepared to present in great detail, the University
 12 puts a tremendous amount of weight on the
 13 pedagogical necessity of learning how to teach, for
 14 Ph.D. students, learning how to teach so that when
 15 they graduate and go out to start their career in
 16 academia, they are well prepared to learn, to be
 17 able to teach. They've had that background
 18 training.
 19 Our position is graduate students covered
 20 by the Petition For Unit who have not yet met their
 21 academic requirement have a different community of
 22 interest and have a lack of community of interest
 23 with those graduate students who have already
 24 exceeded or met and exceeded their academic
 25 requirement on their teaching for their own reasons,

1 not because of the University of Chicago's reasons.
 2 HEARING OFFICER MOLS: So, just to, you
 3 know, make sure I understand, the Employer is
 4 asserting that those individuals who have already
 5 met those academic requirements should be excluded?
 6 MR. PORZIO: Already met and teach in
 7 excess should be excluded since they lack a
 8 community of interest with those Ph.D. students who
 9 teach in furtherance of their academic requirement.
 10 HEARING OFFICER MOLS: Understood. What is
 11 the Petitioner's position?
 12 MS. AUERBACH: The Petitioner's position is
 13 that all of the individuals in the Petition For
 14 Unit, regardless of whether they are, while working,
 15 also fulfilling required teaching or teaching beyond
 16 the required amount, share a community of interest.
 17 They are performing the same work, and they are
 18 appropriately included in the unit.
 19 HEARING OFFICER MOLS: And moving on to the
 20 next job classification, the Employer has asserted
 21 that all workshop coordinators should be excluded
 22 because they do not share a community of interest
 23 with the Ph.D. students. Is that correct?
 24 MR. PORZIO: That's correct.
 25 HEARING OFFICER MOLS: And why does the

1 Does the Employer know with regard to those Ph.D. or
 2 graduate students who have met and exceeded their
 3 academically required teaching, does the Employer
 4 know approximately how many individuals are in that
 5 group?
 6 MR. PORZIO: Yes. 498.
 7 HEARING OFFICER MOLS: Is that just for the
 8 spring quarter or for the entire academic year?
 9 MR. PORZIO: Any number I'm going to give
 10 you is for the entire year, academic year.
 11 HEARING OFFICER MOLS: Thank you. And how
 12 about the workshop coordinators?
 13 MR. PORZIO: 111.
 14 HEARING OFFICER MOLS: Thank you. What is
 15 the Petitioner's position on the workshop
 16 coordinators?
 17 MS. AUERBACH: The Union's position is that
 18 the workshop coordinators are appropriately included
 19 in the unit. They are graduate students who do work
 20 related to academic studies and are paid for it.
 21 Some of them are also performing other positions.
 22 They have a shared community of interest.
 23 HEARING OFFICER MOLS: And then the final
 24 job classification raised by the Employer as needing
 25 to be excluded is non-laboratory research

1 Employer believe that the workshop coordinators
 2 should be excluded?
 3 MR. FASMAN: Workshop coordinators do not
 4 teach. They are a different -- they are a different
 5 animal entirely. They are part of the Council on
 6 Advanced Studies. The Council on Advanced Studies
 7 is an interdisciplinary program that exists at the
 8 university.
 9 Workshop coordinators function as
 10 facilitators for programs put on by the council for
 11 academic studies. They work with faculty members.
 12 They help to set up conferences. They may get
 13 lecturers from outside the university, but they --
 14 they are -- they are not similarly situated to
 15 graduate students who TA or RA, which is what we
 16 understand the petition is seeking.
 17 So, our position is that they function
 18 differently. They do -- I mean this is an important
 19 and significant position. It's academic in some
 20 sense. It's a professional opportunity. We don't
 21 mean to minimize what they do, but they are not
 22 similarly situated to what we think the bulk of the
 23 unit is.
 24 HEARING OFFICER MOLS: So, I apologize.
 25 Backtracking a little bit. I had forgotten to ask.

1 assistants, and these individuals, the Employer
 2 asserts, should be excluded because they lack a
 3 community of interest not just with Ph.D. students,
 4 but with the entire Petition For Unit; is that
 5 correct.
 6 MR. PORZIO: That's correct.
 7 HEARING OFFICER MOLS: Why does the
 8 Employer believe these individuals should be
 9 excluded?
 10 MR. PORZIO: So, a non-lab research
 11 assistant, it's because it shares a similar title
 12 with the national research assistant, the work that
 13 they do, and I put "work" in quotes, is very
 14 different from the -- and I don't mean that in terms
 15 of a pejorative sense. The functions that they
 16 perform are different than that of an actual lab
 17 research assistant.
 18 A non-lab RA is typically doing functions
 19 on behalf of a faculty member in furtherance of that
 20 faculty member's mission or research assignment. An
 21 example would be a faculty member is writing a paper
 22 and needs assistance putting together a
 23 bibliography. They will take the graduate student
 24 and have that person help with preparing a
 25 bibliography in terms of that faculty member's

1 paper.
 2 They don't receive academic credit in terms
 3 of how serving as an RA or TA typically would in
 4 furtherance of their academic requirement, and they
 5 are remunerated generally by the faculty member's
 6 budget for his or her research assignment.
 7 For those reasons which as we'll elaborate
 8 in greater detail, they are very different than an
 9 actual research assistant in a lab, which we can
 10 give you more detail on, and for those reasons they
 11 lack a community of interest.
 12 HEARING OFFICER MOLS: Approximately how
 13 many individuals are in that group?
 14 MR. PORZIO: 305.
 15 HEARING OFFICER MOLS: Thank you. What is
 16 the Petitioner's position?
 17 MS. AUERBACH: The Petitioner's position is
 18 that the non-lab research assistants share a
 19 community of interest. We agree that there are some
 20 differences in what they do and what is done by lab
 21 research assistants. Both types may be funded out
 22 of funding from the perfect member they are working
 23 for, but they are doing work related to academic
 24 studies, they are paid for it, and we think the
 25 appropriate focus is on the work performed and the

1 group, 2,244. The total number of excluded
 2 positions based on those arguments that we've
 3 already discussed equal 1,024.
 4 HEARING OFFICER MOLS: I believe in the
 5 Statement of Position you originally submitted it
 6 was 2,082?
 7 MR. PORZIO: That's correct.
 8 HEARING OFFICER MOLS: So, that number,
 9 1,024, for those masters student workshop
 10 coordinators, law and laboratory research
 11 assistants, and individuals who have taught beyond
 12 their academic requirement, correct?
 13 MR. FASMAN: That's correct.
 14 MR. PORZIO: That's correct, and in
 15 addition to that, as I mentioned in my opening
 16 remarks, the fact that the University is claiming
 17 that the appropriate eligibility formula is the
 18 current standard formula applied by the Board which
 19 looks only to those students who are in a covered
 20 position as of the payroll eligibility cutoff date
 21 as opposed to the one academic year look-back as
 22 being proposed by the Petitioner, and you'll see
 23 this in our Statement of Position, and I'm sure you
 24 already did, but one thing we want to make very
 25 clear, pursuant to your most recent comments, the

1 jobs performed and the community of interest among
 2 those, and we think those employees share a
 3 community of interest with others in the petition.
 4 HEARING OFFICER MOLS: Thank you.
 5 MR. FASMAN: Madam Hearing Officer, can we
 6 take a quick break?
 7 HEARING OFFICER MOLS: Sure. Off the
 8 record.
 9 (There was a discussion
 10 held off the record.)
 11 HEARING OFFICER MOLS: So, moving on from
 12 the community of interest issues raised in the
 13 Statement of Position, the Employer also raises its
 14 proposals for the mechanics of the election and
 15 proposed eligibility formula.
 16 I intend to revisit those closer to the end
 17 of the hearing once we've taken whatever evidence
 18 the Regional Director decides is appropriate in this
 19 proceeding. We can discuss it further at that time.
 20 MR. PORZIO: Madam Hearing Officer, before
 21 you move on, one important piece of data that you
 22 didn't ask for but I think is going to be important
 23 for you is that the total size of the Petition For
 24 Unit based on our revised Exhibits B and D to our
 25 Statement of Position is the total petition of unit

1 eligibility formula is a litigable issue as opposed
 2 to, you know, we would ask for a hearing on the
 3 mechanics as well, but I understand that's at the
 4 Regional Director's discretion, as you saw in the
 5 due quarter that we described referenced to a
 6 hearing on eligibility really is a mandate.
 7 HEARING OFFICER MOLS: Yes. As I mentioned
 8 earlier, we're not going to take any evidence on the
 9 mechanics of the election, but with regard to
 10 eligibility, we will come back around to that
 11 further on in the hearing.
 12 MR. FASMAN: Thank you.
 13 HEARING OFFICER MOLS: So, are there any --
 14 before I move on, any other comments concerning the
 15 issues raised in the Employer's Statement of
 16 Position? Does the Petitioner have anything further
 17 it wishes to add concerning its position?
 18 MS. AUERBACH: No.
 19 HEARING OFFICER MOLS: Employer?
 20 MR. FASMAN: No.
 21 HEARING OFFICER MOLS: Okay. The Regional
 22 Director has directed that the following issues will
 23 be litigated in this proceeding: The employee
 24 status of the graduate students and the community of
 25 interest issues raised in this Statement of Position

1 to be litigated by means of an offer of proof in the
2 absence of parties' agreement on stipulation of
3 facts regarding this issue.

4 Please note that any offers of proof may be
5 in the form of written statement or an oral
6 statement on the record. The offer of proof must
7 identify each witness the party would call to
8 testify concerning the issue, and must summarize
9 each witness' testimony.

10 If the Regional Director decides that the
11 evidence described in the offer of proof is
12 insufficient to sustain the proponent's position,
13 the evidence shall not be received by the Hearing
14 Officer.

15 At this time does the Employer have an
16 offer of proof prepared that it would like to enter
17 into the record concerning the issues raised in the
18 Statement of Position?

19 MR. FASMAN: We do. Beforehand, perhaps we
20 ought to explain it before we put it into the
21 record. That's these papers right here. Let me see
22 if I can offer an explanation of what's in it so
23 that that's on the record.

24 There are a number of issues in this case.
25 I'm take just a few minutes and outline our position

1 as stated in the offer of proof of each.

2 As the Hearing Examiner has noted, this
3 case first and foremost involves whether or not
4 graduate students teaching research assistants at
5 the University of Chicago are students or employees
6 under the test as defined in last August's decision
7 in the Columbia University case as an initial matter
8 and as a matter -- and as a statement for the
9 record, the university submits that Columbia was
10 wrongly decided under the National Labor Relations
11 Act, and that the Board majority further erred in
12 its analysis of the common law of employment when it
13 decided that the Columbia graduate students were
14 employees as opposed to students.

15 That said, we recognize that Columbia
16 represents current Board thought, and we intend to
17 argue this case under that standard.

18 For the record, the University specifically
19 reserves the right to argue that Columbia was
20 wrongly decided at any subsequent stages of this
21 case. Even under the Columbia test, however,
22 Chicago's graduate students do not qualify as
23 employees under the NLRA for several reasons. But
24 before that, let me present just a brief bit of
25 background explaining some things that I think are

1 very important for the region to understand.

2 First, the structure of the University of
3 Chicago is very different than Columbia's and
4 probably very different than everyone else's too.
5 It's an extremely complicated institution. There is
6 no one graduate school, unlike Columbia, which has a
7 Graduate School of Arts and Sciences. The
8 University of Chicago is comprised of five separate
9 degree-granting graduate divisions, one
10 undergraduate division called the College, and seven
11 professional schools or institutes, only one of
12 which, the Divinity School, is within the unit
13 sought by the GSU.

14 The university was originally founded as a
15 graduate research institution based upon a German
16 model, and graduate education and research remains
17 the fundamental business of the university.

18 What's important for this case is that the
19 university is highly decentralized. Our various
20 departments, divisions and programs each set their
21 own academic requirements for graduate students.
22 Each sets its own TA and RA requirements. There are
23 scores of academic programs. There may be 80
24 handbooks for the various programs. And what
25 happens in one program may be and often is

1 independent of what happens in others.

2 We submit it's impossible for the region or
3 the Board to make a ruling on our graduate students
4 as a whole because each department or division is
5 unique, and this record needs to reflect the
6 divisional, departmental or programatic emphasis
7 that sets these programs apart.

8 The second thing is background, I would
9 mention, is that Chicago's Ph.D. students receive a
10 full funding package that includes full tuition
11 remission for at least five years and often longer,
12 paid healthcare premiums under the University's
13 student health insurance plan for seven years, and
14 stipends that vary somewhat between segments of the
15 university, but which range from 26,000 up to 35,000
16 or more annually. Stipends have been increasing
17 year by year and are scheduled to increase again
18 next year to a minimum of \$28,000 or more.

19 Most importantly for purposes of this case,
20 this funding package offered to Ph.D. students is
21 contingent only upon making academic progress toward
22 a degree. It is not contingent upon acting as a TA
23 or RA or to any form or manner of work, and I'll use
24 those quotation marks that Mr. Porzio used,
25 performed as an employee.

1 It's our position, as I stated, that Ph.D.
 2 students who are TAs or RA at Chicago are students
 3 and not employees. As to TAs, teaching requirements
 4 at Chicago are academically driven first, last and
 5 foremost. They are based solely on training
 6 students how to teach and not be using them as a
 7 labor pool. Our students have an academic and not
 8 an economic relationship with the university.

9 The Board majority in Columbia found that
 10 the teaching and research assistants at that school
 11 had a, and I'm going to quote, Board, a salient --
 12 that the relationship had a salient economic
 13 character because the university delegated to them
 14 the extensive teaching of undergraduates. And as
 15 the Board noted there, the fact that teacher --
 16 teaching assistants are thrust wholesale into many
 17 of the core duties of teaching, planning and giving
 18 lectures, writing exams, etcetera, including for
 19 such critical courses as Columbia's core curriculum
 20 suggests that the purpose extends beyond the mere
 21 desire to help inculcate teaching skills.

22 That is not the case in Chicago. Chicago's
 23 Ph.D. students do not serve as a labor pool to teach
 24 undergraduate courses. Chicago's teaching
 25 requirements, in contrast to Columbia's, are

1 university's need to teach undergraduates.

2 The majority of our Ph.D. students teach to
 3 meet their academic requirements, and in some
 4 divisions, teaching beyond the academic requirements
 5 is discouraged.

6 Most of our Ph.D. students recognize that
 7 teaching is part of their academic training as
 8 future faculty members, nothing more. It is not a
 9 job. These are not our employees. This is not
 10 Columbia in any way, shape or form.

11 There is a tremendous emphasis on
 12 pedagogical training at the University of Chicago.
 13 We have the Chicago Center for Teaching, which along
 14 with the departments helps to train Ph.D. students
 15 in pedagogy. The Chicago Center For Teaching
 16 maintains a robust program in the university level
 17 pedagogy that in the past two years alone has worked
 18 with some 1,500 graduate students.

19 In fact, as you'll hear at the hearing, the
 20 University allows Ph.D. students to earn teaching
 21 credits by teaching outside of the university. They
 22 may teach in museums. They may teach at other
 23 colleges, and they also may study pedagogy instead
 24 of teaching. That's a far cry from a situation like
 25 Columbia, where Ph.D. students are serving to teach

1 comparatively light and are aimed at pedagogical
 2 training.

3 While requirements vary in divisions and
 4 departments, in the sciences some Ph.D. students do
 5 not teach at all. Almost all others are required to
 6 TA only two quarters or slightly more than half a
 7 year.

8 In the Humanities and Social Sciences with
 9 a couple of exceptions, they are required to serve
 10 as a course assistant three times and to act as a TA
 11 only twice. That's less than two years out of a
 12 lengthy Ph.D. program.

13 These are academic requirements aimed at
 14 training our Ph.D. students to teach so that they
 15 become productive and well-trained future faculty
 16 members, and the university would be derelict in its
 17 duty to its Ph.D. students if we did not train them
 18 in pedagogy, which is what we do.

19 We train students to teach so that they can
 20 succeed in the highly academic marketplace and so
 21 that if they go into industry, government or
 22 non-profits, they can explain complex material
 23 clearly and forcefully.

24 We do not require students to teach the
 25 same course over and over again to satisfy the

1 undergraduate courses.

2 Moreover, unlike Columbia, we train our
 3 Ph.D. students how to teach before asking them to
 4 enter the classroom. We do not, to quote the board,
 5 thrust them wholesale into teaching duties. If
 6 anything, we do the opposite. Many departments,
 7 including Art History, English, Romance Languages
 8 and Music, offer subject matter pedagogical training
 9 that students must take before entering a classroom.
 10 Almost all Ph.D. students who teach also are
 11 required to take orientation programs through the
 12 Chicago Center For Teaching, which offers training
 13 programs including a certificate in college teaching
 14 designed to make sure students have full pedagogical
 15 training.

16 Students also teach, if they do, within
 17 their own subject matter areas, and because they
 18 teach in their own disciplines, they are teaching as
 19 part and parcel of their academic training to become
 20 productive and skilled faculty members. To teach
 21 well they have to certain learn their subject matter
 22 in a different way.

23 You will hear from our professors that they
 24 take enormous time, that our professors take
 25 enormous time and effort to make sure that our Ph.D.

1 students learn how to each, and they'll explain how
2 extensively they train the students to teach who TA
3 in their classes. This is not Columbia.

4 Let me make two more comments about
5 teaching before moving on. Unlike Columbia, as
6 we've said, Master's students at the University of
7 Chicago generally don't teach. The numbers I gave
8 you are this quarter, as I said, only ten Master's
9 students out of some 1,300 are teaching, and only a
10 hundred during the entire academic year.

11 MR. PORZIO: 169.

12 MR. FASMAN: 169. Master's students at
13 Chicago are not employees under the Columbia test
14 for this reason. They are totally self-funded.
15 They pay their own way, including full tuition and
16 health insurance premiums, unless they receive a
17 competitive scholarship.

18 They do not receive the academic funding
19 package provided to Ph.D. students. And to the
20 extent that they teach, we submit they don't share a
21 community of interest with fully funded Ph.D.
22 students who are meeting academic training
23 requirements, and its our position that these two
24 groups don't belong in the same bargaining unit.

25 As you heard, it's also our position that

1 Ph.D. students who teach beyond their academic
2 requirements also should not be grouped with Ph.D.
3 students who are meeting their academic
4 requirements.

5 Ph.D. students who work -- who teach in
6 excess of their academic requirements don't share a
7 community of interest with students who teach to
8 earn their degrees for several reasons. First, they
9 are often advanced or senior graduate students who
10 are no longer receiving the academic funding package
11 that most Ph.D. graduate students receive while they
12 satisfy their academic requirements.

13 Their interest in continuing to teach thus
14 may arise from financial motives, unlike students
15 who are meeting their academic requirements and they
16 continue to receive their full financial package.

17 The graduate students who have exceeded
18 their requirements also are allocated opportunities,
19 teaching opportunities only after the graduate
20 students who are seeking to fill their requirements,
21 that is, the departments allocate teaching
22 opportunities to individuals who are seeking to
23 finish their academic requirements first, thus
24 placing graduate students who wish to continue to
25 teach in a competitive position versus their fellow

1 graduate students. And they are also subject to
2 removal or being refused permission to continue to
3 teach courses based upon performance standards,
4 unlike students who are satisfying their academic
5 requirements who are treated as students learning to
6 teach.

7 I don't want to misstate this. Students
8 who have fulfilled their teaching requirements but
9 continue to teach, some of them have earned prize
10 lectureships such as the Dewey Fellowship. It's not
11 our position that they are not doing something
12 important. They are doing something important, but
13 they are different than the group of Ph.D. students
14 who are satisfying their academic requirements.

15 So, our position is that they don't belong
16 in the same bargaining unit.

17 As to Ph.D. research assistants, there are
18 two types at the University of Chicago. Let me
19 address -- I think we've addressed the non-lab RAs,
20 although I do have a -- same true about them. But
21 laboratory research assistants research in the
22 laboratory as part of their academic training.
23 These are students in the Physical Sciences and the
24 Biological Sciences Division. Those are called the
25 PSD. Physical Sciences and Biological Sciences, PSD

1 for short. And their laboratory research forms the
2 basis of their Ph.D. dissertations.

3 There are also PSD laboratory RAs at
4 Chicago in the Psychology Department. All of these
5 students are doing laboratory research to further
6 their own education. They are not working for the
7 university. They are not Chicago employees. They
8 are learning to become scientists and to create new
9 knowledge. This is not an economic relationship
10 that benefits the university.

11 At Chicago, lab RAs choose a dissertation
12 topic at the start of their program. They join a
13 lab run by a professor whose research interest are
14 similar in nature. The professor who runs the lab
15 becomes the student's Ph.D. advisor and counsels him
16 or her about their dissertation and research.

17 Once the student finishes his or her course
18 work in the first year or two of their program, they
19 do their research in a laboratory on a full-time
20 basis. When they do that, they are fulfilling and
21 persuing their own interest, not the university's.
22 They are doing cutting edge research not for the
23 university but for themselves. They want to publish
24 papers. They want to make names for themselves, and
25 they use their Ph.D. research as the basis for

1 future academic or business careers.
 2 We do not treat them as employees. They
 3 don't have hours. They can and do their -- they can
 4 do their research when they choose. Their financial
 5 package which they receive is in no way dependent on
 6 how many hours they work or whether their
 7 experiments fail or succeed. In fact, as the record
 8 will reflect, if we're allowed to present testimony,
 9 as students learn, most of their experiments fail.
 10 And what employer would employ people's who
 11 experiments constantly fail?
 12 HEARING OFFICER MOLS: Quiet, please.
 13 MR. FASMAN: It blanks reality to say these
 14 students are employees of the university. This is
 15 not an economic relationship. These are scientists
 16 in training who are earning degrees to let them --
 17 to let them go further in their fields.
 18 We talked about non-laboratory research
 19 assistants, and we've said that these folks are not
 20 employees. Our position is students who help a
 21 professor writing a book are learning from that,
 22 from that professor. They are learning at a
 23 different way than if they are studying in a
 24 classroom, but they hold this position because they
 25 are university Ph.D. students. They are not hired

1 of Section 2-3 of the Act must be litigated at the
 2 initial hearing if they involve the entire unit, and
 3 should likely be litigated at the initial hearing if
 4 they concern classifications that constitute more
 5 than 20 percent of the unit.
 6 In elaborating in the same memo, General
 7 Counsel Griffin stated that this interpretation of
 8 the knew R Case rules would, and I quote him,
 9 include determinations of whether graduate students
 10 who serve as teaching assistants or research
 11 assistants are employees, citing New York University
 12 and various other cases.
 13 That admonition has been followed in case
 14 after case in the university setting. In Yale
 15 University last year, Duke University last year,
 16 hearings were held to allow the student versus
 17 employee issues to be roused out based on a hearing
 18 record.
 19 The Board additionally in new school at the
 20 end of last year said and remanded a case for a
 21 record to be made and to allow the question of
 22 student versus employee status to be considered
 23 based on a full record. There was a record that was
 24 reopened. And that was a decision by the Board to
 25 reopen that.

1 to do that job.
 2 Speaking for myself, the most important
 3 thing I did in law school was to research for my
 4 labor law professor. That's the reason why I'm
 5 sitting here. And he taught me more than anyone
 6 else in my whole law school career, and to say that
 7 I was an employee merely earning a few dollars is
 8 ridiculous, and that's -- that's the reason that
 9 non-lab RAs are not university employees, but as you
 10 heard, it's our position they don't share a
 11 community of interest with TAs and RAs.
 12 We've talked about workshop coordinators.
 13 I don't think we need to go back over that. I would
 14 say also with regard to our offer of proof, and I
 15 think this is important for the Region to bear in
 16 mind, our offer of proof sets forth, the initial
 17 section sets forth recent decisions along these
 18 lines, and I would commend the initial portion to
 19 yourself and to the Regional Director because it
 20 deals with whether or not a hearing is required in
 21 this case. The General Counsel's memorandum on
 22 representation case changes, GC Memo 15-06,
 23 specifically states that under the new R Case Rules,
 24 issues -- and I'm going to quote -- issues as to
 25 whether individuals are employees within the meaning

1 As you may have seen yesterday, the Board,
 2 the Region 1 directed an election in Boston, in a
 3 case involving Boston University -- Boston College.
 4 Sorry. I always get those two confused. Boston
 5 College. After a record had been made in that case
 6 so this has been a uniform -- this has been a
 7 uniform practice in the university setting in
 8 situations like this.
 9 We're prepared to present our issue on
 10 manual versus mail ballots if you would like at this
 11 time. We're also prepared to submit our offer of
 12 proof at this time.
 13 HEARING OFFICER MOLS: I think we'll
 14 proceed with the offer of proof at this time.
 15 MR. PORZIO: Madam Hearing Officer, just to
 16 make clear, we've separated the 2-3 issue into one
 17 offer of proof and the other eligibility/inclusion
 18 issues into a second offer of proof, both of which
 19 we have.
 20 HEARING OFFICER MOLS: Are you going to
 21 label these as separate exhibits?
 22 MR. FASMAN: Yes.
 23 MR. PORZIO: Yes.
 24 HEARING OFFICER MOLS: Okay.
 25 MR. PORZIO: Would you like these as Board

1 exhibits?
 2 HEARING OFFICER MOLS: Employer's. They
 3 are Employer exhibits. Thank you.
 4 (Employer Exhibit Number 1 was
 5 marked for identification.)
 6 MR. FASMAN: What we've marked for
 7 identification is Employer Exhibit 1, the larger of
 8 the two, which is on the 2-3 status and contains 29
 9 different exhibits attached to it. And on the unit
 10 question we would like to mark this for
 11 identification as Exhibit 2. Employer Exhibit 2.
 12 (Employer Exhibit Number 2 was
 13 marked for identification.)
 14 HEARING OFFICER MOLS: Is the Employer
 15 moving to enter Employer Exhibit 1 into the record?
 16 MR. FASMAN: We so move.
 17 HEARING OFFICER MOLS: Any objections?
 18 MS. AUERBACH: No.
 19 HEARING OFFICER MOLS: Employer Exhibit 1
 20 is received.
 21 (Employer Exhibit Number 1 was
 22 received in evidence.)
 23 And then for the offer of proof concerning
 24 the unit issues labeled Employer Exhibit 2, is the
 25 Employer moving to enter it into the record?

1 MR. FASMAN: We so move.
 2 HEARING OFFICER MOLS: Any objections?
 3 MS. AUERBACH: No.
 4 HEARING OFFICER MOLS: Employer Exhibit 2
 5 is received.
 6 (Employer Exhibit Number 2 was
 7 received in evidence.)
 8 MR. FASMAN: Thank you.
 9 HEARING OFFICER MOLS: I think it's
 10 appropriate to take a brief recess at this time to
 11 allow the parties, myself included, time to review
 12 the Employer's offer of proof. Anything you want to
 13 raise before we go off?
 14 MR. FASMAN: No. We would definitely like
 15 to read it.
 16 HEARING OFFICER MOLS: Off the record.
 17 (There was a discussion held
 18 off the record.)
 19 HEARING OFFICER MOLS: On the record.
 20 So, the parties took a recess to allow the
 21 Hearing Officer an opportunity to review the
 22 Employer's offer of proof in Employer Exhibit 1 and
 23 Employer Exhibit 2. Upon reviewing the offer of
 24 proof, the ruling is that the Employer will be
 25 permitted to allow certain evidence into the record

1 with regard to the argument that the individuals
 2 within the Petition for Unit are distinguishable
 3 from those individuals who were covered by the
 4 Board's decision in Columbia University.
 5 The Employer will not be permitted to enter
 6 in evidence for the broad argument that Columbia
 7 University was wrongly decided and that the
 8 individuals are not employees under the prior
 9 decision of Brown University. The Employer will
 10 also be permitted to enter into the record certain
 11 evidence with regard to its arguments concerning
 12 community of interest as well as concerning the
 13 eligibility formula.
 14 In an off-the-record discussion I raised
 15 this with the parties and discussed the possibility
 16 of perhaps entering into some stipulations of fact
 17 in an interest of perhaps limiting these
 18 proceedings. During those discussions, the matter
 19 was raised of about whether or not the Employer is
 20 seeking to relitigate the issues raised in Columbia
 21 University by the issues raised in the instant
 22 proceeding.
 23 Would counsel for the Employer like to
 24 state its position for the record?
 25 MR. FASMAN: Yes. We are not -- we are not

1 interested in re-litigating Columbia. We have said
 2 previously in my opening statement that we
 3 understand Columbia's Board is law. We don't agree
 4 with it, but we'll sort it out. We recognize the
 5 Region is, of course, bound to apply it. But even
 6 under the Columbia test, our students are not
 7 employees. So, our proof is going to go to
 8 explaining how these individuals differ from the
 9 graduate students considered in the Columbia, and to
 10 explaining why our relationship with them is a -- is
 11 not an employment relationship as the Board defined
 12 the term in Columbia. So, I think that that's
 13 pretty clear.
 14 We do have to have the latitude, of course,
 15 of explaining our relationship with our students in
 16 some detail so that we can make the record on the
 17 case, but it's not an effort to reargue that we --
 18 reargue Columbia at all.
 19 HEARING OFFICER MOLS: And what is the
 20 Petitioner's position on the ruling?
 21 MS. AUERBACH: So, the Petitioner's
 22 position is that we understand the ruling is to
 23 allow the Employer to distinguish, try to
 24 distinguish University of Chicago graduate students
 25 from Columbia grad students, but the Union believes

1 based on reading the Employer's offer of proof that
 2 the Employer seeks to present a large scale, on a
 3 large-scale basis, evidence that really seeks to
 4 have a reconsideration of the Columbia decision.
 5 The Board in Columbia found that at
 6 Columbia most Ph.D. candidates are required to take
 7 on teaching duties and that they are required to
 8 either teach or research as a condition of full
 9 receipt of funding, which is something the Employer
 10 is arguing here in its offer of proof. And the
 11 Board in Columbia rejected the argument that
 12 students have -- that the graduate students have
 13 primarily relationship as students and not as
 14 employees and found that they could be both students
 15 and employees, and that also appears to be what the
 16 Employer is trying to reargue here that its grad
 17 students are primarily grad students and not
 18 employees. And again, that seemed to be trying to
 19 reargue, relitigate Columbia, and so the Petitioner
 20 seeks limits on what the Employer is going to be
 21 allowed to put on, so that it's going to whether
 22 there is an employment relationship and not to
 23 showing the extent that there is also students.
 24 HEARING OFFICER MOLS: So, with those in
 25 mind, the ruling at this time, again, is that the

1 you.
 2 HEARING OFFICER MOLS: Off the record.
 3 (There was a discussion held
 4 off the record.)
 5 HEARING OFFICER MOLS: So, in
 6 off-the-record discussions, the parties covered
 7 whether or not they would be able to stipulate to
 8 certain facts. No stipulations have been reached at
 9 this time. That may change during the course of the
 10 hearing. So for now, is the Employer is currently
 11 the party who carries the burden for asserting that
 12 the Petition for Unit is inappropriate and that some
 13 job classifications should be excluded based on
 14 community of interest grounds.
 15 The Employer can proceed with its first
 16 witness.
 17 MR. FASMAN: Thank you, Madam Hearing
 18 Officer. I don't know that we agree that we have
 19 the burden of proof, but we're ready to proceed.
 20 HEARING OFFICER MOLS: Call your first
 21 witness.
 22 MR. FASMAN: The University calls Beth
 23 Niestat to the stand.
 24 (The witness was duly sworn.)
 25 HEARING OFFICER MOLS: Please state and

1 Employer will be permitted to put on its evidence
 2 with regard to distinguishing the facts of this case
 3 from those considered in the Columbia decision.
 4 If, while the evidence is being presented,
 5 it seems to be straying into areas that are
 6 currently established for law and as the Employer
 7 Counsel has indicated, that the Region is bound to,
 8 I will limit the testimony at that time. The
 9 Employer can then seek a special appeal with the
 10 Regional Director if it so wishes based on my
 11 rulings at those times.
 12 MR. FASMAN: I should make clear that the
 13 Board in Columbia, and I think this sets our
 14 position very clearly, the Board in Columbia said
 15 it, if they are both students and employees, they
 16 can still be employees, and we understand that
 17 merely because they are also students they are not
 18 excluded, but our position is that our graduate
 19 student TAs and RAs are students exclusively. And
 20 so that's what we're going to try to prove, not that
 21 they are -- that they are not employees. So, we'll
 22 see how that goes.
 23 HEARING OFFICER MOLS: Understood. So,
 24 anything further before we go back off the record?
 25 MR. FASMAN: Not for the Employer. Thank

1 spell your name for the record.
 2 THE WITNESS: Beth Niestat. B-e-t-h,
 3 N-i-e-s-t-a-t.
 4 HEARING OFFICER MOLS: Thank you.
 5 BETH NIESTAT
 6 having been first duly sworn, was examined and
 7 testified as follows
 8 DIRECT EXAMINATION
 9 BY MR. FASMAN:
 10 Q. Ms. Niestat, by whom are you employed?
 11 A. University of Chicago.
 12 Q. And when did you begin working at the
 13 University of Chicago?
 14 A. In 2007.
 15 Q. What was your job title -- what is your
 16 current job title?
 17 A. I'm currently the Executive Director of
 18 UChicagoGRAD for Administration Policy.
 19 Q. When did you become the Executive Director
 20 of UChicagoGRAD for Administration Policy?
 21 A. In 2015.
 22 Q. And I gather prior to that time you held
 23 other positions at the University of Chicago?
 24 A. Yes.
 25 Q. Can you tell us what the first position you

1 held was at the university?
 2 A. I was a Planning Manager For Student
 3 Initiatives in Campus and Student Life.
 4 Q. What is that?
 5 A. I was kind of like a special assistant to
 6 the Vice President For Campus and Student Life. I
 7 worked on projects.
 8 Q. How long did you hold that position?
 9 A. About three or four years.
 10 Q. And what was the next position that you
 11 held?
 12 A. Then I was the Director of Programs and
 13 Planning in the Office of the Provost.
 14 Q. What were your duties and responsibilities
 15 in that position?
 16 A. That position was dedicated to graduate
 17 education, and I was working closely with the then
 18 Deputy Provost For Graduate Education.
 19 Q. Can you tell us what your educational
 20 background is, please?
 21 A. I have a Bachelor's Degree in Anthropology
 22 from Stanford and a Master's Degree from Harvard
 23 Divinity School.
 24 Q. And did you work before coming to the
 25 University of Chicago in 2007?

1 director does, and I also, because the University of
 2 Chicago is very decentralized and doesn't have a
 3 graduate school of arts and sciences, I do a lot of
 4 coordinating amongst the Deans of Students across
 5 the divisions and schools.
 6 Q. And to whom do you report?
 7 A. Sian Beilock.
 8 Q. Who is she?
 9 A. She's the Executive Vice Provost.
 10 Q. And so where -- UChicagoGRAD is within what
 11 office, administratively, at the university?
 12 A. We sit in the Office of the Provost.
 13 Q. What is the Office of the Provost, for the
 14 record?
 15 A. Well, the Provost is the chief academic
 16 officer for the university.
 17 Q. When was UChicagoGRAD established?
 18 A. So, officially 2015, May, is when we
 19 launched UChicagoGRAD.
 20 Q. Were there predecessor organizations at the
 21 University of Chicago doing similar things?
 22 A. Yes.
 23 Q. Tell us what they were.
 24 A. So, prior to UChicagoGRAD becoming
 25 UChicagoGRAD, it was Graduate Student Affairs, and

1 A. Yes.
 2 Q. What did you do? Briefly summarize for us.
 3 A. Just prior I was doing freelance
 4 communications in Minnesota, and then before that I
 5 worked for a company called EF Education.
 6 Q. Okay. Are you a faculty member at the
 7 University of Chicago?
 8 A. No.
 9 Q. Do you teach courses?
 10 A. No.
 11 Q. Tell us what UChicagoGRAD is.
 12 A. UChicagoGRAD is an office on campus that
 13 compliments the work of the divisions and schools in
 14 academic training. So, we provide support for
 15 graduate students and post docs as they navigate
 16 their academic and professional careers.
 17 Q. Does that include both Master's students
 18 and Ph.D. students?
 19 A. Yes.
 20 Q. And what are your responsibilities as the
 21 Executive Director For Administration and Policy?
 22 A. Well, I'm one of the two co-directors for
 23 the office, and I focus on the administration and
 24 policy side of things as opposed to the programmatic
 25 and services side of things, which the co-director

1 it was part of -- just prior to that it was part of
 2 Campus and Student Life.
 3 Q. Did you have a role in the creation of
 4 UChicagoGRAD?
 5 A. Yes.
 6 Q. What was your role?
 7 A. I was part of the group that sort of
 8 conceptualized the reorganization that decided that
 9 Graduate Student Affairs should move into the Office
 10 of the Provost and then sort of became UChicagoGRAD.
 11 Q. What was the thinking behind moving it into
 12 the Office of the Provost?
 13 A. While part of Campus and Student Life, the
 14 feeling was that a lot of the support and services
 15 and resources like in-career planning and student
 16 activities and that sort of stuff goes to college
 17 students and graduate students weren't getting
 18 the -- sort of the attention tailored to their
 19 specific needs, so a lot of the co-curricular
 20 support for graduate students should have more of an
 21 academic focus on it than just those at Campus and
 22 Student Life.
 23 Q. Okay. In your role as the Executive
 24 Director For Administration and Policy at
 25 UChicagoGRAD are you familiar with the various

1 graduate programs and structures at the University
 2 of Chicago?
 3 A. Yes.
 4 Q. All right. Let me mark our first exhibit.
 5 Madam Hearing Officer, how would you like
 6 the exhibits marked, sequentially, by witness?
 7 What's your pleasure?
 8 HEARING OFFICER MOLS: Sequentially. So
 9 we're on Employer 3 now.
 10 MR. FASMAN: Okay. So, this is Number 3?
 11 HEARING OFFICER MOLS: Yes.
 12 (Employer Exhibit Number 3 was marked
 13 for identification.)
 14 BY MR. FASMAN:
 15 Q. Ms. Niestat, I've shown you a document
 16 marked for identification as Employer Exhibit Number
 17 3. Can you tell us what that is, please?
 18 A. It's a chart of the divisions and school's
 19 academic structure at the university.
 20 Q. Are you personally familiar with this
 21 structure?
 22 A. Yes.
 23 Q. Is this chart true and accurate to the best
 24 of your knowledge?
 25 A. Yes.

1 Professional and Continuing Education Schools, and
 2 the other says Graduate Divisions. Are those all
 3 graduate education programs?
 4 A. Those are all offer graduate degrees, yes.
 5 Q. And I take it there is one entity within
 6 the University of Chicago that does not offer a
 7 graduate degree?
 8 A. Yes.
 9 Q. What's that?
 10 A. The College.
 11 Q. And what is the College?
 12 A. It's the university's undergraduate degree
 13 granting unit.
 14 Q. Okay. Is there any centralized
 15 organization overlooking all of the graduate degree
 16 programs at the university, for example, like a
 17 graduate school?
 18 A. No. The university doesn't have a graduate
 19 school of arts and sciences like many of our peer
 20 institutions do.
 21 Q. What -- what effect does that have in terms
 22 of how the University of Chicago operates?
 23 A. Well, it means that each of the divisions
 24 in the schools have its own academic Dean and its
 25 own Dean of Students and they grant the degrees and

1 MR. FASMAN: I'd move for its admission.
 2 HEARING OFFICER MOLS: Any objection?
 3 MS. AUERBACH: No.
 4 HEARING OFFICER MOLS: Employer Exhibit 3
 5 is received.
 6 (Employer Exhibit Number 3 was
 7 received in evidence.)
 8 BY MR. FASMAN:
 9 Q. Thank you.
 10 Looking at Employer Exhibit 3, how many
 11 schools and divisions does the university have?
 12 A. 13.
 13 Q. And we don't have to read them out. Why is
 14 there -- is there a difference between the school
 15 and a graduate division?
 16 A. There is a little bit of a difference.
 17 Q. What's the difference?
 18 A. In the professional schools, the degrees
 19 that are offered are mostly professional degrees. I
 20 mean degree, and then in the graduate division there
 21 is the academic -- I'm sorry -- like Master's and
 22 Ph.D. degrees, although there are also Ph.D.s in the
 23 professional schools as well.
 24 Q. Okay. Looking at this, at this chart,
 25 Exhibit 3, there are two blocks. One says

1 set requirements.
 2 Q. And do they set their own requirements?
 3 A. Yes.
 4 Q. I see. Would you call this a decentralized
 5 structure?
 6 A. Yes.
 7 (Employer Exhibit Number 4 was marked
 8 for identification.)
 9 Q. Okay. Let me ask you then, Ms. Niestat,
 10 I've put before you a document that we've marked as
 11 Exhibit Number 4 for identification. Can you tell
 12 us what that is?
 13 A. It's a printout from our website. The
 14 graduate -- UChicagoGRAD.edu from our admissions
 15 pages that lists the various graduate degree-
 16 granting programs at the University of Chicago.
 17 Q. This is from a website that your office
 18 maintains?
 19 A. Yes.
 20 Q. How do you know that?
 21 A. How do I know that?
 22 Q. It says it at the top?
 23 A. Oh. Okay. Yes. It says it at the top.
 24 Q. Okay. Thank you. Tell us -- well, first
 25 of all, is this maintained on a website in the

1 normal course of business?
 2 A. Yes.
 3 MR. FASMAN: I would offer Employer's
 4 Exhibit 4, please.
 5 MS. AUERBACH: No objection.
 6 HEARING OFFICER MOLLS: Employer Exhibit 4
 7 is received.
 8 (Employer Exhibit 4 was received
 9 in evidence.)
 10 MR. FASMAN: Thank you.
 11 BY MR. FASMAN:
 12 Q. Looking at this document, it appears --
 13 it's five pages long, and it appears to have
 14 multiple entries. Could you tell us what these
 15 show? There is an accounting line. That's the
 16 first one. What does that show?
 17 A. So, it shows that at University of
 18 Chicago's Booth School of Business, you can get a
 19 Ph.D. It focuses on accounting. It lists -- it's a
 20 list of all the different programs that you can get
 21 and whether you can get a -- what degree you can get
 22 from them, a Master's or a Ph.D. or MBA or that sort
 23 of thing.
 24 Q. If there is a blank space, for example, in
 25 accounting under the column that says Master's,

1 list. Give me one second.
 2 On the fourth page there is something
 3 called an MS PSD Physics Bridge. What is that?
 4 A. I'm not sure about the Physics Bridge
 5 program.
 6 Q. Okay. How about on the last page, the
 7 fifth page, there are degrees called MAT, which I
 8 gather is a Master's in Teaching?
 9 A. That's correct.
 10 Q. And an MFA, which is a Master's of Fine
 11 Arts?
 12 A. That's correct.
 13 Q. And there a bunch of them under Religious
 14 Studies. Tell us what those are.
 15 A. Master's of Divinity, Master's of Arts.
 16 Master's of Arts in Religious Studies.
 17 Q. Okay. Thank you. Your office keeps a list
 18 of the various programs. Why do you keep it?
 19 A. This is part of our materials for
 20 prospective students who are considering coming to
 21 the University of Chicago for graduate education.
 22 Q. Why do you keep that list? What role does
 23 UChicagoGRAD play with regard to informing students
 24 of the various programs at the university?
 25 A. So, we have a graduate enrollment

1 there is a blank space. What does that mean?
 2 A. It means we don't offer a degree. We don't
 3 offer a Master's degree in that subject.
 4 Q. And that's true then on the first page in
 5 Behavioral Science and Biochemistry and Molecular
 6 Biology, correct?
 7 A. Right.
 8 Q. And others along the way?
 9 A. Right.
 10 Q. For the record, would you -- there are a
 11 bunch of -- I think we all know what a Ph.D. is.
 12 I'm not sure everybody knows a Master's Degree, MS
 13 is a Master's of Science, what is MAPSS,
 14 Anthropology -- what is that, M-A-P-S-S?
 15 A. Our Master's of Arts program in Social
 16 Sciences, and it offers a Master's degree, and you
 17 can focus on Anthropology.
 18 Q. How about the one just below that, MAPH?
 19 A. That's a Master's of Arts program in the
 20 Humanities.
 21 Q. How about the one below that, Astronomy and
 22 Astrophysics?
 23 A. Master's of Science in the Physical
 24 Sciences Division.
 25 Q. Okay. I know that doesn't exhaust the

1 initiatives team, and they answer questions and
 2 offer -- do recruiting tours and that sort of thing
 3 for students who are considering graduate education.
 4 Because we don't have the graduate schools of arts
 5 and sciences, prior to graduate enrollment
 6 initiatives, existing students who might be
 7 interested in something had to go to each of the
 8 divisions to find out about their programs. So,
 9 this offers a central way for students to access the
 10 university's graduate programs.
 11 Q. Okay. University also offers joint degrees
 12 as part of its graduate programs?
 13 A. Yes.
 14 (Employer Exhibit Number 5 was
 15 marked for identification.)
 16 Q. All right. Let me ask you to take a look
 17 at a document we've identified as Employer's Number
 18 5 for identification. What is that?
 19 A. It's another -- another page from our
 20 admissions website about the joint and dual degree
 21 options at the university.
 22 Q. And this, again, is from your website,
 23 UChicagoGRAD?
 24 A. That's right.
 25 Q. And this is maintained in the ordinary

1 normal course of business?
 2 A. Yes.
 3 MR. FASMAN: I move for the admission of
 4 Employer Exhibit 5, please.
 5 MS. AUERBACH: No objection.
 6 HEARING OFFICER MOLS: Employer Exhibit 5
 7 is received.
 8 MR. FASMAN: Thank you.
 9 (Employer Exhibit Number 5 was
 10 received in evidence.)
 11 BY MR. FASMAN:
 12 Q. So, these are -- this is a listing of all
 13 the various joint programs there can be in the
 14 university?
 15 A. That's correct.
 16 Q. Okay. Lots of programs?
 17 A. Yes.
 18 Q. You have to answer verbally.
 19 A. Yes.
 20 Q. Where would a prospective student go to
 21 find out about all of these programs, to
 22 UChicagoGRAD, somewhere else?
 23 MS. AUERBACH: I'm objecting now. I know
 24 there is background on what the Ph.D. programs and
 25 graduate programs are, but I'm not understanding why

1 conferences around the country where college
 2 students will be, who are interested in graduate
 3 education, and they will talk about all the
 4 different graduate programs that the university
 5 offers.
 6 Q. Does UChicagoGRAD make admissions
 7 decisions?
 8 A. No.
 9 Q. Who does that?
 10 A. That happens in the divisions and the
 11 departments.
 12 Q. Does UChicagoGRAD oversee the divisions and
 13 the departments?
 14 A. No.
 15 Q. Does your office oversee or regulate
 16 teaching programs within the divisions or
 17 departments?
 18 A. No.
 19 Q. How about research requirements?
 20 A. No.
 21 Q. Does UChicagoGRAD play any role in career
 22 development and planning?
 23 A. Yes.
 24 Q. What do you do?
 25 A. We have a career development team, six

1 there is continuing questions with respect to
 2 prospective students.
 3 BY MR. FASMAN:
 4 Q. I'll withdraw that.
 5 I think you already answered this, but
 6 UChicagoGRAD, what does UChicagoGRAD provide for
 7 prospective students with regard to all of these
 8 perhaps that are listed?
 9 A. So, it's sort of a gateway to access the
 10 information about applying to the program, so online
 11 application is managed through our office, and then
 12 we also have staff and students who answer questions
 13 about graduate admissions, go to fairs around the
 14 country and do, you know, on-campus tours.
 15 Q. Okay. How is the academic year divided at
 16 the University of Chicago?
 17 A. It's on a quarter system.
 18 Q. How long is each quarter?
 19 A. About 10 or 11 weeks.
 20 Q. And how are the quarters identified?
 21 A. Summer, autumn, winter and spring.
 22 Q. Okay. I think we already talked about how
 23 UChicagoGRAD serves as a resource. You mentioned
 24 recruitment travel. What is that?
 25 A. We have staff who go to colleges and

1 staff members plus an employer relations person, and
 2 they offer one-on-one advising as well as workshops
 3 and programs and events for students who are working
 4 on their professional development and career plan.
 5 Q. How many people did you say?
 6 MS. AUERBACH: Objection to this continuing
 7 line of questioning.
 8 MR. FASMAN: I'm explaining, I think,
 9 establishing a foundation about how she can testify
 10 about certain things I'm going to ask her about in a
 11 few minutes.
 12 HEARING OFFICER MOLS: I'll allow it for
 13 now.
 14 MR. FASMAN: Thank you.
 15 BY MR. FASMAN:
 16 Q. So, you have six people -- do you have more
 17 or less than peer institutions?
 18 A. It's more.
 19 Q. Is there a reason why it's more?
 20 A. The university has decided to invest in
 21 this support service for graduate students.
 22 Q. And in terms of development and planning,
 23 is this aimed at the whole graduate population, at
 24 MA's and Ph.D.s?
 25 A. Yes.

1 Q. Is it different for MA's and Ph.D.s?
 2 A. It might be slightly different depending on
 3 what their, you know, what their background is and
 4 what they want to do, but one of the things that we
 5 talk a lot about is how the university provides
 6 flexible training for students interested in going
 7 into academia, industry, nonprofit and government,
 8 and we like to make sure that everyone is well
 9 prepared.
 10 Q. Does UChicago itself offer any training
 11 programs to graduate students?
 12 A. I don't understand the question.
 13 Q. Is there -- for example, let's talk about
 14 one. What's Grad Talk?
 15 A. Grad Talk is something that we offer in our
 16 office, which is again, there is one-on-one sessions
 17 as well as group programs about public speaking and
 18 basically any kind of oral communication, so that
 19 could be job interview, perhaps. It could be
 20 talking about learning to how to speak up in class.
 21 It could be, you know, practicing, presenting, that
 22 sort of thing.
 23 Q. In doing that program, do you cooperate
 24 with the Chicago Center For Teaching?
 25 A. They might have joint programs, but CCT has

1 Q. Are graduate students required to maintain
 2 health coverage?
 3 A. Yes.
 4 Q. Does the university offer a healthcare plan
 5 for its graduate students?
 6 A. Yes.
 7 Q. What is that?
 8 A. It's called USHIP. University Student
 9 Health Insurance Plan.
 10 Q. Is this only for graduate students, or is
 11 it for other students?
 12 A. It's for all students at the university.
 13 Q. Can you give us a brief description of what
 14 USHIP is, please?
 15 A. It's a comprehensive individual health
 16 plan. Health plan for -- for health coverage and
 17 medical needs. It's a -- I think the equivalent of
 18 a platinum level for comprehensive care.
 19 Q. What does platinum level mean, for the
 20 record?
 21 A. My understanding is that it's the highest
 22 level in the ACA, so it's just a very high level of
 23 offerings and coverage.
 24 Q. Is this available -- strike that.
 25 Is this available to University of Chicago

1 its own, own programs as well.
 2 Q. Are your programs well attended?
 3 A. I like to think so.
 4 Q. How about with graduate student
 5 fellowships? Does your office have anything to do
 6 with those?
 7 A. Yes. We also have a fellowship advising
 8 team.
 9 Q. What does that do?
 10 A. We maintain a database online of fellowship
 11 opportunities for graduate students, and our staff
 12 can have, again, have the one-on-one advising as
 13 well as group workshops and programs to help
 14 graduate students learn about the various fellowship
 15 opportunities that would be available for their
 16 specific needs, and also then we help them do the
 17 applications and prepare for interviews if
 18 necessary.
 19 Q. Is this for both Ph.D. and Master's
 20 students?
 21 A. Yes.
 22 Q. Okay. Let's switch topics for a moment.
 23 Are you familiar with healthcare coverage for
 24 graduate students at the University of Chicago?
 25 A. Yes.

1 employees?
 2 A. No.
 3 MS. AUERBACH: Objection for the record,
 4 that our position is that the Petition for Unit
 5 consists of employees.
 6 (Employer Exhibit Number 6 was
 7 marked for identification.)
 8 BY MR. FASMAN:
 9 Q. Ms. Niestat, I put in front of you a
 10 document we've marked for identification as Employer
 11 Exhibit 6. Can you tell us what that is, please?
 12 A. It's a printout of the 2016-'17 Student
 13 Injury and Fitness Plan for the University of
 14 Chicago off of United Healthcare's Page.
 15 Q. Are you familiar with this?
 16 A. Yes.
 17 Q. And taking a look at the various pages of
 18 this document, can you tell us what it shows?
 19 A. It shows that -- it's a description of the
 20 plan and coverage for USHIP.
 21 Q. And does this relate to the coverages
 22 available for students?
 23 A. Yes.
 24 Q. Are graduate students at the University of
 25 Chicago, whether Master's or Ph.D. students, are

1 they covered under this plan if they wish to be?
 2 A. If they don't waive out, yes.
 3 Q. Yes. And it says, Student Injury and
 4 Sickness Plan, correct?
 5 A. Yes.
 6 MR. FASMAN: I'd move for its admission.
 7 MS. AUERBACH: No objection.
 8 HEARING OFFICER MOLLS: Employer Exhibit 6
 9 is received.
 10 (Employer Exhibit Number 6 was
 11 received in evidence.)
 12 MR. FASMAN: Thank you.
 13 BY MR. FASMAN:
 14 Q. Am I correct in understanding that this
 15 plan is available only for people the University of
 16 Chicago considers students?
 17 A. Yes.
 18 Q. Now, on the first page there are some basic
 19 rates on the front. Do you see that?
 20 A. Yes.
 21 Q. So, the premium cost on the first page
 22 appears to be annual premium cost for '16-'17,
 23 appears to be \$3,615. Do you see that?
 24 A. Yes.
 25 Q. Do Master's students pay that amount?

1 in the Social Sciences, Humanities, Divinity and SSA
 2 they have health insurance paid for the first five
 3 years of their degree. And then if they've achieved
 4 candidacy by the end of the fifth year, then they
 5 get another two years of health insurance covered
 6 for their sixth and seventh years of their degree
 7 program.
 8 Q. Okay. So, just to break that answer down,
 9 there are five years for Humanities, Social
 10 Service -- Social Sciences?
 11 A. Social Sciences and Social Service
 12 Administration, yeah.
 13 Q. And then an extension of two more?
 14 A. That's correct.
 15 Q. And in the sciences how long?
 16 A. In general I believe they pay the health
 17 insurance premium for the duration of the degree.
 18 Q. Okay. And so this is paid, this is part of
 19 the financial package for every Ph.D. student?
 20 A. That's correct.
 21 Q. Okay. And about how many Ph.D. students
 22 are there at the university?
 23 A. I think it's about 3,000. 3,200, maybe.
 24 (Employer Exhibit Number 7 was
 25 marked for identification.)

1 A. If they don't waive out then they would be
 2 required to pay it.
 3 Q. How do they waive out? How would they
 4 waive out?
 5 A. I don't know the specific details, but as
 6 long as they can -- if they have alternative
 7 insurance that meets a number set of requirements,
 8 then they can waive out USHIP.
 9 Q. Okay.
 10 A. Before a certain deadline.
 11 Q. But if they don't waive out, they pay?
 12 A. Correct.
 13 Q. How about Ph.D. students? Do Ph.D.
 14 students pay this amount?
 15 A. Many Ph.D. students as part of their
 16 funding package, they -- they don't pay this amount.
 17 The university pays it for them.
 18 Q. For whom does the university pay student
 19 health premiums, for what set of Ph.D. students? Or
 20 do it the other way, for what set of Ph.D. students
 21 does the university does not pay?
 22 A. So, it all varies by division and school,
 23 because again, we're very decentralized, but most --
 24 most students in the hard sciences have their health
 25 insurance paid for the duration of their degree, and

1 Q. Thank you. What is the document that we
 2 have marked for identification as Number 7?
 3 A. Guide to Student Health and Counseling
 4 Services.
 5 Q. What is it? Can you tell us what the
 6 document is?
 7 A. It's an overview of the various student
 8 health and counseling services offered by the
 9 University of Chicago, taken off of one of the
 10 campus' Student Life websites.
 11 Q. Okay. Once again, this says: Student
 12 health and counseling services. These are made
 13 available to students at the university?
 14 A. Yes. It's online.
 15 MR. FASMAN: I'd move for admission of
 16 Employer's Exhibit 7.
 17 MS. AUERBACH: No objection.
 18 HEARING OFFICER MOLLS: Employer Exhibit 7
 19 is received.
 20 (Employer Exhibit Number 7 was
 21 received in evidence.)
 22 BY MR. FASMAN:
 23 Q. Are the graduate students who are the
 24 subject of this petition included in this, in the
 25 group of people who are entitled to this --

1 A. Yes.
 2 Q. -- benefit?
 3 A. They are.
 4 Q. Okay. You are an employee of the
 5 university, right?
 6 A. Yes.
 7 Q. Are you entitled to this?
 8 A. No.
 9 Q. Let's take another look at another policy.
 10 (Employer Exhibit Number 8 was
 11 marked for identification.)
 12 We've marked an exhibit as Employer's 8 for
 13 identification. Can you tell us what that is?
 14 A. It's a printout from the student -- the
 15 online student manual of the Graduate Student Parent
 16 Policy.
 17 Q. And tell us what it deals with.
 18 A. It deals with a policy that allows students
 19 who have just become parents to adjust their --
 20 their academic -- their academic work as necessary
 21 to, you know, as they get used to the parenting and
 22 continuing their degree at the same time.
 23 Q. And is this policy made available for
 24 graduate students?
 25 A. Yes.

1 appropriate modifications.
 2 Q. Does your office get involved in
 3 administration of this policy?
 4 A. Not usually.
 5 Q. Okay. By the way, is this policy available
 6 to the faculty? Does it cover the faculty?
 7 A. No.
 8 Q. Did the prior policies that say "students"
 9 on them, are they made available to the faculty?
 10 A. No.
 11 Q. Are the faculty considered employees?
 12 A. Yes.
 13 (Employer Exhibit Number 9 was
 14 marked for identification.)
 15 BY MR. FASMAN:
 16 Q. Ms. Niestat, I've handed you a document
 17 we've marked as Number 9 for identification. Can
 18 you tell us what that is, please?
 19 A. It's a printout of the Child Care Stipend
 20 Application from our website.
 21 Q. And you say, from our website. What
 22 website is that, ma'am?
 23 A. Actually, I should correct myself. It's
 24 not the application. It's information about the
 25 application and the process and eligibility. It's

1 Q. Does it -- is it available for both
 2 Master's and Ph.D. students?
 3 A. It's for graduate students, yes.
 4 MR. FASMAN: Okay. I'd move to admit
 5 Employer Exhibit 8.
 6 MS. AUERBACH: No objection.
 7 HEARING OFFICER MOLS: Employer Exhibit 8
 8 is received.
 9 (Employer Exhibit Number 8
 10 was received in evidence.)
 11 BY MR. FASMAN:
 12 Q. Now, is this -- is this -- you're an
 13 employee of the university, right?
 14 A. Yes.
 15 Q. Are you covered by this policy?
 16 A. I'm not.
 17 Q. Is this available to undergraduates?
 18 A. No. It's just graduate students.
 19 Q. Why is that, if you know?
 20 A. I don't know, because I don't deal with the
 21 college policies so much.
 22 Q. Okay. Who administers this policy?
 23 A. The -- the academic divisions and schools
 24 would administer it. Students are asked to work
 25 with their deans of students to come up with the

1 the UChicagoGRAD website.
 2 Q. And can you tell us generally what this
 3 policy provides?
 4 A. It's a program that we established a few
 5 years ago that offers Ph.D. students up to \$2,000
 6 disbursed quarterly for eligible Ph.D. students to
 7 get help with the costs associated with child care.
 8 Q. And is this -- this is from your website?
 9 A. Yes.
 10 Q. This program is currently in effect?
 11 A. Yes.
 12 MR. FASMAN: I'd offer Employer's Exhibit 9
 13 into evidence.
 14 MS. AUERBACH: No objection.
 15 HEARING OFFICER MOLS: Employer's Exhibit 9
 16 is received.
 17 (Employer Exhibit Number 9
 18 was received in evidence.)
 19 BY MR. FASMAN:
 20 Q. This is a program made available to
 21 Ph.D. applicants, correct?
 22 A. Ph.D. students.
 23 Q. Ph.D. students. Is it available to
 24 Master's students?
 25 A. It's not.

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1 Q. Do you know why that is?
2 A. We established it as a pilot program a few
3 years ago, and we started just with Ph.D. students
4 because we felt they -- first of all, they were the
5 most likely because they were most likely that
6 needed it because they are at the university longer
7 than Master's students.
8 Q. Okay. Is this available to undergraduates?
9 A. No.
10 Q. As an employee of the university, is this
11 available to you?
12 A. No.
13 Q. Is it available to other employees?
14 A. No.
15 Q. Who administers this policy, ma'am?
16 A. Our office.
17 Q. Meaning UChicagoGRAD?
18 A. That's correct.
19 Q. What does that mean when you say you
20 administer?
21 A. We accept the applications and distribute
22 the funds.
23 Q. Okay. Let me ask you to take a look at one
24 more document.
25 (Employer Exhibit Number 10 was

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1 marked for identification.)
2 We've marked a document for identification
3 as Employer Exhibit 10. Can you tell us what that
4 is?
5 A. It's the University of Chicago's 2017
6 Benefits Guide from Human Resources for employees.
7 Q. Okay. And is this a document that the
8 university maintains in the normal course of
9 business?
10 A. I believe so, yes.
11 Q. And what's contained in this document,
12 ma'am?
13 A. The various benefits that are available to
14 employees of the university.
15 MR. FASMAN: Okay. I'd move for the
16 admission of Employer Exhibit 10.
17 MS. AUERBACH: No objection.
18 HEARING OFFICER MOLS: Employer Exhibit 10
19 is received.
20 (Employer Exhibit Number 10
21 was received in evidence.)
22 BY MR. FASMAN:
23 Q. Are you eligible for the benefits, benefits
24 described herein?
25 A. Yes.

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1 Q. Are graduate students eligible for the
2 benefits described herein?
3 A. No.
4 Q. Okay. Neither Ph.D. nor Master's students,
5 correct?
6 A. Correct.
7 Q. Or undergraduates, correct?
8 A. Correct.
9 Q. Let's switch topics for a moment.
10 You are familiar with Master's programs at
11 the University of Chicago, are you not?
12 A. Yes.
13 Q. And you've become familiar through
14 UChicagoGRAD?
15 A. Yes.
16 Q. Are they part of your constituency?
17 A. Yes.
18 Q. Are you aware of any academic departments
19 or divisions that require teaching as an academic
20 requirement -- let me rephrase that.
21 Are you aware of any departments or
22 divisions that require teaching by Master's students
23 as an academic requirement at the University of
24 Chicago?
25 A. No.

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1 Q. Do you know why that is?
2 A. I don't.
3 Q. Do Master's students nonetheless teach from
4 time to time at the University of Chicago?
5 A. Very occasionally.
6 Q. How does that happen?
7 A. I actually -- I don't know. I mean I think
8 it's so rare that it's -- each individual case would
9 probably be a special circumstance for why that
10 person would be teaching.
11 Q. Okay. These instances, though, are
12 voluntary, not mandatory?
13 A. Yes.
14 (Employer Exhibit Number 11 was
15 marked for identification.)
16 Q. Ms. Niestat, I put in front of you a
17 document we've marked for identification as Exhibit
18 Number 11. And before I ask you what it is, let me
19 ask you this. At my request did you make an inquiry
20 with regard to Master's students at the University
21 of Chicago who are teaching this quarter?
22 A. Yes.
23 Q. And how did you make that inquiry?
24 A. I -- I worked with an administrative staff
25 member to ask them if they had all the students who

1 were currently registered as Master's students and
 2 also had a teaching position.
 3 Q. And did you also make any inquiry in
 4 finding out how many total Master's students are
 5 enrolled in programs in this quarter?
 6 A. Yes.
 7 Q. How did you do that?
 8 A. Through the Office of the Registrar.
 9 Q. And did you provide that information to my
 10 office?
 11 A. Yes.
 12 Q. And is that information reflected in this
 13 chart?
 14 A. Yes.
 15 MR. FASMAN: I'd move for the admission of
 16 this Exhibit 11.
 17 MS. AUERBACH: Can I have voir dire on the
 18 document?
 19 HEARING OFFICER MOLS: Yes.
 20 VOIR DIRE EXAMINATION
 21 BY MS. AUERBACH:
 22 Q. You didn't prepare this yourself?
 23 A. No.
 24 Q. So, when you have the information on the
 25 bottom it says, total Master's Students and Petition

1 for Programs. What information did you use to get
 2 that?
 3 A. I asked the Office of the Registrar.
 4 Q. How did you know what a Petition For
 5 Programs were?
 6 A. I think it was the divisions that were
 7 listed in the bargaining unit, the proposed
 8 bargaining units.
 9 Q. So, you were given that information and
 10 then you asked the Registrar to run the numbers of
 11 who was involved in those divisions?
 12 A. Right. What was in the petition.
 13 Q. And how did you go about finding who was
 14 teaching?
 15 A. I asked somebody in payroll if they could
 16 pull a list of all current Master's students who had
 17 any of these teaching positions.
 18 MS. AUERBACH: Okay. I don't have an
 19 objection.
 20 HEARING OFFICER MOLS: Employer Exhibit 11
 21 is received.
 22 (Employer Exhibit Number 11 was
 23 received in evidence.)
 24 MR. FASMAN: Thank you. And I will state
 25 for the record that we did the calculation, and if

1 we made a mistake it's our fault. I think we're
 2 good, though.
 3 BY MR. FASMAN:
 4 Q. Let me switch gears to one last topic.
 5 What's the Council on Advanced Studies?
 6 A. The Council on Advanced Studies is a --
 7 manages a workshop program that is about 30 years
 8 old and was established at the University of Chicago
 9 to provide sometimes interdisciplinary, sometimes
 10 field-specific opportunities for Ph.D. students to
 11 present their work in progress in sort of a cohort
 12 of peers also interested in similar topic area and
 13 faculty members as well.
 14 Q. So, it's been around for how long?
 15 A. About 30 years.
 16 Q. And what are these presentations like? Are
 17 they formal, informal, classroom or not?
 18 A. They can vary according to the different
 19 workshops, but typically they might be a Ph.D.
 20 student who's written a chapter for a book or maybe
 21 giving a talk somewhere, and they might present the
 22 material to the -- to their peers and then get
 23 feedback and have discussion.
 24 Q. Does it have a supervisory body?
 25 A. The Council on Advanced Studies is a group

1 of faculty who are the overarching supervisory body.
 2 Q. How many?
 3 A. I think there are about 12. I'm not sure
 4 about that.
 5 Q. Are you familiar with the term, workshop
 6 coordinator?
 7 A. Yes.
 8 Q. And who are they?
 9 A. The workshop coordinators are usually
 10 advanced Ph.D. students who are responsible for
 11 together collaborating with the faculty, students or
 12 the -- curates the workshop over the course of the
 13 year, and that might mean inviting outside speakers,
 14 deciding which, you know, which faculty to speak,
 15 working with Ph.D. students who might be presenting
 16 and sort of shepherding them through that process of
 17 presenting in the workshop.
 18 Q. So, when you say curate the workshop, are
 19 the workshops sorted along subject matter?
 20 A. Yes.
 21 Q. So, what types of subject matters are we
 22 talking about?
 23 A. I mean all types of subject matters in the
 24 Humanities, Social Sciences, and Divinity.
 25 Q. Give us an example.

1 A. Ethnomusicology has a workshop called
2 EthNoise! And it's -- you know, I don't know the
3 real details about it, but a -- you know, it would
4 bring together students from the music department
5 and maybe other departments as well who are working
6 in that area.

7 Q. Are these interdisciplinary?

8 A. Some are. And some are contained within
9 the specific department.

10 Q. Let's say I'm working as a workshop --
11 strike that.

12 Let's say I am a workshop coordinator.
13 What am I doing?

14 MS. AUERBACH: Objection. Lack of
15 foundation.

16 BY MR. FASMAN:

17 Q. Okay. Do you know what workshop
18 coordinators do?

19 A. It's a little bit about what I described
20 before. They collaborate together with the faculty
21 sponsor and think about the course of the workshop
22 over the year. They might plan the --

23 MS. AUERBACH: My question is how she knows
24 this.

25 BY MR. FASMAN:

1 Q. Okay. I'll -- let's do that. That's fine.
2 No problem.

3 (Employer Exhibit Number 12 was
4 marked for identification.)

5 BY MR. FASMAN:

6 Q. Ms. Niestat, I've put before you a document
7 that we've marked for identification as Employer
8 Exhibit 12. Tell us what that is, please.

9 A. It's the Council on Advanced Studies
10 Coordinator Handbook for this year.

11 Q. I note on it it says at grant@UChicago.edu.
12 What is that?

13 A. That's the web address for UChicagoGRAD.

14 Q. That's your office?

15 A. That's correct.

16 Q. So, this is a document that's maintained in
17 your office, ma'am?

18 A. That's correct.

19 Q. And is this -- well, let's ask. What is
20 this document?

21 A. It's the handbook of information that we
22 provide to coordinators. Well, it's online, so they
23 can look at it at any time, but at the beginning of
24 year as the workshop coordinators turn over, we help
25 them understand various rules and regulations, and

1 then also give ideas about things in the workshop.

2 Q. So, is this -- what role does your office
3 play with regard to what a workshop coordinator
4 does, if anything?

5 A. We serve as a coordinating role for the
6 workshops and as a resource for sort of navigating
7 the university policies and procedures related to
8 various things associated with the workshops.

9 Q. On the first page of the text of this
10 document, the second page of the document -- let me
11 strike that.

12 I'd move for the admission of Employer
13 Exhibit 12, please.

14 MS. AUERBACH: No objection.

15 HEARING OFFICER MOLS: Employer Exhibit 12
16 is received.

17 (Employer Exhibit Number 12 was
18 received in evidence.)

19 BY MR. FASMAN:

20 Q. Thank you. On the first text page, the
21 second page of the document, at the bottom of the
22 document under a bolded bullet quote: Student
23 coordinators. A under that. Letter A under that
24 says: Student coordinators must attend an
25 orientation with UChicagoGRAD. Are you familiar

1 with that orientation?

2 A. Yes.

3 Q. Have you personally participated in it?

4 A. Yes.

5 Q. Tell us about the most recent one that you
6 participated in and what your role was.

7 A. I was one of -- one of three presenters
8 talking about the -- like I was talking about
9 before, the different things that workshop
10 coordinators need to know in their capacity as
11 workshop coordinators, so we had one person who was
12 talking about just ideas relating to events planning
13 and sort of how students can get other students
14 involved in their workshops. And then another
15 person who does a lot of the reimbursements and that
16 sort of thing, and there are so many of them trying
17 to help streamline, that is good, and then I talked
18 in general sort of about the philosophy of the
19 workshop system and the ideas that the council had
20 for how they'd like the, you know, the workshops to
21 go.

22 Q. So, now let me ask the question that
23 Ms. Auerbach objected to, which is: What do
24 workshop coordinators do?

25 A. So, it varies from workshop to workshop,

1 but the kinds of things that they do together with
2 faculty sponsors in most cases is that they will,
3 like I said, curate the workshop for the year, and
4 that means planning who will be speaking. It means
5 pulling together the -- if they are going to have
6 refreshments, either doing it themselves or creating
7 a community within the workshops such that other
8 people volunteer to do it.

9 It means if outside speakers are coming,
10 helping arrange their visit and making sure they
11 understand the culture of the workshop and what
12 their expectations would be coming into the
13 workshop.

14 Q. Are workshop coordinators in this role, are
15 they teaching undergraduates?

16 A. No.

17 Q. Are they teaching Master's students?

18 A. No.

19 Q. Are they doing research in the laboratory?

20 A. No.

21 Q. Can they -- can a workshop coordinator
22 authorize expenses?

23 A. Yes.

24 Q. For what?

25 A. As I was talking about, they can -- they

1 BY MS. AUERBACH:

2 Q. You were asked the difference between
3 professional schools and graduate divisions, and you
4 said professional schools mostly grant professional
5 degrees. The Divinity School grants Master's and
6 Ph.D., correct, Master's degrees and Ph.D.s?

7 A. Correct.

8 Q. And the Social Services Administration
9 School grants Master's and Ph.D.s?

10 A. I believe the Master's Degree.

11 Q. Master's Degree --

12 A. -- is professional, but they also have a
13 Ph.D., yes.

14 Q. When you said that the health insurance
15 plan that you described as platinum which is offered
16 to students who do not waive out of it, is not
17 offered to employees, you were saying it's not
18 offered to any employees who are not students?

19 A. It's like I'm an employee at the
20 university, I'm not allowed to --

21 Q. So, employees who are not students are not
22 covered by a different health plan?

23 A. Right.

24 Q. You are not a student at the university?

25 A. I'm not.

1 can purchase tickets, air travel tickets or hotels
2 for visiting speakers. They can go to restaurants
3 with the workshop group, and they can buy
4 refreshments, those sorts of expenses.

5 Q. Is this an academic program?

6 A. It's not a requirement.

7 Q. How would you characterize the program?
8 Professional opportunity, perhaps?

9 A. Yes. It's a professional development
10 opportunity, and it's an opportunity for graduate
11 students as they prepare for going into different
12 professions to experience the different types of
13 coordination involved.

14 Q. How many workshops are there?

15 A. I think there are about 70.

16 Q. And does each one have a workshop
17 coordinator?

18 A. Yes. And some of them have two that share
19 the responsibilities.

20 MR. FASMAN: Okay. I have no further
21 questions on direct at this point.

22 HEARING OFFICER MOLLS: Does the Petitioner
23 have any questions?

24 MS. AUERBACH: Yes.

25 CROSS-EXAMINATION

1 Q. And you said the student health plan is not
2 applicable to faculty. Are there any faculty who
3 are also students at the university?

4 A. I don't know.

5 Q. And you said that you were not aware of any
6 academic departments or divisions that require
7 teaching by Master's students as an academic
8 requirement. Would you know if there were any such
9 requirements?

10 A. I think that I would.

11 Q. With respect to the workshop coordinators,
12 the workshop coordinators are all graduate students,
13 correct?

14 A. That's correct.

15 Q. And in addition to the duties you outlined
16 that they do, they also are expected to read the
17 paper or materials that are going to be discussed at
18 the workshop that they curate?

19 A. I see that as part of their participation
20 in the workshop.

21 Q. And they also coordinate the discussion
22 about that paper after the speaker speaks at the
23 workshop?

24 A. Either they do or they ask somebody else to
25 do it.

1 Q. And coordinating the discussion includes
 2 asking questions of the speaker related to the
 3 materials being discussed?
 4 A. I would think it would depend on -- the
 5 different workshops operate differently, but it
 6 could involve that, yes.
 7 Q. And the workshop coordinators are paid for
 8 being workshop coordinators?
 9 A. They receive a stipend.
 10 Q. And that stipend, if it's one coordinator,
 11 is \$1,500? Do you know what it is?
 12 A. I -- just as you said that, all of a sudden
 13 I forgot. I think it's 2,000.
 14 Q. 2,000 for what kind of service?
 15 A. For one workshop coordinator I believe it's
 16 2,000.
 17 Q. For what period of time?
 18 A. For four quarters, because some of the
 19 preparation and planning is meant to happen over the
 20 summer.
 21 Q. And they are paid the stipend for
 22 coordinating the workshop by the university?
 23 A. Yes.
 24 Q. The university pays them that amount?
 25 A. The university. Yes. The money is coming

1 stipend.
 2 MS. AUERBACH: That's all I have.
 3 REDIRECT EXAMINATION
 4 BY MR. FASMAN:
 5 Q. The workshop coordinators receive the same
 6 stipend regardless of the hours they work, right?
 7 A. That's correct.
 8 Q. You could have a harder workshop or an
 9 easier workshop, correct?
 10 A. I mean it's not a harder or an easier.
 11 It's more I think that it would be cyclical, and
 12 there might be some weeks where there is more
 13 preparation involved and others where there isn't.
 14 Q. I may have asked this already but -- and I
 15 apologize if I did, but these workshop coordinators,
 16 how does one become a workshop coordinator?
 17 A. It varies for the different workshops. It
 18 might be that there is an application process
 19 through the specific faculty member. It might be
 20 that there is a pipeline within a certain workshop
 21 and sort of pass from one to another.
 22 Q. But it is not a degree requirement, right?
 23 A. That's correct.
 24 Q. Okay. I'm not sure -- I just want to ask
 25 one question about one that you answered, and I

1 from the university.
 2 Q. And all of workshop coordinators are paid
 3 by the university for being workshop coordinators?
 4 A. I don't think I understand the question.
 5 Q. All the workshop coordinators are paid by
 6 the university, the stipend for being a workshop
 7 coordinator?
 8 A. Do you mean as opposed to someone else paid
 9 them?
 10 Q. Right. They all are reimbursed or paid?
 11 A. The university provides the stipend, that's
 12 correct.
 13 HEARING OFFICER MOLLS: A clarifying
 14 question. Are you aware of any workshop
 15 coordinators who perform this work under the
 16 umbrella of the university that do the work
 17 voluntarily or else are compensated by an outside
 18 entity?
 19 THE WITNESS: Outside of the university?
 20 HEARING OFFICER MOLLS: Yes.
 21 THE WITNESS: I'm not aware of any.
 22 BY MS. AUERBACH:
 23 Q. And none of them do it without pay? They
 24 are all paid?
 25 A. They all -- yes, they all receive the

1 wrote it down. It says: Employees who are not
 2 students are not covered.
 3 I'll withdraw that question. Let me just
 4 ask my colleagues if they have anything else.
 5 (There was a discussion
 6 held off the record.)
 7 All right. Mr. Porzio reminded me of a
 8 better way to ask that question, which is, with
 9 regard to the USHIP, is it clear to you that USHIP
 10 is available only to students?
 11 A. Yes.
 12 Q. And the employee benefits, the booklet that
 13 we marked as Employer Exhibit 10 -- is it 10?
 14 HEARING OFFICER MOLLS: Yes.
 15 BY MR. FASMAN:
 16 Q. 10 is available only to employees?
 17 MS. AUERBACH: Objection to whether the
 18 students at issue who work are employees is an issue
 19 at this hearing.
 20 BY MR. FASMAN:
 21 Q. Let's try it this way. To the best of your
 22 knowledge, do Ph.D. employees -- Ph.D. students, are
 23 they entitled to the benefits contained in Employer
 24 Exhibit 10?
 25 A. Which one was 10?

1 Q. 10 was the --
 2 A. Right. That -- that is not intended for
 3 Ph.D. students. That is the employer -- employee
 4 benefit. When I started working at the University
 5 of Chicago, that's what I became eligible for.
 6 Q. So, neither Ph.D. nor Master's students are
 7 entitled to benefits under that booklet?
 8 A. That is correct.
 9 MR. FASMAN: Okay. I have no further
 10 questions.
 11 HEARING OFFICER MOLS: Does Petitioner have
 12 any further questions?
 13 MS. AUERBACH: Just a moment.
 14 RE-CROSS-EXAMINATION
 15 BY MS. AUERBACH:
 16 Q. I've just wanted to ask another question on
 17 the stipend. The stipend is paid, broken down
 18 quarterly?
 19 A. That's correct.
 20 MS. AUERBACH: That's all I have.
 21 MR. FASMAN: Let me object. Which stipend
 22 are we talking about?
 23 HEARING OFFICER MOLS: For the workshop
 24 coordinator; is that correct?
 25 MS. AUERBACH: Yes.

1 HEARING OFFICER MOLS: The \$2,000 across
 2 four quarters.
 3 MR. FASMAN: Thank you.
 4 HEARING OFFICER MOLS: I have a couple of
 5 questions, and Counsel can feel free to follow up on
 6 my questions.
 7 So, you had mentioned that the workshop
 8 coordinators attend an orientation where it's
 9 discussed kind of bring them up to speed. Aside
 10 from orientation, do they receive any other type of
 11 training for that role?
 12 THE WITNESS: Not from our office. There
 13 may be different workshops who have different ways
 14 that they pass on the information from coordinator
 15 to coordinator.
 16 HEARING OFFICER MOLS: Okay. When the
 17 workshop coordinators are curating a workshop, as
 18 you said, do they at times interact with other Ph.D.
 19 students within the university?
 20 THE WITNESS: I mean I would think so, that
 21 they would be working with the other people in their
 22 group to think about how they want to make their
 23 workshop.
 24 HEARING OFFICER MOLS: And that may vary
 25 from workshop to workshop?

1 THE WITNESS: Yes.
 2 HEARING OFFICER MOLS: Thank you. The
 3 position of workshop coordinator, when someone is in
 4 that position, is it typically for only the academic
 5 year, or is there an expectation that they will
 6 continue in this position for the following year if
 7 they remain with the university?
 8 THE WITNESS: There is no expectation of
 9 it, but there are some workshop coordinators who do
 10 it for more than one year.
 11 HEARING OFFICER MOLS: But it varies
 12 from --
 13 THE WITNESS: Workshop to workshop.
 14 HEARING OFFICER MOLS: Thank you. I think
 15 that's all the questions I have for now. Do Counsel
 16 have any further questions for the witness?
 17 FURTHER REDIRECT EXAMINATION
 18 BY MR. FASMAN:
 19 Q. One from what you asked, Madam Hearing
 20 Examiner. Hearing Officer. Sorry.
 21 You just testified about interactions
 22 between a workshop coordinator and other Ph.D.
 23 students. Is that a teaching relationship in the
 24 sense that one would be a TA?
 25 A. No.

1 MR. FASMAN: All right. I don't have any
 2 further questions.
 3 HEARING OFFICER MOLS: Petitioner?
 4 MS. AUERBACH: No.
 5 HEARING OFFICER MOLS: You are excused.
 6 (Witness excused.)
 7 MR. FASMAN: May we go off the record?
 8 HEARING OFFICER MOLS: Off the record.
 9 (There was a discussion held
 10 off the record.)
 11 HEARING OFFICER MOLS: It's my
 12 understanding at this time that the parties have no
 13 further witnesses to present today.
 14 MS. AUERBACH: Could we just ask who are
 15 going to be the witnesses tomorrow?
 16 MR. FASMAN: No. I mean -- I would be
 17 happy to do this, if we have an agreement that we
 18 will provide the names of our witnesses, that the
 19 Union when they call their case will provide us with
 20 the names of their witness a day in advance. I'm
 21 happy to do that. There is -- in point of fact,
 22 there is another reason for that, and that is that
 23 if they are student witnesses there is a
 24 complication that's introduced by whatever FERPA
 25 stands for. Federal employee -- education privacy

1 act. But we would have to have releases from -- and
 2 we've discussed this off line. I think --
 3 MS. AUERBACH: We're not in agreement to do
 4 releases.
 5 MR. FASMAN: You're not in agreement to do
 6 what?
 7 MS. AUERBACH: We're not in agreement to do
 8 FERPA releases. The Employer has asked for FERPA
 9 releases, and I don't think it's necessary.
 10 MR. FASMAN: Then we are going to move to
 11 strike every student witness. We have to.
 12 MS. AUERBACH: The Employer has asked for
 13 releases so that they can use the academic records
 14 of the students to cross examine them, and the only
 15 issue here is whether they are employees. Their
 16 academic record isn't relevant to their testimony
 17 regarding their employment.
 18 MR. FASMAN: I don't think it's permissible
 19 to offer a student as a witness without allowing the
 20 Employer to use records that the university
 21 maintains with regard to that witness, so as to know
 22 whether they are telling the truth on the stand it's
 23 an important credibility issue. We have to at least
 24 know who they are and what courses they've taken. I
 25 don't see how we are able to do anything other

1 that information is contained in their academic
 2 records. We've never used that for an improper
 3 purpose, nor would we, but I think it's just -- it's
 4 just --
 5 MR. PORZIO: I think it's unusual because
 6 we haven't even provided them with a copy of the
 7 FERPA waiver yet, so it's preemptively said they are
 8 going to object to it. I'm somewhat confused by it.
 9 HEARING OFFICER MOLS: Well, for now the
 10 parties have stated their positions on the matter.
 11 The Employer will have its witnesses ready for the
 12 case to resume tomorrow. I'll discuss the matter
 13 with the Regional Director and hopefully have
 14 additional information for the parties when we
 15 resume tomorrow morning.
 16 MS. AUERBACH: Can we at least guarantee
 17 that we're going to have enough witnesses to try to
 18 go 9:00 to 5:00 tomorrow?
 19 MR. FASMAN: I think so. You never know.
 20 We have two witnesses tomorrow. I anticipate the
 21 testimony will be substantive and longer than --
 22 than this witness. But I can't be assured of that.
 23 It depends on what happens on cross-examination.
 24 HEARING OFFICER MOLS: Can I have your
 25 assurance you'll do your best to try and resolve

1 than -- and sit here and listen to witnesses. If
 2 you're not going to grant that, then we'll move to
 3 strike. We have to. Every other case that we've
 4 tried, that our firm has tried, every other case
 5 that I understand that -- well, okay.
 6 MS. AUERBACH: I mean I'm told differently.
 7 I'm told that it happened in Columbia but it hasn't
 8 happened in cases since then.
 9 MR. FASMAN: Sorry.
 10 MR. PORZIO: We definitely had it in Duke.
 11 MS. AUERBACH: It hasn't happened in all
 12 the cases since then.
 13 MR. FASMAN: I'll withdraw that.
 14 MS. AUERBACH: Because I remember, and we
 15 had other members in Columbia -- and we don't see --
 16 what is at issue is their employment and what work
 17 they do and compensation for that. We don't see
 18 things such as their entire academic record is
 19 relevant to cross-examining them.
 20 MR. FASMAN: We don't know what classes
 21 they've taken. We don't know what year they are in.
 22 We don't know anything about them, and whether or
 23 not what work they've done as a TA was preceded by
 24 training as a TA. Training at the Center for
 25 Chicago -- the Chicago Center For Teaching. All of

1 these proceedings as expeditiously as possible?
 2 MR. FASMAN: Of course. Yes. Of course.
 3 We will absolutely. We've said this all along.
 4 HEARING OFFICER MOLS: All right. So, then
 5 if there is nothing further, I'll adjourn for the
 6 day. We will resume tomorrow morning at 9:00 a.m.
 7 MR. FASMAN: Thank you.
 8 MS. AUERBACH: Thank you.
 9 HEARING OFFICER MOLS: Off the record.
 10 (Hearing adjourned at 4:08 p.m.)
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CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 13, in the matter of UNIVERSITY OF CHICAGO and GRADUATE STUDENTS UNITED, Case 13-RC-198325, at Chicago, Illinois, on May 18, 2017, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been given compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

Jeanine Watkins, CSR
Licence 084-001629

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