

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

In the Matter of:

Case No.: 13-RC-198325

**UNIVERSITY OF CHICAGO
Employer**

And

**GRADUATE STUDENTS UNITED
Petitioner**

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

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

The above entitled matter came on for hearing pursuant to notice, before CHRISTINA MOLS, Hearing Officer, at, 219 South Dearborn Street, Suite 807A, on Monday, May 22, 2017, at 9:00 A.M.

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APPEARANCES:

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EXHIBITS

1			
2			
3	EXHIBIT	IDENTIFIED	IN EVIDENCE
4	PETITIONER		
5	2	414	
6	3	376	414
7	4	376	414
8	5	376	415
9	6	376	415
10	7	382	416
11	8	386	416
12	9	409	416
13	10	411	416
14	11	413	416
15	12	456	467
16	13	540	
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EXHIBITS (continued):

EXHIBIT	IDENTIFIED	IN EVIDENCE
21	456	467
22	477	478
23	483	485
24	494	495
25	505	506
26	519	521

HEARING OFFICER MOLLS: Well, my memory is not perfect. But Counsel, if you can clarify.

Do you have the question?

MR. PEARLMAN: I didn't ask that question and I didn't use those words.

MS. AUERBACH: Well, it was something along those lines.

HEARING OFFICER MOLLS: I still think it would be good for the record an understanding of what that might mean.

You can answer, Dr. Wild.

BY THE WITNESS:

A. Well, I have to speculate because I'm not sure, but I would imagine that it means that students are put into a teaching situation where they're alone responsible for a class without adequate preparation.

BY MS. AUERBACH:

Q. And would it be a good -- do you view it as a good idea to do that, to thrust students without preparation?

A. No.

Q. And why not?

A. Well, it's, you know, one of the principles of pedagogy is to scaffold, i.e., to

(Start time: 9:03 a.m.)

HEARING OFFICER MOLLS: On the record.

All right. So at the adjournment of the last day of these proceedings, the Employer had completed their direct expectation of Dr. Wild and now Petitioner is going to proceed with its cross-examination.

Petitioner.

MS. AUERBACH: Before I do that, I have a petition to revoke a subpoena that was served on the Union late Friday night. I don't know if you want to deal with that now.

HEARING OFFICER MOLLS: Why don't we finish with Dr. Wild and then we'll do that.

MS. AUERBACH: Okay.

CROSS EXAMINATION

BY MS. AUERBACH:

Q. Dr. Wild, you were asked whether graduate students are thrust wholesale into many of the core duties of teaching and you said no.

What is your understanding of what it means to be thrust wholesale into the core duties of teaching?

MR. PEARLMAN: Objection. That question actually wasn't asked in those words.

make sure that a particular task is manageable both on the student side and both on the teacher side, in this case the teachers are also students learning to teach. And so you wouldn't want them just to simply throw in -- throw them into a situation that they are inadequately prepared to succeed in.

Q. If graduate students are sent into teach without training, would it adversely affect the quality of the education that the undergraduates receive?

A. Yes.

MR. PEARLMAN: Objection. Incomplete hypothetical and goes beyond the scope of direct.

MS. AUERBACH: It's a fact finding hearing.

MR. PEARLMAN: It's still an incomplete hypothetical.

HEARING OFFICER MOLLS: Just flush it out a little more.

MS. AUERBACH: Well, do you want me to reask that question. I was going to do follow-up questions.

HEARING OFFICER MOLLS: That will sufficient.

BY MS. AUERBACH:

Q. Is it an important mission of the

1 college to provide undergraduates with a high
 2 quality education?
 3 A. Yes.
 4 Q. And undergraduates pay tuition to attend
 5 the university?
 6 A. Yes.
 7 Q. And does having high quality teachers
 8 help provide undergraduates with high quality
 9 education?
 10 A. Yes.
 11 Q. And is that one reason that is a good
 12 idea to train graduate students before they're sent
 13 in to teach undergraduates?
 14 A. That's one reason.
 15 Q. Do graduate students outside of the
 16 humanities division teach courses in the humanities
 17 division?
 18 A. Yes.
 19 Q. And when you said that you oversee the
 20 appointment process for graduate students in
 21 humanities, does that include any graduate students
 22 from other divisions that teach courses in
 23 humanities?
 24 A. Yes.
 25 Q. You talked about the Chicago Center for

1 Teaching. Does the Chicago Center for Teaching
 2 provide training to faculty at the university?
 3 A. Yes.
 4 Q. And is the training that the Chicago
 5 Center for Teaching provides to faculty similar to
 6 that that it provides to graduate students?
 7 A. That's hard for me to say. In broad
 8 strokes, probably yes. I'm familiar with every
 9 single workshop and what the primary target
 10 audience is.
 11 Q. Do you know any of the types of training
 12 that CCT offers to faculty?
 13 A. Well, the teaching consultation, for
 14 instance, and technology workshops and things like
 15 that.
 16 Q. So the teaching consultation, is that
 17 the one-on-one thing that you talked about?
 18 A. Correct.
 19 Q. And how about you talked about that the
 20 CCT could send someone in to videotape a class and
 21 get feedback. Is that something that CCT also does
 22 for faculty?
 23 A. Yes.
 24 Q. You said that you work with the CCT in
 25 training instructors in the core. Does that

1 include both faculty and graduate students who are
 2 teaching in the core?
 3 A. Yes.
 4 Q. And you talked about a fall orientation
 5 that's put on jointly by CCT and the humanities
 6 division. Is that only for graduate students or
 7 also for faculty?
 8 A. That's for all incoming teachers in the
 9 core and those who want to, you know, also
 10 returning teachers but who want to do it. So it's
 11 really open for everyone.
 12 Q. So would faculty members who are new to
 13 teaching the core be expected to attend that
 14 orientation?
 15 A. They are encouraged.
 16 Q. And why is that?
 17 A. Well, because the core is a very unique
 18 pedagogical format. So if you have new faculty
 19 coming from outside who are not conversant with the
 20 core, we encourage them to, you know, participate
 21 in the orientation.
 22 Q. And are the graduate students required
 23 to participate in the orientation?
 24 A. Again, we strongly encourage them.
 25 Q. So they are encouraged to the same

1 extent as the faculty?
 2 MR. PEARLMAN: Argumentative.
 3 HEARING OFFICER MOLS: Overruled.
 4 You can answer the question.
 5 BY THE WITNESS:
 6 A. Well, I would say that in their case
 7 it's expected. We don't keep -- we don't keep
 8 track -- I don't keep attendance for graduate
 9 students and lectures. It's expected.
 10 BY MS. AUERBACH:
 11 Q. Are they still permitted to teach the
 12 courses if they fail to attend that training?
 13 A. As I said, I do not keep attendance, so
 14 there would be no mechanism to do exactly what you
 15 just were asking for.
 16 Q. And other than that fall orientation, is
 17 there any other CCT training that graduate students
 18 who are teaching are required to take?
 19 A. Well, the graduate students are also --
 20 they do an orientation portion with the CCT that is
 21 not only focused on the core. So theirs is longer.
 22 And as I indicated on Friday, graduate
 23 students, to my knowledge -- or we try not to have
 24 graduate students teach in the core if they have
 25 not served as writing interns. So writing students

1 would have had the writing internship training.
2 They would have served as a writing intern in the
3 present at least for one quarter in a core section
4 before they reached that point.

5 Q. And which of the CCT trainings that you
6 talked about are voluntary for graduate students?

7 A. Teaching consultations, for instance.

8 Q. Those are voluntary. So it's a resource
9 that's offered to them but not required?

10 A. Mm-hmm.

11 Q. Is that a yes?

12 A. That's correct.

13 Q. And videotaping them is also a resource
14 offered but not required?

15 A. That's part of the consultation.

16 Q. That's also part of the consultation?

17 A. Yes.

18 Q. How long is the orientation workshop?

19 A. I think two days.

20 Q. And how long is the other training that
21 you talked about?

22 A. Which other training?

23 Q. The training that you said all grad
24 students do regardless of whether they are --

25 A. Well, that's two days and the workshop

1 A. As far as I know, all of them are
2 mandatory.

3 Q. Do you know how long they are?

4 A. Well, that I don't know in full detail.
5 Some of them are shorter. Some of them are longer.
6 Language departments tend to be longer.

7 Q. Do teaching assistants and course
8 assistants in lecture classes conduct discussion
9 sections?

10 A. Yes.

11 Q. And how often do they conduct those
12 discussion sections?

13 A. Usually weekly.

14 Q. For how long?

15 A. For the whole duration of the quarter.

16 Q. And about how long does each discussion
17 last?

18 A. An hour, hour and a half to two hours.

19 Q. And you talked about teaching a course
20 with teaching assistants in a large lecture class.

21 Are there always teaching assistants
22 handling key question sections in the humanities
23 division?

24 MR. PEARLMAN: Foundation.

25 You can answer to the extent you know.

1 for the core is one day.

2 Q. And do all of the departments in the
3 humanities division require that graduate students
4 take training before teaching or is that just
5 Germanic studies?

6 A. I'm going to be honest --

7 MR. PEARLMAN: Objection. Foundation.

8 MS. AUERBACH: He's been put on -- he's
9 testified he has a role over graduate and
10 undergraduate education in the humanities division,
11 not just in Germanic studies.

12 MR. PEARLMAN: One will say he can answer to
13 the extent he knows.

14 HEARING OFFICER MOLS: Go ahead.

15 BY THE WITNESS:

16 A. With that caveat that I'm, you know,
17 that we have 15 departments. The humanities
18 division has more departments than any other
19 division in the university. So I don't know the
20 details of every. I can say with confidence that
21 the majority of the departments have pedagogy
22 programs.

23 BY MS. AUERBACH:

24 Q. Do you know which of those are mandatory
25 and which are offered by voluntary?

1 HEARING OFFICER MOLS: You can answer the
2 question.

3 BY THE WITNESS:

4 A. Again, usually.

5 BY MS. AUERBACH:

6 Q. Do any of the faculty handle the
7 discussion sections or is that only handled by the
8 graduate students?

9 A. It's common. It's not unusual that a
10 faculty member takes over one of the discussion
11 sections.

12 Q. So typically in a lecture class how many
13 discussion sections are there?

14 A. Well, again, this is up to individual
15 faculty. As I mentioned on Friday, we have a ratio
16 of 24-to-1. So that's sort of a number that we
17 work from. Usually discussions sections are a
18 little bit smaller than -- end up being smaller
19 than 24-to 1, but that's about -- that's what I
20 would imagine the size of it is around 20 students.

21 Q. And in a lecture class where both a
22 teaching assistant and the faculty member are
23 holding discussion sections, is the graduate
24 student expected to perform the same functions in
25 the discussion section that the faculty member

1 performs?
 2 A. I would have to speculate.
 3 Q. Well, you said you have taught such
 4 courses?
 5 A. Yes, but I happen to -- I haven't done
 6 the discussion section. The only discussion
 7 sections that I have done were conducted in German
 8 and were special -- were a very different format
 9 because they were for those undergraduate who could
 10 speak enough German to do a discussion section in
 11 German.
 12 Q. Was that at the University of Chicago or
 13 another school?
 14 A. That was at the University of Chicago
 15 and at another school.
 16 Q. Do teaching assistants and core
 17 assistant students grade papers and exams?
 18 A. Yes.
 19 Q. Do faculty members benefit from having a
 20 teaching assistant or a course assistant help them
 21 with a lecture?
 22 A. Well, there is -- you know, there is --
 23 obviously there is a mutual benefit. But as I
 24 indicated on Friday, you know, there is also
 25 considerable work involved in having to set up a

1 course of that framework. That also has to do with
 2 the fact that graduate students have to be
 3 mentored.
 4 Q. What is the benefit from having the
 5 faculty having the graduate student help?
 6 A. The benefit is that we couldn't run a
 7 lecture course and handle the kind of -- you know,
 8 you couldn't have 50 students in the course in that
 9 format because then you wouldn't be able to do the
 10 discussion sections. And so, you know, the course
 11 format as such is involves that kind of setup.
 12 Q. So running a large lecture class depends
 13 on having graduate students handle the sections?
 14 A. It doesn't, per se, depend on it but the
 15 combination of having a lecture class and
 16 discussion sections, that's certainly depends on
 17 having discussion sections and then having some
 18 TAs, you know, whether those TAs are graduate
 19 students or others that's another question. But
 20 that setup requires teaching assistants.
 21 Q. And in the humanities division, does
 22 anyone other than a graduate student function as
 23 the TA in that setup?
 24 A. On occasion.
 25 Q. And who would that be?

1 A. So as far as I know, some -- or on
 2 occasion, as I said, one or the other departments
 3 has hired or has appointed TAs from the outside and
 4 then biological sciences, for instance, has
 5 undergraduates who serve as TAs.
 6 Q. When you say TAs from outside, outside
 7 of where?
 8 A. Outside of the university that are not
 9 graduate students at the university.
 10 Q. And in humanities have you ever used
 11 undergraduates?
 12 A. We have not.
 13 Q. Are the graduate students -- you said
 14 they handle teaching responsibilities in years two,
 15 three and five in your department, correct?
 16 A. That's correct.
 17 Q. So during those years is their stipend
 18 reduced and are they separately compensated for the
 19 teaching responsibilities?
 20 MR. PEARLMAN: Objection. Compound.
 21 HEARING OFFICER MOLS: Split it into two.
 22 BY MS. AUERBACH:
 23 Q. Do you know whether the graduate
 24 students during their first five years during the
 25 years they are teaching years two, three and five

1 have their stipends reduced?
 2 A. I don't know the details of it. I know
 3 that sounds strange that I appoint but that's
 4 handled by the division. So I don't know the
 5 details of how that works.
 6 Q. Who would know that better?
 7 A. The Dean of Students in the humanities
 8 section.
 9 Q. Do you know whether the graduate
 10 students who are appointed as teaching assistants
 11 or other teaching positions in the humanities
 12 division received a separate compensation for those
 13 teaching responsibilities?
 14 MR. PEARLMAN: Object to the word
 15 "compensation." He can answer.
 16 HEARING OFFICER MOLS: Answer the question.
 17 BY THE WITNESS:
 18 A. I'm not -- I don't know what you mean
 19 with separate. They get a GAI stipend package.
 20 Are you asking whether they get a
 21 separate compensation in addition to the GAI
 22 stipend package?
 23 BY MS. AUERBACH:
 24 Q. Not necessarily in addition, just
 25 separate. Like there is an amount allotted for

1 those teaching responsibilities?

2 A. Again, I don't know. They get a stipend
3 package. The teaching is part of the stipend
4 package. And how that factors in, I don't see
5 that.

6 We just simply are asked by the
7 department or we get a recommendation by the
8 department about teaching assignments. And then on
9 the basis of that recommendation, I appoint but I
10 don't see that part.

11 (WHEREUPON, certain documents were
12 marked Petitioner Exhibit Nos. 3
13 through 6, for identification.)

14 BY MS. AUERBACH:

15 Q. So I've handed you documents marked
16 Petitioner Exhibit 3, 4, 5 and 6.

17 And if you look at Petitioner Exhibit 3,
18 it shows that it's a letter -- a memo from you
19 appointing someone to the position of lecturer and
20 designating a salary.

21 Are you familiar with this document?

22 A. Not with this document in particular.
23 I'm only familiar with documents like these.

24 Q. And if you look at Petitioner Exhibits
25 4, 5 and 6, they are all similar documents and they

1 all have stationery with your name and are put out
2 with your name, correct?

3 A. Well, 5 and 6 isn't with my name. It's
4 with my predecessor.

5 Q. That's correct. So 5 and 6, Thomas
6 Christensen. He was your predecessor?

7 A. Correct.

8 Q. So with respect to 3 and 4, is the
9 format of the letter sent or given to graduate
10 students who are appointed to a position as
11 lecturer in the humanities division?

12 MR. PEARLMAN: Objection. Vague.

13 HEARING OFFICER MOLS: You can answer the
14 question

15 BY THE WITNESS:

16 A. I don't understand the question.

17 HEARING OFFICER MOLS: Let me make sure I
18 understand.

19 Are these an accurate representation of
20 the types of letters issued to Ph.D. students when
21 they are offered the position of lecturer?

22 BY THE WITNESS:

23 A. I believe so.

24 BY MS. AUERBACH:

25 Q. And do you review these before they are

1 sent out?

2 MR. PEARLMAN: Objection. When we say
3 "these," are you talking about 3 and 4?

4 MS. AUERBACH: I'm talking -- he's just
5 testified he's seen this type of appointment
6 letter. I'm asking generally, do you see these
7 before they go out.

8 MR. PEARLMAN: I object. I don't know which
9 exhibit you're referring to.

10 HEARING OFFICER MOLS: She said, in general,
11 these type of appointment letter.

12 I had asked him if this was an accurate
13 representation of the type of appointment letters
14 that go out and he said he believes they are. And
15 Ms. Auerbach was asking that type of letter to
16 which he just testified is typically reviewed by
17 him before they are sent out.

18 Is that accurate, Ms. Auerbach?

19 MS. AUERBACH: Yes.

20 MR. PEARLMAN: I don't want to belabor it.
21 I'll let him answer but I don't know if type is a
22 reference to the type in Exhibit 3 or if we're
23 talking about each of these documents.

24 HEARING OFFICER MOLS: I believe we are
25 talking about Exhibits 3 and 4; is that correct?

1 MS. AUERBACH: Correct.

2 THE WITNESS: You can answer, Dr. Wild.
3 BY THE WITNESS:

4 A. I was involved in developing the
5 template. The template then was vetted by the
6 provost's office and legal counsel, and I do not
7 review every single one. My administrative
8 assistant does that.

9 So does that answer your question?

10 BY MS. AUERBACH:

11 Q. So when you say the "template," so
12 looking at Petitioner Exhibit 3, was there a
13 template specifically for this course number or for
14 a certain type of course?

15 A. This is for a graduate student lecturer
16 who is serving as a standalone lecturer or teaching
17 a standalone course as a lecturer.

18 Q. And what I'm trying to find out is how
19 many different templates did you approve? Was it
20 one type of template for a different lecturer or is
21 there one for each department, one for each course?

22 A. There is one -- I'm going to be honest,
23 I don't know for sure because, again, we have a
24 high volume and we have -- my administrative
25 assistant and a whole range of other people do

1 this.
 2 So it's my understanding it's a type of
 3 role that they are serving, i.e., either lecturer,
 4 teaching assistant, preceptor.
 5 Q. Does the template that you approve
 6 include the salary?
 7 MR. PEARLMAN: Objection to the use of the
 8 word "salary."
 9 HEARING OFFICER MOLS: It says salary on the
 10 document.
 11 MR. PEARLMAN: I understand that but we should
 12 have a standing objection to the use of the word
 13 salary.
 14 HEARING OFFICER MOLS: Noted for the record.
 15 You can answer, Dr. Wild.
 16 BY THE WITNESS:
 17 A. No, because that is to be determined --
 18 or, yeah, it may vary.
 19 BY MS. AUERBACH:
 20 Q. Vary between departments or courses?
 21 A. No, it doesn't vary between departments.
 22 Q. What does it vary based on?
 23 A. It varies based on where the graduate
 24 student is in terms of their career, which year
 25 they are.

1 Q. So from looking at Petitioner Exhibit 3,
 2 can you tell from looking at this what point in the
 3 career this student would be at?
 4 A. It's a six- or seven-year student.
 5 Q. How about Petitioner Exhibit 4?
 6 A. Same thing.
 7 Q. Why is that?
 8 A. Because here it lists 6,000.
 9 Q. So the amount of 6,000 is only paid to
 10 someone in their sixth year or later?
 11 A. In the sixth and seventh year.
 12 Q. What are people -- are people paid prior
 13 this sixth or seventh year?
 14 A. As far as I remember, it's 5,000 but
 15 since it's part of the fellowship packet, it
 16 doesn't make a difference how much it is. The
 17 fellowship package stays constant.
 18 Q. So if a graduate student in the fifth
 19 year is teaching the same class as the class listed
 20 in Petitioner Exhibit 3 the department letter would
 21 say 5,000 instead of 6,000?
 22 A. Probably, but I'm not 100 percent sure.
 23 Q. You said that if you supervise a TA in a
 24 discussion -- in a class with discussion sections
 25 you help -- try to help the TA to lead effective

1 small group discussions; is that correct?
 2 A. Yes.
 3 Q. Is that accurate?
 4 A. Yes.
 5 Q. And does it benefit the undergraduates
 6 if the TA is expected to lead those discussions?
 7 A. Yes.
 8 (WHEREUPON, a certain document was
 9 marked Petitioner Exhibit No. 7, for
 10 identification.)
 11 BY MS. AUERBACH:
 12 Q. I've handed you a document marked as
 13 Petitioner Exhibit 7, which is from the University
 14 of Chicago's web page for German language and
 15 reading courses, slash, Germanic studies.
 16 Does this document accurately set out
 17 the undergraduate courses offered in German?
 18 A. I have to say I presume so. I don't
 19 have a memory that I can say that, you know, this
 20 is it but I assume that it is. It looks right.
 21 Q. From looking at this document, can you
 22 testify as to which of these courses are in some --
 23 at least in some cases taught by graduate students?
 24 A. As far as I can tell, with the exception
 25 of the latter three -- the latter two, I think --

1 but, again, I'm not the person who oversees that,
 2 so I don't know it from year to year, from quarter
 3 to quarter who teaches it. It's my understanding
 4 that can vary who teaches those courses. All of
 5 the other courses are generally taught by graduate
 6 students.
 7 Q. So except for the last two reading
 8 German for research purposes, other than those two,
 9 the rest of the courses listed here are taught by
 10 graduate students?
 11 A. Yes.
 12 Q. And are they taught only by graduate
 13 students?
 14 A. They are taught -- no, not exclusively
 15 because we also have a full-time lector. We have
 16 some part-time lecturers. But all of these can be
 17 taught by graduate students, i.e., every time they
 18 are offered or taught by grad students, all of them
 19 can be taught by graduate students because these
 20 make up the progression that I spoke with on
 21 Friday.
 22 Q. And so going to Elementary German for
 23 Beginners I, II and III, is that class offered
 24 every term, every quarter?
 25 A. Yes.

1 Q. And how many sections of those classes
 2 are normally offered every quarter?
 3 A. You are asking me something --
 4 Q. If you know.
 5 A. You know, I would say anywhere between
 6 two and four.
 7 Q. Okay. And how many of those sections
 8 are normally taught by graduate students?
 9 A. Again, I'm not sure. I don't know. It
 10 depends on a number of things.
 11 As I explained on Friday that graduate
 12 students, you know, start out teaching elementary
 13 German. And so if graduate students are at a
 14 different place in that progression, somebody else
 15 would be teaching elementary German. So it depends
 16 on a variety of factors, and I just can't -- I
 17 can't say.
 18 Q. So for all of these courses that are
 19 taught by -- that you said are taught by graduate
 20 students, elementary German, intermediate German
 21 and third year German, do you know approximately
 22 what percentage of those classes are taught by
 23 graduate students?
 24 A. I would have to guess.
 25 Q. Do you have any estimate? Is it at

1 least half?
 2 A. That's possible. But, again, I would
 3 have to guess.
 4 Q. When the graduate students teach those
 5 classes, do they have the same responsibilities for
 6 classes as a lecturer or a part-time lecturer
 7 teaching the same classes?
 8 MS. AUERBACH: I would just interpose an
 9 objection that hasn't been established what type of
 10 teaching or position, whether it's a TA or a
 11 lector, for example, which makes the question
 12 confusing.
 13 HEARING OFFICER MOLS: Just to be 100 percent
 14 clear for the record, when we were discussing
 15 graduate students teaching one of these courses
 16 being discussed, they would be listed as the
 17 instructor of record?
 18 BY THE WITNESS:
 19 A. That's correct.
 20 BY MS. AUERBACH:
 21 Q. What position would they be appointed
 22 to? Would that be a lecturer or a teaching
 23 assistant?
 24 A. A lecturer.
 25 Q. And so when a graduate students is

1 appointed as a lecturer in teaching elementary,
 2 intermediate or third year German, is that graduate
 3 student lecturer expected to carry out the same
 4 responsibilities to students in the class as a
 5 full-time or part-time lecturer who's not a
 6 part-time graduate student teaching the same class?
 7 A. Yes.
 8 (WHEREUPON, a certain document was
 9 marked Petitioner Exhibit No. 8, for
 10 identification.)
 11 BY MS. AUERBACH:
 12 Q. I've handed you document marked at
 13 Petitioner Exhibit 8, which is a University of
 14 Chicago web page for graduate programs in Germanic
 15 studies.
 16 Does this document accurately describe
 17 the program in Germanic studies?
 18 A. Let me look at it briefly. I believe
 19 so.
 20 Q. With respect to a graduate student
 21 teaching German, how many hours a week is that
 22 graduate student expected to devote to such
 23 responsibilities?
 24 A. Thirteen hours on average.
 25 Q. How much of that time is spent teaching

1 the actual class time?
 2 A. I think in German we have three or three
 3 and a half contact hours.
 4 Q. And does that include just class time or
 5 also meeting with students outside of class?
 6 A. That is primarily class time.
 7 Q. And how was the rest of the time that's
 8 expected to be devoted to teaching a class spent?
 9 A. Well, office hours, and at least
 10 one hour per week and preparation of the class and
 11 then, you know, correcting and grading of
 12 assignments.
 13 Q. And is the hour expectation the same for
 14 intermediate German and third year German?
 15 A. Yes. It is an average assessment so
 16 it's averaged per week. There will be weeks where
 17 it's less and there will be weeks where it's more
 18 and the idea is to say that's about average what a
 19 graduate student should be spending on teaching.
 20 Q. And in the -- does the course catalog
 21 list the name of the instructor in these classes,
 22 elementary, intermediate and third year German?
 23 A. I'm not sure. I think in the past it
 24 was staff. We have a new core search system, and I
 25 haven't looked at it in detail -- although I look

1 at it often -- but these are the kind of things
 2 where if you are not looking for them, you don't
 3 necessarily pay attention.
 4 Q. And some of the intermediate -- or
 5 elementary, intermediate and third year German are
 6 taught by grad students who are beyond their fifth
 7 year?
 8 A. Yes.
 9 Q. And if a grad student is teaching one of
 10 those classes beyond the fifth year, is that
 11 graduate student expected to carry out the same
 12 responsibilities as the graduate student who is not
 13 beyond the fifth year that's teaching the class?
 14 A. In general, yes. And one thing I do
 15 want to stress is I don't know if that's part of
 16 the core responsibility. But if that particular
 17 graduate student is teaching elementary German for
 18 the first time, there is, again, an elaborate
 19 scaffolding in place.
 20 So it's to say on the one hand it's
 21 harder when you teach for the first time but also
 22 more help is given, so to say. So if we have a
 23 full-time lecturer, we don't provide the same type
 24 of scaffolding for a full-time lecturer.
 25 Q. But if a graduate student, say, teaches

1 third year German in the fifth year of graduate
 2 school and teaches that same class in the sixth
 3 year, the graduate student who's a lecturer for
 4 those classes is expected to devote the same number
 5 of hours to class time, office hours, preparing for
 6 the class, grading exams, correct?
 7 A. Correct.
 8 Q. And has the same responsibility to the
 9 students in the class?
 10 A. Correct.
 11 Q. I wasn't clear what you were saying.
 12 You were asked about how the teaching
 13 positions were funded whether in the case of a
 14 graduate student who has not yet completed the GAI
 15 points and one who has and you said one comes from
 16 the division and one comes from the college?
 17 A. That's correct.
 18 Q. Which is which?
 19 A. If the graduate students are fulfilling
 20 GAI points during the five years, the funding comes
 21 from the division.
 22 Q. The funding for the graduate student to
 23 be teaching that class?
 24 A. Correct.
 25 Q. And if the graduate student is beyond

1 the GAI points, the funding comes from the college?
 2 A. It comes out of the college's budget.
 3 Q. But in both cases the graduate student
 4 is receiving funding from the university?
 5 A. Yes.
 6 Q. Do you know whether graduate students
 7 also teach classes as lecturers in other languages
 8 offered in the humanities department?
 9 A. I'm sorry?
 10 Q. Do you know where the graduate students
 11 also teach other classes in other languages offered
 12 in the humanities department?
 13 A. Yes.
 14 Q. So do graduate students teach --
 15 A. Do you mean our graduate students? In
 16 the German department teach other courses?
 17 Q. No. Do graduate students in the
 18 humanities department or in other divisions of the
 19 university teach beginning and intermediate
 20 Spanish?
 21 A. Well, graduate students in the romance
 22 language department, I assume -- again, I don't
 23 know in detail their progression -- will teach.
 24 Then if they are in the Spanish section of the
 25 romance language department, then they would be

1 teaching Spanish.
 2 Q. And the same would be true for graduate
 3 students in French or Italian. They were graduate
 4 students. In those subjects they would be teaching
 5 -- they teach undergraduate courses in those
 6 languages?
 7 A. They teach exactly in the languages of
 8 their specialization.
 9 Q. Do you know if they have similar
 10 responsibilities to the graduate student teaching
 11 in the Germanic language department?
 12 A. Yes. I'm sorry. I didn't quite answer
 13 your question. I believe so.
 14 Q. You believe that they do have similar
 15 responsibilities?
 16 A. Yes.
 17 Q. And you said that a lecturer is
 18 responsible for most aspects of the class but does
 19 not always design the syllabus. When a graduate
 20 student who is serving as a lecturer does not
 21 design the syllabus, who does design it?
 22 A. Well, again that's a broad question and
 23 there is a variety of cases on -- if I use Germanic
 24 studies, you know, the syllabus is something that
 25 gets handed down from year to year. Kathy Baumann

1 oversees that process. She also has a Ph.D. in
2 second language acquisition.

3 So, you know, she had a very, you know,
4 a very strong hand in designing the syllabus. But
5 the syllabus gets tweaked from year to year and
6 graduate students have a hand in it. That's part
7 of their pedagogical training.

8 So in some sense or Kathy Baumann would
9 be the one responsible for the design of the
10 syllabus, even if she doesn't design and was
11 responsible for every aspect.

12 Now we have courses like third year
13 German where the explicit pedagogical rationale for
14 the graduate student training is that they design
15 the syllabus on their own. And there we again have
16 a mechanism in place that they are not, to simply
17 say, here, design your own syllabus. But there is
18 a transfer of knowledge to the graduate students
19 who have taught it. There is -- Kathy Baumann
20 is in the room. For a number of years we have
21 revised the third year curriculum. I was involved
22 in that process, too, as a faculty member. It's
23 now the director of undergraduate studies who sits
24 in.

25 And so it really depends on what level.

1 Intermediate means it's not only an intermediate
2 course but it's also intermediate in terms of the
3 pedagogical training that graduate students
4 receive.

5 As you see here, you know, you have
6 Deutsche Marchen and Deutsche-Amerikanische Theman
7 where there is somewhat more content and the focus
8 on language acquisition is a little less. So there
9 is more room for variability. So there are -- you
10 know, a graduate student might choose a particular
11 fairytale on their own in consultation always with
12 Kathy Baumann.

13 And so again, you can see sort of the
14 progression going from at the beginning you get
15 handed really the syllabus. You can become more
16 and more independent and that sort of gaining
17 independence is again part of that framework of
18 providing assistance to graduate students.

19 Q. So for elementary German, there is a
20 fairly standard syllabus that the graduate students
21 that are teaching are expected to follow?

22 A. Yes.

23 Q. You were asked what preceptors
24 do and you said they are responsible for a group of
25 seniors writing a B.A. thesis.

1 Do the preceptors meet with the
2 undergraduate seniors on a regular basis?

3 A. Yes.

4 Q. How often is that?

5 A. That's up to the program, and I'm not --
6 I don't know it also depends on the time of the
7 academic -- you know, within the academic year. At
8 the beginning, I would imagine that it's less. And
9 shortly before the deadline or handing in the
10 B.A. thesis, it's going to be more often. And how
11 each department does that, I would imagine that
12 it varies from preceptor and the group of students
13 involved to the next group and preceptor.

14 Q. You also talked about language
15 assistants. Do language assistants also meet with
16 students one on one?

17 A. As far as I know. But again we don't
18 have that in the department, so I only know that
19 secondhand.

20 Q. So do you know how often they meet with
21 the students?

22 A. It could be -- again, I'm speculating
23 here. It could be weekly. I don't know in detail.

24 I don't have the experience that I have with the
25 German program, so I don't know how the individual

1 director of German programs and the coordinators of
2 each year because it would be then up to the
3 coordinator of elementary Spanish, for instance, to
4 coordinate. I don't know what they were doing --
5 they have, you know, those individual cases.

6 Q. You said that lecturers in the fifth
7 year have a designated salary amount of 5,000 and
8 after that 6,000.

9 Do you know what the designated salary
10 amount is for teaching assistants?

11 MR. PEARLMAN: Just so the record is clear, I
12 have a standing objection to "salary."

13 HEARING OFFICER MOLS: You can answer the
14 question.

15 BY THE WITNESS:

16 A. 3,000 and 3,600 for past --

17 BY MS. AUERBACH:

18 Q. For teaching assistant?

19 A. Yes, for past GAI.

20 Q. So 3,000 for someone who has not met the
21 GAI requirements and 3,600 for someone who has
22 achieved the GAI requirements?

23 A. That's correct.

24 Q. Do you know what salary is assigned to a
25 preceptor?

1 A. For three quarters, because preceptors
2 are assigned for three quarters. I think it's
3 7,500.

4 Q. Does that change depending on whether
5 the person hasn't finished their GAI requirements
6 or not?

7 A. I would imagine but I don't know what
8 the amount is.

9 Q. How about a language assistant?

10 A. Again, same. I think it's -- for
11 language assistant I think it's 1,500 but I don't
12 know whether it varies. Language assistant is
13 something, as I said, that is not quite as common,
14 so I don't -- yeah.

15 Q. And do you know the salary amount for a
16 writing intern?

17 A. It's the same as for a teaching
18 assistant.

19 Q. Is the course assistant also the same as
20 the teaching assistant?

21 A. Yes. We use that synonymously the term.

22 Q. The term. They are used
23 interchangeably?

24 A. Mm-hmm.

25 Q. Is that a yes?

1 A. Yes. Sorry.

2 Q. Do undergraduate students evaluate
3 faculty?

4 A. Undergraduate students?

5 Q. Yes.

6 A. Well, we have teaching evaluations, yes.

7 Q. And those are evaluations completed by
8 students with respect to faculty?

9 A. To all instructors.

10 Q. So students evaluate both faculty and
11 graduate students who are teaching a class that
12 they take?

13 A. That's correct.

14 Q. Is the same evaluation form used whether
15 it's a faculty or graduate student teaching?

16 A. It's basically instructor of record and
17 then it depends on the type of class so a language
18 class has a different feedback form. They are
19 called evaluations. We see them more as a feedback
20 form, but it depends, then, on the type of class.

21 So a language class has different sets
22 of questions, you know, so to say, a regular
23 seminar or a regular course.

24 Q. But for any one course all instructors
25 of record, regardless whether they were faculty

1 members or graduate students, are evaluated on the
2 same form?

3 MR. PEARLMAN: Objection. Asked and answered.

4 HEARING OFFICER MOLS: No. He answered that
5 the forms vary from the type of course, and
6 Ms. Auerbach was asking within a particular type of
7 course if the same form would be used for all
8 instructors of record, regardless of being faculty
9 or graduate students.

10 BY THE WITNESS:

11 A. The same form would be used for all
12 instructors of record.

13 HEARING OFFICER MOLS: Thank you.

14 BY MS. AUERBACH:

15 Q. Does Kathy Baumann observe graduate
16 students in all departments in humanities or just
17 in Germanic studies?

18 A. She observes in Germanic studies -- yes,
19 primarily in Germanic studies. It's possible that
20 every once in a while because she oversees all
21 resources for language instruction, once in a while
22 we'll do this also for another department but it
23 would be on an ad hoc basis.

24 Q. If a graduate student performs poorly in
25 teaching a course, does that affect what other

1 courses that student can teach?

2 A. It might but -- it might.

3 Q. And are there -- are there examples
4 where it would likely affect them?

5 A. Well, I can't think of examples. I can
6 think of a hypothetical scenario where it might
7 but, as I explained on Friday, you know, the
8 objective is to improve the teaching of the
9 graduate student and it might make sense for a
10 graduate student to repeat teaching the same
11 course. I could imagine that. But the most
12 important thing is to address the teaching
13 performance of the graduate student. And in that
14 sense, you know, again the progression is one where
15 there is a progression within German -- in the
16 German department but, you know, to be able to --
17 it's not a progression where you are held back in
18 that sense.

19 HEARING OFFICER MOLS: Quick question before
20 we move on.

21 So, then, to your knowledge, has it ever
22 occurred in your personal experience where a
23 graduate student has had to teach a course over
24 again because perhaps they didn't perform
25 adequately?

1 THE WITNESS: No. I don't -- I haven't
2 experienced that.

3 HEARING OFFICER MOLS: Thank you.
4 BY MS. AUERBACH:

5 Q. You talked about a third year working
6 group. What is that?

7 A. Well, that was a group of graduate
8 students who were at that stage in their teaching.
9 Kathy Baumann and I, we, together, collectively
10 revised the third-year language program, so to say,
11 or the third-year language level. Again, because
12 this is something that graduate students will have
13 to be able to talk about in a job interview, how
14 even if I don't teach first and second year, but at
15 most -- at most programs in the country you have to
16 at least teach third year even if you don't
17 necessarily teach first and second year. It
18 depends on what kind of institution it is. So we
19 wanted graduate students to be involved in that
20 planning process and that design process so that
21 they could, you know, speak compellingly about that
22 in a job interview and be also able to take that
23 role as faculty.

24 So we did this all together and that's
25 why it was called a third-year working group. It

1 retained that name, although not any longer. It
2 performs the same work now. It's basically the
3 framework in which graduate students, as I
4 explained, design their syllabus but in an assisted
5 way.

6 Q. Is there any uniform mentoring
7 requirement in the humanities division for graduate
8 students?

9 A. No. There is no -- we're a very
10 decentralized university with many localized
11 practices. So there isn't a uniform mentoring
12 requirement. I think what is uniform is a
13 mentoring expectation but not a specified
14 requirement.

15 Q. You can talk about media studies and
16 you said there are weekly meetings where an
17 instructor presents a lesson plan and others make
18 suggestions.

19 Is the person who presents the lesson
20 plan, can that be or has that been applied to both
21 faculty members and graduate students?

22 A. Yes.

23 Q. So in some cases a faculty member will
24 present a lesson plan and others will comment and
25 in other cases the graduate student who is

1 instructing in a class will present the lesson plan
2 and others will comment?

3 A. Yes.

4 Q. You said that every core sequence has a
5 chair or core leader and that person serves new
6 instructors in that core class?

7 A. That's correct.

8 Q. And does that coordinator observe both
9 graduate students new to teaching a class and
10 faculty members new to teaching a class?

11 A. That's correct. It depends on the type
12 of faculty. Tenured faculty are encouraged. But
13 in the case it's only with graduate students,
14 lecturers and collegiate assistant professors that
15 there is an expectation that they get observed once
16 or twice in their first quarter of teaching.

17 Q. What is that last position you said,
18 collegiate --

19 A. We have so-called collegiate assistant
20 professors. They are four-year position. You
21 could call them a teaching post doc that teach in
22 the humanities core and the social sciences core.

23 Q. So a coordinator observing -- what are
24 those post docs teaching a course would be looking
25 for the same things as when the coordinator

1 observes the graduate student teaching a course?

2 A. I would have to speculate but I would
3 assume so.

4 Q. Have you had occasion to do that?

5 A. Yes.

6 Q. Were you looking for the same thing?

7 A. I evaluate the performance of the
8 instructors and if that's -- if you think that's
9 the same thing, then, yes.

10 HEARING OFFICER MOLS: Is there like a rubric
11 that you use for these evaluations?

12 THE WITNESS: No, not really. I mean, I'm
13 looking for certain things obviously but, you know,
14 the organization of the lesson plan, the how well
15 prepared the instructor is, how comfortable, what
16 the rapport is with the class, how they are able to
17 conduct a discussion, what kind of formats they
18 use, whether they use group work, et cetera, et
19 cetera.

20 So those are some of the things, but I
21 don't have a form and we don't have a form.

22 HEARING OFFICER MOLS: Thank you.

23 BY MS. AUERBACH:

24 Q. Who takes classes at the writing
25 program?

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1 A. That's a very broad question. A short
2 answer would be students across the whole
3 university.
4 Q. So both undergraduate and graduate
5 students?
6 A. That's correct.
7 Q. And are all of the classes at the
8 writing program taught by graduate students?
9 A. No.
10 Q. Who else?
11 A. Well, we have a number of classes that
12 are taught by full-time lecturers. Larry McInerney
13 and Cathy Cochrane teach a variety of classes that
14 are aimed at, for instance, you know, in the med
15 school, in the law school, et cetera, et cetera.
16 Q. The position of writing intern at the
17 writing program, is that position held only by
18 graduate students?
19 A. I don't know for sure. I just don't
20 know.
21 Q. How about the position of lector at the
22 writing program, do you know if that's held only by
23 graduate students?
24 A. I don't know.
25 Q. You said that writing interns were rare

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1 in your department.
2 Do other departments in the humanities
3 division have graduate students who work as writing
4 interns?
5 A. Yes.
6 Q. Do other departments in the humanities
7 division have graduate students who work as writing
8 lecturers?
9 A. I don't know for sure. I assume so.
10 MS. AUERBACH: Can we go off the record for a
11 moment?
12 HEARING OFFICER MOLS: Off the record.
13 (WHEREUPON, discussion was had off
14 the record.)
15 HEARING OFFICER MOLS: On the record.
16 BY MS. AUERBACH:
17 Q. Showing you a document that's marked as
18 Petitioner Exhibit 2. Are you familiar with that
19 policy?
20 A. Can you give me moment?
21 Yes.
22 Q. Are you familiar with that policy?
23 A. Yes, I am.
24 Q. Does that policy apply to graduate
25 students who are teaching assistants and lecturers?

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1 A. Yes.
2 Q. Does the 20-hour work requirement
3 referred to in that document apply to the hours
4 that a teaching assistant is fulfilling the
5 responsibilities of the teaching assistant?
6 A. Yes.
7 Q. So those hours count towards that
8 20-hour work limit?
9 MR. PEARLMAN: Object to the use of the word
10 "work," and we would like to keep that as a
11 standing objection.
12 HEARING OFFICER MOLS: Noted for the record.
13 You can answer the question, Dr. Wild.
14 THE WITNESS: Yes.
15 BY MS. AUERBACH:
16 Q. And the hours that a graduate student
17 who is assigned as a lecturer is spending devoting
18 to those lecturer responsibilities count toward the
19 20-hour work limit in that policy?
20 A. Yes.
21 Q. And is that a policy that applies to all
22 students at the university?
23 A. Well, to all students with full-time
24 registration status.
25 Q. And that policy is in the student

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1 manual, the University of Chicago students?
2 A. Well, if you say so. It says on the top
3 of the page. I wouldn't have known but yes.
4 Q. But you are familiar with the policy?
5 A. I'm familiar with the policy, yes.
6 Q. Are you also familiar with the
7 university Title 9 policy?
8 MR. PEARLMAN: Object on relevance again.
9 HEARING OFFICER MOLS: What's the --
10 MS. AUERBACH: Well, the Title 9 policy lists
11 mandatory reporters and it lists teaching
12 assistants.
13 MR. PEARLMAN: Foundation.
14 MS. AUERBACH: Right now --
15 HEARING OFFICER MOLS: Let's just see if he is
16 familiar with the policy.
17 You can answer, Dr. Wild.
18 THE WITNESS: I'm familiar that a Title 9
19 policy exists, and I'm familiar with one or the
20 other aspect of it, but I'm not familiar, you know,
21 in great detail with the Title 9 policy.
22 BY MS. AUERBACH:
23 Q. Do you know whether there are certain
24 positions that are considered mandatory reporters
25 under this policy?

1 MR. PEARLMAN: Objection the document speaks
 2 for itself and still no foundation.
 3 HEARING OFFICER MOLS: I don't have my copy of
 4 the document.
 5 MS. AUERBACH: I have the document.
 6 HEARING OFFICER MOLS: While you are looking
 7 for that, I still think it's fine. So the question
 8 was his understanding of the policy.
 9 MS. AUERBACH: Yes.
 10 HEARING OFFICER MOLS: You can answer,
 11 Dr. Wild.
 12 MR. PEARLMAN: I would want to lodge for the
 13 record a best evidence objection. And in addition,
 14 there is no foundation. If he is just testifying
 15 as to his understanding of something that's not out
 16 there, that violates the best evidence rule.
 17 HEARING OFFICER MOLS: We'll give his
 18 testimony on this aspect the appropriate weight at
 19 the time of the decision. If it doesn't have the
 20 proper foundation at the time, it maybe as the
 21 record continues it will be established but for now
 22 you can answer the question.
 23 THE WITNESS: Can you repeat the question,
 24 please?
 25 MS. AUERBACH: Well, I'm going to show you a

1 a lawyer.
 2 Q. Do you know whether graduate students
 3 who are functioning as teaching assistants have
 4 been asked to go to Title 9 training?
 5 A. I don't know.
 6 HEARING OFFICER MOLS: So do you know if the
 7 faculty attends Title 9 training?
 8 THE WITNESS: You know, I'm not sure. I just
 9 don't know.
 10 HEARING OFFICER MOLS: Okay.
 11 BY MS. AUERBACH:
 12 Q. Are you familiar with the web pages of
 13 the other departments in the humanities division
 14 that set out the requirements of the Ph.D.
 15 programs, including teaching requirements?
 16 A. "Familiar" is a very broad term. I
 17 have -- as my function of master, I look at them
 18 but I don't study them that I'm going to be able to
 19 give you detailed answers about individual
 20 departments. Again, we have 15 of them.
 21 Q. And how about the -- so if I showed you
 22 pages from those, would you be able to identify
 23 them or not?
 24 A. I would not be able to tell you whether
 25 it's the current document or whether it's the one

1 document.
 2 (WHEREUPON, a certain document was
 3 marked Petitioner Exhibit No. 9, for
 4 identification.)
 5 BY MS. AUERBACH:
 6 Q. I've handed you a document marked as
 7 Petitioner Exhibit 9. Take a minute to review
 8 that.
 9 In particular, I would like you to look
 10 at the page on the bottom says 6/19 under Roman
 11 Numeral VII, Responsible Employees.
 12 Are you familiar with this policy?
 13 A. Again, in broad strokes, yes.
 14 Q. And are graduate students who are
 15 teaching assistants and preceptors considered
 16 responsible employees who are required to report
 17 sexual misconduct?
 18 A. According to Section VII, yes. When
 19 they function -- when they serve as TAs,
 20 preceptors.
 21 Q. And do you know whether that also
 22 applies when graduate students are serving in other
 23 positions such as lecturers?
 24 A. I'm not 100 percent sure since it
 25 doesn't say here, and I'm not -- you know, I'm not

1 from last year, et cetera.
 2 Q. And how about department handbooks for
 3 other departments in the humanities division that
 4 are posted on the university's website, are you
 5 familiar with those?
 6 A. No.
 7 Q. Who would be familiar with all of the
 8 web pages and handbooks for the various
 9 departments?
 10 A. I'm not -- I can't be sure. Again, we
 11 are very decentralized. Individual departments
 12 would be the ones that know these departmental
 13 handbooks.
 14 (WHEREUPON, a certain document was
 15 marked Petitioner Exhibit No. 10,
 16 for identification.)
 17 BY MS. AUERBACH:
 18 Q. I've handed you what's been marked a
 19 Petitioner 10, which is from a University's
 20 Division of Humanities Ph.D. student teaching web
 21 page.
 22 Does that document set forth accurate
 23 summaries of the descriptions of the positions set
 24 out there, course assistants, language
 25 assistants --

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1 A. You have to give me a little more time
2 for that.
3 Q. Sure.
4 A. Do you want me to go through it? I mean
5 it's the first time that I see this document. So.
6 Q. Yeah. Let's take a few minutes.
7 A. Okay.
8 Q. So does this document accurately
9 summarize the position set forth in the document?
10 A. Well, I mean, I would quibble here and
11 there with language, but I was not involved in
12 writing the document. It does not correspond to my
13 understanding of a language assistant, the section
14 on language assistants.
15 Q. So for the other positions, is it fairly
16 accurate?
17 A. I think, more or less. Again, I don't
18 oversee in detail what studio assistants do. I
19 can't speak to preceptors in math. That's outside
20 of my domain. But I would say preceptors,
21 lecturers and course assistants are more or less,
22 as I said, there are individual phrasings that I --
23 but, you know, more or less.
24 Q. More or less accurate?
25 A. Accurate.

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1 Q. And how is the language assistant
2 description not accurate?
3 A. It's my understanding that they don't --
4 that they usually don't meet in group drills and
5 not for 10 hours a week and also not for four hours
6 per week in homework checking.
7 They really perform an ancillary role,
8 to give them additional opportunities to practice
9 the language orally.
10 Q. When you say to give "them" --
11 A. As far as undergraduate students,
12 language learners. So it requires very little
13 preparation, and it requires basically that they
14 are there for a certain amount of time each week
15 but nowhere close to what is listed here.
16 (WHEREUPON, a certain document was
17 marked Petitioner Exhibit No. 11,
18 for identification.)
19 BY MS. AUERBACH:
20 Q. I've handed you a document marked as
21 Petition Exhibit 11, which is from the university
22 web page for division of the humanities student
23 employment.
24 Would you take a look at that?
25 Does that document accurately summarize

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1 the review of the student employment rules in the
2 division?
3 A. I think so, yes.
4 MS. AUERBACH: I move to introduce Petitioner
5 Exhibit No. 2.
6 MR. PEARLMAN: We have no objection.
7 HEARING OFFICER MOLS: Petition Exhibit 2 is
8 received.
9 (WHEREUPON, said document,
10 previously marked Petitioner Exhibit
11 No. 2, for identification, was
12 offered and received in evidence.)
13 MS. AUERBACH: I move Petitioner Exhibits 3
14 and 4.
15 MR. PEARLMAN: No objection.
16 HEARING OFFICER MOLS: Petitioner Exhibit 3
17 and 4 are received.
18 (WHEREUPON, said document,
19 previously marked Petitioner Exhibit
20 Nos. 3 and 4, for identification,
21 was offered and received in
22 evidence.)
23 MS. AUERBACH: I move to Petitioner 5 and 6.
24 MR. PEARLMAN: Object on foundation grounds.
25 HEARING OFFICER MOLS: So I'm going to receive

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1 Petitioner's Exhibits 5 and 6 but give them the
2 appropriate weight at the time of decision as these
3 were not issued by Dr. Wild but by his predecessor.
4 But, again, Petitioner's 5 and 6 are
5 received and given appropriate weight at the time
6 of decision.
7 (WHEREUPON, said document,
8 previously marked Petitioner Exhibit
9 5 and 6, for identification, were
10 offered and received in evidence.)
11 MR. PEARLMAN: I would just note for the
12 record that the witness testified that he didn't
13 know whether or not they were, in fact, issued by
14 his predecessor, just that it appeared from the
15 face --
16 HEARING OFFICER MOLS: With a signature.
17 Noted. Thank you.
18 MS. AUERBACH: And I would introduce
19 Petitioner's Exhibits 7, 8, 9, 10 and 11.
20 MR. PEARLMAN: No objection.
21 HEARING OFFICER MOLS: To any of the exhibits?
22 MR. PEARLMAN: Seven through 11, correct.
23 HEARING OFFICER MOLS: Then Petitioner's
24 Exhibits 7, 8, 9, 10 and 11 are received in
25 evidence.

1 (WHEREUPON, said documents,
 2 previously marked Petitioner Exhibit
 3 Nos. 7 through 11, for
 4 identification, were offered and
 5 received in evidence.)
 6 MS. AUERBACH: Those are all of the questions
 7 we have.
 8 MR. PEARLMAN: May we go off the record and
 9 take a break?
 10 HEARING OFFICER MOLS: Sure. Off the record.
 11 (WHEREUPON, discussion was had off
 12 the record.)
 13 HEARING OFFICER MOLS: On the record.
 14 Dr. Wild, before redirect, I just have a
 15 few questions for you.
 16 Does the CCT offer credit bearing
 17 courses?
 18 THE WITNESS: I'm not 100 percent sure. I
 19 think so, but that's --
 20 HEARING OFFICER MOLS: Okay. But are some of
 21 the resources that they offer noncredit bearing,
 22 would that be accurate?
 23 THE WITNESS: Yes.
 24 HEARING OFFICER MOLS: So again, I know we
 25 speak a lot in hypotheticals but in this question I

1 want to know from your personal experience.
 2 Have you ever heard of a graduate
 3 student being denied a GAI point?
 4 THE WITNESS: Well, I know from a single case
 5 and that was my own student who basically just
 6 froze up and we really mentored and tried to do
 7 everything. And at some point we just simply
 8 concluded that the student wasn't, you know -- it
 9 didn't make sense to have a student in the
 10 classroom.
 11 Now I'm going to be honest, I'm not sure
 12 which point he was, so I don't know whether he was
 13 actually denied a GAI point or not because, again,
 14 this is something as an advisor I'm not engaged in.
 15 It's on the back end in the humanities division.
 16 But what happened in that case is that
 17 we just -- there was just no nothing that we could
 18 do. And in that case the student successfully
 19 completed his dissertation and got his confidence
 20 back. In fact, when I was already master and he
 21 taught in the humanities core and did a wonderful
 22 job. I observed him myself. So at that point he
 23 was just -- it just didn't make sense for him to
 24 continue to teach.
 25 HEARING OFFICER MOLS: So he successfully

1 taught at a later point in time?
 2 THE WITNESS: Yes.
 3 HEARING OFFICER MOLS: And this was at the
 4 University of Chicago?
 5 THE WITNESS: Yes.
 6 HEARING OFFICER MOLS: So I know you had
 7 testified on Friday generally about the sort of
 8 appointment process of assigning instructors to
 9 various courses and how, you know, instructors may
 10 have a setting in the number of TAs that they need
 11 for a course.
 12 Has there ever been an incident where an
 13 instructor has denied a TA, said no thank you.
 14 THE WITNESS: The instructor has? I can't
 15 say.
 16 HEARING OFFICER MOLS: Okay.
 17 THE WITNESS: I can't say because I don't need
 18 to tell you that might actually happen before it
 19 even gets to the point. It's not like we have an
 20 automatic mechanism where each course gets
 21 automatically assigned a TA. It depends always on
 22 the recommendation of the department. So if that
 23 recommendation isn't initiated. I wouldn't see
 24 that.
 25 HEARING OFFICER MOLS: Okay. So you had also

1 testified about, you know, each of the departments
 2 annually prepares an instructional budget which may
 3 take into account both faculty and graduate
 4 students.
 5 Are there any specific set of numbers or
 6 quotas of number of grad students that are expect
 7 to teach within a particular quarter or academic
 8 year?
 9 THE WITNESS: Quota? Not that I'm aware of.
 10 HEARING OFFICER MOLS: Then -- so again, as
 11 far as -- you know, speaking with regards to the
 12 process for which it's determined, you know, which
 13 TAs are at the point in their education where they
 14 are able to teach a course, you had testified that
 15 something that is taken into account is the state
 16 of their research and how far along they are in
 17 their dissertation.
 18 Are you personally aware of any
 19 incidence where a TA has been denied -- or a
 20 graduate student has been denied a TA position or
 21 lecturer position because their dissertation was
 22 not far enough along?
 23 THE WITNESS: Again, as master I don't see
 24 that because it doesn't come into the master's
 25 office when that decision is made, so I'm not aware

1 of that.

2 HEARING OFFICER MOLS: Okay. So I apologize

3 if this was covered already but I just want to make

4 sure it's clear for the record and for myself.

5 You testified about the writing program

6 offers training for writing interns; is that

7 correct?

8 THE WITNESS: That's correct.

9 HEARING OFFICER MOLS: The training that the

10 writing interns receive, is that a credit bearing

11 course?

12 THE WITNESS: You know, I'm not sure. Yeah, I

13 don't think so -- I don't know.

14 HEARING OFFICER MOLS: Okay.

15 THE WITNESS: Credit bearing in graduate

16 programs is a departmental domain, so it's up to

17 departments to count that as credit bearing.

18 HEARING OFFICER MOLS: Okay.

19 THE WITNESS: For instance to come back to

20 your question with the CCT, the CCT offers a

21 certificate, a teaching certificate but the

22 teaching certificates don't have an official status

23 at the University of Chicago but it's something

24 that they will list on their CV. Is that credit

25 bearing or not, that's a question of, you know,

1 already in direct.

2 BY MR. PEARLMAN:

3 Q. Is the primary purpose to benefit the

4 undergraduates?

5 A. Well, the primary purpose --

6 MS. AUERBACH: I believe this was already

7 testified to, your Honor.

8 HEARING OFFICER MOLS: He already testified

9 about the benefit of teaching them, how to teach.

10 I don't know if he specifically covered the

11 question of the benefit of the undergraduates

12 directly.

13 You can answer directly as to the

14 benefit to the undergraduates.

15 BY MR. PEARLMAN:

16 Q. Is that the primary purpose?

17 A. No.

18 Q. What is the primary purpose?

19 A. To train graduate students to be good

20 teachers.

21 Q. Why?

22 MS. AUERBACH: Objection. This was already

23 covered.

24 HEARING OFFICER MOLS: I believe we covered

25 why.

1 definition.

2 HEARING OFFICER MOLS: So you testified that

3 the writing lectors will teach small writing

4 seminars; is that correct?

5 THE WITNESS: That's my understanding.

6 HEARING OFFICER MOLS: Okay. So when these

7 writing lectors are conducting these seminars, is

8 this a course for which they are listed as

9 instructor of record?

10 THE WITNESS: I don't know.

11 HEARING OFFICER MOLS: Okay.

12 THE WITNESS: I don't know.

13 HEARING OFFICER MOLS: I believe that's all of

14 my questions for now. Off the record.

15 (WHEREUPON, a break was taken.)

16 HEARING OFFICER MOLS: On the record.

17 REDIRECT EXAMINATION

18 BY MR. PEARLMAN:

19 Q. Dr. Wild, you were asked to question on

20 cross-examination about whether teaching of

21 graduate students promotes a high quality of

22 education for undergraduate students, what is the

23 primary purpose of teaching the graduate students

24 how to teach?

25 MS. AUERBACH: Objection. This was covered

1 MR. PEARLMAN: It relates to the same

2 question.

3 BY MR. PEARLMAN:

4 Q. Is that in order to benefit the

5 students, the undergraduate students?

6 A. No not directly. I mean, good teaching

7 for undergraduates is a byproduct of training

8 graduate students to be good teachers.

9 Q. You were asked questions on

10 cross-examination about whether or not the CCT

11 provides training to faculty and whether some of

12 that training was similar to the training that's

13 provided to graduate students.

14 Do you recall that?

15 A. Yes.

16 Q. Is there a reason why the training --

17 the teaching training provided to faculty may be

18 similar to the training that's provided to graduate

19 students?

20 A. Yes.

21 Q. What is that?

22 A. Well, in some cases, the concerns are

23 the same. We have incoming faculty who have no

24 experience with the core. So the core is -- as I

25 mentioned before -- is a very specific

1 instructional format that is defining of the
2 University of Chicago.

3 And so we feel that, you know, that some
4 of the issues that they face are similar to
5 graduate students, although the case in graduate
6 students functioning as or serving as lecturers in
7 the core they would actually have more experience
8 than faculty coming in that are new faculty.

9 We also, of course, have -- the CCT has
10 plenty of programming that is directed exclusively
11 as to faculty, a teaching certificate program, the
12 teaching fellows program, et cetera, et cetera, is
13 exclusive to graduate students but we also have
14 programming, for instance, on instructional
15 technology where it's where faculty and other
16 lecturers as well as graduate students lecturers would
17 be participating or graduate student who are not
18 necessarily teaching. They just want to know how
19 to use new instructional technology in the
20 classroom even if it's not pertinent to their
21 current teaching assignment.

22 HEARING OFFICER MOLS: Just to clarify before
23 your next question.

24 When you were answering that question at
25 first you said there was some training particularly

1 to the faculty and then you said some training
2 particular to graduate students. Is that the
3 case -- is that true in both of those instances or
4 was that --

5 THE WITNESS: Again, I don't run the CCT, so I
6 don't have an overview of the full range of
7 programs, but there is -- there is a program that
8 is targeted primarily at faculty and a program
9 that's targeted primarily at graduate students.
10 And there is programming where both of them mix.

11 HEARING OFFICER MOLS: Thank you.

12 MR. PEARLMAN: Thank you.

13 BY MR. PEARLMAN:

14 Q. Counsel asked you a question suggesting
15 that graduate students issue the ultimate grade on
16 papers; is that correct?

17 A. That's a very broad question. It
18 depends on whether they are now -- they are
19 standalone instructors, i.e., lecturers, then
20 that's the case.

21 Q. What about for a TA?

22 A. In the TA, it's the instructor on record
23 who issues the grade.

24 Q. So you are saying that the graduate
25 student who's a TA does not issue the ultimate

1 grade?

2 A. No.

3 Q. For whose benefit is the graduate
4 student taught how to grade papers?

5 A. Well, it's part of their graduate
6 training. That's something that they will have to
7 do as future faculty and so the primary benefit is
8 the graduate students.

9 Q. Does the faculty teach the TA how to
10 grade?

11 MS. AUERBACH: Objection. This was all
12 covered in direct.

13 BY MR. PEARLMAN:

14 Q. Assuming that the faculty member teaches
15 the student how to grade for whose benefit is that?

16 A. For the graduate student doing the
17 grading.

18 Q. And what effect or impact does the
19 faculty member teaching the TA how to grade have on
20 the faculty member's workload?

21 MS. AUERBACH: Objection. This was all
22 covered in direct.

23 MR. PEARLMAN: The question on
24 cross-examination was what impact does this have on
25 the faculty, the work involved in the course

1 format. It's a corollary to that question.

2 MS. AUERBACH: But it's all stuff that was
3 covered on direct.

4 HEARING OFFICER MOLS: Can you repeat your
5 question, counsel?

6 BY MR. PEARLMAN:

7 Q. What effect does the faculty member
8 teaching the TA how to grade have on the faculty
9 member?

10 On cross-examination it was asked
11 whether or not that benefited the faculty member.

12 HEARING OFFICER MOLS: But I believe
13 Ms. Auerbach is accurate. I believe this is the
14 trouble of not finishing a witness before the
15 weekend.

16 If my memory serves, I believe this
17 question was answered. Is there something that --
18 something else that you are trying to get at? I
19 could be --

20 MR. PEARLMAN: Well, I would like to give him
21 a complete answer as to the effect that it has on
22 the faculty member. I think that was raised on
23 cross-examination, and he needs to fully answer
24 that question.

25 MS. AUERBACH: Object to the extent that a lot

1 of these questions are just asking him to repeat
 2 things he testified to on direct. He testified
 3 about spending time when he has a graduate student
 4 working for him.
 5 HEARING OFFICER MOLS: Here is something that
 6 I'm concerned with that I think might answer your
 7 question, Counsel.
 8 Dr. Wild, in your personal experience
 9 when you have had TAs -- you testified that you
 10 have in the past, correct?
 11 THE WITNESS: Mm-hmm, yeah.
 12 HEARING OFFICER MOLS: How did that change
 13 your work -- or affect your work compared to when
 14 you conducted courses without TAs?
 15 THE WITNESS: Well, you have to -- as I
 16 mentioned, you have to set up a whole different
 17 framework. If you have TAs, it's a different
 18 course. You have to -- you know, TAs do some of
 19 the grading or -- not the grading. The grading is
 20 done by the instructor of record but the commenting
 21 or marking of papers, but that's also something
 22 that needs -- or that is part of a -- you can call
 23 it a supervisory process where -- I was involved in
 24 meeting, discussing a number or most of the papers
 25 that were graded. And then in that sense, you

1 and it's irrelevant.
 2 MR. PEARLMAN: There is a new question on
 3 cross-examination. He hasn't been given a chance
 4 to give a full answer. I know counsel might be
 5 afraid of his answer but he should be given the
 6 opportunity to give his full answer.
 7 MS. AUERBACH: Counsel is not afraid of the
 8 answer. Counsel is just concerned that this
 9 hearing is very lengthy.
 10 MR. PEARLMAN: Well, objecting to every single
 11 question is going to make it twice as long.
 12 HEARING OFFICER MOLS: What was the question
 13 again?
 14 BY MR. PEARLMAN:
 15 Q. What is the primary purpose of trying to
 16 teach TAs to lead effective discussions?
 17 HEARING OFFICER MOLS: Let me ask this just
 18 broadly. This might get to -- if we need more
 19 specifics, we can get into it. I don't know that
 20 we will.
 21 For all of the oversight that faculty
 22 and core advisors have over grad students, whether
 23 they be instructors of record or any of the other
 24 litany of positions that we have listed here today,
 25 is the primary goal in this oversight, we'll call

1 know, so those are some of the things that are
 2 different.
 3 If I teach a course that it doesn't have
 4 TAs, I just do all of these things myself and so I
 5 don't have to coordinate. I don't have to mentor,
 6 et cetera et cetera.
 7 BY MR. PEARLMAN:
 8 Q. You were asked if you supervised a TA
 9 do you try to help them lead effective discussion
 10 groups and does that benefit undergraduates.
 11 My question is: What's the primary
 12 purpose of teaching a TA how to had lead an
 13 effective discussion group?
 14 MS. AUERBACH: Objection to the line of
 15 question. I mean, I think these questions go to
 16 the issue is whether they are employees and not
 17 dispute that they are students and that they are
 18 also learning.
 19 HEARING OFFICER MOLS: I mean is there
 20 anything else that you are trying to --
 21 MR. PEARLMAN: It's a question that was asked
 22 on cross-examination. I think it deserves a full
 23 answer.
 24 MS. AUERBACH: If the cross all went to
 25 direct -- I mean, all of this was covered in direct

1 it, would it be -- I'm trying to cut to the heart
 2 of it by saving some time.
 3 The problem I have with some of this
 4 line of questioning is a lot of it is very opinion
 5 based as opposed to the facts.
 6 Counsel, is there another way you can
 7 perhaps phrase your question to limit it to
 8 Dr. Wild's personal experience instead of just --
 9 we're talking a lot in hypotheticals and I have
 10 done it myself kind of the limit we're under. But
 11 I would really -- I'm most concerned with the
 12 personal experience of the witnesses.
 13 Could you perhaps rephrase your question
 14 in such a way to limit it to Dr. Wild's personal
 15 experience.
 16 MR. PEARLMAN: I would like to know Dr. Wild's
 17 your personal experience with respect to imposing
 18 these -- with respect to these teaching
 19 requirements.
 20 Why does he want these teaching
 21 requirements to exist? What's his primary purpose
 22 of having these teaching assignments?
 23 HEARING OFFICER MOLS: You can answer,
 24 Dr. Wild.
 25 BY THE WITNESS:

1 A. Well, the way that we have designed the
2 pedagogy program in the German department is that
3 we believe that it equips the students to teach all
4 levels of German and to be thereby, you know,
5 competitive when they are applying for jobs. And
6 so really I think i can say most aspects are about
7 the preparation of our students for, you know, to
8 apply to faculty positions.

9 Q. Okay. Let me turn your attention to
10 Petitioner's Exhibit 8, please.

11 Could you please turn your attention,
12 Dr. Wild, to the last page where it says teaching
13 in the college and the first paragraph under that?

14 A. Excuse me?

15 Q. Could you please read that first
16 paragraph under teaching in the college?

17 MS. AUERBACH: Objection. It's in the record.

18 HEARING OFFICER MOLS: You mean just for his
19 own reference, not aloud.

20 MR. PEARLMAN: Yes.

21 HEARING OFFICER MOLS: Okay.

22 BY MR. PEARLMAN:

23 Q. Do you understand what you are reading
24 there where it talks about graduate students in
25 Germanic studies getting certain benefits in

1 or not there is a salary that's provided to those
2 folks?

3 A. Well, I'm not a lawyer. This is -- as I
4 mentioned this is a document that has a collective
5 authorship and involves the provost's office and
6 legal counsel, so I can't -- you know, my
7 understanding is second or thirdhand. My
8 understanding is that it has something to do with
9 tax law. That language is used but again I'm not a
10 lawyer.

11 Q. You were asked questions regarding
12 whether undergraduates evaluate the faculty and
13 whether or not the same form is used for each.

14 Why is feedback solicited with respect
15 to the teaching performance of both faculty and
16 graduate students?

17 A. Excuse me. Can you repeat that?

18 Q. Why is feedback solicited from
19 undergraduate students as to the quality of
20 teaching by faculty as well as graduate students?

21 A. Well, you know, these questionnaires are
22 a valuable form of soliciting feedback both for any
23 instructor of record. As I mentioned, we do have
24 different ones if -- if -- for TAs that looks
25 differently than an instructor of record and a

1 entering the job market to be an important purpose
2 of the teaching requirements?

3 A. Yes.

4 Q. Why is that?

5 A. Well, because particularly humanities
6 faculty for them -- teaching is really an essential
7 component. It's not like in the physical sciences
8 where there is all sorts of other things that
9 faculty do and it's much more grant based in the
10 case of humanities faculty.

11 Also at the University of Chicago,
12 teaching is just a central component and we try to
13 prepare our graduate students for a whole range of
14 positions, not just for one liberal arts
15 positions at second or third tier institutions.

16 So we have all different kinds of
17 programs. Programs have different missions. And
18 so that requires a broad set of teaching and not
19 just preparing them to teach one particular aspect
20 of German as some of our peers do.

21 Q. You were asked questions by counsel
22 where she talked about what she called a salary for
23 preceptor and salary for language assistants and
24 other graduate student teaching.

25 What's your understanding as to whether

1 language course looks different from a regular
2 undergraduate seminar and the faculty -- or
3 instructors of record can also adjust the current
4 teaching evaluations and then add their own.

5 It's also the case that we have a lot of
6 instructors who actually devise their own -- their
7 own surveys. Some of them do midterm surveys to
8 just get feedback from the class. So it's all part
9 of an interactive process that you are trying to
10 see how you are doing and then possibly adjust
11 course.

12 So you know, I don't see them as so much
13 as evaluations, they are called that. But they are
14 really a feedback in sort of a self-reflexive
15 teaching process.

16 Q. Dr. Wild, with respect to your practice,
17 are you applying and do you apply the same criteria
18 for evaluating a TA as you do for faculty?

19 A. No, not nor a TA and faculty.

20 Q. Why?

21 A. Well, TA has -- first of all, TAs are
22 usually graduate students that are beginning in
23 their teaching career. And then they serve a
24 different role. So there is a number of reasons
25 why you know simply when I would differentiate.

1 Q. You were asked some questions about
2 lessons plans and that question arose in the
3 context of media studies and you were asked whether
4 lesson plans are presented by both faculty member
5 and students alike. Why is that? Why would that
6 be?

7 A. Well, first of all, I should say that,
8 yes, they both present lesson plans, but, you know,
9 usually a graduate students wouldn't present the
10 lesson plan at the beginning.

11 What happens is you have, you know, in
12 some of these core sequences. We have 10, 15, 20
13 instructors teaching at the -- in the same quarter.

14 So, you know, you start out with
15 instructors that taught in that core sequence
16 already or sometimes that's their field specialty.
17 So if you have the Dontista, you'll have the
18 Dontista actually present maybe the first meeting
19 that discusses Dante's Divine Comedy and -- and
20 then -- so you start out with more experience and
21 then you see, you know, graduate students who are
22 new to teaching, can see how experienced the
23 instructor of record approaches putting together a
24 lesson plan. And the core coordinator also helps
25 and mentors the graduate student and then they

1 and graduate students alike. If that's the case
2 why does the similarity exist?

3 A. Well, I mean, one thing -- and this is a
4 more general point is this -- and I made it in
5 passing before -- as teachers we are all also
6 learners. I think that's the reason why most of us
7 are in this profession. We never stop learning.
8 Sometimes when I'm exploring a new research area,
9 actually I teach a graduate course on it and in
10 order to also model how to enter a new area.

11 And so in that sense, I think that there
12 isn't a fundamental difference in what -- in the --
13 it's always a difference of degree that we're all
14 learning but, of course, graduate students have
15 more to learn still. They don't have yet the
16 experience. They need to you know -- again, one
17 term that I have used is that we're trying to --
18 particularly in the German department -- make our
19 graduate students into self reflexive teachers and
20 that's something that is a process of
21 self-reflection. It's something that needs to be
22 practiced and continually practiced. I need to
23 practice it but, of course, I have much more
24 experience than a graduate student in their second
25 or third year. So in that sense as I said on the

1 present their lesson plan, so to say, as something
2 that -- as sort of their contribution but also in
3 some sense to give them feedback on what they have
4 been doing.

5 And so it's in that sense it's part of
6 that process but usually it doesn't happen at the
7 beginning but it happens again when the graduate
8 student has had some experience to see how others
9 do it. And again, you know, this is sort of a
10 question of a term that I used as a scaffolding to
11 make sure that the graduate student is adequately
12 assist had to then put together their own lesson
13 plan and present that lesson plan and contribute to
14 the conversation of the instructors in that
15 particular core sequence.

16 Q. Are you saying that even though there
17 may be some general similarities that a graduate
18 student is still a student?

19 MS. AUERBACH: Objection. I mean, there is no
20 dispute that they are students.

21 HEARING OFFICER MOLS: I would agree on that
22 there is no dispute on that matter.

23 BY MR. PEARLMAN:

24 Q. With respect to coordinators, counsel
25 asked you whether or not they observed new faculty

1 one hand I would say you know as teachers we're all
2 learners. That's why we have feedback forms, et
3 cetera. But it's also a question -- it's a
4 question of degree and of course that question of
5 degree can mean that there is then quite a
6 significant difference. We are all in it together
7 but that's why we are also teaching -- we need to
8 have to sequence of this scaffold in certain ways
9 so that those who have more experience can pass
10 that experience onto those who have less.

11 Q. So with respect to counsel's question
12 about the coordinator observing both the new
13 faculty and graduate students alike, is there a
14 different level of or different type of scrutiny or
15 observations forth student versus the faculty?

16 A. Well, since graduate students are still
17 students. I would imagine that you know the -- or
18 at least let me personalize it.

19 My attitude towards the graduate student
20 being the instructor of record is one that is
21 slightly different. I'm not giving so much a
22 colleague feedback but a student feedback in that
23 sense there might be a higher degree of
24 understanding. There will be also particularly as
25 a core coordinator, when I'm doing this I might --

1 I will invest more time in helping that student
 2 succeed than in the case of the faculty member.
 3 A faculty member might say, you know,
 4 you may want to consult with the CCT. In the
 5 student's case, I'll do it myself because that's
 6 part of what core coordinators do. Or if you are
 7 teaching a lecture course as a faculty, that's what
 8 you do as a faculty member.
 9 HEARING OFFICER MOLS: So before the next
 10 question, I apologize.
 11 So you have served as core coordinator,
 12 correct?
 13 THE WITNESS: Mm-hmm.
 14 HEARING OFFICER MOLS: Again, we seem to be
 15 speaking a lot in what may or may not happen in
 16 certain scenarios.
 17 So has that been your experience as a
 18 core coordinator that in the difference in
 19 evaluating graduate students, instructors of record
 20 and faculty instructors of record.
 21 Did you give more attention to the
 22 evaluation of the graduate students?
 23 THE WITNESS: Definitely.
 24 HEARING OFFICER MOLS: Okay.
 25

1 BY MR. PEARLMAN:
 2 Q. Dr. Wild, I would like to turn your
 3 attention, please, to Petitioner's Exhibit 2. In
 4 the top of that document -- Dr. Wild, do you now
 5 have before you Petitioner No. 2?
 6 A. I have it.
 7 Q. The document at the top says, Student
 8 Employment, correct?
 9 A. Correct.
 10 Q. If you can please turn your attention --
 11 I'm not going to ask you to read this out loud --
 12 but if you can look to paragraph three and
 13 paragraph four in that document, sir.
 14 It says in the beginning of each
 15 paragraph, While employed by the university, the
 16 student is covered by the university's human
 17 resources policy.
 18 Do you know what that's a reference to?
 19 A. What?
 20 Q. The word while employed by the
 21 university?
 22 A. I'm afraid I'm not quite sure that I
 23 understand the question.
 24 Q. The words "employed by the university,"
 25 do you have an understanding of what that means?

1 A. Yes.
 2 Q. Okay.
 3 HEARING OFFICER MOLS: What is your
 4 understanding?
 5 THE WITNESS: What is the understanding?
 6 Well, that graduate students or students are
 7 appointed within the university and perform
 8 certain, you know, roles for the university.
 9 BY MR. PEARLMAN:
 10 Q. When a graduate student is covered --
 11 I'm sorry. When a graduate student is teaching for
 12 the university, they are covered by specific
 13 graduate student policies and not human resources
 14 policies, correct?
 15 A. Yes, that's what I understand.
 16 Q. Do you know who would administer those
 17 policies, Dr. Wild?
 18 A. For teaching? That falls to me.
 19 HEARING OFFICER MOLS: Thank you.
 20 BY MR. PEARLMAN:
 21 Q. Let's talk for a moment about --
 22 A. I'm sorry. And the provost's office,
 23 there are two separate processes.
 24 Q. I want to turn for a moment to a
 25 question that Madam Hearing Officer was asking you

1 about an occasion where a student froze up --
 2 A. Mm-hmm.
 3 Q. -- to use your words and they performed
 4 poorly.
 5 Is that the only occasion that you can
 6 think of where a graduate student performed poorly
 7 as a TA?
 8 A. Well, that's my only experience in
 9 20 years of teaching.
 10 Q. Are you familiar with other experiences
 11 in the humanities that are the same as that?
 12 A. No I'm not familiar.
 13 Q. Dr. Wild, I would like to turn your
 14 attention to Petitioner Exhibits 3 and 4.
 15 Do you have that handy, sir?
 16 A. Yes.
 17 Q. Okay. The word salary is used at the
 18 top paragraph. Did you select that word for
 19 inclusion in this letter?
 20 A. Not that I remember.
 21 Q. Okay. Do you believe that the payment
 22 that's made to the graduate student is, in fact,
 23 salary such that they are an employee?
 24 MS. AUERBACH: Objection.
 25 HEARING OFFICER MOLS: That's his opinion. He

1 is not a legal labor expert.
 2 MR. PEARLMAN: Okay. I just want the question
 3 to be there on the record. I understand your
 4 position, Madam Hearing Officer.
 5 HEARING OFFICER MOLLS: Okay.
 6 BY MR. PEARLMAN:
 7 Q. The same question with respect to offer
 8 of employment under eligibility, did you select
 9 those words?
 10 A. Not that I can remember.
 11 MR. PEARLMAN: And I understand your position
 12 on this.
 13 BY MR. PEARLMAN:
 14 Q. Do you believe that offer of employment
 15 accurately characterizes the nature of the
 16 relationship between the graduate student and the
 17 university?
 18 MS. AUERBACH: Objection.
 19 BY MR. PEARLMAN:
 20 Q. With respect to their teaching?
 21 MS. AUERBACH: Objection.
 22 HEARING OFFICER MOLLS: Objection is sustained.
 23 MR. PEARLMAN: I just want to establish my
 24 record and make an offer of proof that Dr. Wild
 25 would have testified that the answer is no that

1 this is not a salary. That these folks who are TAs
 2 teaching receive -- and, likewise I would make an
 3 offer of proof that Dr. Wild would have testified
 4 that the terms offer of employment do not
 5 accurately characterize the nature of the
 6 relationship between the graduate student and the
 7 university. They are students and that's the
 8 academic nature of the relationship. It's not an
 9 economic relationship which distinguishes that from
 10 employment.
 11 HEARING OFFICER MOLLS: Okay. I mean, he has
 12 already testified he didn't -- he doesn't recall
 13 selecting those terms. So if he doesn't recall
 14 that, then I'm not going to permit his testimony
 15 further about what they may or may not mean about
 16 the relationship. I believe we have sufficient
 17 other evidence in the record concerning how he
 18 views the relationship between the graduate
 19 students and the university.
 20 MR. PEARLMAN: Thank you. I understand your
 21 position.
 22 HEARING OFFICER MOLLS: Okay. Any further
 23 questions?
 24 MR. PEARLMAN: No, Madam Hearing Examiner.
 25 I apologize. I just want to make sure

1 that the record is clear with respect to
 2 Petitioner's Exhibits 5 and 6.
 3 BY MR. PEARLMAN:
 4 Q. So if you, Dr. Wild, please turn to
 5 those exhibits, do you personally know whether or
 6 not the documents that you see as Petitioner's 5
 7 and 6 are used at present?
 8 A. I'm fairly confident that they are not
 9 but I can't be 100 percent sure.
 10 MR. PEARLMAN: Thank you. That's my last
 11 question.
 12 HEARING OFFICER MOLLS: Does Petitioner have
 13 further questions for the witness?
 14 MS. AUERBACH: Yes.
 15 RE-CROSS EXAMINATION
 16 BY MS. AUERBACH:
 17 Q. Would you knowingly send poor teachers
 18 in to teach undergraduate classes?
 19 A. No.
 20 Q. Why not?
 21 MR. PEARLMAN: Objection. Hypothetical.
 22 HEARING OFFICER MOLLS: We have kind of been
 23 dealing largely in hypotheticals, though. I don't
 24 care for it. It seems to be the limits we're
 25 operating under, the limits of the knowledge of the

1 witness. So can you maybe find a better way to get
 2 at it?
 3 BY MS. AUERBACH:
 4 Q. Have you knowingly sent poor teachers in
 5 to teach undergraduate classes?
 6 A. No.
 7 Q. Why not?
 8 MR. PEARLMAN: Objection. This has already
 9 been covered on direct and cross.
 10 MS. AUERBACH: Well, it was asked again on
 11 redirect over objection.
 12 HEARING OFFICER MOLLS: So.
 13 MR. PEARLMAN: I would say it also is an
 14 incomplete hypothetical. It assumes that -- there
 15 is a foundational issue as well. I think she needs
 16 to establish that's reality.
 17 HEARING OFFICER MOLLS: I think we have covered
 18 that, you know, the goal of the university is to
 19 offer high quality education, not only to the
 20 graduate students but to the undergraduate
 21 students.
 22 Dr. Wild, if you were to knowingly send
 23 a poor quality teacher to teach undergraduate
 24 students, which you have testified you have not
 25 done, do you believe that would be counter to the

1 goal of the university's mission to teach?
 2 THE WITNESS: Yes.
 3 HEARING OFFICER MOLS: Okay.
 4 BY MS. AUERBACH:
 5 Q. It is important to undergraduates to
 6 have their grade accurately reflect the work they
 7 have done?
 8 A. It is.
 9 Q. And training graduate students to grade
 10 papers helps further that goal of having
 11 undergraduates receive appropriate grades, correct?
 12 A. That's correct.
 13 Q. With respect to the media studies
 14 meetings where lesson plans are presented, does it
 15 help a faculty member who's new to teaching a
 16 course to hear an instructor experienced in the
 17 course of field discuss how he would approach a
 18 text?
 19 A. Yes.
 20 Q. With respect to Petitioner Exhibit 2,
 21 the student employment policy, there is nothing in
 22 here that excludes graduate students from the
 23 policy, correct?
 24 MR. PEARLMAN: Objection. The document speaks
 25 for itself.

1 really implements that policy.
 2 So I don't -- I only -- or we only see
 3 the effects of that policy but we are not the
 4 implementation.
 5 Q. Who implements the parts about the human
 6 resource policies --
 7 MR. PEARLMAN: Foundation.
 8 BY MS. AUERBACH:
 9 Q. -- if you know?
 10 A. Again, I'm on the academic arm, not on
 11 the human resources arm. That's a totally separate
 12 process.
 13 MS. AUERBACH: That's all have I.
 14 HEARING OFFICER MOLS: Any further questions?
 15 MR. PEARLMAN: No, Madam Hearing Examiner.
 16 HEARING OFFICER MOLS: Dr. Wild, you are
 17 excused.
 18 Off the record.
 19 (WHEREUPON, discussion was had off
 20 the record.)
 21 HEARING OFFICER MOLS: On the record.
 22 Before we proceeded with the
 23 cross-examination of Dr. Wild, Petitioner raised an
 24 issue concerning a petition to revoke; is that
 25 correct?

1 HEARING OFFICER MOLS: Maybe just to his
 2 knowledge.
 3 So are you aware of maybe anything
 4 outside of the document that would exclude graduate
 5 students from the policy?
 6 THE WITNESS: I am not.
 7 BY MS. AUERBACH:
 8 Q. In fact, in the first paragraph, the
 9 second-to-last sentence, refers to teaching and
 10 research being prioritized and considering
 11 exceptions to the policy because of their
 12 importance; is that correct?
 13 MR. PEARLMAN: Objection. Mischaracterizes
 14 the document. Is she asking him to say that's
 15 what's typed in the document? The document speaks
 16 for itself.
 17 HEARING OFFICER MOLS: Can you rephrase,
 18 Ms. Auerbach?
 19 BY MS. AUERBACH:
 20 Q. Are you aware of teaching and research
 21 being prioritized for exceptions to the hours limit
 22 in the policy?
 23 A. I don't handle that part. That's the
 24 dean of students in the humanities division who
 25 handles that so she -- it's a she -- she, you know,

1 MS. AUERBACH: Yes.
 2 I don't know if you want to read it and
 3 discuss it later. If so, I'm ready to discuss it
 4 now. I also had another issue I wanted to raise.
 5 HEARING OFFICER MOLS: So obviously I'm going
 6 to review the document.
 7 Just briefly state your position for the
 8 record concerning the petition to revoke.
 9 MS. AUERBACH: So the subpoena duces tecum
 10 attached to the petition to revoke was served on
 11 the Union late Friday night. We did accept service
 12 by e-mail and it was served at 10:12 p.m., Friday
 13 night.
 14 It's very broad and burdensome. And
 15 some of the materials are irrelevant, such as
 16 documents asking to show that the petition for
 17 graduate students are students. That's not in
 18 dispute.
 19 Many of the documents are invasive of
 20 the -- they ask for documents related to the
 21 Union's organizing, which is not relevant to the
 22 determination of whether the petition for
 23 individuals are employees. And it would be take a
 24 great deal of time to try to find all of the
 25 documents that may relate to these, which would

1 have to, you know, require a recess from the
 2 hearing in order to do that.
 3 The reasons for the -- they cited cases
 4 in paragraph five and six with regard to the
 5 privacy rights of names of supporters of a union in
 6 an organizing drive. And it seems that some of
 7 their requests are just aimed at finding out who
 8 those people are.
 9 In addition, any documents that would be
 10 relevant would be within the university's
 11 possession and control, documents showing whether
 12 the petition for employees are employees. To the
 13 extent the subpoena requests documents in
 14 succession of individual graduate students, they
 15 are not agents of the union and many -- any
 16 documents that would be relevant have -- a number
 17 of those are subject to attorney-client privilege
 18 or work product.
 19 I would say that the only documents that
 20 are in the Union's possession that might be
 21 appropriately relevant to this hearing are copies
 22 of admission letters and appointment letters. The
 23 appointment letters are similar to Petitioner's
 24 Exhibits 3, 4, 5 and 6. The Union has more of
 25 those, most of which have been provided to the

1 We're working and more than happy to give a
 2 response but I think we would like to take a few
 3 minutes to review. Maybe we can do that after
 4 lunch?
 5 HEARING OFFICER MOLLS: Sure. You said you
 6 have another issue to raise?
 7 MS. AUERBACH: The other thing is -- and I did
 8 serve a subpoena during the hearing on Friday to
 9 the employer, which they told me they are going to
 10 try to gather documents in response, asking for
 11 things such as handbooks and appointment letters
 12 and admission letters.
 13 But the union has also over the last
 14 several days downloaded from the university's
 15 website a number of such documents, both a number
 16 of the departments have graduates doing handbooks
 17 or teaching handbooks on their web sites. They
 18 have policies regarding the teaching requirements
 19 on the website.
 20 So I would be interested in knowing
 21 whether I provide those to counsel, the university
 22 would be willing to stipulate to those. Because if
 23 not, then, you know, I'm going to make a request
 24 for a number of more subpoenas for whoever might be
 25 able to identify these documents. These are all

1 Union at my request since I entered an appearance
 2 in this case after the petition was filed. And
 3 admission letters from the university. They do
 4 have names on them. Some -- not all of those
 5 people are people the Union is calling as
 6 witnesses. The Union is hoping to limit the number
 7 of witnesses in this case.
 8 You know, if the university wants to --
 9 you know, I might be open to discussing with the
 10 university to stipulate to some of the documents to
 11 sharing some of those but some of them go back
 12 years. Some are more recent than others. There do
 13 have names on them. There has been no agreement to
 14 exchange a list of witnesses. In fact, on the
 15 first day of hearing when I asked who the next
 16 witness is, they declined to inform me. There was
 17 no such agreement.
 18 So to the extent that any documents
 19 would show names of any of the employees who may be
 20 called to testify, you know, then I think the
 21 employer should also list the witnesses it's
 22 planning to call.
 23 HEARING OFFICER MOLLS: Does the employer wish
 24 to say anything on the record?
 25 MR. PORZIO: We just got a copy of this.

1 things from the university website that I think are
 2 relevant to the hearing and should be included.
 3 And so the request I'm asking for a
 4 process to have reviewed and agree to stipulate to
 5 those.
 6 MR. PORZIO: We would be happy to review any
 7 documents, if they would like us to consider to
 8 stipulate to so we can check their authenticity and
 9 make sure they are accurate.
 10 So if you have a list of links or if you
 11 have the documents you would like us to look at,
 12 I'll be happy to do that.
 13 MS. AUERBACH: Okay.
 14 HEARING OFFICER MOLLS: So now it's quarter to
 15 12:00. I think it's an appropriate time to take a
 16 recess.
 17 We can review these documents and
 18 counsels can discuss possible stipulations
 19 concerning the handbooks. So let's say we
 20 reconvene until 1:00 o'clock.
 21 (WHEREUPON, a recess was had until
 22 1:00 p.m.)
 23
 24
 25

1 (WHEREUPON, a certain document was
 2 marked Employer Exhibit No. 21, for
 3 identification.)
 4 (WHEREUPON, a certain document was
 5 marked Petitioner Exhibit No. 12,
 6 for identification.)
 7 HEARING OFFICER MOLS: On the record.
 8 So prior to our brief recess, the
 9 petitioner submitted a petition to revoke
 10 subpoena duces tecum that had been served on them
 11 by the Employer.
 12 So before I enter these into the record,
 13 if the Employer would like to state its position on
 14 the petition to revoke.
 15 MR. PORZIO: Just a few general remarks before
 16 I get into the actual merits of the petition to
 17 revoke.
 18 As indicated off the record to
 19 Petitioner's counsel, momentarily we will have a
 20 set of documents, I would estimate the range of
 21 about 200-plus pages worth of documents which are
 22 in response to the Union's subpoena that it filed
 23 on the university also on Friday requesting
 24 documents.
 25 I would like to note that while the

1 interest of trying to get documents that I think
 2 are going to be helpful and responsive to our
 3 subpoena, I think it might make sense to have more
 4 of a dialogue between the parties in terms of
 5 meeting out some of these differences but those as
 6 a general comment. I'm happy to get into the
 7 merits.
 8 HEARING OFFICER MOLS: Proceed.
 9 MR. PORZIO: So I'm going to point by point
 10 the first point refers to the fact that the
 11 subpoena that we filed was filed by e-mail on the
 12 19th at 10:12 p.m.
 13 And while that's accurate and I think I
 14 believe Petitioner's counsel indicated that she
 15 agreed to take service via e-mail, I'm not sure why
 16 that's listed as one of the reasons to revoke the
 17 subpoena as No. 1. So I'm not clear about that. I
 18 see nothing in the rules that prohibits a subpoena
 19 from being served that way and at that time given
 20 an agreement by the parties, which the union has
 21 already indicated that there was such an agreement.
 22 In terms of No. 2, the Union claims that
 23 our subpoena is over broad, unduly burdensome and
 24 beyond the scope of the subpoena and the Union
 25 claims that searching for the documents that we

1 five-day clock on our ability to file a petition to
 2 revoke has not yet run, in the spirit of
 3 cooperation in helping to have this hearing proceed
 4 as expeditiously as possible, we're going to
 5 produce those documents in advance of that.
 6 I'm not saying that there aren't going
 7 to be things that we're going to limit in our
 8 petition to revoke. But in terms of the documents
 9 that we have on hand that are relevant and
 10 responsive for the reasons I mentioned earlier, we
 11 are happy to produce those and will do later today,
 12 probably very shortly.
 13 Second, this is the first time,
 14 certainly in my experience and my colleagues as
 15 well, where an employer served a subpoena and it
 16 was met with a petition to revoke on the next day
 17 as compared to the typical practice which is for
 18 the parties to discuss, you know, ways to certainly
 19 identify the issues that the opposing side has with
 20 our subpoena and that we can try to work out some
 21 kind of stipulation or understanding in terms of
 22 limiting the scope or certainly types of documents
 23 that the union wants to identify for protection.
 24 That hasn't happened yet. We're happy
 25 to respond to the petition to revoke but in the

1 request would take a good deal of time and require
 2 a recess from the hearing to allow counsel for the
 3 Union to review such documents.
 4 We would be willing to discuss with the
 5 Union if they needed additional time to try to
 6 gather and identify these documents. We would be
 7 happy to discuss that with them and with the
 8 regional director and the hearing officer to
 9 discuss what makes sense because some of these
 10 documents that we have requested are the types of
 11 documents that we have requested we believe are
 12 very relevant and necessary for our ability to put
 13 on a full and complete record in this case.
 14 I would also like to point out that the
 15 Union's subpoena that it filed on us similarly will
 16 require to tremendous amount of -- to put in the
 17 Union's word -- a good deal of time to prepare a
 18 response and identify the documents and that's
 19 something we is certainly believe to undertake as
 20 identified in my opening comments. We already
 21 found 200-plus pages of documents that we are
 22 willing to produce and we have done that in good
 23 faith and we would ask that the Union similarly,
 24 you know, spend some time to try to identify these
 25 documents for us.

1 Number 3 says any documents that relate
 2 to whether petition for individuals are employees
 3 under the act and forth most part, those documents
 4 are within the possession and control of the
 5 employer. Even based on the Union's own wording of
 6 its response to No. 3, for the most part, documents
 7 are within the control. It implies that there are
 8 documents that are not within the control and
 9 possession of the employer, and I would assume are
 10 in the possession and control of the Union and this
 11 is an example of the type of documents that we
 12 would want to see prior to completing a record.

13 Number 4, any documents that relate to
 14 whether the petition for individuals are students,
 15 they are claiming those documents would be in the
 16 possession and control of the Employer and there is
 17 no dispute that the petition for individuals are
 18 students.

19 And maybe this will be a good
 20 opportunity to clarify our request. We understand
 21 that there is no dispute that these individuals in
 22 the petition for unit are students. What we're
 23 looking for are documents that would indicate that
 24 they are students to the exclusion of being
 25 employees as to the petitioner seems to indicate or

1 seems to argue that they are not only students but
 2 also employees. We're looking for documents that
 3 indicate that they are students and not employees.

4 Number 5, the Union claims that we're
 5 requesting documents relating to their organizing
 6 campaign and that are protected. Again, as you can
 7 see and what's been marked in I believe entered
 8 into evidence as employer Exhibit 21, which is our
 9 subpoena. In the prefatory comments before we go
 10 through our enumerated list and definition and
 11 instruction, we specifically say we're not looking
 12 for documents covered by the attorney-client
 13 privilege or the attorney-client work product rule.
 14 We are merely looking for documents that tend to
 15 show communication that the Union had with -- with
 16 petition for students that don't go to the
 17 identity.

18 As you can see in the subpoena, it says
 19 not including authorization cards. We're not
 20 interested in the identity of the students. We
 21 want to make that very clear. We are looking for
 22 documents that relate to the Union's organizing
 23 activities, not on an individual basis but in
 24 general.

25 Number six discusses again documents

1 that are -- the Union claims are based on privilege
 2 protecting the Union's communication with its
 3 supporters and discusses that. And I just want to
 4 point out that while it's true that we're trying to
 5 kind of thread the needle here in terms of not
 6 asking for information that may involve protective
 7 conservative activity, we're trying to get at
 8 communications. The Union's subpoena put us in a
 9 similar situation where we are between a rock and
 10 hard place trying to comply with the National Labor
 11 Relations Act and trying to comply with another
 12 federal statute, FERPA. And we're doing our best
 13 to try to harmonize the two statutes to the
 14 greatest extent possible to produce documents that
 15 are responsive to the subpoena and wouldn't
 16 otherwise violate FERPA and we're also willing to
 17 entertain or engage in interactive dialogue with
 18 the Petitioner's counsel to identify ways in which
 19 if there is no way to do that, ways in which we can
 20 redact certain documents or give them to them
 21 without violating FERPA otherwise. And we would
 22 ask that the Union be willing to entertain similar
 23 creative strategies such as that to get us to
 24 documents we are looking for without violating the
 25 concerns that they have in terms of the identity of

1 these individuals.

2 Number seven, the employer through the
 3 subpoena in effect seeks advanced notice of
 4 individuals the Union may call as witnesses. And
 5 of documents the Union may seek to introduce as
 6 exhibits, despite the fact that there is no
 7 provision or court rules or procedures requiring
 8 the Union to produce such information.

9 So I just want to say two things on
 10 this. And before we took a lunch break, counsel
 11 for the Union indicated that there was -- there was
 12 discussion of trying to get -- of us trying to get
 13 the names of the students in advance and the Union
 14 refused. I want to make sure that the record is
 15 clear in terms of what we all understand was the
 16 substance of that communication.

17 There was a request by the Petitioner to
 18 get a list of the witnesses that we were willing --
 19 that we were going to put on as witnesses. What we
 20 said was we would be willing to share that if the
 21 Union reciprocally was going to give us a list of
 22 the witnesses that they were going to put on. That
 23 offer was not accepted by the Union and, you know,
 24 that offer still stands essentially if that's
 25 something that the Union wants to talk about.

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1 So I believe that the Union may be
2 referring to one of our requests that asked for the
3 exhibits that the Union intends to use during the
4 hearing. We're not looking for specifically in the
5 subpoena a list of those students or a list of
6 those witnesses that the Union intends to call.
7 We're looking only for the documents that it
8 intends to introduce as exhibits.
9 Number eight, to the extent the subpoena
10 asks for any affidavits, witness statements that
11 may exist, such documents are irrelevant and
12 there's no basis for the production of any such
13 documents as the hearing in this case is not an
14 adversarial investigatory proceeding.
15 Well, I don't disagree that this is a
16 non-adversarial investigatory proceeding, that's
17 not the reason why the documents we requested are
18 not relevant.
19 In fact, me and some of my colleagues
20 handled the case in Region 10 for Duke University.
21 To all of our surprise, there were a number of
22 affidavits that the Union submitted to the board as
23 part of the investigation of that petition related
24 to a specific issue, the mechanics of the election,
25 how the election would be conducted.

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1 We didn't find out about those documents
2 until is very, very late in the hearing after
3 witnesses who authored those affidavits had already
4 testified and in effect gave contradictory
5 testimony than was in their affidavit. That
6 document by any definition would be relevant and
7 denying us the ability to get those documents is a
8 denial of our due process and fundamental fairness
9 in that we would not be able to see a document, a
10 sworn statement that's been given to the board or
11 any document that's been given to the board in
12 which the regional director will rely on in terms
13 of making his decision in this case. That's what
14 we are asking for in our subpoena requests, 10 and
15 11.
16 And again, we're happy to discuss ways
17 to mitigate any concerns that the Union has about
18 this, but I can't see any good argument for
19 claiming that these documents would not be
20 relevant. And if there are such, we would like to
21 hear them.
22 Again, number nine, many of the
23 documents requested are exempt from disclosure as
24 attorney-client privilege or attorney work product.
25 As indicated in our subpoena, specifically we're

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1 not looking for attorney-client privilege documents
2 or attorney work product. So again, just to make
3 that clear.
4 Number ten, this the subpoena is
5 over broad to the extent it seeks documents in the
6 possession of Union members or supporters as such
7 individuals are not agents of the Union.
8 I would like to point out for the record
9 that whether or not an individual Union member or
10 supporter is or is not an agent of the Union is not
11 an assertion that we are willing to accept based on
12 Petitioner's counsel say so. That's a question of
13 fact that the regional director or hearing officer
14 going to have to make. If that becomes an issue,
15 there is criteria that has to be looked into and
16 discussed on the record to determine whether or not
17 a Union supporter is actually an agent of that
18 union.
19 So with that being said, those are my
20 general comments in response to the Union's
21 petition to revoke.
22 HEARING OFFICER MOLS: Does Petitioner have
23 anything further it wishes to state for the record
24 on this matter?
25 MS. AUERBACH: No.

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1 HEARING OFFICER MOLS: Okay. So before I give
2 my ruling, I'm going to move to receive Employer
3 Exhibit 21, which is the subpoena duces tecum and
4 Petitioner Exhibit 12 which is the petition to
5 revoke subpoena.
6 Any objections?
7 MS. AUERBACH: No.
8 MR. PORZIO: No.
9 HEARING OFFICER MOLS: Employer 21 and
10 Petitioner 12 are received.
11 (WHEREUPON, said document,
12 previously marked Employer Exhibit
13 No. 21, for identification, was
14 offered and received in evidence.)
15 (WHEREUPON, said document,
16 previously marked Petitioner Exhibit
17 No. 12, for identification, was
18 offered and received in evidence.)
19 MR. PORZIO: Not to interrupt your process but
20 as indicated, we have the documents that we had
21 promised and, in fact, it's 424 pages.
22 So let the record reflect I'm going to
23 hand the documents to the Petitioner.
24 MS. AUERBACH: Thank you.
25 HEARING OFFICER MOLS: So upon reviewing the

1 Employer's subpoena duces tecum, so there may be
2 certain documents, there may be several documents
3 that would be relevant to these proceedings that
4 fall within the purview -- within the umbrella, I
5 guess, that as is stated in the subpoena that I'm
6 going to grant the petition to revoke at this time.

7 The way the subpoena is phrased with
8 basically every item requested is very, very broad
9 to all documents, basically, each of the items
10 requested.

11 I mean, the Employer is certainly free
12 to submit another subpoena duces tecum to request
13 such items as may well fall under these items but
14 specifically delineate what documents you are
15 requesting and, you know, and the Petitioner can
16 respond at the time.

17 MR. PORZIO: Can I ask a clarifying question?

18 HEARING OFFICER MOLS: Yes. Absolutely.

19 MR. PORZIO: Is it the Hearing Officer's
20 ruling that each and every item, all 11, in our
21 subpoena has been -- you are granting the
22 Petitioner to revoke on all 11?

23 HEARING OFFICER MOLS: Yes.

24 MR. PORZIO: Thank you.

25 MS. AUERBACH: I have a request that as

1 was the 19th. The fact that the Petitioner's
2 counsel now seeks to limit our five days in which
3 to fully respond and get a petition to revoke based
4 on the Union's decision not to file the subpoena at
5 a time closer to when the petition was filed, I
6 don't think that should be made our burden to try
7 to comply with this any quicker than we have under
8 the statute.

9 HEARING OFFICER MOLS: Okay.

10 MS. AUERBACH: I want to note that the reason
11 the subpoena was served when it was because until
12 the first day of hearing it was not known whether
13 the region was going to allow the Employer to
14 present evidence going to the issues the main issue
15 in the case whether the petition for individuals
16 are employees. So the Union requested the subpoena
17 after that ruling was made that the Employer would
18 be permitted to put on evidence for the issues
19 raised in its offer of proof.

20 MR. PORZIO: May I just respond to that? So
21 while we appreciate the Petitioner's counsel not
22 asking us to do the work in advance in the event we
23 didn't get a hearing, that was really the Union
24 that assumed the risk that the Regional Director
25 would grant a hearing in this case.

1 counsel for Employer stated, the Union during a
2 break at the hearing on Friday served a petition on
3 the Employer for counsels accepting service. And I
4 understand under the Board's rules there is a
5 five-day period to revoke. However, also the
6 procedures provide that the Hearing Officer when a
7 subpoena is served during the hearing can also
8 shorten that time limit. For the purpose of trying
9 to get through this hearing and that time limit,
10 I'm going to request that the Hearing Officer
11 shorten the time period for the petition to revoke
12 because the Employer is saying they are going to
13 finish their case possibly by end of the day
14 Thursday. So if they don't file a petition to
15 revoke until after that, it's going to delay
16 finishing the hearing.

17 MR. PORZIO: Can I make a comment?

18 So the university strenuously objects to
19 shortening our statutory required time period in
20 which to file the petition to revoke. I also would
21 like to point out for the record that the petition
22 in this case was filed originally on May 8th. It's
23 now the 22nd. As Petitioner's counsel correctly
24 indicated, we were not given a copy of the subpoena
25 until Friday during the hearing, which I believe

1 Now to ask us to expedite our going out
2 to the departments to get this information, which
3 as you've heard from several witnesses already,
4 it's very decentralized. There is not one
5 repository that we can go to and say, Here is the
6 subpoena. Please give us everything that we're
7 looking for and take it out in one stack. This
8 requires a tremendous amount of time and effort on
9 our part trying to identify the right people to go
10 get these documents from and then going to get
11 them.

12 So we have already worked in earnest all
13 weekend to try to gather some of these documents.
14 To require us to work any faster and limit that
15 five days I think is unreasonable.

16 HEARING OFFICER MOLS: I'll take your request
17 under consideration. I'll give you a ruling before
18 we adjourn for the day.

19 For now we'll proceed with the next
20 witness.

21 MR. PORZIO: Sure.

22 HEARING OFFICER MOLS: The Employer calls its
23 next witness.

24 MR. PEARLMAN: The University of Chicago calls
25 Anne Robertson as its next witness.

1 (WHEREUPON, the witness was duly
 2 sworn.)
 3 HEARING OFFICER MOLS: Please state and spell
 4 your name for the record.
 5 THE WITNESS: Anne Walters Robertson, A-n-n-e,
 6 W-a-l-t-e-r-s, R-o-b-e-r-t-s-o-n.
 7 ANNE WALTERS ROBERTSON,
 8 called as a witness herein, having been first duly
 9 sworn, was examined and testified as follows:
 10 DIRECT EXAMINATION
 11 BY MR. PEARLMAN:
 12 Q. Good afternoon, Dr. Robertson. For whom
 13 are you currently employed?
 14 A. The University of Chicago.
 15 Q. When did you begin working at the
 16 University of Chicago?
 17 A. 1984.
 18 Q. What is your current job title?
 19 A. Claire Dux Swift Distinguished Service
 20 Professor of Music in the college, Dean of the
 21 Humanities Division.
 22 Q. Have you been the Dean of the Humanities
 23 Division the entire time that you have been
 24 employed by the University of Chicago?
 25 A. No, I have not.

1 Q. For how long have you been the Dean of
 2 Humanities?
 3 A. Since 1, April.
 4 Q. Of what year?
 5 A. 2017.
 6 Q. And before that time, did you have a
 7 position at the University of Chicago?
 8 A. Yes. I was interim dean beginning on 1,
 9 July 2016.
 10 Q. Have you held any other administrative
 11 positions at the University of Chicago?
 12 A. Yes, I have.
 13 Q. And what position?
 14 A. I have been Chair of the Music
 15 Department several times from 1992 until '98;
 16 again, in winter of 2008; and once again in 2014 to
 17 2016. I was also Deputy Provost from 2001 to 2004.
 18 Q. Have you maintained a faculty
 19 appointment throughout the time that you have
 20 worked for the University of Chicago?
 21 A. Yes, I have.
 22 Q. And what department?
 23 A. In the music department.
 24 Q. Do you hold a special professorial
 25 title?

1 A. Yes, I do.
 2 Q. And what is that?
 3 A. I'm the Claire Dux Swift Distinguished
 4 Service Professor in music and in the college.
 5 Q. What is that distinction?
 6 A. The Claire Dux Swift part is an
 7 honorific title. It's an endowed chair and the
 8 distinguished service professor reflects my service
 9 at the university.
 10 Q. Dr. Robertson, have you held any
 11 volunteer positions outside of the University of
 12 Chicago?
 13 A. Yes, I have.
 14 Q. And what are those?
 15 A. Positions with the American
 16 Musicological Society. I served as president of
 17 that society from 2011 to 2012; and I also served
 18 in several other positions, most notably as
 19 cochair of the OPUS Campaign of the AMS from 2005
 20 to 2009.
 21 Q. Were you involved in any fellowship
 22 campaigns?
 23 A. Yes, I was. Cochair -- I was cochair of
 24 OPUS, which was the fundraiser for the 75th
 25 anniversary of the AMS. OPUS is an acronym. It

1 stands for Opening Pathways to Unlimited
 2 Scholarship.
 3 Q. And what's its purpose?
 4 A. It was to raise money for the
 5 75th anniversary, money for fellowships for student
 6 fellowships for publication and operating expenses.
 7 Q. I heard you mention AMS on a couple of
 8 occasions. Can you tell us, Dr. Robertson, what
 9 that means?
 10 A. The American Musicological Society.
 11 Q. And what is that? What its function?
 12 A. That is a learned society that promotes
 13 the study of music through teaching, learning and
 14 research.
 15 Q. Have you held any other external
 16 positions?
 17 A. No.
 18 Q. Please tell us, Dr. Robertson, what is
 19 your educational background?
 20 A. I have a bachelor of music and a master
 21 of music degree in 1974 and 1976 from the
 22 University of Houston.
 23 I have a master of music degree from
 24 Rice University, and I have a master of arts and
 25 Ph.D. from Yale University, 1984 for the Ph.D.

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1 Q. Did you work anywhere prior to coming to
2 the University of Chicago?
3 A. Yes. I had a one-year position as
4 instructor at the University of Houston in 1976 to
5 '77.
6 Q. Okay. Let shift gears for a moment and
7 talk about some of your current responsibilities.
8 Can you please describe what is the
9 graduate humanities division?
10 A. The humanities division is one of the
11 four main divisions of the university. It houses
12 15 departments and three master's programs. It
13 serves to -- for the teaching and research of
14 humanity subjects at the university.
15 Q. When I say humanities, what does that
16 mean?
17 A. The humanities is the study of ourselves
18 as humans and of the interaction of humans in the
19 world through such subjects as the literatures,
20 foreign languages and their literatures, music and
21 art, philosophy, linguistics and the like.
22 Q. Dr. Robertson, what are your
23 responsibilities as Dean of Humanities?
24 A. As dean, I'm the executive officer of
25 the humanities division and the representative of

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1 the faculty. And with respect to education, I
2 propose plans to the faculty and I help enact plans
3 that the faculty propose to me.
4 Q. Dr. Robertson, in that capacity, do you
5 make any recommendations regarding the hire for
6 promotions or tenure of faculty?
7 A. Yes, I do. All recommendations for
8 hiring promotion and tenure of faculty go through
9 me, and I recommend or not to the provost of the
10 university.
11 Q. Do you make recommendations regarding
12 the admission and the graduation of graduate
13 students?
14 A. No. The faculty does that. And the
15 Dean of Students enacts that under my supervision,
16 of course.
17 Q. Approximately, how many grad students
18 are there in the humanities?
19 A. Approximately 1,000.
20 (WHEREUPON, a certain document was
21 marked Employer Exhibit No. 22, for
22 identification.)
23 BY MR. PEARLMAN:
24 Q. I'm going to hand you a document for
25 identification purposes marked as Employer

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1 Exhibit 22.
2 HEARING OFFICER MOLS: Is this the same as
3 Employer 3? I apologize. Never mind.
4 BY MR. PEARLMAN:
5 Q. Dr. Rob, do you recognize this document?
6 A. Yes.
7 Q. What is this document?
8 A. An organizational chart on page 1 and on
9 page 2 similarly an organizational chart for the
10 humanities division.
11 Q. Is this document a true and correct copy
12 of that organizational chart?
13 A. It is.
14 MR. PEARLMAN: I move to admit Employer
15 Exhibit 22.
16 MS. AUERBACH: No objection.
17 HEARING OFFICER MOLS: Employer Exhibit 22 is
18 received.
19 (WHEREUPON, said document,
20 previously marked Employer Exhibit
21 No. 22, for identification, was
22 offered and received in evidence.)
23 BY MR. PEARLMAN:
24 Q. I would like to walk through Employer 22
25 with you.

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1 Can you tell us what are the departments
2 that fall within the humanities division?
3 A. There are 15. They are Art History,
4 Cinema and Media Studies, Classics, Comparative
5 Literature, East Asian Languages and Civilizations,
6 English Language and Literature, Germanic Studies,
7 Linguistics, Music, Near Eastern Languages and
8 Civilizations, Philosophy, Romance Languages and
9 Literatures, South Asian Languages and Literatures,
10 Slavic Languages and Literatures and Visual Arts.
11 Q. Do you see to the bottom right of the
12 chart where it says "committees"?
13 A. Yes.
14 Q. Please explain what is that a reference
15 to?
16 A. Our committees are centers of activity
17 in the subjects that you see here, Creative Writing
18 and Theatre and Performance Studies. They function
19 as it were sort of like incipients of departments.
20 The Visual Arts department that you see
21 at the bottom of the center of the page was until
22 recently a committee and so was Cinema and Media
23 Studies.
24 Q. Now I would like to turn your attention
25 to the left most column on that same page. Do you

1 see where it says Office of the Dean?
 2 A. Yes.
 3 Q. Do you see the name Martina Munsters?
 4 A. Yes.
 5 Q. Can you please tell us who is Martina
 6 Munsters?
 7 A. Martina Munsters is the Associate Dean
 8 and Dean of Students in the Humanities Division.
 9 Q. And what's her role in that capacity?
 10 A. She is in charge of all graduate student
 11 affairs, including admission, matriculation,
 12 keeping up with progress, steady progress, helping
 13 the students do that and graduation of students.
 14 Q. Does the Humanities Division offer PhDs?
 15 A. Yes, it does.
 16 Q. How many PhD programs does the
 17 Humanities Division has?
 18 A. It has 14. All of those that you see in
 19 the center of the page except for the Visual Arts.
 20 I should also say that we have the Theatre and
 21 Performance Studies has just begun to offer joint
 22 PhDs with one or more of the other departments that
 23 offer PhDs on their own.
 24 Q. Does the Humanities Division have
 25 master's programs?

1 A. Yes, it does.
 2 Q. How many?
 3 A. There are three. The three that you see
 4 under Divisional MA programs plus the Visual Arts,
 5 which is an MFA program, a Master of Fine Arts.
 6 Q. Would you approximate how many masters
 7 students?
 8 A. I think there be about 150.
 9 Q. How was the size of the incoming PhD
 10 class each year decided in the Humanities Division?
 11 A. Through the funding that's available.
 12 Q. Do humanities PhD students receive a
 13 financial package?
 14 A. Yes.
 15 Q. What is it comprised of?
 16 A. It's comprised of a tuition remission
 17 package, an offer of health insurance for up to
 18 seven years and a stipend which is for up to
 19 five years.
 20 Q. Dr. Robertson, are there any differences
 21 between funding for masters students and funding
 22 for PhD students?
 23 A. Yes.
 24 Q. What are those?
 25 A. Some masters students have no tuition

1 remission at all. None of them have stipends and
 2 they also don't have access to the health insurance
 3 program. Other masters students have partial
 4 tuition, one year of tuition in a two-year program,
 5 for example. So it varies but it's different from
 6 the PhD program.
 7 Q. Are you familiar with the GAI fund?
 8 A. Yes.
 9 Q. Do you know what GAI stands for?
 10 A. Yes. It stands for Graduate Aide
 11 Initiative.
 12 Q. What is it?
 13 A. This was a program that was founded by
 14 the university in 2007 to bring an equal funding
 15 package for all of our PhD students.
 16 Q. What doctoral graduates students receive
 17 under the GAI?
 18 A. They receive tuition remission for
 19 five years. They receive a stipend for five years,
 20 and they receive health insurance.
 21 Q. Is there a range in terms of the amount
 22 of the stipend received?
 23 A. Yes, there is.
 24 Q. And what is that range?
 25 A. From -- I believe the lowest stipend

1 is 24,000 for the year and the highest may be 31, I
 2 think.
 3 Q. Dr. Robertson, can you provide an
 4 example of the department that offers the highest
 5 end of the stipend range.
 6 A. Yes. I believe the English language and
 7 literature offers the higher end stipend range.
 8 Q. Do you recall the number that that
 9 department offers?
 10 A. I want to say 31,000.
 11 (WHEREUPON, a certain document was
 12 marked Employer Exhibit No. 23, for
 13 identification.)
 14 BY MR. PEARLMAN:
 15 Q. I'll hand you a document that well mark
 16 for identification purpose as Employer Exhibit 23.
 17 Dr. Robertson, do you recognize this
 18 document?
 19 A. Yes, I do.
 20 Q. Are you familiar with this document?
 21 A. Yes.
 22 Q. What is this document?
 23 A. This document is a grid that shows in
 24 the first -- under the heading in the first band
 25 the standard stipend of 24,000 and also the five

1 GAI teaching points. That is fairly standard
2 across the division of the humanities.
3 Q. Do you know who created this document?
4 A. Yes. It was created by Martina
5 Munsters, the Dean of Students.
6 Q. This a true and correct copy of that
7 document?
8 A. Yes, it is.
9 MR. PEARLMAN: Madam Hearing Officer, I move
10 to admit this document.
11 MS. AUERBACH: May I have voir dire?
12 HEARING OFFICER MOLS: Yes.
13 VOIR DIRE EXAMINATION
14 BY MS. AUERBACH:
15 Q. Was this document created in preparation
16 for this hearing or is it a document maintained in
17 the course of business?
18 A. No. I believe I have seen this before.
19 I have seen it in the past.
20 Q. Do you know for what purpose it was
21 created?
22 A. I believe it was created just as a
23 reference to show the -- to show the differences in
24 the stipend amount and how they are accounted for.
25 Q. Do you know when it was created?

1 A. I don't. I'm sorry.
2 Q. Do you know whether it's accurate?
3 HEARING OFFICER MOLS: I think she testified
4 to that.
5 MS. AUERBACH: I have no objection.
6 HEARING OFFICER MOLS: Employer No. 23 is
7 received.
8 (WHEREUPON, said document,
9 previously marked Employer Exhibit
10 No. 23, for identification, was
11 offered and received in evidence.)
12 BY MR. PEARLMAN:
13 Q. Let's look at graduate students studying
14 the classics as an example.
15 Do you see where there is a column
16 entitled, Cohorts by Year in the Program.
17 A. Yes.
18 Q. What does that mean?
19 A. Well, that is showing beyond the first
20 band beyond the standard band that sometimes,
21 although not in the case of the classics, the
22 stipend differs. What does differ in the classics
23 band is the number of GAI teaching points that were
24 required. And years one and two refers to the fact
25 that students currently in years one and two

1 receive a stipend of \$25,000 are required to
2 fulfill eight GAI teaching points.
3 Whereas students in years three through
4 five receive \$25,000. And when they came in in
5 years one and two were required to fulfill 10 GAI
6 teaching points.
7 Q. If you look at the academic year column,
8 what do graduate students who are studying classics
9 receive?
10 A. \$25,000.
11 Q. Do they receive a summer stipend?
12 A. Yes, they do.
13 Q. How much?
14 A. \$3,000.
15 Q. And for how long?
16 A. For four years, not five.
17 Q. What is a summer stipend?
18 A. A summer stipend is an amount that we
19 set aside for students to help them to go to
20 Europe, for example, and work in an archive or
21 perhaps to travel to an archive within the
22 United States or perhaps just to be able to sit and
23 write or study and not have to work as hard.
24 Q. How does a student qualify for a summer
25 stipend?

1 A. They -- it's part of their total
2 package. So simply by being admitted as Ph.D.
3 graduate students they qualify.
4 Q. Can you tell us what the total
5 anticipated stipend is for a graduate student of
6 the humanities for over five years?
7 A. That would be five times 24 -- 125,000
8 less 5, so 120,000. I'm sorry. I'm not including
9 the summer. So 120 plus 4 times 3 is 12. So
10 132,000.
11 Q. How did you calculate that?
12 A. Five times 24,000, plus 4 times 3,000,
13 and I hope I did that correctly.
14 Q. Do you know what the tuition was for the
15 2016-2017 academic year for a graduate student of
16 the humanities?
17 A. Yeah, not to the penny but I think it's
18 53,000 and change.
19 Q. So I apologize but I'll ask you to do a
20 little bit more math here since you have that
21 facility.
22 So over five years, what's the total
23 cost of tuition that the university is providing
24 the graduate student of humanities?
25 A. About 265, 000.

1 Q. Are you approximating?
 2 A. Well, I mean -- I think that's correct.
 3 265,000. What I don't know is that 53,000. I
 4 don't know the change bit there.
 5 Q. Last math question there for you. So if
 6 you combine the total anticipated stipend and the
 7 tuition, how much money does the university invest
 8 in the graduate student education?
 9 A. Almost 400 thousand.
 10 Q. Are humanities Ph.D. students required
 11 to obtain certain teaching experience during their
 12 educational program?
 13 A. Yes, they are.
 14 Q. What is the requirement?
 15 A. The requirement varies from one
 16 department to another but the standard requirement
 17 is a combination of TA shifts and one or more
 18 lectureships, which are then sort of counted as
 19 points, these GAI points, that you see on the
 20 chart.
 21 Q. Why does the Humanities Division require
 22 teaching experience as part of the Ph.D. program?
 23 A. Because we're turning out professors and
 24 professors both do research and teach, and we have
 25 to teach them both how to do research and how to

1 that require more than five teaching points?
 2 A. Yes. The Germanics department, for
 3 example, requires 12 GAI teaching points.
 4 Q. What about Slavics?
 5 A. Yes, 12 as well.
 6 Q. Classics?
 7 A. Yes, 8. Romance languages, 8.
 8 Q. So I'm going to put up a demonstrative
 9 we have been using, and I'm going to point you over
 10 to where it says Humanities Division, and I'm going
 11 to ask you to indicate whether or not the entries
 12 that you see are true and correct.
 13 You will see that there is various
 14 columns. Left it says, Schools Divisions
 15 Department. Programs Studied within the Proposed
 16 Bargaining Unit.
 17 Then the next column will ask whether or
 18 not there is a teaching requirement.
 19 A. Yes.
 20 Q. And then there is a question is teaching
 21 an academic requirement. And then there is a
 22 column that says, Recommended years to fulfill
 23 teaching requirement.
 24 Do you see all of that?
 25 A. Yes.

1 teach.
 2 Q. Now, Dr. Robertson, you made a reference
 3 to a points system. Is there a point system for
 4 required teaching experience?
 5 A. Yes.
 6 Q. How does it work?
 7 A. For TA or CA experiences, the student
 8 receives one point. For lectureship experience,
 9 lecturer experiences, the students receive
 10 two points.
 11 Q. You used the term "CA." What does that
 12 mean?
 13 A. Course assistant. It's synonymous, at
 14 least in my vocabulary, with teaching assistant.
 15 We use that interchangeably at the university, so
 16 CA and TA are the same.
 17 Q. How many points does a humanities
 18 graduate student need to graduate?
 19 A. Well, there are different numbers
 20 depending upon which department you are graduating
 21 a minimum of five.
 22 Q. Are PhD students discouraged from
 23 teaching beyond those five points?
 24 A. Yes, they are.
 25 Q. Can you please identify some programs

1 Q. Did I read that correctly?
 2 A. Yes.
 3 HEARING OFFICER MOLS: Just to be clear for
 4 the record, the employer is referring to a
 5 representation of some of the information contained
 6 within Employer Exhibit 15. The section we are
 7 currently looking at is that section that deals
 8 with the Humanities Division.
 9 You may continue.
 10 MR. PEARLMAN: Thank you, Madam Hearing
 11 Officer.
 12 BY MR. PEARLMAN:
 13 Q. The first column in the first row says,
 14 Divisional Teaching Requirement, correct?
 15 A. Yes.
 16 Q. How many GAI teaching points are needed?
 17 A. A minimum of 5 and a maximum of 12.
 18 Q. For this row for --
 19 A. Which row were you referring to?
 20 Q. I'm referring to the row above.
 21 A. Divisional Teaching Requirement, 5.
 22 Q. And do you see next to that there is a
 23 question of whether or not teaching is an academic
 24 requirement for the divisional teaching
 25 requirement?

1 A. Yes.
 2 Q. It says yes there?
 3 A. It does.
 4 Q. Is that accurate?
 5 A. Yes, it is.
 6 Q. And for recommended years to fulfill
 7 teaching requirement it says years 3 through 5; is
 8 that accurate?
 9 A. Yes.
 10 Q. Let's take the next row.
 11 Art History, that's what it says there
 12 in the next row in the table, correct?
 13 A. Uh-huh.
 14 Q. And it asks whether or not there is a
 15 teaching requirement and it indicates five GAI
 16 teaching points are required, correct?
 17 A. Yes.
 18 Q. And there is a question is teaching an
 19 academic requirement?
 20 A. And it is.
 21 Q. And it says years three through five in
 22 response to the question of the recommended years
 23 to fulfill a teaching requirement, correct?
 24 A. Yes, three and five.
 25 Q. Pardon me. You are correct. It says

1 are all foreign language programs and the students
 2 in those programs in order to get their PhDs and be
 3 competitive on the job market need to be able to
 4 teach several different levels of the language. So
 5 it's up to three or four different levels.
 6 So we had to ask them to teach more GAI
 7 points in order to give them the kind of experience
 8 that they need in order to be competitive.
 9 Q. How does a humanities graduate student
 10 satisfy these required teaching points?
 11 A. They are -- they begin as teaching
 12 assistance or course assistance and then move onto
 13 lecturer type of assignments.
 14 MR. PEARLMAN: Employer Exhibit 24.
 15 (WHEREUPON, a certain document was
 16 marked Employer Exhibit No. 24, for
 17 identification.)
 18 BY MR. PEARLMAN:
 19 Q. Please take a moment to review that
 20 document.
 21 A. Yes, I reviewed it.
 22 Q. Dr. Robertson, are you familiar with
 23 this document?
 24 A. Yes, I am.
 25 Q. Have you seen this document before?

1 and three and five. Is that accurate.
 2 A. Yes, it is.
 3 Q. Next row.
 4 HEARING OFFICER MOLS: Could we go about this
 5 in a quicker way?
 6 MR. PEARLMAN: I can suggest one to you or I'm
 7 open to any suggestions but what I would ask
 8 Dr. Robertson to do is to review the remainder of
 9 the chart limited to the entries for the Humanities
 10 Division and tell us whether or not the entries
 11 that are included on that chart are accurate.
 12 A. Yes /they are accurate.
 13 Q. You will also notice that there is a
 14 second page.
 15 A. Yeah.
 16 Q. There is a reference to South Asian
 17 Languages and Civilizations and there's related
 18 entries on that row. Are those entries true and
 19 correct?
 20 A. Yes, they are.
 21 Q. They are accurate?
 22 A. Yes.
 23 Q. Why do some of the programs require more
 24 teaching points than others?
 25 A. You know, the programs that require more

1 A. Yes, I have.
 2 Q. What is this document?
 3 A. It's a document that gives details about
 4 each of the possible teaching assignments that PhD
 5 students in the humanities might have.
 6 Q. Is this a true and correct copy of this
 7 document?
 8 A. Yes.
 9 MR. PEARLMAN: I would move this into
 10 evidence, Madam Hearing Officer.
 11 HEARING OFFICER MOLS: I believe this is a
 12 duplicate of Petitioner Exhibit 10.
 13 MS. AUERBACH: Correct.
 14 HEARING OFFICER MOLS: Any objections?
 15 MS. AUERBACH: No, I mean, because they are
 16 duplicate but I don't have an objection.
 17 HEARING OFFICER MOLS: So Employer Exhibit 24
 18 is received.
 19 (WHEREUPON, said document,
 20 previously marked Employer Exhibit
 21 No. 24, for identification, was
 22 offered and received in evidence.)
 23 BY MR. PEARLMAN:
 24 Q. So what are the different type of
 25 teachings that are available to the humanities?

1 A. Course assistants, language assistants,
 2 studio assistants, lecturers, preceptors and
 3 preceptors in the master of arts program in the
 4 humanities.
 5 Q. Did you tell us before exactly what a
 6 course assistant is?
 7 A. No, I don't think I have.
 8 Q. And what is that?
 9 A. A course assistant is a graduate student
 10 who works under the direct supervision of a
 11 professor who's teaching a course. That course
 12 assistant under the professor's direction will
 13 assist in all aspects of the course such as trying
 14 to create the syllabus, helping to advise students,
 15 meeting with students.
 16 Often course assistants teach discussion
 17 sections, which is a small subset of the entire
 18 class. They may help the professor with grading
 19 and reading.
 20 Q. You mentioned language assistant. The
 21 question is: What is a language assistant?
 22 A. You know, I can only read from this.
 23 I'm not very familiar with what the language
 24 assistants but they assist in the teaching of
 25 languages.

1 Q. What is a lecturer?
 2 A. A lecturer is a graduate student who
 3 teaches a course entirely on his or her own from
 4 beginning to end.
 5 Q. What is a preceptor?
 6 A. A preceptor is someone who helps with
 7 specific aspects of courses such as a B.A. thesis,
 8 writing that kind of thing. It's a little more
 9 specialized kind of course assistant.
 10 HEARING OFFICER MOLS: Can we -- this term has
 11 been brought up a few times. I want a little
 12 clarity for the record.
 13 What is a B.A. thesis?
 14 THE WITNESS: It's an optional final capstone
 15 paper that our undergraduates are encouraged to
 16 write but don't have to and they generally start it
 17 at the beginning of the fourth year and it
 18 culminates into completion in the spring quarter in
 19 the graduation quarter typically.
 20 HEARING OFFICER MOLS: Thank you.
 21 BY MR. PEARLMAN:
 22 Q. Dr. Robertson, what is a preceptor in
 23 MAPH?
 24 A. A preceptor is the same as the other
 25 preceptor but working specifically for the program

1 the master of arts program in the humanities.
 2 Q. What is a teaching assistant?
 3 A. A teaching assistant is the same as a
 4 course assistant.
 5 Q. So what do they do?
 6 A. The teaching assistant assists under the
 7 direction of a faculty member who's the instructor
 8 of record of a course, and the teaching assistant
 9 will assist in all aspects of the course
 10 preparation, including syllabus making, meeting
 11 with students, helping to grade papers, help to
 12 create exams, help to go create paper topics, all
 13 of this under the supervision of and tutelage of
 14 the professor.
 15 Q. Do they learn how to hold office hours?
 16 A. Yes, they do.
 17 Q. Do they learn how to run small group
 18 discussions?
 19 A. Yes, they do.
 20 Q. What's a lectureship?
 21 A. A lectureship is a -- what we call more
 22 colloquially a standalone course. It's an
 23 opportunity for a graduate student to teach his or
 24 her own course from beginning to end. Performing
 25 all of the functions that a professor would

1 perform, creating the syllabus, creating paper
 2 topics, creating exams, meeting with students, all
 3 of those functions.
 4 Q. Do they create the curriculum?
 5 A. They do.
 6 Q. So they hold office hours?
 7 A. Yes. They hold office hours.
 8 Q. Why does the division allow graduate
 9 students to serve as lecturers?
 10 A. Because they need to know how to teach
 11 in order to become professors themselves to give
 12 them practice and instruction in learning how to
 13 teach for when they go out and become professors
 14 themselves.
 15 Q. Is there a typical schedule of a
 16 students teaching experience in order to earn the
 17 five points?
 18 A. Yes, yes, somewhat. Typically, the
 19 student begins teaching in the third year with some
 20 exceptions in some of the foreign languages where
 21 they can begin as early as the second year. They
 22 complete teaching points in years three, four and
 23 five.
 24 Q. Are different teaching points obtained
 25 based on different positions?

1 A. Yes, they are.
 2 Q. How many points are obtained when the
 3 student is a TA?
 4 MS. AUERBACH: Objection. This has already
 5 asked and answered.
 6 HEARING OFFICER MOLS: As far as the specific?
 7 MS. AUERBACH: Requirements for teaching.
 8 She has testified teaching assistant is one and
 9 lecturer two. It's already been testified to.
 10 HEARING OFFICER MOLS: Let's just deal with is
 11 it accurate that teaching assistants receive one
 12 point and lectureships receive two points.
 13 THE WITNESS: Yes. Teaching assistant or
 14 course assistants receive one point. Lecturers,
 15 two points.
 16 HEARING OFFICER MOLS: Thank you.
 17 BY MR. PEARLMAN:
 18 Q. How about a lector?
 19 A. One point.
 20 Q. Why does a lectureship receive
 21 two points?
 22 A. Because the graduate student is
 23 performing all of the functions of a professor in
 24 that setting, creating the syllabus, holding office
 25 hours, creating exams, creating paper topics,

1 taught how to grade papers?
 2 A. They are taught for their benefit so
 3 they can become professors.
 4 Q. Could they get a job without this skill?
 5 A. No.
 6 Q. How do teaching assistants learn how to
 7 lead small group discussions?
 8 A. In a similar fashion. The teaching
 9 assistants would be told by the professor and/or
 10 actually sit in on one of the discussion sections
 11 of the professor and see how the discussion flows.
 12 Another route is that the professor
 13 sometimes will say, here are the things I want
 14 you -- in particular if there are multiple TAs --
 15 here are things I want you to cover this week in
 16 discussion section.
 17 The professor will talk about the list
 18 of things and then the TA or CA will take note on
 19 that, ask questions on that and then be able to
 20 hopefully to conduct their discussion section
 21 competently.
 22 Q. For whose benefit are graduate students
 23 taught how to lead small group discussions?
 24 A. For the benefit of the graduate student
 25 so they can become professors who can lead

1 really running and designing the course from
 2 beginning until end.
 3 Q. Does the Humanities Division track the
 4 obtaining of these points?
 5 A. Yes, it does.
 6 Q. How so?
 7 A. The Dean of Students keeps that -- those
 8 records.
 9 Q. And remind us who is the Dean of
 10 Students?
 11 A. Martina Munsters.
 12 Q. How did TAs learn to grade papers?
 13 A. They learn by working with -- as a TA
 14 under the tutelage of a professor, the professor in
 15 the course. The professor would -- will sit down
 16 with the TA or TAs and the course and say, well,
 17 here is the exam. Here is the answer I'm looking
 18 for on question No. 1. You can vary -- the answer
 19 can vary between these parameters. So they go
 20 through each of the questions or each of the
 21 questions that's likely to be problematic and the
 22 TAs are able to ask questions back and forth with
 23 the professor so that they have a good sense of how
 24 to mark the paper.
 25 Q. For whose benefit are graduate students

1 discussion sections.
 2 Q. How do teaching assistants learn what to
 3 do during office hours?
 4 A. They are taught by the professor. If a
 5 student comes to see you, you may want to talk
 6 about this, that or the other. So the professor
 7 will give examples of the kind of things students
 8 may come to talk to the professor about. It's even
 9 possible that a TA would be in a session when a
 10 professor is talking to a student. So once again,
 11 by example and by discussion beforehand.
 12 Q. For whose benefit is a TA, a graduate
 13 student teacher, taught how to hold office hours?
 14 A. For the benefit of the graduate student
 15 so that they can effectively hold office hours when
 16 they are employed as professor.
 17 Q. Are graduate students compensated for
 18 the required the teaching assistantship?
 19 A. No.
 20 Q. Is it part of their educational
 21 experience?
 22 A. Yes, it is.
 23 Q. So is the funding package that you
 24 mentioned earlier compensation?
 25 A. No, it is not.

1 Q. Does the Humanities Division limit the
 2 hours that students are permitted to TA every week?
 3 A. Yes.
 4 Q. Why?
 5 A. Because the ultimate goal is for the
 6 student to finish their degree and the degree
 7 includes writing and completing a battery of course
 8 work and then researching and writing a very
 9 involved dissertation, which is the equivalent of a
 10 book.
 11 Q. So when these limits are imposed, do you
 12 consider what's sometimes referred to colloquially
 13 as tying to a degree?
 14 A. Yes, we do.
 15 Q. What is tying to a degree?
 16 A. "Tying to a degree" is an expectation
 17 that graduate students will complete their degrees
 18 within a reasonable amount of time. That can vary
 19 anywhere from five or six years to eight -- or
 20 seven or eight years is considered a reasonable
 21 time to degree.
 22 Q. And what is the limit on the number of
 23 hours for a graduate student?
 24 A. The number of hours of serving as a TA
 25 or teaching in a capacity or working --

1 position.
 2 MR. PEARLMAN: I would move to admit Employer
 3 Exhibit 25.
 4 MS. AUERBACH: No objection.
 5 HEARING OFFICER MOLS: Employer Exhibit 25 is
 6 received.
 7 (WHEREUPON, said document,
 8 previously marked Employer Exhibit
 9 No. 25, for identification, was
 10 offered and received in evidence.)
 11 BY MR. PEARLMAN:
 12 Q. So Dr. Robertson, let's look at a few
 13 examples here how many hours a week would a student
 14 act as a course assistant?
 15 A. Eleven.
 16 Q. As a lecturer?
 17 A. Thirteen.
 18 Q. Could you tell us why there are more
 19 hours a week approved for a lectureship than for a
 20 teaching assistant teachership?
 21 A. Yes, because a lecturer designs,
 22 develops and carries out the course from beginning
 23 until end by herself. Whereas a course assistant
 24 is working closely with a professor but doesn't
 25 have ultimate responsibility for all aspects of the

1 Q. Yes.
 2 A. Teaching, that is. Twenty hours a week.
 3 Q. Can graduate students seek permission to
 4 waive this?
 5 A. Yes.
 6 Q. How would they do so?
 7 A. They would speak with Martina Munsters,
 8 the Dean of Students.
 9 MR. PEARLMAN: I'd like to hand you a document
 10 that we'll mark for identification purposes as
 11 Employer Exhibit 25.
 12 (WHEREUPON, a certain document was
 13 marked Employer Exhibit No. 25, for
 14 identification.)
 15 BY MR. PEARLMAN:
 16 Q. Please take a moment to familiarize
 17 yourself with it. Do you know who created it?
 18 A. Yes.
 19 Q. Do you know who created it?
 20 A. Yes. Martina Munsters, the Dean of
 21 Students.
 22 Q. What is that document?
 23 A. It's a document that shows for each
 24 position that a graduate student might hold how
 25 many hours per week are approved to spend on that

1 course.
 2 Q. Dr. Robertson, is there any limitation
 3 on the types of courses that humanities graduate
 4 students are matched to TA?
 5 A. Yes. Students are matched to courses in
 6 which they have expertise.
 7 Q. So would that be writing program the
 8 within the division of humanities?
 9 A. That's right.
 10 Q. Do some departments within the division
 11 impose stricter guidelines than others?
 12 A. I would certainly say that the language
 13 departments would impose very, very strict
 14 guidelines because obviously one who is seeking to
 15 be a TA in Germanic studies needs to be virtually
 16 fluent in German.
 17 Q. Who ultimately determines what teaching
 18 appointments count towards teaching points?
 19 A. The departments recommend that but the
 20 Dean of Students would be the one that has to
 21 approve because she has a kind of a sense across
 22 the division of these matters.
 23 Q. So Dr. Robertson, how often does a PhD
 24 graduate student have a TA opportunity outside of
 25 their own department but still within the

1 Humanities Division?
 2 A. I can't think of any examples. I mean,
 3 the only thing hypothetically I would say is if
 4 someone fluent in German and say in Philosophy were
 5 asked for some reason to teach first year German,
 6 maybe there weren't enough lecturers that year and
 7 could go through the training, I could see that
 8 happening but I honestly know of no examples of
 9 that. It's very, very rare if at all.
 10 Q. Why does the rule limiting where a
 11 student can earn or obtain teaching points exist?
 12 A. In order to assure that the student is
 13 learning to teach in the field in which they are
 14 training and to compliment the training, the
 15 research training that they are doing.
 16 Q. Who does that benefit?
 17 MS. AUERBACH: Objection. This has all been
 18 asked and answered.
 19 MR. PEARLMAN: That question hasn't.
 20 HEARING OFFICER MOLS: You are referring to --
 21 what were you referring back to?
 22 MR. PEARLMAN: Why -- the question relates to
 23 the last question which is why the rule limiting
 24 where a student can earn teaching points exist and
 25 the question is who does that benefit.

1 Administerial objections just serves to prolong
 2 this hearing. That question hasn't been asked.
 3 HEARING OFFICER MOLS: Overruled.
 4 You can answer.
 5
 6 BY THE WITNESS:
 7 A. It's for the benefit of the student
 8 who's building a portfolio and research and
 9 teaching in a specific area.
 10 BY MR. PEARLMAN:
 11 Q. How does the Humanities Division monitor
 12 the hours that a student spends TAing?
 13 A. The students are required to record
 14 their time and they record it on an online system.
 15 Q. Do you know what the name of the online
 16 system is?
 17 A. I believe it's called Workday.
 18 Q. And who is responsible for monitoring
 19 this for the Division of Humanities?
 20 A. The Dean of Students, Martina Munsters.
 21 Q. Dr. Robertson, do you regularly teach
 22 courses that have TAs?
 23 A. I do.
 24 Q. Can you please provide an example?
 25 A. Yes. Until this year when I became

1 dean, I taught every year, have been on the faculty
 2 music 121, which is a course in music history for
 3 non-majors. It's a large lecture course and I
 4 typically have three or four TAs in that class.
 5 Q. What happens if a student TA's
 6 performance is poor during a given term?
 7 A. I work with them to make it better.
 8 Q. Now if it's not your class but another
 9 class, who would work with the graduate student?
 10 A. If it's a TAship, it would be the
 11 professor of record or the instructor of record for
 12 that class is responsible to make certain that the
 13 TAs are mentored adequately.
 14 Q. How common is it for a TA to demonstrate
 15 poor performance?
 16 A. Very rare. We admit really superb
 17 graduate students and they tend to be very good
 18 both at their research and in trying to learn to be
 19 teachers.
 20 Q. If a TA is performing poorly will any
 21 additional training be conducted?
 22 A. Yes, it will be.
 23 Q. If the performance does not improve,
 24 will the TA be removed from the position?
 25 A. No. We -- I have never seen an instance

1 where there was just no improvement but in any
 2 case, we work with them until they get it.
 3 Q. Would the students stipend be impacted?
 4 A. No.
 5 Q. Can the department deny a PhD degree to
 6 a PhD student because he or she doesn't fulfill his
 7 or her TA requirement?
 8 A. Yes. The PhD receiving a PhD is
 9 contingent on fulfilling the minimum number of
 10 teaching requirements.
 11 Q. Have you ever seen that happen where the
 12 PhD degree was denied because someone didn't --
 13 someone being a graduate student didn't fulfill
 14 their TA requirement?
 15 A. No, never.
 16 Q. Can a student lose his or her stipend
 17 based upon performance as a TA?
 18 A. No.
 19 Q. Why not?
 20 A. Well, a stipend is a guaranteed package
 21 that one receives when one is admitted to the
 22 program. It's not connected to performance and
 23 teaching.
 24 Q. Does humanities provide an orientation
 25 or other introductory training to a PhD students

1 before they begin their teaching assistantship?
 2 A. Yes. It does.
 3 Q. Can you describe it?
 4 A. I believe it's a -- a two-day program
 5 and the graduate student would take it typically at
 6 the beginning of year three if they were going to
 7 begin to TA for the first time in that year.
 8 And it's a program in which sort of the
 9 basics of teaching are explained and some models
 10 and best practices are described and chances for
 11 interaction with teachers who come in to speak and
 12 to say here is a some best practices and the grad
 13 students get to ask questions in that setting.
 14 Q. Who puts on this orientation?
 15 A. I believe the Chicago Center for
 16 Teaching, CCT.
 17 Q. Are you aware of any of additional
 18 training that's available to graduate students
 19 before they begin TAing?
 20 A. Yes, I am. I can't speak for every
 21 single department but I know that departments have
 22 orientations towards teaching of various kind. I
 23 know in my own department, for example, when
 24 students begin to teach, they have an orientation
 25 into the course that they are going to teach.

1 Q. Do individual departments ever provide
 2 training?
 3 A. Yes, they do.
 4 Q. Why?
 5 A. Because the kind of courses that are
 6 taught in the individual departments are very
 7 individual. So one might learn at the Chicago
 8 Center for Teaching is a kind of more -- it's a
 9 broader kind of thing whereas you might want to
 10 teach the specifics of the subject, particularly,
 11 let's say in a subject like music where note
 12 reading is or isn't required for this or that
 13 course in a very specific kind of music oriented or
 14 music department oriented orientation.
 15 Q. Aside from this training separately, did
 16 TAs receive mentoring during their TAships?
 17 A. Yes, they do.
 18 Q. Who mentors the graduate student
 19 throughout the term?
 20 A. The professor of record in that course
 21 in which the TA is working.
 22 Q. Do you provide mentoring to TAs?
 23 A. I do.
 24 Q. Can you please describe what mentoring
 25 you give to TAs?

1 A. This music 121 that I mentioned that
 2 uses multiple TAs, we meet every Wednesday right
 3 after class for the specific purpose of discussing
 4 what has happened on Monday and Wednesday so far.
 5 We're particularly looking toward Friday, the day
 6 in which we have discussion sections. And each of
 7 the graduate students is responsible for a
 8 discussion section.
 9 So I want to talk with them about what
 10 the readings are going to be for Friday, what
 11 points they should try to get across, what things
 12 to downplay and then as papers and exams come up,
 13 we -- I ask the TAs to provide questions that I
 14 then can vet for the exams, provide paper topics
 15 that I also vet for the papers.
 16 And after those exercises have been
 17 completed, we sit down before the grading begins
 18 and talk about how to grade an exam, how to grade a
 19 paper, what things to look for.
 20 I also work with the student on holding
 21 office hours. The graduate students are required
 22 to hold a one-hour office hour per week. We talk
 23 about the etiquette of those situations and how
 24 students -- the graduate students should advise and
 25 what kind of topics to emphasize, what it types of

1 things to steer away from that kind of thing.
 2 We talk about the beginning of the
 3 course. We would have, of course, talk about the
 4 syllabus. I might have received some input from
 5 the students about the syllabus but we go over the
 6 entire syllabus week by week and talk about what's
 7 going to be accomplished in the syllabus each week.
 8 Q. Does the music department itself have a
 9 mentorship program?
 10 A. Yes, they do.
 11 Q. Can you please describe that program?
 12 A. In a way there are several because there
 13 are several core courses taught by the music
 14 department. So for Music 101, the introduction to
 15 music, there will be five or six sections taught
 16 every year and the faculty member that is teaching
 17 that course that year becomes the de facto head of
 18 that course and meets with students several times a
 19 quarter to discuss progress and you know how is the
 20 syllabus going, are you having any problems that
 21 kind of thing. So very close mentorship.
 22 Also, that professor will sit in on the
 23 courses that are being taught by -- the sections of
 24 that course that are being taught by lecturers
 25 because the professor wants to be sure that the

1 lecturer is doing a good job.

2 With the TAs in that course, I described
3 already the kind of mentorship that the professor
4 will give -- the professor of record will give TAs.
5 But in this case now, the professor is sort of the
6 supervisor of the whole Music 101 course sequence
7 will also advise those TAs.

8 Q. How much interaction do you have with
9 your TAs?

10 A. Abundant interaction, a lot.

11 Q. Now when you made reference to
12 lecturers, you are talking about grad school
13 lecturers, correct?

14 A. Yes, I am.

15 Q. Why do you have so much interaction with
16 your TAs?

17 A. Because I want them to become excellent
18 teachers. I want to be able when I write
19 recommendations for them when they are in their
20 final year in trying to get a job I want to be able
21 to say with great specificity that this student is
22 a success as teacher.

23 One thing I forgot to mention is that in
24 my classes at least every time with TAs, I allow
25 them each to give one standalone lecture and before

1 that lecture we prepare extensively. I sometimes
2 let them do a dry run for me. Then as they are
3 giving the lecture, I'm sitting there taking notes.
4 I tuck those notes away so when four or five years
5 later when that student comes to me, I can really
6 speak to how they were as a teacher when I'm
7 writing a letter of recommendation. Sometimes I
8 write -- I still recall the lecture on J.S. Box
9 Organ Feud that this student gave and you can talk
10 about it with some specificity.

11 So those notes help me not only on the
12 spot when I can speak to the student right after
13 and say, well, this really worked and this didn't
14 work so well but they serve as reminder later on.

15 HEARING OFFICER MOLS: Just a quick
16 clarification. When you say you allow them to
17 teach one lecture is that per quarter?

18 THE WITNESS: Yes.

19 HEARING OFFICER MOLS: For the term that they
20 are your TA?

21 THE WITNESS: That's right.

22 HEARING OFFICER MOLS: Thank you.

23 BY MR. PEARLMAN,

24 Q. Dr. Robertson, does the mentoring of a
25 TA differ from that of a graduate student lecturer?

1 A. Yes, in that the mentoring of a TA is
2 very, very close, as I've described in all aspects
3 of the course. A lecturer presumably has served as
4 a TA two or three times and by this time has a
5 pretty good sense of what to do. So I would say
6 the mentoring is a little lighter. It's a little
7 less rigid. We try to give our graduate student
8 lecturers abundant room to vary from what might be
9 the standard syllabus that is handed down from a
10 course to give them a little room to try to put in
11 some of their own ideas.

12 Q. Are graduate student lecturers provided
13 with any resources?

14 A. Yes. With past syllabi, past paper
15 topics, past exams. The textbook that might have
16 been used historically with the class. Sometimes
17 that textbook and indeed might be mandated for that
18 particular class but sometimes the grad student
19 lecturer is allowed to choose that book.

20 Q. With respect to graduate student
21 lecturers is the performance ever observed or
22 monitored?

23 A. Yes, it is. At least once and almost
24 always twice per quarter, a faculty member will sit
25 in on a graduate lecture class that they are

1 teaching and provide feedback.

2 Some departments, I think, actually have
3 a form that's then deposited in the music
4 department. As I said, I take abundant notes --
5 usually, it's the front and back of two pages --
6 and then I file it away myself.

7 Q. How is the workload of faculty affected
8 by the use of a TA in a course?

9 A. Well, I think I work more when I have
10 TAs.

11 Q. Why is that?

12 A. Because I spend a lot of time mentoring
13 them and helping them to become good teachers.

14 MR. PEARLMAN: I'm going to hand you a
15 document that we'll mark for identification
16 purposes as Employer Exhibit 26.

17 (WHEREUPON, a certain document was
18 marked Employer Exhibit No. 26, for
19 identification.)

20 BY MR. PEARLMAN:

21 Q. Please take a moment to review that
22 document, Dr. Robertson. Do you recognize this
23 document?

24 A. Yes, I do.

25 Q. Are you familiar with it?

1 A. I am.
 2 Q. What is this document?
 3 A. It's a document that discusses the
 4 training and mentoring of graduate student teachers
 5 at the university in the Humanities Division.
 6 Q. Is this a true and correct copy of this
 7 document?
 8 A. Yes.
 9 MR. PEARLMAN: I would move to admit Employer
 10 Exhibit 26.
 11 MS. AUERBACH: May I voir dire?
 12 HEARING OFFICER MOLS: Yes.
 13 VOIR DIRE EXAMINATION
 14 BY MS. AUERBACH:
 15 Q. So what position did you hold at the
 16 time this was distributed?
 17 A. I was a faculty member in the music
 18 department.
 19 Q. Did you receive this document?
 20 A. I saw it at the time, yes. It was sent
 21 out to all of the faculty. It was distributed to
 22 all of the faculty by the chairs.
 23 Q. And on the third page it says appended
 24 documents.
 25 Are those documents that were appended

1 to the original document when you saw it?
 2 A. I'm foggy on that. It says they were,
 3 so I assume they were but I don't really remember
 4 them in particular.
 5 MS. AUERBACH: Well, I object on the basis it
 6 doesn't appear to be a complete document because it
 7 says there were appended documents.
 8 MR. PEARLMAN: Nothing changes the substance
 9 of the document itself and I don't think that's
 10 prejudicial to counsel.
 11 HEARING OFFICER MOLS: Objection overruled.
 12 Employer Exhibit 26 is received.
 13 (WHEREUPON, said document,
 14 previously marked Employer Exhibit
 15 No. 26, for identification, was
 16 offered and received in evidence.)
 17 BY MR. PEARLMAN:
 18 Q. Why was this letter sent?
 19 A. This letter was sent in order to provide
 20 some best practices for those who are both teaching
 21 and those -- graduate students who are teaching and
 22 for those faculty mentoring those who are teaching.
 23 Q. Do you see on page 2, Dr. Robertson, a
 24 document refers to the training of grad students?
 25 A. Yes.

1 Q. When the document mentions colloquial or
 2 workshops, what's that a reference to?
 3 A. Right. This is a better written out
 4 explanation of something that I talked about
 5 earlier. The idea that departments will have
 6 individual kind of training for their graduate
 7 students. In the music department, for example,
 8 they were called Brown Bag Lunch Workshops. And
 9 students who were teaching would meet, I think,
 10 every other week, if I'm not mistaken, just to talk
 11 about, in general, how their teaching was going,
 12 what things worked in the classroom, what things
 13 were not working and the idea being through
 14 back-and-forth discussion those who were having
 15 problems could learn from those who were doing
 16 things well for whom things were working.
 17 Q. Okay. So with respect to these
 18 workshops, approximately how long did they last?
 19 A. An hour and a half.
 20 Q. Did they cover any particular topics
 21 that you are aware of?
 22 A. I remember seeing posters for the brown
 23 bag lunch or the pedagogy lunch will happen on this
 24 day. I don't remember seeing things for each one,
 25 but there could be.

1 Q. Did workshops involve things such as
 2 syllabus preparation?
 3 A. Absolutely.
 4 Q. Course etiquette?
 5 A. Yes.
 6 Q. Assignments and grading?
 7 A. Yes, exam preparation, paper topic
 8 choice, meeting with students and office hours.
 9 Q. Who teaches these workshops?
 10 A. One faculty member would be assigned to
 11 do that each year.
 12 Q. And what's the purpose of these
 13 workshops?
 14 A. Again, to have them freewheeling kind of
 15 forum for students be able to perfect and hone
 16 their teaching skills outside of the classroom as
 17 well as the kind of experience that they get inside
 18 of the classroom.
 19 Q. Do you see right below colloquia there
 20 is a reference to pedagogy courses?
 21 HEARING OFFICER MOLS: Before we move on,
 22 Dr. Robertson, have you ever conducted any of these
 23 colloquia workshops?
 24 THE WITNESS: No.
 25 HEARING OFFICER MOLS: Have you ever attended

1 any of these workshops?
 2 THE WITNESS: I did, yes.
 3 HEARING OFFICER MOLLS: Thank you.
 4 BY MR. PEARLMAN:
 5 Q. What are pedagogy courses?
 6 A. This is a more formalized thing. In
 7 some departments, for example, romance languages
 8 and literatures requires an actual course, an
 9 actual credit course, for their graduate students
 10 before they teach, say, French for the first time
 11 because it's felt and I think it's probably true
 12 that the teaching of foreign languages requires
 13 extra skills that one should have from day one and
 14 be able to do from day one such as drilling, how to
 15 drill in the classroom on forms and vocabulary and
 16 pronunciation.
 17 Q. What departments in the humanities offer
 18 these courses?
 19 A. I'm definitely aware that romance
 20 languages and literature does. I believe dramatic
 21 studies does, and I think classics does as well.
 22 I'm sorry. I'm not an expert on that.
 23 Q. When do PhD students typically take
 24 pedagogical courses?
 25 A. I know in romance languages the fall of

1 the second year is when they typically do it.
 2 Then they take the course and then having taken
 3 that course it's required they must then -- then
 4 they go onto teach after that. So perhaps in the
 5 winter of the year they can teach as early as the
 6 winter of year two but they must have had a
 7 pedagogical course first.
 8 Q. Am I understanding you to say that you
 9 have to take a pedagogy course first as a graduate
 10 student before you teach a pedagogy course?
 11 A. Before you teach a course, before you
 12 teach a language course, yes.
 13 Q. What topics are taught in the pedagogy
 14 courses?
 15 A. I believe -- of course it's not
 16 something that happens in my department, but I have
 17 recently spoken to the chair of romance languages
 18 about this. It has to do with learning how to --
 19 MS. AUERBACH: Objection. Lack of foundation.
 20 MR. PEARLMAN: Can she complete her answer?
 21 THE WITNESS: As Dean I have talked with the
 22 chair of the romance languages department about
 23 this. So maybe I can speak in my capacity as Dean.
 24 BY MR. PEARLMAN:
 25 Q. Please.

1 A. Because I was interested to know what
 2 goes on in those courses. And drilling -- I'm
 3 sorry, teaching students how to drill -- let's say,
 4 in the classics departments, the forms of the Latin
 5 language, it's a declined language. These are
 6 different kinds of skills. They are almost
 7 one-on-one types of skills rather than something
 8 that you teach to a large number of students. So
 9 those particular one-on-one skills I know form the
 10 backbone of the pedagogy courses.
 11 Q. Do they provide content-specific
 12 training for the given discipline?
 13 A. Yes, they do.
 14 Q. The document then goes on to discuss
 15 mentoring and evaluation. How does the Humanities
 16 Division mentor its graduate students teaching
 17 assistants?
 18 A. In each department -- if we are talking
 19 about TAs in each department, the professor of
 20 record, the instructor of record in a course
 21 mentors the TAs for that course.
 22 Q. Why are PhDs required to take pedagogy
 23 courses?
 24 A. Because they have to learn how to teach
 25 in the best possible -- they need to be the best

1 teachers they can be and learning to teach is
 2 something they need to learn.
 3 Q. How is a graduate student TA evaluated
 4 throughout the term?
 5 A. A graduate student is evaluated by the
 6 instructor of record who is keeping tabs on how
 7 they are doing.
 8 HEARING OFFICER MOLLS: Before we move onto the
 9 next question, have you ever conducted a pedagogy
 10 course?
 11 THE WITNESS: No, not a formal pedagogy
 12 course.
 13 HEARING OFFICER MOLLS: No? Thank you.
 14 BY MR. PEARLMAN:
 15 Q. Thank you.
 16 With respect to evaluations, is any
 17 input sought from the grad student teaching the
 18 course in evaluating the grad student TA?
 19 A. Sorry.
 20 Q. Let me correct that question. There was
 21 an error in that question.
 22 For the students who are taught, do they
 23 evaluate the TA?
 24 A. Yes, they do. The university has a
 25 system of online evaluations. The bulk of that

1 evaluating the professor and the course content
2 itself. But a substantial -- or not insubstantial
3 portion is dedicated to the TAs. So the
4 undergraduate students have an opportunity to speak
5 about the TAs in their evaluation.

6 Q. Are any records kept regarding
7 evaluations of the graduate student TA's
8 performance?

9 A. Yes, they are online.

10 Q. Why are the records kept?

11 A. Well, the records are kept -- in the
12 evaluation of professors, you will remember that
13 the form evaluates both professors and graduate
14 students. But in evaluation of professors of
15 promotion and tenure, teaching is taken into
16 account. With respect to the TAs, one -- when --
17 when we are making future assignments for TAs,
18 departments will go back and look at those
19 evaluations just to see how the student did. Are
20 they ready?

21 Let's say they have TA'd two courses.
22 Are they ready now for a standalone lectureship or
23 might they benefit from one more TA-ship before
24 going onto a lectureship and evaluations are useful
25 in providing that information.

1 Q. Now does departmental mentoring differ
2 from mentoring that's provided in the core
3 specifically?

4 A. Yes. It's even more rigorous in the
5 core in that for each core sequence, there is a
6 faculty supervisor who meets with graduate TAs and
7 lecturers on a weekly basis, I believe it is, to
8 discuss very broadly the aims of the entire core
9 and to make sure that everyone is on the same page
10 and moving in the right direction for that core
11 sequence.

12 Q. Are the core sequences the same syllabus
13 for all of the courses?

14 A. There certainly are standard syllabi. I
15 do believe they are updated. We certainly update
16 our Music 101, which is a core course from time to
17 time but there are absolutely no standards.

18 Q. So in the core how often do teachers
19 meet up to discuss the teaching that will occur in
20 the following week?

21 A. I believe it's once a week.

22 Q. And who attends those weekly meetings?

23 A. The head of the core sequence. That
24 would be a professor and all of the lecturers who
25 are lecturing in that core and also the TAs who

1 Q. Aside from teaching courses in their
2 specific area of study, where else can graduate
3 student TAs teach courses?

4 A. The only other place would be in the
5 writing program, which needs a lot of instructors.

6 Q. Do they also teach in the core?

7 A. And the core, yes. Yes.

8 Q. What is the core?

9 A. The core is a set of courses or set of
10 sequences of courses that provide general knowledge
11 and loads of inquiry for all of the subjects of the
12 biological sciences, the social sciences, physical
13 sciences and of course the humanities.

14 Q. Tell us what you mean, please, when you
15 say the term "core sequence"?

16 A. A core sequence is more than one course
17 in the same subject. So mine, Music 121 course,
18 goes up to 1750, the year 1750. It's followed by
19 the second half of the core sequence, Music 122,
20 which extends from 1750 to the present.

21 Q. What graduate students are permitted to
22 teach in the humanities core?

23 A. Well, all graduate students could
24 potentially teach in the core but they are assigned
25 according to their field, to their specialization.

1 were assisting the professors.

2 Q. Is there any teaching of TAs and
3 graduate students that occurs during those weekly
4 meetings?

5 A. There certainly is mentoring of the type
6 that I have described before in exchange of
7 information about best practices, that kind of
8 thing.

9 Q. Is there a core sequence coordinator or
10 chair?

11 A. Yes. That's a faculty member.

12 Q. What does that faculty member do in that
13 role?

14 A. He or she would mentor both the
15 lecturers and the TAs who are involved in that core
16 sequence to again insure a kind of uniformity of
17 experience for both the graduate students and for
18 the undergraduate students to maintain a kind of
19 harmony of that core sequence.

20 Q. Does a graduate student need to attend a
21 course of the CCT in order to teach in the core?

22 A. Yes, I believe that's correct, but I'm
23 not absolutely sure about that. I'm sorry. I
24 can't be absolutely certain on that.

25 Q. Do PhD students receive a benefit by

1 being a TA?
 2 A. Oh, yeah, they do.
 3 Q. What's that?
 4 A. Well, again, it's part of their training
 5 toward being a future professor is that they both
 6 learn how to become the best researcher they can be
 7 and the best teacher, whether it be a core course
 8 or any other kind of course.
 9 Q. Dr. Robertson, are you familiar with the
 10 process by way PhD students are matched with
 11 particular courses?
 12 A. Yes, I am.
 13 Q. And what is that matching process?
 14 A. Yes. Okay. First off, in sort of late
 15 February, early March, a call for graduate student
 16 applications will go out and grad students are
 17 asked to send their CV so that the faculty will
 18 know what courses they have taught in the past and
 19 also to express a preference for a course that they
 20 might like to teach.
 21 Then the very beginning of the spring
 22 quarter an administrator will put that information
 23 together with the teaching needs for the upcoming
 24 year in a particular department. So that kind of a
 25 grid is produced. It might start in the left-hand

1 the available teaching.
 2 Q. Just to be clear, you said the number --
 3 you consider the number of GAI points they have to
 4 gather.
 5 So does that mean you take a look at how
 6 many GAI points a graduate student has and how many
 7 they need and you give that consideration?
 8 A. Yes. How many GAI points are remaining
 9 for them to fulfill their requirements -- their
 10 required number.
 11 HEARING OFFICER MOLS: Just before the next
 12 question.
 13 You had mentioned that there was a sort
 14 of matching meeting that faculty attend to make
 15 these types of decisions with the example of the
 16 music department. Who all would attend that
 17 meeting?
 18 THE WITNESS: Every person on the faculty
 19 would be there.
 20 HEARING OFFICER MOLS: Okay. Thank you.
 21 THE WITNESS: Unless they are on leave and out
 22 of the country. Sometimes they Skype in too.
 23 HEARING OFFICER MOLS: Would that include the
 24 graduate students or no?
 25 THE WITNESS: No. Only the faculty make those

1 column with the names of the graduate students.
 2 The next column would be what year they are in.
 3 The next column might be the number of GAI points
 4 they have had fulfilled already or the number that
 5 they still need to fulfill, one of the other.
 6 The next would be the courses that that
 7 person has taught in the past and then next might
 8 be a kind of a digest of the cover letter that the
 9 graduate student would have sent by saying would
 10 like to teach course X, course Y.
 11 And then that information is distributed
 12 to the faculty who sit around the table in one
 13 meeting all together and make matches according to
 14 the various parameters in the columns.
 15 Q. With the explanation that you just gave,
 16 are you speaking in general about the humanities?
 17 A. I'm speaking from my experience in the
 18 music department, but I do believe that it's
 19 similar elsewhere. I can't state unequivocally
 20 that there is not some variation perhaps in a
 21 smaller department, for example, one might not need
 22 such quite an elaborate system. It may be evident
 23 in the surface but I think there is very careful of
 24 matching with students with their abilities, the
 25 number of GAI points they still have to gather and

1 decisions.
 2 HEARING OFFICER MOLS: Thank you.
 3 THE WITNESS: But the graduate students have
 4 expressed their preference in the cover letter that
 5 they send, so we take that into account.
 6 HEARING OFFICER MOLS: Thank you.
 7 BY MR. PEARLMAN:
 8 Q. Did you say that graduate students
 9 themselves make requests for certain teaching
 10 experiences?
 11 A. They say this is what I would like to
 12 teach. They do make a request.
 13 Q. Have you heard the term non-laboratory
 14 RA used?
 15 A. Yes.
 16 Q. And what is that?
 17 A. Well, that would be -- that might be
 18 something like when I finish a book that I'm
 19 writing, I would hire a research assistant to help
 20 me create the index for the book.
 21 Q. Are non-laboratory RAs furthering their
 22 own education through their work?
 23 A. Yes, they are because they are looking
 24 over my shoulder as I'm finishing my book. So
 25 hopefully something -- they are learning something

1 from the process that I'm going through.
 2 Q. What is a workshop coordinator?
 3 A. A workshop coordinator is a graduate
 4 student who serves as the administrator for one or
 5 more of -- for a workshop in the humanities
 6 division and they are quite a few I want to say,
 7 maybe 30 workshops across the Humanities Division,
 8 maybe a little more.
 9 Q. Are you aware of the counsel for
 10 advanced studies?
 11 A. Yes. That's an office in the Provost
 12 office which has a budget that it allocates to
 13 workshops across the Humanities Division, and --
 14 sorry across the university actually.
 15 Q. And do workshop coordinators assist in
 16 the council for advanced studies?
 17 A. Do they -- I don't believe they have --
 18 that there are graduate students sitting on the
 19 council of advanced studies but I could be wrong.
 20 Q. My question was not clear enough. Do
 21 they assist with respect to the council for
 22 advanced studies?
 23 A. Oh, does the council of advanced studies
 24 itself have coordinators, graduate student
 25 coordinators? Not to my knowledge.

1 Q. What do workshop coordinators do?
 2 A. Workshop coordinators issue the
 3 invitations for speakers for the workshops. They
 4 perform. They gather -- they serve as sort of
 5 social chairs for the workshops. That is they see
 6 to it that food and drink are there to the extent
 7 that these are provided. They make sure that the
 8 room is set up properly with the proper
 9 audiovisual equipment, et cetera.
 10 Q. Do workshop coordinators receive
 11 academic credit for their work?
 12 A. No, they don't.
 13 Q. Are they doing this workshop
 14 coordinator -- pardon me. Let me ask you a better
 15 question.
 16 Do workshop coordinators do they do this
 17 under or assisting the council for advanced
 18 studies?
 19 A. Yes. The workshops are funded and
 20 emanate out of the council of advanced studies.
 21 Q. So getting back to my question that
 22 preceded that: Is being a workshop coordinator an
 23 academic requirement?
 24 A. No, it's not a requirement.
 25 Q. Do workshop coordinators get a stipend?

1 A. Yes, they do.
 2 Q. Is this part of a funding package?
 3 A. No, it is not.
 4 Q. Let's talk about a masters student for a
 5 moment.
 6 Do masters students teach?
 7 A. No, they don't.
 8 Q. Is there any academic requirement for
 9 masters students to teach?
 10 A. No.
 11 Q. Do masters students take the CCT Chicago
 12 Center for Teaching course?
 13 A. No, they don't.
 14 MR. PEARLMAN: May I have a moment, Madam
 15 Hearing Officer?
 16 HEARING OFFICER MOLS: Yes.
 17 MR. PEARLMAN: I'll tender the witness and
 18 request that we allow her to take a two-minute
 19 break.
 20 HEARING OFFICER MOLS: Off the record.
 21 (WHEREUPON, a break was taken.)
 22 HEARING OFFICER MOLS: On the record.
 23 Petitioner can proceed with her
 24 questions for the witness.
 25 MS. AUERBACH: Thank you.

1
 2 CROSS EXAMINATION
 3 BY MS. AUERBACH:
 4 Q. Dr. Robertson, you said that you
 5 described the financial package that PhD students
 6 received and that package is explained to them at
 7 the time they are offered admission to a PhD
 8 program in the Division of Humanities?
 9 A. They receive a letter, yes.
 10 Q. They receive an admission letter and the
 11 admission letter comes from an explanation of the
 12 financial package being offered?
 13 A. I don't know that but I'm willing to
 14 take your word for it.
 15 Q. You don't know whether that's true or
 16 not?
 17 A. I don't.
 18 Q. So what's the basis for your knowledge
 19 of what package they do receive?
 20 A. Because I was in on discussions about
 21 the GAI. I have been helped create it, in fact,
 22 when I was in the provost office.
 23 MS. AUERBACH: I'm showing you a document
 24 marked as Petitioner Exhibit 13.
 25 (WHEREUPON, a certain document was

1 marked Petitioner Exhibit No. 13,
 2 for identification.)
 3 BY MS. AUERBACH:
 4 Q. Are you familiar with this form?
 5 A. I haven't seen it before.
 6 Q. So let's talk about the terms that you
 7 testified that the GAI started, I think you said,
 8 in 2007?
 9 A. I believe that's correct.
 10 Q. So this is dated in 2014. It's a
 11 financial aid statement in the Division of
 12 Humanities.
 13 Does that look like an accurate
 14 description of a package, the four bullet points
 15 set there under University of Chicago fellowship
 16 for five years?
 17 A. Yes.
 18 Q. So that fellowship includes full tuition
 19 and then the academic year support beyond
 20 tuition -- that fellowship includes full tuition,
 21 academic year beyond tuition up to four summer
 22 stipends and university insurance.
 23 A. Yes.
 24 Q. And then in the second bullet point
 25 where it talks about the academic year support

1 A. Yes.
 2 Q. And so where this part in parens in the
 3 second bullet point says either stipend or
 4 combination of stipend and teaching remuneration,
 5 that teaching remuneration is paid on separate
 6 checks?
 7 A. It is but do -- I do object to the word
 8 remuneration.
 9 Q. But I'm reading the document.
 10 MR. PEARLMAN: There is no foundation for the
 11 document.
 12 MS. AUERBACH: Well, she testified that this
 13 is accurate.
 14 MR. PEARLMAN: She testified she's never seen
 15 the document before.
 16 HEARING OFFICER MOLS: She testified that the
 17 four bullet points were accurate.
 18 MR. PEARLMAN: Correct. I agree with that but
 19 the document doesn't have foundation.
 20 MS. AUERBACH: Yeah, but I followed up on the
 21 contents of the documents.
 22 HEARING OFFICER MOLS: The substance you can
 23 continue, Ms. Auerbach.
 24 BY MS. AUERBACH:
 25 Q. And the part that the grad students are

1 beyond tuition being either a stipend or a
 2 combination of stipend and teaching remuneration?
 3 A. Yes, I see that.
 4 Q. Has that been in effect since 2007?
 5 A. I believe so.
 6 Q. So when a graduate student in the
 7 Division of Humanities is teaching, is it accurate
 8 that the stipend may be reduced and the graduate
 9 student is paid separately as compensation for the
 10 teaching?
 11 A. No.
 12 MR. PEARLMAN: Objection. Calls for a legal
 13 conclusion and vague.
 14 HEARING OFFICER MOLS: Maybe just are the
 15 payments separate? Do you know the stipend versus
 16 the money for the teaching?
 17 THE WITNESS: I believe that the amount of
 18 money given for teaching is sort of set apart in
 19 relief from the stipend package. It's part of the
 20 stipend package I believe because of the necessity
 21 according to tax laws, but I'm not a -- I'm not a
 22 tax attorney.
 23 BY MS. AUERBACH:
 24 Q. When you say set apart, it's paid out
 25 separately?

1 paid separately for the teaching there are tax
 2 withholdings from those payments?
 3 A. Yes.
 4 Q. And you talked about the graduate
 5 students who are teaching using a program called
 6 Workday?
 7 A. I believe that's the name of the
 8 software.
 9 Q. And that's a software system that is run
 10 by the human resources office of the university?
 11 MR. PEARLMAN: Foundation.
 12 MS. AUERBACH: I'm asking if she knows.
 13 BY THE WITNESS:
 14 A. I don't know who runs it.
 15 BY MS. AUERBACH:
 16 Q. Do you know whether people who are not
 17 graduate students who are employed by the
 18 university use that Workday system to input their
 19 hours?
 20 A. Yes, I believe they do.
 21 Q. And do you know what employees do that?
 22 A. I can't name -- I think I have heard the
 23 staff talk about it before, so I assume that
 24 members of the staff use it.
 25 HEARING OFFICER MOLS: Do you know if the

1 faculty uses the software?
 2 THE WITNESS: No.
 3 HEARING OFFICER MOLS: Do you know if faculty
 4 uses separate software or is there compensation?
 5 THE WITNESS: You mean for our compensation?
 6 HEARING OFFICER MOLS: Yes.
 7 THE WITNESS: I don't think it's a separate
 8 software. I guess I'm thinking simply about the
 9 fact that most of us would have automatic deposits.
 10 HEARING OFFICER MOLS: A set salary?
 11 THE WITNESS: Right.
 12 BY MS. AUERBACH:
 13 Q. So as a faculty member, you don't have
 14 to input your hours?
 15 A. No. That's correct. That's what I
 16 mean.
 17 Q. So the Workday system is used for people
 18 who have to input how many hours they devote to
 19 certain tasks?
 20 A. I suppose. I honestly do not know the
 21 rules of who uses Workday and who doesn't.
 22 Q. Do you know if it's a payroll system?
 23 MR. PEARLMAN: Objection.
 24 MS. AUERBACH: I'm asking if she knows.
 25 MR. PEARLMAN: That's not my objection. My

1 given as the student is admitted on his or her
 2 merits.
 3 Q. Right. I understand that, but it's a
 4 condition of receiving the funding that they
 5 fulfill the teaching requirement, correct?
 6 MR. PEARLMAN: Objection. Argumentative.
 7 Asked and answered.
 8 HEARING OFFICER MOLS: So just to be clear for
 9 the record -- teaching -- so you had said that the
 10 stipend is part of their admission, correct -- or
 11 part of what is offered to the graduate students
 12 whenever they are admitted to the university.
 13 THE WITNESS: Yes.
 14 HEARING OFFICER MOLS: And you had testified
 15 that obtaining the GAI points via some form of
 16 teaching is part of that requirement?
 17 THE WITNESS: Requirement, yes.
 18 HEARING OFFICER MOLS: And so I don't know if
 19 that answers your question, Petitioner counsel, or
 20 not. You can clarify if need be.
 21 (WHEREUPON, a certain document was
 22 marked Petitioner Exhibit No. 14,
 23 for identification.)
 24 BY MS. AUERBACH:
 25 Q. I'm going to show you what's marked as

1 objection is payroll system is vague. You may want
 2 to explain to her what you mean by that.
 3 BY MS. AUERBACH:
 4 Q. Is it a system used for tracking hours
 5 for purposes of payroll?
 6 MR. PEARLMAN: Objection. Foundation.
 7 MS. AUERBACH: She testified about using the
 8 system so I'm crossing on it.
 9 HEARING OFFICER MOLS: If you know or do you
 10 know?
 11 THE WITNESS: I have heard of Workday. I know
 12 that people input hours there. I don't really know
 13 anything beyond that.
 14 BY MS. AUERBACH:
 15 Q. You testified that graduate students are
 16 not compensated for fulfilling their teaching.
 17 However, they are required to teach as a condition
 18 of receiving their funding, their five-year
 19 funding, correct?
 20 A. They are required to teach as a
 21 condition of receiving their PhD.
 22 Q. And they are also required to teach as a
 23 part of their financial package?
 24 A. Yes, that is part -- it's part of the
 25 program that they are engaged in. The funding is

1 Petitioner Exhibit 14.
 2 Are you familiar with this type of
 3 document?
 4 MR. PEARLMAN: Objection. Vague and
 5 foundation. It's either are you familiar with this
 6 document or this type of document.
 7 MS. AUERBACH: Well, right now I'm asking the
 8 type. This states that it's a renewal letter for
 9 somebody already enrolled as a graduate student
 10 BY MS. AUERBACH:
 11 Q. Are you familiar with these types of
 12 letters?
 13 A. I have never seen this document before
 14 but I do know that students receive sort of
 15 followups upon being determined to be making
 16 satisfactory progress.
 17 Q. And so do graduate students normally
 18 receive these letters year to year confirming that
 19 they are continuing in their division with their
 20 financial package?
 21 MR. PEARLMAN: Objection. This is not
 22 establishing foundation. It's unduly vague. The
 23 question is do they receive these types of letters.
 24 It's did they receive this letter or something
 25 similar? It's too vague to establish any

1 authentication.
 2 MS. AUERBACH: That's fine.
 3 BY MS. AUERBACH:
 4 Q. Do graduate students in the Humanities
 5 Division receive a letter similar to this each year
 6 confirming that they are continuing in the division
 7 and with their financial aid package?
 8 MR. PEARLMAN: Same objection. It's not
 9 establishing authentication of the document. I
 10 don't know what type of document it's referring to.
 11 It's a hypothetical and vague as to this document
 12 that apparently counsel is referring to.
 13 MS. AUERBACH: I'm talking about a
 14 continuation.
 15 HEARING OFFICER MOLS: She has testified --
 16 she testified she has not seen this particular
 17 document. She has testified that she knows that
 18 students typically receive these types of
 19 documents. So I think along those lines, counsel
 20 can ask her question.
 21 THE WITNESS: Can you repeat the question?
 22 BY MS. AUERBACH:
 23 Q. Do graduate students in humanities
 24 receive letters similar to this year to year
 25 confirming that they are continuing due to making

1 satisfactory progress and continuing their
 2 financial aid package?
 3 A. Yes. I believe that students do receive
 4 continuation letters. The content of the letter
 5 I'm not familiar with. This is the first time I'm
 6 seeing this one.
 7 Q. So you don't know whether those letters
 8 set forth the financial aid terms of their
 9 continuing --
 10 A. I don't know that.
 11 Q. And do you know whether it's true that
 12 the one of the conditions of continuing in a PhD
 13 program in the Division of Humanities is -- and
 14 continuing to receive their financial aid award is
 15 satisfactory performance of their teaching
 16 responsibilities?
 17 A. I'm familiar with -- well, I'm
 18 familiar with the term satisfactory. That the
 19 student is making satisfactory progress.
 20 What that entails -- the subcategories
 21 of what that entails, I'm not familiar about.
 22 Q. Who would be familiar with that?
 23 A. The Dean of Students.
 24 Q. And who is that?
 25 A. Martina Munsters.

1 Q. Is she the one who sends out -- is she
 2 the only one that sends out these letters
 3 currently?
 4 A. I believe they come from her office.
 5 Joyce Kiesler (phonetic) works for her.
 6 Q. What is Joyce Kiesler's position?
 7 A. I'm sorry. I can't tell you. She is in
 8 Martina's shop though.
 9 Q. Who currently sends out the letters from
 10 the Department of Humanities?
 11 A. Martina Munsters.
 12 Q. You talked about the process whereby
 13 departments determine what a teaching assignment
 14 graduate students will receive. And after those
 15 decisions are made, is it true that the graduate
 16 students receive appointment letters informing them
 17 of what teaching assignment they are being
 18 appointed to?
 19 A. Yes.
 20 (WHEREUPON, a certain document was
 21 marked Petitioner Exhibit No. 15,
 22 for identification.)
 23 BY MS. AUERBACH:
 24 Q. I've handed you a document marked as
 25 Petitioner Exhibit 15.

1 MR. PEARLMAN: I want to lodge a standing
 2 objection. There is continuous reference to
 3 teaching assignments, but it's not clear what type
 4 of assignment that means, which I think that degree
 5 of precision is important. Is it a teaching
 6 assignment or a TA assignment?
 7 MS. AUERBACH: Well, she on direct a number of
 8 times was asked questions regarding teaching,
 9 teaching requirements, teaching beyond five points.
 10 So that term was used on direct examination.
 11 HEARING OFFICER MOLS: I mean, I have no
 12 objection to the term continuing to be used but,
 13 Counsel, make sure when the witness is answering
 14 perhaps clarify questions whether or not it's
 15 referring to the teaching requirement in broad
 16 strokes or to teaching assistantships or
 17 lectureships, more of the specific positions.
 18 BY MS. AUERBACH:
 19 Q. Are you familiar with this document?
 20 A. No, I'm not.
 21 Q. Have you seen some other appointment
 22 letters?
 23 A. Yes, I have.
 24 Q. And is this similar to the other ones
 25 you have seen?

1 A. Not very actually -- no, not vary.
 2 Q. So the ones you have seen are the ones
 3 from the music department?
 4 A. That's correct.
 5 Q. Have you seen them for any other
 6 departments?
 7 A. I have seen them for a couple of other
 8 departments, yeah, just in passing.
 9 Q. So how does the one in the music
 10 department, what does it say, to the best of your
 11 recollection?
 12 A. It's not as detailed as this. It talks
 13 about the course the graduate student is going to
 14 teach in the following year. It doesn't -- it
 15 doesn't have anything like the last paragraph on
 16 page 1, for example, which seems to anticipate
 17 difficulties. This is just much, much more
 18 detailed.
 19 Q. So the ones in the music department
 20 today inform the graduate student what position
 21 they are going to be assigned to whether it's
 22 teaching assistant or lecturer?
 23 A. Yes, that's correct. And then the other
 24 information would be included in an e-mail to all
 25 graduate students about to teach in the -- you

1 know, in the following year.
 2 Q. Okay. Well, let's first start with the
 3 appointment letter.
 4 So it includes what position they are
 5 going to be given?
 6 A. Yes.
 7 Q. And then it tells them what course they
 8 are going to be --
 9 A. No. It tells them what course they
 10 are --
 11 MR. PEARLMAN: Objection. What's this in
 12 reference to?
 13 MS. AUERBACH: What the practice is in the
 14 music department.
 15 BY THE WITNESS:
 16 A. It tells them what course they are going
 17 to be TAs or teaching as a lecturer in the
 18 following year.
 19 BY MS. AUERBACH:
 20 Q. Does it tell them anything else? Does
 21 it tell them the description of the position or
 22 just that they are a TA or lecturing and what the
 23 course is?
 24 A. No. It refers them to the faculty
 25 mentor for that course. It encourages the students

1 to collect syllabi over the summer. These are sent
 2 out, you know, this is very late usually in the
 3 spring of the following year. It encourages
 4 students to collect syllabi, to meet with the
 5 faculty mentor for that course and to begin to plan
 6 for the course for the next year.
 7 Q. And then you said there is then a
 8 general e-mail sent out. Who sends that out?
 9 A. The director -- let's see that would be
 10 the director of undergraduate studies in the music
 11 department.
 12 Q. And that's sent out to all of the
 13 graduate students who will have a teaching
 14 assignment?
 15 A. Yeah, that's right.
 16 Q. What is related in that e-mail?
 17 A. It sends them particularly if it's their
 18 first time to teach to send them to the CCT
 19 workshop to inform them about pedagogy brown bag
 20 lunches and pedagogy opportunities within the music
 21 department.
 22 Q. Does it give them any information about
 23 how to go about being put on the university's
 24 payroll so they get the pay component?
 25 A. It says -- I think -- it encourages them

1 to speak to the main administrator of the music
 2 department who helps them with that.
 3 Q. Who helps them with the payroll?
 4 A. That's right. Well, with receiving the
 5 money for the course.
 6 Q. And in the music department, is there a
 7 standard dollar amount assigned to the position of
 8 TA?
 9 A. Yes.
 10 Q. What is that?
 11 A. Okay. I hope I'm right about this. I'm
 12 sorry. I'm just a little rusty on it. I think
 13 it's 3,000 for the TA.
 14 Q. And is there a standard dollar amount
 15 assigned for a position as lecturer?
 16 A. I believe it's 5,000.
 17 Q. And are those two amounts standard
 18 across humanities or is that just in the music
 19 department?
 20 A. For those two positions that you
 21 mentioned, I believe that's standard across the
 22 Humanities Division. I don't deal with this. It's
 23 the responsibility of Martina Munsters.
 24 Q. Okay. You said the system is used
 25 interchangeably with the teaching assistant. So

1 the course assistant position is assigned an amount
 2 of \$3,000?
 3 A. Yes. Those terms are interchangeable,
 4 course assistant, teaching assistant.
 5 Q. So the dollar amount for that course is
 6 the same?
 7 A. Yes.
 8 Q. And so the course assistant or teaching
 9 assistant receives \$3,000 through the university
 10 payroll system minus taxes?
 11 MR. PEARLMAN: Objection. Asked and answered.
 12 HEARING OFFICER MOLLS: So just in the future
 13 let me rule on the objection first.
 14 THE WITNESS: Sorry about that.
 15 MR. PEARLMAN: The objection is there is no
 16 foundation and asked and answered.
 17 MS. AUERBACH: The question wasn't asked. The
 18 amount assigned --
 19 HEARING OFFICER MOLLS: If you can repeat the
 20 question again.
 21 MS. AUERBACH: Well, I asked so a teaching --
 22 a graduate student assigned as a teaching assistant
 23 receives 3,000 for being a teaching assistant in a
 24 course through the university payroll.
 25 MR. PEARLMAN: Foundation.

1 discouraged from teaching beyond their point
 2 requirements. However, some graduate students do
 3 teach beyond their point requirements?
 4 A. Yes.
 5 Q. If a graduate student teaches beyond the
 6 point requirements as a lecturer, does that
 7 graduate student receive \$5,000 for that lecture?
 8 A. I don't know because I know at a certain
 9 point it goes to 6,000. I'm sorry. I just cannot
 10 say the way that happens.
 11 Q. A grad student who teaches beyond the
 12 point requirement is compensated for that teaching
 13 beyond the guaranteed stipend?
 14 MR. PEARLMAN: Object to the use of the word
 15 compensated.
 16 HEARING OFFICER MOLLS: Noted. You can answer
 17 the question, Dr. Robertson.
 18 THE WITNESS: Could you ask it one more time?
 19 BY MS. AUERBACH:
 20 Q. Is a graduate student who lectures who
 21 is appointed to the be a lecturer in a class
 22 compensated for that lectureship beyond the amount
 23 of their guaranteed funding stipend?
 24 A. No. It's part -- sorry, did you say
 25 someone beyond the fifth year?

1 HEARING OFFICER MOLLS: Do you know how that
 2 money is paid out?
 3 THE WITNESS: I believe they received \$3,000.
 4 I cannot say how they get it.
 5 BY MS. AUERBACH:
 6 Q. And a graduate student who is a lecturer
 7 in a course receives \$5,000 for being a lecturer in
 8 that course?
 9 A. Yes. That's correct.
 10 BY MS. AUERBACH:
 11 Q. And that amount is received from the
 12 university, correct?
 13 MR. PEARLMAN: Foundation and from the
 14 university is overly broad and unduly vague.
 15 HEARING OFFICER MOLLS: The money that the
 16 lecturers are paid for the time that they spend
 17 lecturing, do you know if that money comes from any
 18 source outside of the university?
 19 THE WITNESS: I don't believe it comes from --
 20 it's part of their stipend package.
 21 HEARING OFFICER MOLLS: Do you know how that
 22 money is paid?
 23 THE WITNESS: No, I don't.
 24 BY MS. AUERBACH:
 25 Q. You said that graduate students are

1 Q. Beyond the five points?
 2 A. Yes. That would be beyond --
 3 Q. If five point is the requirement for
 4 that person?
 5 A. If the person is beyond the fifth year,
 6 then they would receive money beyond the stipend
 7 package.
 8 Q. Okay. So if a graduate student is both
 9 beyond the point requirement and beyond the fifth
 10 year, then they are compensated either whatever the
 11 amount is for the lectureship. You thought it was
 12 5 or 6,000 beyond any other guaranteed funding?
 13 MR. PEARLMAN: Objection. Asked and answered
 14 and object to the use of the word "compensated."
 15 HEARING OFFICER MOLLS: Just for clarity
 16 because I think the answer has kind of danced
 17 around in a few different spots, you can answer.
 18 Ask the question again.
 19 BY MS. AUERBACH:
 20 Q. Is a graduate student who lectures in a
 21 class as a lecturer who is beyond the minimum --
 22 the minimum points required and beyond the fifth
 23 year compensated financially for that last year --
 24 beyond any other their guaranteed fund minimum?
 25 A. Yes. They receive money for teaching

1 that class.
 2 MR. PEARLMAN: Objection.
 3 BY MS. AUERBACH:
 4 Q. And to the best of your knowledge that
 5 amount is either 5,000 or 6,000?
 6 A. That's correct.
 7 Q. Do any graduate students hold teaching
 8 assistant positions beyond their minimum points in
 9 five years or only lectureships?
 10 A. It's rare because it's like going
 11 backwards but sometimes it does happen.
 12 Q. And in that case is the graduate student
 13 who holds a teaching assistant position beyond the
 14 minimum points and beyond five years compensated
 15 separately for that teaching assignment beyond
 16 their guaranteed funding?
 17 MR. PEARLMAN: Object to the word
 18 "compensated."
 19 HEARING OFFICER MOLS: You can answer,
 20 Dr. Robertson.
 21 BY THE WITNESS:
 22 A. They do receive money for that service.
 23 BY MS. AUERBACH:
 24 Q. And is that amount 3,000 or is it more?
 25 A. It stays at 3,000.

1 Q. And does a graduate student who holds a
 2 lectureship -- a graduate student who's beyond the
 3 five points and behind the five years and lectures
 4 in a class perform the same duties as a graduate
 5 student who has not yet gone minimum points in
 6 five years who's lecturing the same source?
 7 A. Yes.
 8 Q. And does a graduate student who holds a
 9 teaching assignment -- teaching assistant position
 10 who's beyond the minimum points and beyond the
 11 five years carry out the same responsibilities as a
 12 teaching assistant who has not yet fulfilled the
 13 point requirements and is not yet past five years?
 14 A. Yes.
 15 MR. PEARLMAN: Madam Hearing Examiner, may we
 16 take a break. She has been on cross for about an
 17 hour or so.
 18 HEARING OFFICER MOLS: How much more do you
 19 have?
 20 MS. AUERBACH: I still have more. I mean,
 21 more than five minutes.
 22 HEARING OFFICER MOLS: Do you need a break?
 23 THE WITNESS: I don't feel like I do. I'm
 24 okay.
 25 HEARING OFFICER MOLS: Direct was longer than

1 this.
 2 If you are -- if you need a break, feel
 3 free to say so.
 4 THE WITNESS: Well, maybe it would be good
 5 just to stretch.
 6 HEARING OFFICER MOLS: Okay. Two or
 7 three minutes.
 8 Off the record.
 9 (WHEREUPON, a break was taken.)
 10 HEARING OFFICER MOLS: On the record.
 11 BY MS. AUERBACH:
 12 Q. You talked about teaching a music class
 13 that has a number of TAs in it.
 14 Is it possible to teach that class
 15 without any teaching assistants?
 16 A. It would be possible, yes.
 17 Q. And has that course ever been taught
 18 without teaching assistants?
 19 A. No, not since I have been at the
 20 university.
 21 Q. And you said that the teaching
 22 assistants -- that the class meets Monday and
 23 Wednesday. Mondays and Wednesdays are lectures and
 24 Fridays are small discussion groups?
 25 A. Yes.

1 Q. Do you also hold a discussion group?
 2 A. I do.
 3 Q. And so you hold one and then the grad
 4 students hold one also?
 5 A. Right. Right.
 6 Q. So when you have a meeting to discuss
 7 with them what's going to occur at the discussion
 8 group, you want to make everyone is on the same
 9 page and covers the material in all of the
 10 discussion groups?
 11 A. That's right.
 12 Q. And that's partly so that the
 13 undergraduates taking the course all acquire the
 14 same material?
 15 A. Exactly, right.
 16 Q. Are the graduate students who conduct
 17 those sections convey the same material that you
 18 convey -- to students that you convey in your
 19 profession to hold?
 20 A. Not exactly. I allow quite a bit of
 21 freedom in terms of how the material is conveyed.
 22 My aim is to be sure we're on the same page for an
 23 upcoming exam. But in terms of how they convey and
 24 in fact we talk amongst ourselves about best
 25 practices for conveying material.

1 Q. I wasn't so much asking how you convey
2 it but they are expected to convey the same
3 material that you are conveying?

4 A. The same basic material, yes.

5 Q. And those discussion groups benefit you
6 as a professor because you are able to have a
7 number of discussion groups for the class; is that
8 correct?

9 A. You said benefits me?

10 Q. Yes.

11 A. Would you say that once again?

12 Q. Having graduate students handle the
13 discussion groups benefits you as a professor
14 because you are able to teach that class in a
15 number of small section of discussion groups?

16 A. No, not necessarily because I could
17 teach all of the discussion groups myself just at
18 different times.

19 Q. Have you ever done that?

20 A. No.

21 Q. Are you aware of any large lecture
22 classes where the professor handles small
23 discussion groups?

24 A. Have I? Yeah, on occasion.

25 Q. It's not --

1 A. It's not typical though.

2 Q. More typical of the graduate students?

3 A. That's correct because we're trying to
4 teach graduate student how to teach.

5 Q. When you talk about helping graduate
6 students learn how to grade, the graduate students
7 doing a good job of grading is important for the
8 undergraduates in the class, correct?

9 A. It's important for the graduate
10 students, first and foremost, to grade the papers
11 and that's a byproduct that I think the
12 undergraduates benefit from that having a trained
13 TA.

14 Q. So if the TAs did not do a good job
15 grading, then the undergraduates would have
16 inconsistent or inappropriate grades being given to
17 them, correct?

18 A. Well, if the TAs did a poor job grading,
19 I would be working with them to make that better
20 but it wouldn't have happened that way because I
21 always check the TA's grading before we hand the
22 papers back. And often if someone is a little
23 harsh of a grader, than we make the correction
24 before the paper goes back.

25 Q. But having the graduate student do a

1 good job of grading helps insure that the
2 undergraduates receive appropriate grades?

3 A. It helps them learn how to be good
4 teachers and as a side effect of that is the
5 students are helped.

6 Q. You were asked if there -- you said
7 there is a limit on the number of hours that
8 graduate students can handle teaching assignments
9 of 20 hours per week?

10 A. Yes.

11 Q. And that hours requirement applies
12 across the university to all full-time students; is
13 that correct?

14 MR. PEARLMAN: Objection. Overly broad.
15 Vague. All full-time grad students?

16 BY MS. AUERBACH:

17 Q. Do you know whether 20-hours a week
18 requirement is a limit on how many hours all
19 full-time students at the university can work?

20 A. I don't know that.

21 Q. You said that graduate students can
22 obtain a waiver of that 20-hour a week limit per
23 Martina Munsters. Under what circumstances is that
24 requirement waived?

25 A. If for some reason a student -- it's

1 best for the graduate student to teach, say, more
2 than one course in -- a TA for more than one course
3 in one quarter and then not do one course the
4 second of the two courses in another quarter for
5 whatever reason, that would be an opportunity for
6 Martina to weigh in but she would only allow it if
7 the student were making absolutely satisfactory
8 progress in the writing of the dissertation.

9 She applies a little bit of flexibility
10 in that way but only if there's satisfactory
11 progress to a degree is being maintained.

12 Q. And is it true that if a graduate
13 student takes on extra teaching in one quarter and
14 less in the following quarter, that that graduate
15 student is compensated extra for the teaching of
16 the quarter where extra teaching is done and then
17 receives less funding in the other quarter where no
18 teaching is done?

19 MR. PEARLMAN: Objection to the use of the
20 word "compensation" and misleading.

21 HEARING OFFICER MOLLS: Noted.

22 You can answer, Dr. Robertson. Do you
23 know if funding was adjusted?

24 THE WITNESS: Well, let's see. Is the funding
25 adjusted? I believe that the money given to

1 students for teaching is given to them in the
 2 quarter that they teach. That's as far as I can
 3 explain it, to my knowledge.
 4 BY MS. AUERBACH:
 5 Q. With respect to Employer Exhibit 25,
 6 which lists positions a graduate student can hold
 7 and then approved hours per week, what does the
 8 term "approved hours per week" mean?
 9 A. The number of hours that the Dean of
 10 Students has approved is appropriate for that
 11 position.
 12 Q. And does the graduate student then keep
 13 track of those hours in the workday system?
 14 A. I really not familiar with how the grad
 15 student does that.
 16 Q. And are those hours -- the amount of
 17 hours that the graduate student is expected to
 18 devote to fulfilling each of these assignments?
 19 A. I believe it's the expectation. It's
 20 the estimation of how much time that that
 21 particular teaching experience should take.
 22 Q. If a graduate student does not do a good
 23 job in a teaching assignment, does that performance
 24 affect future teaching assignments?
 25 A. We work with the graduate student to

1 make sure that they will do better in the next
 2 teaching assignment.
 3 When we make the assignments for the
 4 following year, we might look for the performance
 5 in the past assignments and say it wouldn't hurt
 6 for this person to be a TA one more time before
 7 going onto a lectureship, something like that.
 8 Q. You talked about teaching assistants
 9 holding office hours in the course where you have
 10 multiple graduate students as TAs. Do you also
 11 hold office hours?
 12 A. Yes, I do.
 13 Q. Is it up to the undergraduate whether to
 14 go to one of the TAs or go to you?
 15 A. I always have an open policy that the
 16 undergraduates can come to any of us but typically
 17 they tend to bond with the person who is teaching
 18 their discussion section, but it's not always --
 19 it's sometimes we spread the office hours over the
 20 week so they are at convenient times for the
 21 students and I often see students who are not in my
 22 section just because that's a convenient time for
 23 them to come in.
 24 Q. The graduate students who are TAs
 25 holding office hours are expected to perform the

1 same function for the undergraduates who come to
 2 see them that you perform for them?
 3 A. Yes.
 4 Q. You talked about Music 101 and you said
 5 that about five or six sections of that class are
 6 taught in a year.
 7 Are those sections taught by a
 8 combination of faculty and graduate students?
 9 A. Yes.
 10 Q. The same syllabus is used for the
 11 sections of class?
 12 A. No.
 13 Q. So each lecturer can choose the
 14 syllabus?
 15 A. Each lecturer can develop and work on
 16 his or her syllabus but there is a model syllabi
 17 given over the summer so each person can develop it
 18 his or herself.
 19 Q. And do the graduate students who are
 20 lecturers in those sections carry out the same
 21 responsibilities to the undergraduates that the
 22 faculty member is teaching sections of the same
 23 class to undergraduates?
 24 A. Yes, they do.
 25 Q. One of the missions of the college is to

1 provide a high quality education to undergraduates,
 2 correct?
 3 A. Yes.
 4 Q. And having TAs and lecturers with good
 5 training to teach benefits the undergraduates,
 6 correct?
 7 MR. PEARLMAN: Objection. Asked and answered.
 8 HEARING OFFICER MOLS: This was. I apologize.
 9 I feel like a lot of things are getting asked and
 10 in very similar ways and we're getting different
 11 types of answers, depending on the context of when
 12 the question is asked.
 13 So I'm going to allow the question at
 14 this time. So can you repeat the question,
 15 Counsel?
 16 BY MS. AUERBACH:
 17 Q. Having TAs and lecturers with good
 18 training to teach them benefits the undergraduates,
 19 correct?
 20 A. It benefits the TAs, first and foremost.
 21 If the TAs are very good lecturers, then they
 22 benefit the undergraduates.
 23 Q. How many graduate students are there in
 24 the department of music?
 25 A. In all five years plus the people beyond

1 I'm thinking about 80.
 2 Q. And do you know approximately what
 3 percentage of graduate students go beyond their
 4 five years before they obtain their degrees?
 5 A. Before they have?
 6 Q. Obtained their degrees.
 7 A. I would say the average time to degree
 8 in music right now is seven to eight years.
 9 Q. You said that graduate student lecturers
 10 are provided resources, including past syllabi,
 11 paper topics and textbooks used in the past.
 12 Are those resources also provided to
 13 faculty members who are new to teaching a class?
 14 A. Yes. Typically, faculty will just come
 15 into the university or are just teaching a class
 16 for the first time will ask someone who has taught
 17 the class before that they'd love to see their
 18 syllabus.
 19 Q. Are workshops offered in all of the
 20 departments of humanities?
 21 A. Workshops are cross-department entities.
 22 They bring together -- for example, I'm a
 23 medievalist, and I'm a member of the medieval
 24 workshop. So it brings together the medievalists
 25 across the faculty and students across the

1 university.
 2 Q. I'm not talking about the CAS workshops.
 3 I'm talking about the workshops -- you identified
 4 this memo.
 5 A. Oh, I'm sorry.
 6 Q. Employer Exhibit 26, the 2011 memo.
 7 A. Right.
 8 Q. You discussed workshops, these types of
 9 training workshops.
 10 A. Right.
 11 Q. Are those offered in all of the
 12 departments in humanities?
 13 A. I have to say that I don't know that for
 14 a fact. I know they are offered in many
 15 departments. I hear about them.
 16 Q. And are they optional or required?
 17 A. Well, they are optional but they are yet
 18 required that the students -- a student would be
 19 asked why they weren't attending if they didn't
 20 attend. But if someone has, you know, an emergency
 21 or something, it's okay.
 22 Q. And you said that the foreign languages
 23 and classics have pedagogy courses.
 24 Do you know if any of the other classes
 25 have pedagogy courses?

1 A. I can't say for sure.
 2 Q. You said that the writing program needs
 3 lots of instructors. Why is that?
 4 A. Because every undergraduate student has
 5 some room for improvement in writing and we believe
 6 very strongly that learning writing as an
 7 undergraduate is a prime goal.
 8 Q. Are the instructors in the writing
 9 program primarily graduate students?
 10 A. I don't know.
 11 Q. Does being a writing intern or a writing
 12 lecturer in the writing program count towards the
 13 GAI points that a graduate students gets?
 14 A. Yes, they can.
 15 You know I wanted to go back on that.
 16 I'm not sure on that. I want to revise that.
 17 Q. You said that in the core classes the
 18 faculty supervisor for each sequence meets with the
 19 teaching assistants and the faculty lecturers.
 20 Are there also graduate student
 21 lecturers?
 22 A. Yes.
 23 Q. So the faculty supervisor meets with the
 24 teaching assistants, faculty lecturers and graduate
 25 student lecturers?

1 A. I know they meet -- I thought I said the
 2 graduate student lectures and the TAs. I'm not
 3 certain that every faculty member teaching in the
 4 sequence comes every week but they certainly would
 5 be encouraged to.
 6 Q. And is one of the purposes of those
 7 weekly meetings to make sure that -- that there is
 8 some consistency across the different sections?
 9 A. That's right. That's what the common
 10 core is. It's a common core of knowledge.
 11 Q. And in those the graduate students who
 12 are lecturers in the core classes are expected to
 13 follow a standard syllabus for the class?
 14 A. My impression is that the syllabi are
 15 much more standardized in the core, the core.
 16 Q. And so in those classes a lecturer who's
 17 a graduate student would be following the same
 18 syllabus as a faculty member who's teaching the
 19 same course?
 20 A. I believe that's true.
 21 Q. When you talked about the meetings that
 22 are held to determine teaching assignments for the
 23 upcoming year, you said that teaching needs are
 24 discussed. How are teaching needs determined?
 25 A. Because of past years of teaching, we

1 have a sense of how many sections of Music 101 we
2 need, how many of 102, what requirements are
3 needed, what courses are needed for the required
4 courses for the major in the following year. It's
5 a major part of planning for the curriculum for the
6 coming year and we do that based on past
7 experience.

8 Q. So that's based on past experience with
9 how many undergraduate majors there are and what
10 courses they have been enrolling in and what
11 courses they need to take to fulfill their
12 requirements?

13 A. That's correct.

14 Q. You were asked some questions about a
15 non-lab research assignment assistant is paid on an
16 hourly basis?

17 A. Yes.

18 Q. And that hourly pay is --

19 A. I should revise that. It's possible
20 that a research assistant would be paid for a job.
21 I sometimes hire a composer to set musical examples
22 for me, and we agree that I will pay them \$100 for
23 it or whatever.

24 Q. So the research assistant is either paid
25 by the job or paid hourly?

1 A. Mostly the preponderance is an hourly
2 rate. Occasionally, a job type of thing.

3 Q. And that payment is given to the
4 research assistant by the university?

5 A. That would come out of the -- in the
6 Division of Humanities. That would come out of the
7 humanities professor's research account.

8 Q. Is the paycheck issued by the
9 university?

10 A. I assume so.

11 Q. So in the example you gave when you used
12 a research assistant, what did the research
13 assistant do?

14 A. I have had the research assistant help
15 me index a book, and I also had a research
16 assistant set musical examples with me. I'm not
17 familiar with music writing computer software and
18 our composers are very familiar.

19 Q. And so in those cases did you tell the
20 research assistant what you wanted them to do?

21 A. I did. And then they would give me a
22 draft, and I would look at it and give it back to
23 them and make corrections. So it's a
24 back-and-forth process.

25 Q. And did what they do help you?

1 A. It did help me. It also helped them
2 learn how to incorporate musical examples into a
3 book. I was writing a book. They haven't written
4 a book yet, so they are learning that process. We
5 are required to send camera ready examples to
6 publishers.

7 Q. And you had the research assistant
8 create an index. This was an index of topics in
9 the book?

10 A. Yes. Well, I'm sorry. Let me revise
11 that. The only time I used a research assistant in
12 the index was to create and go through the book --
13 again, I'm a medievalist. I pulled out the
14 manuscript -- the index of manuscript. So we'd go
15 through the book and find every mention of a
16 manuscript and put it into a separate index.

17 I myself create the index because I feel
18 I know content of the book better than anyone else.
19 And then had that same research assistant to help
20 me proofread that, which is why I confused the two.

21 Q. Then with respect to the workshops that
22 are funded by CAS, are those workshops primarily in
23 the Humanities Division?

24 A. No. They also exist in social sciences
25 and some of our workshops are cross-divisional too.

1 Q. What are some examples of the workshops?

2 A. Yes.

3 Q. What are some of the ones that you have
4 attended?

5 A. The medieval studies workshop, which is
6 cross-divisional. It has historians and history
7 and social sciences in the university.

8 Q. And the workshop coordinator in addition
9 to doing the responsibilities you testified to also
10 reads the materials that are going to be discussed
11 at the workshop?

12 A. Not necessarily. They are not required
13 to. Everyone is encouraged to and then the
14 coordinator has no greater obligation than anyone
15 else.

16 Q. Do some of the workshop coordinators
17 help run the discussions by asking questions of the
18 speaker?

19 A. Well, maybe but that would be poor
20 happenstance, which is to say that if a speaker is
21 invited, then a graduate student who is working in
22 the same area or near -- near an area then that
23 speaker would most likely be chosen to provide an
24 initial response that would kick off the
25 discussion. That might or might not be the

1 workshop coordinator. Again, this is part of the
 2 training to help students do things in their area
 3 and conversing with invited speakers is a very
 4 important thing to learn how to do.
 5 Q. You are saying being a workshop
 6 coordinator?
 7 A. No. I'm saying that interaction that I
 8 just described with appointing someone to be the
 9 first responder is who might or might not be the
 10 coordinator.
 11 Q. And the workshop coordinators receive a
 12 stipend for coordinating the workshop?
 13 A. They receive payment. I don't know what
 14 to call it but they receive payment.
 15 Q. And do you know how much that is?
 16 A. No, I don't. I'm sorry.
 17 Q. Are the workshop coordinators all
 18 graduate students?
 19 A. Yes. There is a faculty director or
 20 sometimes two faculty co-directors and a
 21 coordinator -- sometimes two coordinators, two
 22 co-coordinators, I believe, who are graduate
 23 students.
 24 Q. So each workshop has either one
 25 coordinator and or two co-coordinators and they are

1 BY MS. AUERBACK:
 2 Q. If you look at Employer 26, the third
 3 page where it mentions appended documents, do you
 4 know what was in the outline of TA responsibilities
 5 document?
 6 A. I don't remember it. I just don't.
 7 MS. AUERBACH: That's all I have.
 8 HEARING OFFICER MOLLS: Okay. I have one or
 9 two questions.
 10 With regards to the evaluation of forms
 11 completed by undergraduates students for the
 12 instructors of record and for the TAs, do you know
 13 how these evaluation forms are maintained by the
 14 university?
 15 MR. PEARLMAN: I apologize. I didn't hear the
 16 very end.
 17 HEARING OFFICER MOLLS: Do you know how these
 18 evaluation forms are maintained by the university?
 19 THE WITNESS: I do not know beyond the fact
 20 that they are available online and they go back
 21 quite a ways. As the person responsible for hiring
 22 or for promoting people, my office is looking them
 23 up quite often and one can go back several years.
 24 HEARING OFFICER MOLLS: So when you say they
 25 are available online, do you mean publicly

1 all graduate students?
 2 A. Yes.
 3 Q. Do some master students teach classes?
 4 MR. PEARLMAN: Objection. Asked answered.
 5 BY MS. AUERBACH:
 6 Q. Okay. I'll go on.
 7 Have you had any masters students teach
 8 classes in the music department?
 9 MR. PEARLMAN: Objection. Asked and answered.
 10 MS. AUERBACH: I don't remember her being
 11 asked that.
 12 MR. PEARLMAN: She has been asked if masters
 13 students teach and she said no.
 14 HEARING OFFICER MOLLS: The original question
 15 was you don't recall the context of the time, so I
 16 don't see the harm in having her personal
 17 experience. We have the broad strokes answer.
 18 Have you --
 19 THE WITNESS: No.
 20 BY MS. AUERBACH:
 21 Q. So you are saying no masters students
 22 teach at all in the Humanities Division?
 23 MR. PEARLMAN: Asked and answered.
 24 HEARING OFFICER MOLLS: That one was answered.
 25

1 available?
 2 THE WITNESS: No.
 3 HEARING OFFICER MOLLS: Can you elaborate?
 4 THE WITNESS: Well, you have to log in to get
 5 to the teaching evaluation, and I don't know the
 6 extent to which they are available in the
 7 university community. Certainly, all of the
 8 faculty have access. But, for example, I don't
 9 have access to the law school teaching evaluation,
 10 so it may be within the division. I just don't
 11 know.
 12 HEARING OFFICER MOLLS: Okay.
 13 I know you did testify about the
 14 approximate number of graduate student enrollment
 15 in the music program.
 16 Do you know how many undergraduate
 17 enrollments there are?
 18 THE WITNESS: Enrollments in classes?
 19 HEARING OFFICER MOLLS: In the major.
 20 THE WITNESS: How many majors we have active
 21 majors at any given time?
 22 HEARING OFFICER MOLLS: Mm-hmm.
 23 THE WITNESS: I believe about 30.
 24 HEARING OFFICER MOLLS: And I know you had
 25 testified about the course that is designated for

1 non-majors.
 2 THE WITNESS: Yes.
 3 HEARING OFFICER MOLS: In a given quarter, do
 4 you know approximately how many undergraduate
 5 enrollments there would be in that course?
 6 THE WITNESS: In that course that I talked
 7 about?
 8 HEARING OFFICER MOLS: Mm-hmm.
 9 THE WITNESS: Yes, about 75. The course I
 10 teach is taught in the winter quarter but it's the
 11 first of the half of a two-part sequence and those
 12 75 will go right on into the spring quarter.
 13 HEARING OFFICER MOLS: I believe that's all of
 14 my questions.
 15 Counsel, would you like redirect?
 16 MR. PEARLMAN: If we could take a very quick
 17 break. I don't have a very lengthy redirect.
 18 (WHEREUPON, a break was taken.)
 19 HEARING OFFICER MOLS: On the record.
 20 MR. PEARLMAN: I want to apologize by taking
 21 more time but because we took that extra time we
 22 determined that we have no questions on redirect.
 23 HEARING OFFICER MOLS: Okay.
 24 Any further questions for the witness
 25 then? Okay. Dr. Robertson, you are excused.

1 Okay. So as mentioned earlier, I told
 2 the parties I was going to let you know my decision
 3 concerning the Petitioner's request to shorten the
 4 deadline for filing a petition to revoke.
 5 I did consider it but the petition
 6 request is denied. The deadline will remain at the
 7 standard five days.
 8 MR. PORZIO: Thank you.
 9 HEARING OFFICER MOLS: So it's now almost 10
 10 until 5:00. I believe it may be an appropriate
 11 time to adjourn for the day.
 12 There is no objection?
 13 MR. PEARLMAN: No objection.
 14 HEARING OFFICER MOLS: All right. So off the
 15 record.
 16 Just to state very quickly on the record
 17 that we will resume proceedings tomorrow morning at
 18 9:00 a.m.
 19 Have a good evening everybody.
 20 (Whereupon, the hearing
 21 concluded at 4:50 p.m.)
 22
 23
 24
 25

1 CERTIFICATION
 2
 3 This is to certify that the attached
 4 proceedings before the National Labor Relations
 5 Board (NLRB), Region 13, in the matter of
 6 UNIVERSITY OF CHICAGO and GRADUATE STUDENTS UNITED,
 7 Case 13-RC-198325, at Chicago, Illinois, on May 22,
 8 2017, was held according to the record, and that
 9 this is the original, complete, and true and
 10 accurate transcript that has been given compared to
 11 the recording, at the hearing, that the exhibits
 12 are complete and no exhibits received in evidence
 13 or in the rejected exhibit files are missing.
 14
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 16
 17
 18 CARIANN WAGNER, CSR
 19
 20 Licence 084-003836
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