OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of: UNIVERSITY OF CHICAGO Employer
And
GRADUATE STUDENTS UNITED Petitioner

Case No.: 13-RC-198325

Place: Chicago, IL
Date: 05/25/17
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Employer

and

Case No.

13-RC-198325

GRADUATES STUDENTS UNITED

Petitioner

The above-entitled matter came on for hearing pursuant to notice, before CHRISTINA MOLS, Hearing Officer, at 219 South Dearborn Street, Eighth Floor, Chicago, Illinois, on Thursday, May 25, 2017, at 9:00 a.m.
P R O S K A U E R   R O S E   L L P ,   b y   M R .   Z A C H A R Y   D .   F A S M A N ,
M R .   A L L A N   H .   W E I T Z M A N ,
M R .   S T E V E N   J .   P O R Z I O ,   a n d
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S u i t e   3 4 0   W e s t
B o c a   R a t o n ,   F l o r i d a   3 3 4 3 1
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P E T I T I O N E R :   D O W D ,   B L O C H ,   B E N N E T T ,   C E R V O N E ,
A U E R B A C H   &   Y O K I C H ,   b y
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H E A R I N G   O F F I C E R   M O L S :   O n t h e   r e c o r d .
M R .   W E I T Z M A N :   T h e   U n i v e r s i t y   o f   C h i c a g o
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D I R E C T   E X A M I N A T I O N
B Y   M R .   W E I T Z M A N :
Q .   G o o d   m o r n i n g ,   M s .   S w a n s o n .
A .   G o o d   m o r n i n g .
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A .   D e a n   o f   S t u d e n t   o f   t h e   P h y s i c a l   S c i e n c e s.
Division.

Q. Approximately how long have you been a Dean of Students in the Physical Sciences Division?
A. Five years this September.

Q. Have you held any other positions while at the university?
A. Yes.

Q. What positions?
A. Program Coordinator for the Master's of Arts Program in Humanities.

Q. Is that the first position you held when you came to the University of Chicago?
A. Yes.

Q. When did you hold that position?
A. Three years.

Q. So, that would be from 2001 until approximately sometime in 2004?
A. Yes.

Q. What position did you hold next?
A. Assistant Dean of Students in the Division of the Humanities.

Q. How long did you hold that position?
A. Three years.

Q. So, that would be sometime from 2004 to 2007?
A. Yes.

Q. What was your next position?
A. Associate Dean of Students in the Division of the Humanities.

Q. How long did you hold that position?
A. Four years.

Q. 2007 to 2011?
A. Yes.

Q. Does that get us to your current position?
A. I was Deputy Dean Students in the Division of the Humanities from 2011 until 2012.

Q. And you became the Dean in --
A. The Dean of Students in Physical Sciences in 2012.

Q. Good. What is your educational background?
A. I have a Bachelor's of Fine Arts and a Master's Degree.

Q. Your Bachelor's of Fine Arts was received from what educational institution?
A. The University of Nebraska at Omaha.

Q. And you received your MA from?
A. The University of Chicago.

Q. Do you have any other credentials?
A. I am completed a certificate program at the Booth School of Business at the University of Chicago. It was an Executive Education Program For Emerging Leaders.

Q. What are your responsibilities as the Dean of Students of the Physical Science Division, which we're going to refer to from time to time as PSD?
A. The portfolio includes admissions and recruitment, administration of financial aid, registration, and the records. Convocation, student crisis management. Administration of students' disabilities. Accommodations and student discipline, conduct. Also student programming at the divisional level.

Q. How many academic departments does PSD have?
A. Seven.

Q. Can you tell us what these seven departments are?
A. Astronomy and Astrophysics.

Q. Is one?

Q. How many academic programs does PDS (sic) have?
A. PSD has nine Ph.D. programs and four Master's programs.

Q. The Master's programs consist of the seven departments?
A. They are affiliated with departments, but they are stand-alone programs.

MR. WEITZMAN: I'm going to withdraw that question.
HEARING OFFICER MOLS: Okay.

BY MR. WEITZMAN:
Q. I meant to ask you about the Ph.D. program.
A. The two -- yes. The seven Ph.D. -- seven of the nine Ph.D. programs are affiliated with the seven departments.

Q. And there are nine all together; the two others are?
A. Biophysical Sciences and a new program, Computational Applied Mathematics.

Q. The Biophysical Science Program is a joint program?
A. It's academically joint between the Biological Sciences and the Physical Sciences, but administered by the Physical Science Division.

Q. Approximately how many members, faculty members does PSD have?
A. Just under 200.
Q. Does PSD have an undergraduate program?  
A. Yes.

Q. And who is that for?  
A. Undergraduates in the college who take majors from the departments.

Q. Are there Master's programs in PSD?  
A. Yes.

Q. How many?  
A. Four.

Q. Could you name them, please?  
A. The Master's of Science program in -- the Master's Program in Computer Science, the Master's of Science program in Financial Mathematics, the Master's Program in the Physical Sciences Division, and the Master's of Science in Statistics.

Q. Looking at the programs that you just mentioned in your Master's program, is the Computer Science Program for Master's somehow different from the Ph.D. program?  
A. Yes.

Q. In what ways?  
A. It is a professional Master's program that accommodates a number of part-time students. And it's a -- it terminates in a Master's degree.

Q. The program in Financial Mathematics for Master's is not a program offered for Ph.D.s, correct?  
A. It is not.

Q. A Master's in the Division of Physical Sciences is not a program offered for Ph.D.s, correct?  
A. It is not.

Q. Does the Statistics Master Program differ from the Ph.D. Master Program?  
A. Yes.

Q. How?  
A. It terminates in a Master's degree, and it does not have a dissertation and other doctoral requirements.

Q. Typically called a terminal degree?  
A. It's a terminal degree.

Q. Thank you.

Could you tell us approximately how many undergraduate students have declared majors within one of PSD's departments?  
A. The last statistics I saw on this were from 2015-'16, and there were approximately 1,300 majors.

Q. Approximately how many Ph.D. students are enrolled in PSD?  
A. Approximately 750.

HEARING OFFICER MOLS: Is that for this most recent academic year?  
THE WITNESS: Yes.

HEARING OFFICER MOLS: Thank you.

BY MR. WEITZMAN:

Q. Approximately how many Master's students are enrolled in PSD?  
A. It varies from quarter to quarter, between 450 and 550.

Q. Is there a time limit for students to obtain their Ph.D. if they are in the Ph.D. program?  
A. Yes.

Q. What is that?  
A. For students who matriculated prior to summer, 2016, by university rules the time limit is 12 years.

For students who matriculated in the summer of 2016 and after, by university rule the time limit is nine years. However, in that new rule, leaves of absence stop the clock, and there was an expanded leave of absence policy put into place for doctoral students, again at the university level.

Q. Does the responsibility for administering leaves of absence that would stop the clock fall under your office's jurisdiction?  
A. Yes.

Q. Do you know the reason why the time for Ph.D. students to complete their degrees was changed from 12 to nine with the additional change to the leave of absence policy?  
A. There was faculty committee convened in the late winter and spring of last year who looked at data on time to degree in the departments across the university as well as peer policies on the issue, and it was determined that the university was an outlier in terms of how peers handled this. And with the complete -- with many changes to the overall doctoral residents system including the addition of more options for leave -- an expanded leave of absence policy, it was determined by the faculty to be appropriate at nine years.

HEARING OFFICER MOLS: When you refer to peers, are you referring to other higher educational institutions?

THE WITNESS: Yes.

HEARING OFFICER MOLS: Thank you.

BY MR. WEITZMAN:

Q. Do you know the statistics on the average number of years it takes a student in PSD to complete his or her Ph.D. degree?
A. When we looked at the statistics from the last five years, the average across the division was 5.88 years.

Q. Is that the number -- is the same number for each of the nine programs?
A. It will vary by program.

Q. Some will be more and some will be less?
A. Yes.

Q. How many years does it typically take a student to complete a Master's degree?
A. It varies by program.

Q. So, give me the minimum.
A. The minimum would be three quarters. And the --

Q. Maximum?
A. Two years for a full-time student.

Q. Why do you say, for a full-time student?
A. Part-time students might take longer because they are completing the program one class per quarter or taking quarters off.

Q. Is there a time limit as to when students must obtain their Master's degree?
A. Not at the divisional level. Programs can set time limits.

Q. Why does the Master's program take a shorter amount of time than a Ph.D. program?
A. In the two mainly professional programs it is exclusively course work that meets the requirements for the Master's degree. The -- a doctoral program in addition to course work requires potentially exams, other milestones to meet candidacy, and there is a production of a dissertation.

Q. Thank you for that background. Now I'm going to talk to you about teaching assistantships. Do PSD Ph.D. students have a divisional teaching requirement?
A. There is no divisional teaching requirement in PSD.

Q. Do the PSD programs have teaching requirements?
A. PSD programs have teaching requirements.

Q. So, you have in front of you on this easel part of Employer's Exhibit 15 that we've been using as a demonstrative exhibit, so that as representatives from the various divisions testify, they can look at what's listed on this exhibit as -- for teaching requirements, and then testify as to the accuracy of what's on there.

So, let me walk you through it. Do you see the heading about a third of the way down, Physical Sciences Division?
A. I do.

Q. In the left-hand column it has a heading for Divisional Teaching Requirements. Are those all the programs within PSD?
A. Yes.

Q. Okay. And then moving across, we see Teaching Requirements. So, you've already testified that there is no divisional retirements, but that the programs have divisions. So, walk us through the teaching requirements for each of the departments as represented on this demonstrative, and tell us whether it's accurate or not.

A. Astronomy and Astrophysics has a two-quarter teaching requirement.

Biophysical Sciences has a two-quarter teaching requirement.

Chemistry has a three-quarter teaching requirement.

Computational and Applied Mathematics is a new program, and the requirement is still under development.

Computer Science does not have a teaching requirement.

Geophysical Sciences does not have a teaching requirement, but TA training is required of all entering students.

Mathematics has a three-quarter teaching requirement.

Physics does not have a teaching requirement, but TA training is required of all entering students.

Statistics has a teaching requirement.

This is accurate.

MR. WEITZMAN: May I?
HEARING OFFICER MOLS: Yes.

MR. WEITZMAN: This will be 15 A.
(Employer Exhibit Number 15 A was marked for identification.)

HEARING OFFICER MOLS: Okay. Thank you.

BY MR. WEITZMAN:
Q. Let me direct your attention to the last page of 15 A. 15 A differs from the demonstrative which is on the table in that 15 A has a fourth footnote. Would you look at that footnote and tell us what it says and tell us whether it's accurate?
A. Astronomy and Astrophysics, ANA. Students may fulfill the teaching requirement through an exposure to teaching rather than a teaching
| Q. | Is it an online training. | A. | It's customized by program. And I should mention that students in Biophysical Sciences complete the -- instead of the CITI training, they complete that requirement through a course that's offered the same as Biological Sciences. |
| Q. | What is the Collaborative Institutional Training Initiative? | A. | Other than the Ph.D. graduate students who are in the Astronomy and Astrophysics program who elected to take an alternate way of satisfying the teaching requirement, how do PSD students satisfy the teaching requirement? |
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| Q. | Does PSD provide an orientation or other introductory training for its Ph.D. students prior to their TA-ship? | A. | Yes. It's an online training. |
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modules that are not included.

Q. Let me use Chemistry as an example, which is about a third of the way down from the left-hand column.

If I'm a Ph.D. student in the chemistry program, as I understood your testimony it's optional for me to take the authorship module, correct?

A. Correct.

Q. It's required that I take Conflict of Interest in Data Management, correct?

A. Correct.

Q. Peer Review would be optional for me?

A. Correct.

Q. Research is required?

A. Correct.

Q. Mentoring is not included. What does that mean, not included?

A. The student completing the module would not have that as an option.

Q. And that would be an option -- and it's the Chemistry --

A. The Chemistry doctoral students who are completing the CITI training program.

Q. And that's because the Chemistry Department decided that it wasn't required for its Ph.D. students to take the mentoring module?

A. That is correct.

Q. The next line across is Collaborative Research is optional for me as a Chemistry Ph.D. student, correct?

A. Correct.

Q. Also, Who's an Author is an optional program for me?

A. Correct.

Q. And the last two are Collaboration Between Academics and Case Study Data Management; that is also not included within my modules as a Ph.D. student in the Chemistry Department, correct?

A. Correct.

Q. And I won't go through all of those. Is that the same way it works for the rest of the programs that are set forth in the left-hand column?

A. Yes.

MR. WEITZMAN: The Employer offers Exhibit 49.

MS. AUERBACH: No objection.

HEARING OFFICER MOLS: Employer Exhibit 49 is received.

(Employer Exhibit Number 49 was marked for identification.)

BY MR. WEITZMAN:

Q. Ms. Swanson, can you identify Employer's Exhibit Number 50 for us, please?

A. It's a table of the doctoral programs in the Physical Sciences Division and their financial aid packages in 2016 and '17.

Q. So, the column in the -- the left-hand column lists the doctoral programs, correct?

A. Yes.

Q. The second column is the nine-month stipend?

A. The second column is the twelve-month stipend except for the programs in Computer Science, Mathematics and Statistics. That is the nine-month stipend. And then the summer stipend is indicated in the Summer Financial Aid column.

Q. And then you totalled Column B, two middle columns, and set that forth in the column on the far right-hand side, correct?
A. That's correct.

MR. WEITZMAN: And the Employer offers Exhibit 50 into evidence.

MS. AUERBACH: No objection.

HEARING OFFICER MOLS: Employer Exhibit 50 is received.

(Employer Exhibit Number 50 was received in evidence.)

BY MR. WEITZMAN:

Q. Does PSD offer a financial aid package to Master's students that is similar to the financial aid that Ph.D. students receive?

A. No.

Q. To your knowledge, are there non-lab research assistants in PSD?

A. Can --

Q. Do you even know what they are?

A. No.

Q. Are there workshop coordinators in PSD?

A. No.

MR. WEITZMAN: Can we have a moment off the record, please?

HEARING OFFICER MOLS: Sure. Off the record.

(There was a discussion held off the record.)

HEARING OFFICER MOLS: On the record.

MR. WEITZMAN: The Employer has no further questions of Ms. Swanson.

We pass the witness.

MS. AUERBACH: I would like a few minutes off the record.

HEARING OFFICER MOLS: Sure. Off the record.

(There was a discussion held off the record.)

HEARING OFFICER MOLS: Petitioner can proceed with its questions for the witness.

CROSS-EXAMINATION

BY MS. AUERBACH:

Q. With respect to Employer Exhibit 15 A, the Physical Science Division department teaching requirements that you discussed, do you know if it's correct that in the Computer Science Department, students every quarter are assigned either as a TA or an RA?

A. Students in Computer Science TA, RA, and also have quarters of fellowship. So, stipends from multiple sources.

Q. Is it accurate that the students in Computer Science, in any one quarter about half of those students in the department are serving as a TA?

A. I don't know.

Q. You don't know?

A. I don't know.

Q. Do you know if it's accurate that if a student in Computer Science does not have outside funding and if the person's faculty advisor does not have research funding, then the student is assigned as a TA?

MR. WEITZMAN: Objection, hypothetical.

MS. AUERBACH: No. It's not hypothetical. I'm asking if she knows if that's accurate.

HEARING OFFICER MOLS: If this is an incident that occurs. Do you know if that occurs?

THE WITNESS: They may be assigned to a TA-ship. There are also quarters of courses of a department that are not TA.

BY MS. AUERBACH:

Q. Are you aware of the fact that currently in the Computer Science Department in Course CMSC 15400 there is a Master's student serving as a TA?

A. Yes.

Q. And that Master's student is fulfilling the same responsibilities as a Ph.D. student who TAs in that class?

A. I do not know.

Q. And do you know that the Master's student is being paid for TA'ing that class?

A. I assume. But I don't know.

Q. You assume?

A. That there is a pay, but I do not know what the amount is.

Q. Is it true that in the math department after the required teaching requirements of three quarters are completed, a student who does not have outside funding is assigned to be a stand-alone instructor every quarter for the rest -- towards degree except for one quarter?

A. I believe that there are students that also serve as research assistants in quarters.

Q. In the math department?

A. In the math department.

Q. So, they are assigned for the fall, winter and spring quarters either as a stand-alone instructor or as a research assistant?

A. Or with a fellowship.

Q. So, if they don't have an outside fellowship they are assigned to either be an
instructor or research assistant?

Q. And they are required to do that as a condition of receiving their stipend, correct?
A. Yes.

Q. And is it correct that in the math department in the 130s Calculus Sequence, all of the stand-alone instructors for the course for the sections of that course are graduate students?
A. I do not know.

Q. Do you know whether there are courses in the math department for which only graduate students are instructors of record for the course?
A. I do not know.

Q. And in the other departments in the Physical Science Division besides math and computer science, in most cases students are assigned either to be a TA instructor or an RA?

BY MS. AUERBACH:

MR. WEITZMAN: Objection. Vague.

HEARING OFFICER MOLS: Which program? Just any program?
MS. AUERBACH: All the other ones that I didn't discuss.

MR. WEITZMAN: Compound.

MS. AUERBACH: In Physical Science. I'm asking if they are assigned to one or the other.

Q. And where these students are assigned as an instructor or research assistant?

BY MS. AUERBACH:

Q. And so, therefore, to receive that, if the funding source is a research assistantship in a quarter that a student has to fulfill the research assistantship requirements in order to receive that funding, correct?
A. Yes. The source of the funding in that case would be a faculty member's grant.

Q. And if a student is receiving teaching assistantship funding in a quarter the student has to fulfill the teaching assistantship requirements to receive the funding in that quarter, correct?
A. Yes. The source of the funding would be the teaching assistantship.

Q. And if the source of a funding is a lectureship in that quarter, the student has to fulfill the requirement of the lectureship to receive the funding that quarter?
A. Yes. Again, the source of the funding would be the lectureship.

Q. With respect to Employer Exhibit 15, which is the chart of financial aid packages, the first column where it says, base financial aid package, that includes not only the stipend but also the
Q. What is the Student Life fee?
A. The Student Life fee has components to it, one of which is the clinic portion, which works in conjunction with the health insurance and covers student access to the student health clinic, student counseling services, and also resources provided through health promotion and wellness. And then there is what is used to be called -- they were two separate fees. An activity fee, which covers a range of resources at the university.

Q. Okay. And do you know what the amount of the clinic portion of the Student Life fee is?
A. In 2016-17, $295 a quarter.

Q. And do you know how much the amount of the health insurance that's included in the first column is?
A. The premium is $1,205 per quarter, charged across the quarters. So, 1,205 multiplied by four or three, 295 multiplied by four or three, depending on the -- whether we're looking at a nine-month or 12-month package in that column.

Q. And the summer financial aid column, isn't it true that in some cases not all students receive that summer financial aid?
A. There are instances, and computer science would be the most likely example where a student may not register in the summer quarter in order to pursue an internship. And so they are not fulfilling their academic work that quarter but are -- but are working for an employer off campus, and so their funding for the summer is coming from that employer.

Q. And so then -- then those students don't get that summer activity fee?
A. That's correct. They are not registered in pursuing their academic degree in that summer quarter. May I add some information to an earlier question, about source of funding, and if a TA or RA? There are instances that I can recall where a student may need to -- may be unable to fulfill that teaching or research requirement. I can think of medical leave, for example. And in those cases -- or a medical difficulty. Not a true leave. In those cases, I have seen departments change the source of funding for the student so that the student still receives the stipend for the quarter, but the source is not a grant or a teaching or a lecturer position. So, the source comes from departmental funds.

Q. So, an occasional accommodation is made for a medical, someone who has a medical problem?
A. Yes.

Q. But that's not the typical case?
A. That's not the typical.

Q. Going to Employer Exhibit 49, the color-coded chart, is the CITI training given only to doctoral students, or is it also given to post docs and undergrads?
A. Yes. There are -- the chart indicates post docs and undergrads that are working in labs.

Q. Where are the undergraduates?
A. They are the middle row, Between graduate statistics and above post doc, Astronomy Astrophysics.

Q. Okay. And is this a training that's given only before the first time the graduate students, post docs and undergrads are assigned to work in a lab, or is this given annually?
A. This training is given to -- so I can only speak to the doctoral students, but it's given to all incoming doctoral students, regardless of whether they will work in a lab or when they will work in a lab.

Q. And you said this was online training?
A. Yes.

Q. Do you know approximately how long it takes to complete it?
A. I don't.

HEARING OFFICER MOLS: Before your next question, you had said that the CITI training is typically done before the student registers for the first semester; is that correct?
THE WITNESS: Yes.

HEARING OFFICER MOLS: Do you know if the training must be fully completed before matriculation?
THE WITNESS: We -- there is no hard stop on registration that is put into place. Rather, the students are harassed until they complete their training with the goal of having them all completed by the end of that first quarter at the latest.
HEARING OFFICER MOLS: Okay. Thank you.

BY MS. AUERBACH:

Q. And you were asked whether Ph.D. students are given funding until they graduate if there is satisfactory progress. What are the components of satisfactory progress?

A. Those are determined by the faculty in each program.

Q. The stipend and health insurance given to Ph.D. students -- let me correct that. The university withholds taxes from the stipends and health insurance paid to graduate students in the division, correct?

A. It depends on the source of the funding. So, if it is run through the academic information system, taxes are not withheld, and students need to file quarterly tax reports. If they are run through the Workday system, then taxes are withheld.

Q. And what determines what's run through the Workday system and what's not?

A. The TA and RA stipends are run through the Workday system in most cases. Summer stipends in math and computer science may be run through the academic information system. I would need to verify that.

Q. And what is the Workday system?

A. It's the university's system of Human Resources. I've think it's the Human Resources payroll system. I'm not actually a user of that system.

MS. AUERBACH: Do you have -- can you show the witness Petitioner's Exhibit Number 22?

HEARING OFFICER MOLS: This one?

MS. AUERBACH: Yes.

BY MS. AUERBACH:

Q. Do you see admission letters that go out from the Physical Sciences Division?

A. My office administers the system through which these letters go to students. To administer.

Q. So, do you know whether this letter is an accurate version of the letter that went out in the fall of 2015 to students in Physical Sciences Division?

A. I would have to look in the Slate admission system to verify that it was an accurate letter.

HEARING OFFICER MOLS: Off the record.

(There was a discussion held off the record.)

HEARING OFFICER MOLS: On record.

So, before the Employer proceeds with any of his redirect questions, I just have one clarifying question for you, Ms. Swanson. You had said that for the CITI modules as far as they should be completed before the end of the student's first quarter, and if they are -- if they are not finished before matriculation they are, in your words, harassed?

THE WITNESS: We email them.

HEARING OFFICER MOLS: Your office emails them?

THE WITNESS: They get emails from our office initially to prompt them to complete the training, but after that it's managed by the departments.

HEARING OFFICER MOLS: That was my only question. Proceed.

REDIRECT EXAMINATION

BY MR. WEITZMAN:

Q. Thank you.

Q. And nothing else?

A. Correct.

Q. You were asked various questions whether fulfilling an assignment was a condition of funding. Was it your understanding that the funding that counsel was referring to was the stipend and not the tuition or the help?

A. Yes.

Q. In Math and Computer Science, being a TA or RA beyond the requirement does not apply to students who are receiving fellowship or other outside funding, correct?

A. Correct.

Q. With regard to the one out of 450 Master's students, who is TA'ing --

MS. AUERBACH: Objection. There is --

MR. WEITZMAN: I didn't finish my question.

HEARING OFFICER MOLS: Okay. Finish your question, Counsel.

BY MR. WEITZMAN:

Q. With respect to the one out of 450 Master's students who is TA'ing, is he receiving free tuition?

MS. AUERBACH: Objection.

HEARING OFFICER MOLS: Grounds?
MS. AUERBACH: There is nothing in the record that says that one out of 450 Master's TA. She was simply asked about a particular Master's student.

BY MR. WEITZMAN:
Q. How many Master's students, to your knowledge are TA’ing?
A. In the spring quarter?
Q. Yes.
A. One.
Q. With respect to the one out of 450 Master's students who is teaching in the spring quarter, is that Master's student receiving free tuition?
A. I don't know.
Q. Is he or she receiving health insurance coverage?
A. I don't know.
Q. Or the student health fee?
A. I don't know.

HEARING OFFICER MOLS: I'm sorry, Counsel. Did you mean the Student Life fee?
MR. WEITZMAN: I'm sorry. I can't read my own handwriting. Thank you.

BY MR. WEITZMAN:
Q. Is it an academic requirement?
A. No.
Q. Is it done voluntarily?
A. Yes.

MR. FASMAN: Madam Hearing Officer, we have one additional witness who, unfortunately, has a family health emergency and is not available today. He can be here tomorrow afternoon. And during an off-the-record discussion that we had with Petitioner's counsel, it was sort of left up in the air as to whether it was going to work out with Petitioner's witnesses for him to come tomorrow afternoon or next week. I haven't inquired about next week, but I'm happy to do that. But he's not -- he's not here today for that reason.

HEARING OFFICER MOLS: Okay. So --

MS. AUERBACH: Do you want to discuss on the record?

HEARING OFFICER MOLS: Let's talk off the record and then we can clarify on the record.

MR. WEITZMAN: No further questions.

HEARING OFFICER MOLS: Petitioner, any further questions for the witness?

RECROSS-EXAMINATION
BY MS. AUERBACH:
Q. Right. Just to clarify on the last question. Voluntarily, but for pay, correct?
A. I don't know.
Q. You don't know whether the person is paid or the not?
A. I could only assume.

HEARING OFFICER MOLS: So, you don't know for certain?
THE WITNESS: Uh-huh.
MS. AUERBACH: I don't have anything else.
HEARING OFFICER MOLS: Any further questions?
MR. WEITZMAN: I am done.

HEARING OFFICER MOLS: You are excused.
Thank you.
(Witness excused.)
MR. WEITZMAN: Thank you.

Petitioner is going to endeavor to have its first witness prepared to give testimony this afternoon. In the meantime, we are going to take a recess, and the parties are going to discuss possible document stipulations that may be entered into the record following the stipulation. And it's my understanding the parties have also prepared a stipulation with regard to a correction to Dr. Prince's testimony; is that correct?

MR. WEITZMAN: That's correct. The parties have stipulated that if Dr. Victoria Price came here and testified again she would testify as follows, Quote: My prior testimony needs to be corrected to the extent it does not state that the Department of Education GAANN, spelled G-A-A-N-N: Training in Quantitative Ecology Grant has a teaching component that requires BSD Ph.D. graduate students funded by this grant to complete an additional teaching assistantship beyond the two quarters required by BSD. Close quote.

HEARING OFFICER MOLS: Will the parties prefer to leave the oral change into the record, or do you want to enter the written document into the record?

MR. WEITZMAN: I'm satisfied that if
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<tr>
<td>1. Counsel says so stipulated, based on what I just said, we're done.</td>
<td>1. HEARING OFFICER MOLS: I'm sorry. Did we cover Exhibit 34?</td>
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<td>2. MS. AUERBACH: The Union stipulates to -- agrees to that stipulation to the correction of Dr. Prince's testimony.</td>
<td>3. MR. PORZIO: Yes. Award Management.</td>
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<td>3. HEARING OFFICER MOLS: So with that, the stipulation is received.</td>
<td>4. HEARING OFFICER MOLS: Thank you. Sorry.</td>
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<td>4. Off the record.</td>
<td>5. MS. AUERBACH: Petitioner Exhibit 36 is from the university's University Research Administration web page for Patents and Software.</td>
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<td>5. (Luncheon recess.)</td>
<td>6. Petitioner Exhibit 37 is from the university's Human Resources Page 1004-Inventions.</td>
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<td>6. (Petitioner Exhibits 29 through 61 were marked for identification.)</td>
<td>7. Petitioner Exhibit 38 is from the university's Social Services Administration web page for Financial Support.</td>
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<td>7. HEARING OFFICER MOLS: On the record.</td>
<td>8. Petitioner Exhibit 39 is from the university's Department of Mathematics web page, Information For Current Graduate Students.</td>
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<tr>
<td>8. So, during the recess the Petitioner, it's my understanding, prepared a number of documents that are going to be marked for identification.</td>
<td>9. Petitioner Exhibit 40 is the University of Chicago, Department of Chemistry, A Guide, document dated September, 2015, which is the version of this document currently posted on the university's Chemistry Department website.</td>
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<td>9. Petitioner would like to go through its documents?</td>
<td>10. Petitioner Exhibit 41 is from the university's Department of Classics web page for Classics Teaching Opportunity.</td>
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<td>10. MS. AUERBACH: Yes. Petitioner Exhibit 29 is from the University of Chicago's website for the UChicagoGRAD Doctoral page.</td>
<td>11. Petitioner Exhibit 42 is from the university's Department of Classics web page for Other Teaching Opportunities.</td>
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<tr>
<td>11. Petitioner Exhibit 30 is from the university's University Research Administration website for the proposal budget development.</td>
<td>12. Petitioner Exhibit 43 is from the university's Department of English Language and Literature web page for Teaching Opportunities.</td>
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<td>12. Petitioner Exhibit 31 is from the university's University Research Administration page.</td>
<td>13. Petitioner Exhibit 44 is from the university's Department of Linguistics web page for Funding and Aid in the First Five Years.</td>
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<td>13.</td>
<td>14. Petitioner Exhibit 45 is the Department of Linguistics Graduate Student Handbook dated November 4th, 2016, and it is the version of this handbook currently posted on the university's Department of Linguistics website.</td>
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<td>14.</td>
<td>15. Petitioner Exhibit 46 is the University of Chicago's Department of Music Graduate Study web page.</td>
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<td>15.</td>
<td>16. Petitioner Exhibit 47 is the university's Department of Cinema and Media Studies Graduate Student Handbook dated 2014 to 2015, and it is the version of the handbook currently posted on the Department of Cinema and Media Studies web page. Or website.</td>
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<td>16. HEARING OFFICER MOLS: For the record, so I see for most if not all of these documents have a date in the upper left-hand corner. Is that the date that they were taken from these respective websites?</td>
<td>17. Petitioner Exhibit 48 is the university's Department of Romance Languages and Literature Graduate Student Handbook for 2016 to 2017, and is the version of the handbook currently posted on the website.</td>
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<td>17. MS. AUERBACH: Yes.</td>
<td>18.</td>
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<td>18. HEARING OFFICER MOLS: Thank you.</td>
<td>19.</td>
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<td>19. MS. AUERBACH: Petitioner Exhibit 35 is the university's University Research Administration page for Principal Investigator Eligibility.</td>
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<td>1. Other Teaching Opportunities.</td>
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<td>2. Petitioner Exhibit 32 is from the university's University Research Administration Page, Modified Total Costs on Federally Funded Projects.</td>
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<td>3. MR. FASMAN: Hang on one second. Let me make sure I have that. I don't know that I have 32. Here it is.</td>
<td>3.</td>
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<td>4. MR. PORZIO: Got it.</td>
<td>4.</td>
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<td>5. MS. AUERBACH: Petitioner Exhibit 33 is from the university's University Research Administration page, Award Management.</td>
<td>5.</td>
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<td>6. Petitioner Exhibit 34 is from the university's University Research Administration page, Direct and Indirect Costs.</td>
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<td>7. Petitioner Exhibit 35 is from the university's University Research Administration page, Fringe Benefit Rates.</td>
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Petitioner Exhibit 56 is from the university's Department of History web page.

Petitioner Exhibit 55 is from the university's Department of History web page.

Petitioner Exhibit 53 is from the university's South Asian Languages and Civilizations Program.

Petitioner Exhibit 52 is from the university's Department of Organismal Biology and Anatomy's website.

Petitioner Exhibit 51 is the university's Graduate Program web page for Teaching Requirements.

Petitioner Exhibit 50 is the university's Department of Art History's web page, Department Handbook for the Graduate Program.

Petitioner Exhibit 49 is the university's Department of Humanities Department of Philosophy Graduate Program web page for Teaching Requirements.

Petitioner Exhibit 48 is the university's Department of Art History's web page, Department Handbook for the Graduate Program.

Petitioner Exhibit 47 is the university's Department of Romance Languages and Literature's website.

Petitioner Exhibit 46 is the university's Department of Romance Languages and Literature's website.

Petitioner Exhibit 45 is the university's Department of Romance Languages and Literature's website.

Petitioner Exhibit 44 is the university's Department of Philosophy Prospective Students web page.
teaching assistants, the people who were covered by the petition.

Same thing on Petitioner's Exhibit 46, which is something on graduate study in the Department of Music and Composition at the Musicology. Absent some testimony -- we agree these come off the website, but absent some testimony, this one, too, how that relates to anything that's going on in this case remains to be seen.

So, while we have no objection to these being deemed authentic, and if Petitioner wants to put them in, that's fine, but absent some testimony on something to establish that some of these policies apply to people whose -- who are at issue in this hearing, then they are irrelevant, but we're not going to object. I just wanted to make that statement for the record.

HEARING OFFICER MOLS: Understood. As with all the evidence entered in during these proceedings, they will be duly considered and given the appropriate weight as deemed necessary by the Regional Director at the time of the decision.

MS. AUERBACH: I just wanted to also add the comment that among the items in the Petitioner's subpoena, to which the Employer has not yet responded and has until tomorrow to file a petition to revoke, among the things requested were department handbooks applicable to the petition for employees, documents with descriptions outlining the responsibilities of teaching assistants and research assistants, and documents related to research, grants, applications and funding. And since none of those documents have yet been produced, I attempted to find what documents that I could that were publicly available on the university's website to expedite the process of getting evidence into the record at this hearing, and that's what these documents are.

MR. PORZIO: And just so that the record is clear, not to be argumentative, but the university -- it's not the case that the university has not yet responded to the subpoena. We have responded in part, as I believe it was on Monday we produced over 400 pages. We have not responded in full, and we have until tomorrow based on your ruling to do so.

MS. AUERBACH: I would just note the documents produced earlier in the week were all documents available on the university's website, and what the Petitioner achieved did not fall within --

to the answer to any of the items in the subpoena, but I would agree that these were some pages given but I have not asked to introduce any of those into evidence.

HEARING OFFICER MOLS: So, before we move on, is Petitioner prepared to move forward, or would you like to take some time?

MS. AUERBACH: We need to go off the record.

HEARING OFFICER MOLS: Off the record.

(There was a discussion held off the record.)

HEARING OFFICER MOLS: On the record.

So, the Employer has not yet rested its case, but given the current availability of witnesses, we are going to proceed with the Petitioner's witnesses at this time. So, if the Petitioner would like to call its first witness.

MS. AUERBACH: Petitioner calls William Kong.

(The witness was duly sworn.)

HEARING OFFICER MOLS: Have a seat.

Please state and spell your name.

THE WITNESS: I'm Will Kong. W-i-l-l, K-o-n-g.

DIRECT EXAMINATION

BY MS. AUERBACH:

Q. Are you currently a graduate student at the University of Chicago?

A. Yes.

Q. And in what division?

A. Computer Science. Rather, Computer Science Program of the Physical Sciences Division.

Q. And when did you begin your graduate studies at -- in that Computer Science Department in the University of Chicago?

A. Fall of 2014.

(Petitioner Exhibit Numbers 62 through 68 were marked for identification.)

Q. I'm handing you a document marked for identification as Petitioner Exhibit 62. Can you identify what this is?
A. Yes. This is the admission letter that I received from my department.

MR. FASMAN: Counsel, before you ask questions, can we take a minute and just read it, please? Thank you.

(There was a discussion held off the record.)

MR. FASMAN: Thank you, Counsel.

BY MS. AUERBACH:

Q. And was this sent to you by email?

A. Yes.

Q. And was it sent on about the date that it's dated, April 1st, 2014?

A. Yes.

MS. AUERBACH: I move to admit Petitioner's Exhibit 62.

MR. FASMAN: Voir dire, please.

HEARING OFFICER MOLS: Yes.

VOIR DIRE EXAMINATION

BY MR. FASMAN:

Q. Mr. Kong, it appears that there were attachments to this letter?

A. It's possible.

Q. Is that correct?

A. As far as I'm aware, no, but I still have the original emails. I'm pretty sure there wasn't any attachment.

Q. There were no attachments? It doesn't appear that this was -- is this the complete series of messages?

A. Yes.

Q. Nothing on top of it?

A. I just forwarded it to myself.

(Court reporter requested that the Witness repeat his answer.)

I just forwarded it to myself from my UCSC email address.

Q. Where is the header for the bottom email?

MS. AUERBACH: I think --

MR. FASMAN: It appears that there had to be --

MS. AUERBACH: I think that might be my copying job.

THE WITNESS: Well, it's not a separate email. That is the -- like basically that's the letter written by the department, so, and Anne Rogers, so on and so forth, that was forwarded by their administrative staff.

BY MR. FASMAN:

Q. I see. So, this represents the actual document that was forwarded to you? Is that what you're saying?

A. Yes. Just one email. Yes.

MR. FASMAN: No objection.

HEARING OFFICER MOLS: Petitioner Exhibit 62 is received.

(Petitioner Exhibit Number 62 was received in evidence.)

BY MS. AUERBACH:

Q. Just to clarify, in the email on the second page there are three things that look like they are underlined. Were those links in the original email that could lead you to other pages?

A. Yes. Although I believe -- the first one is the email address from my advisor, which is still active.

The second was the former director of admissions, I believe that's now Professor Janos. But the third link on that page is definitely inactive, I believe.

MR. FASMAN: Definitely what?

THE WITNESS: Inactive. I don't think I could go on there and log in.

BY MS. AUERBACH:

Q. At the time you received it, that was the link that led you to a page. It says, please claim your application status. So did that -- that was the page by which you were supposed to go to reply to the admission?

A. Roughly the same letter but just within --

(Court reporter requested that the Roughly the same letter but just with an acceptance box or an opportunity change or decline if you so wanted.

MR. FASMAN: I didn't hear that last part.

THE WITNESS: The opportunity to decline.

MR. FASMAN: Or?

HEARING OFFICER MOLS: If you so wanted?

THE WITNESS: Yes.

MR. WEITZMAN: Thank you.

BY MS. AUERBACH:

Q. So, at the time you received the email the link was -- took you to a page where you could accept or decline?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. And you said you started in the fall of 2014. Did you -- have you spent any quarters where you have been assigned to be a TA?
A. Yes. So, my first year I have this, you know, fellowship --
(Court reporter requested that the Witness repeat his answer.)
I'm sorry. Fellowship you can see in this letter. However, my second year I was only covered under RA funding for the first quarter, and so I did teach the second and third quarters, or rather be a teaching assistant.

Q. Okay. So, let's start with you said you were covered as an RA the first quarter. What does that mean?
A. So, that means that my advisor had research funding available. You know, from a grant that roughly described area of research that I was doing. So, he was allowed to award me some -- like basically pay me from that grant to do research.

Q. And so that first quarter of your second year were you an RA?
A. Yes. I was a research assistant.
Q. And you did research in your -- under your advisor's grant?
A. Yes. That's true.

THE WITNESS: The same as now, Professor Hank Hoffmann. His email address is listed here. MS. AUERBACH: Try to speak up. THE WITNESS: Sorry. I'm always --
MR. FASMAN: For the purpose of this hearing we really need to hear you. THE WITNESS: I'll put on my shouting voice.
MR. FASMAN: That would be great.
HEARING OFFICER MOLS: Who was your advisor at that time?

Q. And what was the course?
A. Parallel Computing.
Q. And was there one TA? Were you the only TA, or were there other TAs?
A. There was another TA.
Q. And what were your -- how many days a week did that course meet?
A. I believe it met three times a week. But I wasn't -- I wasn't required to show up to those.
Q. You did not have to show up to the classes?
A. No. Well, sort of. My advisor would basically send me emails, maybe a little curt, maybe a little frustrated if I didn't show up but, you know, if I was busy, couldn't really stop me from not showing up.
Q. So, what were your responsibilities as a TA in that sense?
A. So, generally to attend the lectures so I'm up-to-date on the material that the students are learning at any given time. Grade their projects and their homework assignments, and also host office hours and, I believe, lab hours as well to basically help them out with any projects that they might be working on.
Q. And before you started lab hours -- how often were the labs held?
A. I want to say at least two times a week, but I could be wrong.
Q. And who else held labs besides you?
A. The other graduate student that was in the course.
Q. Did the professor hold any of the labs?
A. I believe he would have office hours but not as often as we would have them. He would maybe have an hour of office hours.
Q. Is the lab separate from the office hours?
A. Yes.
Q. Did he conduct any of the labs?
A. No.
Q. So, do you remember about how many hours at a time the labs met?
A. Probably about two hours, typically.
Q. And did the professor show you what to do or tell you what to do in the labs?
A. No.
HEARING OFFICER MOLS: When we're talking about the time for the labs and time for office house, is this in a given week?
THE WITNESS: I think in a given week there would be a total of about four hours, and office hours were counted separately or would be counted separately.

HEARING OFFICER MOLS: So, when you said that your -- Professor Hoffmann would conduct for about an hour, is that in a week?


Probably one hour a week, unless there was some, you know, really urgent like emergency or something like the student needed the extra attention.

HEARING OFFICER MOLS: Thank you.

BY MS. AUERBACH:

Q. And you oversaw lab for four hours per week?

A. Yes.

Q. And so what did you do in the lab?

A. I basically -- so -- sorry. Just -- it involved teaching like the concepts to the students if they didn't get it first time around in the lecture. Resolving any technical issues they might be having with their projects, maybe like reading through all their code to help them out if they didn't know exactly what they were looking for doing. That's really common. And just offering advice in general how to work on these kinds of projects and -- you know.

Q. And did the professor ever come and observe you in the lab sessions?

A. No. That would be unusual.

Q. And did you -- you said the students did project. Was -- did you have responsibilities to grade the projects?

A. Yes.

Q. Did the professor give you a rubric for grading the projects?

A. I believe --

MR. FASMAN: Objection. What does that mean?

MS. AUERBACH: A grading rubric. There has been a lot of testimony from the Employer's case about grading rubrics.

HEARING OFFICER MOLS: About rubrics that would be used.

THE WITNESS: Yes. So, he gave us like a rubric that roughly outlined how we should grade their projects, but we were given a lot of, I guess, like freedom as TAs to interpret them more or less generously because a lot of the times like when you're coding the projects, you might have a partial solution that doesn't add up to like, you know, full solutions, so a lot of stuff goes on when you're on this program, but a lot of what you've already done as a student, I should be saying, is relevant so I always would typically go in, you know, try to fix their coding. Give them the benefit of the doubt. And that was all you left up to me.

Q. Did the professor review your grading of the project?

A. No. He trusted us to grade them, you know, fairly. So, basically unless there was an administrative decision to be made or a student complained about their grade, he wouldn't get involved.

Q. What did you mean by an administrative decision to be made?

A. So, you know, I wouldn't be able to say something like, you know, yeah, go ahead and share a code with your classmates. That would be something that would be left up to him. Because that would involve like academic policies that he would be ultimately responsible for.

Q. Did the grades you gave students on projects count toward their final grades in that course?

A. Yes.

Q. And did you ever get observed or evaluated by a student on how you conducted the labs?

A. No. Not --

Q. And you weren't evaluated by the professor?

A. No.

Q. And did you also do any grading of exams in that class?

A. Yes. We would grade the -- I think we graded -- sorry. I should specify. The professor, the other TA and I would grade the mid term and final exams together. I think we had two interns, possibly.

Q. When you say together, were you all in a room together?

A. No. He just, for that class it was a little unusual. He just gave us the rubric and trusted us to grade like some subset of the total
amount of exams. So I think for like one of the 
exams he like basically didn't touch the grading at 
all except maybe to put the scores into the computer 
at the end.
Q. So, he gave you a rubric to use for grading 
the exam?
A. Yes. But again, like the program, it's a 
very rough sketch of what he thought would be a good 
an answer, and then, you know, we were allowed to 
interpret or, you know, add our own knowledge or 
expertise. Especially my fellow TA for that course, 
because his specialty was Parallel Computing.
Q. So, did the grades that you gave the 
students on their exams count as their grades -- 
A. Yes.
Q. -- in those exams?
A. Yes.
Q. And you talked about holding office hours. 
How many hours a week were you expected to hold 
office hours?
A. I think for that course just two. Because 
we had labs hours as well.
Q. And what did you do during office hours?
A. Basically the same thing as lab hours.
They are just -- they are both, you know, basically 
just ways for students to get extra instruction but 
like tailored to their needs. You know, for 
whatever they didn't get out of the lecture or what 
divisions they might have in the courses.
Q. Did the professor give you any guidance on 
what to do during your office hours?
A. No.
Q. Did the professor ever sit in on any parts 
of your office hours?
A. No.
Q. Did the professor review your performance 
in the office hours in any way?
A. No.
Q. And approximately how many students were in 
the lab that you oversaw in that course?
A. So, that varied based on how many students 
were having trouble with, you know, a project or 
homework assignment at a given point in time. Or it 
was like an around exam period. Like basically 
everyone would show up. So, ultimately it came to 
about -- I want to say 30 to 40 students. A lot of 
students dropped out of the course. Like, you know, 
throughout the quarter, and I think we ended up with 
like 25 at end. So, it was variable, but typically 
around five to ten people would show up per session.
Q. Per lab session?
A. Yes. Unless there was an emergency. Like 
any time.
HEARING OFFICER MOLS: So, attendance 
wasn't required at these lab sessions?
THE WITNESS: No.
HEARING OFFICER MOLS: They were voluntary?
THE WITNESS: Yes.
HEARING OFFICER MOLS: Thank you.
BY MS. AUERBACH:
Q. And then when did you TA a second class?
A. The quarter immediately after that, so that 
must have been spring of 2016.
Q. And how -- what class was that?
A. That was, I believe it's called 
Introduction to Computer Systems. I only know it by 
the course number, which is CMSC15400.
Q. And how did you get assigned to TA that 
class?
A. Seemingly arbitrarily. The department 
decided, I believe.
HEARING OFFICER MOLS: Who communicated the 
decision to you, gave the assignment to you?
THE WITNESS: So, every quarter the 
department sets up like a little table on a web page 
that's open to the public, and we're just given the 
link to it, and that's how we find out which course 
we've been assigned.
HEARING OFFICER MOLS: Are you emailed the 
link?
THE WITNESS: Yes.
BY MS. AUERBACH:
Q. So, to follow up, I've handed you what's 
been marked for identification as Petitioner Exhibit 
Number 63. What is that?
A. That's the aforementioned site. Yeah.
MR. FASMAN: Give us just a minute, please.
BY MS. AUERBACH:
Q. So, with respect to Petitioner Exhibit 
Number 63, how did you receive this?
A. They just sent us a link via email. They 
are like, hey, guys and gals, you know, here are the 
assignments for the RA tables. RA assignments for 
next quarter.
Q. Who did the email come from?
A. So, they've had a change in the -- like the 
head of the grad division, so I think typically it 
would come from Anne Rogers, but I think this one 
might have come from Janos Simon or someone.
Q. You have to talk up.
**Page 1134**

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advisor, but it's always the source of the research funding?

THE WITNESS: Yes.

HEARING OFFICER MOLS: Thank you.

MS. AUERBACH: Could we go off the record a second?

HEARING OFFICER MOLS: Sure. Off the record.

(There was a discussion held off the record.)

HEARING OFFICER MOLS: On the record.

BY MS. AUERBACH:

Q. Okay. So, I think we've straightened out the exhibits. So, Petitioner Exhibit 67, what is that?

A. 67 is, once again, the list of RA, TA assignments for spring, 2017.

Q. And if you -- and then what is Petitioner Exhibit 68?

A. 68 is just the TA assignments alone. (Court reporter requested that the Witness repeat his answer.) TA assignments alone for spring, 2017.

Q. And do each of these documents list all of the graduate students in the department?

A. Yes. Or I should say these list all the graduate students that are in the Ph.D. program.

Q. Okay. So, each of these list -- there are some Master's students in the program, in the department?

A. Yes. So, on Page 68 --

MR. WEITZMAN: Speak up. Sorry. Madam Hearing Officer, would you please ask the witness to speak up.

HEARING OFFICER MOLS: We need to hear you.

THE WITNESS: My bad. So on page --

BY MS. AUERBACH:

Q. Petitioner Exhibit 68?

A. Yes. On Petitioner Exhibit 68 it doesn't list any of the Master's students, just the Ph.D. students. Yes. It does not list the Master's students.

Q. Are all the Ph.D. students listed on these documents?

A. Yes.

Q. So, every quarter, all the Ph.D. students are assigned either as an RA or TA?

A. Yes.

Q. Going back to your second time that you TA'd, you said that was in the --

A. Introduction to Computer Systems.

Q. And for what faculty member was that?

A. Three faculty members. So, last year it was taught by my advisor, Professor Hank Hoffmann. Another systems professor, Professor Haryadi Gunawi. I can spell that.

THE COURT REPORTER: Please.

THE WITNESS: H-a-r-y-a-d-i, G-u-n-a-w-i.

And I believe it was also an adjunct faculty member or a lecturer, but I -- when I say I believe, I just mean I don't remember his name, which I feel a little bit bad about. Yes.

BY MS. AUERBACH:

Q. And how many TAs were assigned to the course?

A. Last year we had five.

Q. Were they all Ph.D. students?

A. Yes.

Q. And what were your responsibilities in that course?

A. Largely very similar to Parallel Computing. So, we graded homework assignments. We graded projects. We were each assigned a project that we were in charge of. We administered office hours and lab hours, and we basically made corrections or modifications to projects and homework assignments if they were necessary.

Q. And were the number of hours that you held labs and office hours the same as in the prior course?

A. No. So, in this course -- this an intro course. It's taught by three professors because there are typically about 150 students. That number grows every year because computer science has become a very popular field and a lot of undergraduates want to major in. They have to take this course. It's like a gateway course. So, no. For this course we held, I think that quarter we held about six hours of office hours per week, and then two hours of lab hours per week. That doesn't include any of the --

Q. So, when you say we, how many office hours per week were you responsible for holding?

A. The amount I just specified. So, each of the five TAs was responsible for, I believe, six hours of office hours and two hours of lab hours and it would have been eight hours --

Q. That's per week?

A. Yes. Per week. And it would have been
THE WITNESS: I'm sorry. Largely what I did in Parallel Computing -- which is to say I taught, MR. FASMAN: Madam Hearing Officer -- A. Yes, so largely very similar things to what I did in Parallel Computing -- which is to say --

THE WITNESS: Restricted.

MR. FASMAN: A little?

THE WITNESS: Restricted.

BY MS. AUERBACH:

Q. And during an office hour session, approximately how many students would come see you?

A. Same amount. So, if there was something urgent they would, you know, storm the office hours. Occasionally it would go upwards to 50 or 60 students if I was the last TA and the deadline was coming up, but typically, you know, 30 to 40 if there was a deadline and five to ten if there was not.

Q. Did that ever happen?

A. Once. I think. We found code that a student had acquired from previous student.

Q. And so you referred that to the instructor?

A. Yes.

Q. And other than that, did the grades you
Q. And did you get any evaluations for TA?
A. Yes.

Q. To tally up the grades on the exam?
A. We just simply read the numbers off and had

Q. What did you do in those pairings?
A. Yeah. We broke up into pairs of two. Like

Q. To tally up the grades on the exam?
A. Yes.

Q. And did you get any evaluations for TA?
A. No.
grading homework assignments have been relieved a bit, although we are still responsible for verifying the, you know, validity of the homework questions and the projects that we’re assigned.

Q. And how many TAs are assigned to that class?
A. Five.

Q. Are they all Ph.D. students?
A. No.

Q. How many are Ph.D. students?
A. So, there are four Ph.D. students. Myself included.

Q. And then what is the fifth TA?
A. The fifth TA is a Master's student who is in the Master's program in Computer Science, I believe.

Q. And is the Master's student fulfilling the same TA responsibilities that you and the other Ph.D. students are fulfilling?
A. Yes. He does the same work we do.

Q. And does that include overseeing labs?
A. Yes.

Q. And does that include holding office hours?
A. Yes.

Q. Does that include -- so, are the graduate students still grading since they are undergraduate graders?
A. Yes.

Q. So, does that include grading?
A. Yes. Well, it includes grading exams. I believe we have some say over the homework scores.

We review the grades that the graders pass back to us, but that's about it.

MS. AUERBACH: I move to introduce Petitioner's Exhibits 63, 64, 65, 66, 67 and 68 into evidence.

MR. FASMAN: Voir dire, please.

HEARING OFFICER MOLS: Yes.

VOIR DIRE EXAMINATION

BY MR. FASMAN:
Q. Mr. Kong, looking at these exhibits, you are listed on several, and maybe I didn't understand your testimony, but you are listed on several as an RA?
A. Yes. That's correct.

Q. And then there is a paren that says Hoffmann, who I gather is your professor?
A. Yes. My advisor.

Q. And then there is something that says CERES. C-E-R-E-S. What is that?
A. That's just the moniker for the systems research group in our department. So, there are professors that do theoretical computer science, which is more akin to math than programming, and there are professors that work on systems. That's what I do.

Q. What does CERES mean?
A. I believe it's the Center For Resilient Computing. I don't remember all the acronyms.

Q. So, just so I understand, I was just trying to understand some of these notations.
A. It's a little bit --

Q. I mean there is something that says, Honors Discrete Mathematics. What is that?
A. I believe that's a course -- which page?

Or which --

HEARING OFFICER MOLS: Where are you referring?

BY MR. FASMAN:
Q. This is Document 63, Page 3 of 4. The third line from the bottom there is one that says Honors Discrete Mathematics --
A. Yes.

Q. -- and one a little bit further up that says Discrete Mathematics?
A. Yes.

Q. What do all of these notations mean?
A. So, those are two separate courses. I believe the Honors Discrete Mathematics course is for the more advanced undergrads.

Q. I see. And then further up it says GAANN?
A. Yes.

Q. That's the fellowship that you originally had?
A. Yes. It's the Department of Education Fellowship.

Q. And UU. I know you answered this in response to the Hearing Officer's question. I think you did. What is it?
A. It's basically -- I don't remember what the acronym stands for, but it's basically a university fellowship as opposed to funding from the department or a particular advisor.

Q. Okay. So, looking at Number 64, there is something that says, number of graders, on the right-hand column?
A. Yes.

Q. Does that -- what does that refer to, sir?
A. That typically refers to undergraduate graders, although it's very possible that there are
graduate students, whether Master's students or Ph.D. students, that have signed up for extra grading to make some extra money. I believe I've received emails in the past about, you know, some of the positions.

Q. Okay. We'll get back to that.

So, if this says -- I see again, Winter, 2017, this is Exhibit 65, Page 2 of 4. You're listed as an RA with Professor Hoffmann?

A. That's correct.

Q. Right? So, I take it you did not TA during that quarter?

A. No.

Q. Right?

A. No.

Q. And then spring, 2017. You're listed as a TA in Intro Computer Systems, correct?

A. That's correct.

Q. So, as I look at these documents, it appears -- it appears there are only two TAs. Was there a third? You testified to three.

A. Two TAs where?

Q. Pardon me?

A. Two TAs where?

HEARING OFFICER MOLS: When you say we, who are you referring to?

THE WITNESS: Sorry. All Ph.D. students in my program.

HEARING OFFICER MOLS: Thank you.

BY MS. AUERBACH:

Q. And how do you receive -- how often do you receive payment of your funding?

A. So, my first year when I was on the fellowship I received it quarterly, so at the start of the quarter I would receive my entire stipend for that quarter.

My second year I was no longer on the fellowship, so I received monthly paychecks. And this year they've changed the pay system once again,

any online training with respect to research?

A. Yes. Oh, no. Well, sort of. We were forced to take online training courses, I believe everyone was forced to take it, regardless of whether they were an RA or TA, on how to handle like Title 9 kind of issues and complaints and stuff like that, and also I believe there was a fire safety course we had to take and possibly even like a lab safety course and maybe like a chemical safety course.

HEARING OFFICER MOLS: When you say we, who are you referring to?

THE WITNESS: Sorry. All Ph.D. students in my program.
so now I receive biweekly paychecks which they are planning on changing back again next year, so I'll be receiving monthly paychecks again.

MR. FASMAN: Objection.

HEARING OFFICER MOLS: Grounds?

MR. FASMAN: Foundation.

HEARING OFFICER MOLS: How do you know they are changing the payroll system?

THE WITNESS: They sent us emails.

BY MS. AUERBACH:

Q. Who is they?

A. I believe it was Margaret Jaffe, who is the -- I guess she's like one of the administrative staff members in our department.

Q. And do you have taxes withheld from your paychecks?

A. Yes.

MR. FASMAN: I'm sorry I didn't hear the answer.

THE WITNESS: Yes.

BY MS. AUERBACH:

Q. Do you receive a W-2 form?

A. Yes.

Q. From the university?

A. Yes.

Q. Are you familiar with the term Workday?

A. Yes.

Q. And what is that?

A. So, this is just from my experience of having used it. It's basically HR software that allows you to take a look at our W-2s, any tax forms we might have, we might need to file our taxes with and -- yes.

HEARING OFFICER MOLS: Who is we?

THE WITNESS: Sorry. Graduate students.

Although I presume that professors probably use it as well.

MR. FASMAN: Objection. No foundation.

BY MS. AUERBACH:

Q. Do you know whether professors use it?

A. I wouldn't have any reason to believe otherwise.

MR. FASMAN: Objection.

HEARING OFFICER MOLS: To his answer?

MR. FASMAN: Yes. I wouldn't have any reason to believe otherwise. He doesn't now. He admitted he had no knowledge and then said -- and then affirmed it. He affirmed an answer that I objected to for lack of foundation.

MS. AUERBACH: Objecting to an answer.

HEARING OFFICER MOLS: I mean he said he doesn't know. I've permitted a question from Employer counsel about whether or not they had any reason to doubt information that they had had from other sources. I don't see how this is that different. I mean the quality of evidence will be considered at the time of the decision.

You can proceed with your next question, Counsel.

BY MS. AUERBACH:

Q. And how were you first introduced to using the Workday system?

A. So, I believe we acquired an HR person. By we in this case -- I should specify. I believe the Computer Science Department acquired an HR person sometime last year because previously we hadn't been using Workday or I'd never been emailed by the HR nor had most of my coworkers, peers.

So, yes. I received an email sometime last year I believe at the start of the year, requesting that I sign up for the service and I had to bring in my passport, I think a driver's license, my Social Security card. Things like that for a scan, and then input those into the system. Yes. It was mandatory.

Q. And the Master's student who is TA in the class you're currently a TA in, is that Master's student being paid to do that?

A. I would assume so. It's possible.

MR. FASMAN: Move to strike.

BY MS. AUERBACH:

Q. Do you know?

HEARING OFFICER MOLS: Do you know?

BY MS. AUERBACH:

Q. If you know. If you don't know you don't know.

A. No. I can't guarantee is -- might be encouraged for all I know.

HEARING OFFICER MOLS: So you don't know?

THE WITNESS: No. I cannot guarantee that she's being paid.

BY MS. AUERBACH:

Q. Are you -- have you started doing research?

A. Yes.

Q. And how did you -- how was your research topic determined?

A. So, I started doing research my first year. And back then my advisor, you know, he's fairly like -- broad interest, I would say, so he kind of
allows us to choose research topics we're interested in.

However, because I was a first-year student he basically showed me a list of projects that he was working on. And I got to choose one of them and -- yeah, but the project I'm working on right now for my Master's thesis is a project that I conceived of.

Q. So, the first year you worked on a project from a list of projects he gave you?
A. Yes.

Q. And the project that you're working on now, is there a plan to publish a paper based on that?
A. Yes.

Q. And will anybody be a co-author of that paper?
A. Would just be my advisor.

Q. You and your advisor?
A. Yes.

Q. And is your advisor a tenured professor?
A. No. He's currently on the tenure track. I believe from conversations with him he's said that they've renewed his contract for now, but he's no certain he'll get tenured.

MR. FASMAN: Just so the record is clear.

is this Hoffmann?

MR. FASMAN: Thank you.

HEARING OFFICER MOLS: Just so we're clear, have you had any other faculty advisors during your tenure at the University of Chicago?

THE WITNESS: No.

HEARING OFFICER MOLS: Thanks.

MS. AUERBACH: Those are all the questions.

Hearing Officer Mols: The Employer can proceed with its questioning of the witness.

CROSS-EXAMINATION

BY MR. FASMAN:

Q. Mr. Kong, looking at Petitioner's Exhibit 62, which appears to be an admission offer to you?
A. Yes.

MR. FASMAN: I see. May I ask that the original offer be produced? If he has it. He said he has it.

MS. AUERBACH: Do you still have it?

THE WITNESS: Yes. I can do that.

MS. AUERBACH: Okay.

MR. FASMAN: That would be nice.

MS. AUERBACH: You'll give it to me.

THE WITNESS: Okay.

BY MR. FASMAN:

Q. That's fine. Thank you very much.

So, the GAANN fellowship you had for your first year, right?

A. Yes.

Q. And did that run out?

A. Sort of. It's a one-year fellowship, so they can basically choose whichever students they want in the department to give it to. My understanding is that it's typically handed to first-year students, so they have priority.

Q. Were you -- did you ask to have it renewed?
A. No.

Q. Did anyone approach you with regard to having it renewed?
A. No. I don't believe so.

Q. But you never even asked about continued funding?
A. No.

Q. I see. Throughout all of these quarters where you're TA'ing or RA'ing or whatever you're doing, you're still getting throughout of this tuition remission, right? You're not paying tuition?

A. Right. Definitely not.

HEARING OFFICER MOLS: Be sure to speak up.

THE WITNESS: That would be a large amount of money.

BY MR. FASMAN:

Q. And you're also covered by the student health plan?
A. I have to pay for it.

Q. Why do you have to pay for it, sir?
A. I'm not exactly sure how it works. So, my
first year it was covered under the fellowship as it
describes in this letter, but since then it's been a
payroll deduction and I get taxed on it and
everything.
Q. So, you're saying you do not get the
premiums for the USHIP? You do not -- those are not
paid?
A. They are not automatically removed from
paychecks, no. So, if we receive a paycheck and we
don't -- we are not enrolled in payroll deductions,
we just have to pay the money ourselves.
Q. I see. So, do you get extra, extra money
in your paychecks to allow you to pay for the
premiums?
A. That is hard to define. So, if you look at
the same letter that you're referring to, the
Exhibit 62 it says, after your first year you'll be
supported as an RA or TA at the standard rate, 2,500
per month. And they don't really specify whether or
not that includes the insurance premiums or not.
Like my understanding, you know, from
before I accepted from this school and others was
that typically, you know, that's included -- or
rather not included in the stipend, although it's
very possible in this case it is.
Q. So, you just don't know?
A. Yeah. I don't know.
Q. Where were you an undergraduate?
A. University of California. The Santa Cruz
campus.
Q. I see. And what was your major?
A. So, I did Economics and Electrical
Engineering.
Q. And Electrical Engineering. Do you have a
Computer Science background?
A. No. Well, yes. I ended up -- well, so
I've been, you know, obviously like programming
since I was in middle school, but I also ended up
working in a research lab -- computer science
research lab as well as in a -- or at a national lab
as a research assistant.
Q. Where is that, sir?
A. Sandia National Laboratory.
THE COURT REPORTER: San Diego?
THE WITNESS: I'm sorry. S-a-n-d-i-a.
That was where they made the nuclear bomb.
BY MR. FASMAN:
Q. And when did you do that, sir?
A. I did that in the summer between my junior
and senior years as an undergrad.
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<tr>
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<tr>
<td>1. Master's thesis but not before we've agreed on some project that I'm going to undertake for my Ph.D. thesis.</td>
<td>1. Q. And --</td>
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<tr>
<td>2. Q. I see. And you have not selected a project for your Ph.D. thesis yet?</td>
<td>2. A. Which I can describe if you need to.</td>
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<tr>
<td>3. A. No.</td>
<td>3. Q. No. I think you've lost us all.</td>
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<tr>
<td>5. A. Okay. I apologize. It's going to be a little bit of a longwinded one.</td>
<td>5. Q. That's okay.</td>
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<td>6. Q. That's okay.</td>
<td>6. A. Roughly I am applying feedback -- or rather not feedback. I'm applying control theory, specifically states base control theory, which is involved in Algebra. To --</td>
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<tr>
<td>7. A. Roughly I am applying feedback -- or rather not feedback. I'm applying control theory, specifically states base control theory, which is involved in Algebra. To --</td>
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<th>Page 1171</th>
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<tr>
<td>1. A. Yes.</td>
<td>1. Q. And --</td>
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<tr>
<td>2. Q. And in what context did you meet him?</td>
<td>2. A. Which I can describe if you need to.</td>
</tr>
<tr>
<td>3. A. It was a roughly kind of informal gathering at the house of Anne Rogers. Well, Professor Anne Rogers and Professor John Reppy.</td>
<td>3. Q. No. I think you've lost us all.</td>
</tr>
<tr>
<td>4. Q. And when you met Mr. Hoffmann or Professor Hoffmann, did you discuss coming to this school, working with him, things along those lines?</td>
<td>4. A. Sorry.</td>
</tr>
<tr>
<td>5. A. Yeah. Probably the usual stuff. Like asking him what it's like. I already knew what kind of research he did.</td>
<td>5. Q. That's okay.</td>
</tr>
<tr>
<td>6. Q. How did you know that?</td>
<td>6. A. Roughly I am applying feedback -- or rather not feedback. I'm applying control theory, specifically states base control theory, which is involved in Algebra. To --</td>
</tr>
<tr>
<td>7. A. His website. So, before I applied to any of these universities I looked at the professors doing research in each department, and then I figured out what their recent papers were and what the publications records looked like so I wasn't like -- I wouldn't end up with an advisor that was no longer actively pursuing research.</td>
<td>7. Q. That's okay. No problem. That's not a problem. You're talking to a roomful of lawyers.</td>
</tr>
<tr>
<td>8. Q. What was it about Professor Hoffmann's research that interested you?</td>
<td>8. You began your research, I think you said you started in your first year?</td>
</tr>
<tr>
<td>9. A. So, his Ph.D. dissertation was roughly based on feedback controls, like a feedback control system which is in some ways like a subfield of math that allows you to regulate the behavior of a system automatically. And that's something that I had taken a graduate course on as an undergrad, so it looked interesting.</td>
<td>9. A. Yes.</td>
</tr>
<tr>
<td>10. The other professor that I was interested in working with, to save you some time, was Ian Foster, who is also a professor here.</td>
<td>10. Q. Correct?</td>
</tr>
<tr>
<td>11. Q. Yes. You did mention that. But you were not unhappy to have Professor Hoffmann as your faculty contact, were you?</td>
<td>11. A. That's correct.</td>
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<td>12. A. Yes.</td>
<td>12. Q. And that Professor Hoffmann gave you a list of projects he was working on?</td>
</tr>
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<td>13. Q. Is he your thesis advisor?</td>
<td>13. A. That he was interested in working on. Nobody had been working on them, but he was basically looking for students with the right sets of skills to work on them.</td>
</tr>
<tr>
<td>14. A. Yes.</td>
<td>14. Q. I see. He gave you a list of topics?</td>
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<tr>
<td>16. A. Yes. Well, no. I am currently working on my Master's thesis, which is something we all have to do en route to our Ph.D. candidacy exam which, you know, God willing we pass that, we can go on to work on our Ph.D. thesis.</td>
<td>16. Q. His research interests?</td>
</tr>
<tr>
<td>17. Q. And there is a candidacy exam, right?</td>
<td>17. A. Yes.</td>
</tr>
<tr>
<td>18. A. Yes.</td>
<td>18. Q. And said, why don't you pick one of these?</td>
</tr>
<tr>
<td>19. Q. And when is that, sir?</td>
<td>19. A. Yeah.</td>
</tr>
<tr>
<td>20. A. That is up to basically, you know, my advisor and I to schedule after I've defended my (Pages 1170 to 1173)</td>
<td>20. Q. All right. And then now you've gone a different direction, correct?</td>
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A. That's correct.

Q. And that was in -- I think I have down here this is a project of your own devising, correct?

A. Yes.

Q. How did you come up with this project?

A. So, okay. So -- this is really stupid.

You know how sometimes you're going along on a car trip, and your cell phone battery just dies in the middle of like, you know, you using the GPS to navigate to some far-off destination. That's happened to me a million times. I'm sure it's happened to some of guys and gals.

So, after that happened like and kind of left me stranded, at one point I decided that I wanted to work on it. And I knew that it would be possible to apply what I knew about control theory and computer systems in general to make that happen.

Q. Now, did you discuss this topic with Professor Hoffmann at one point?

A. Yes.

Q. How many times?

A. I -- when I proposed it to him basically I knew that he was, you know, interested in like applying more of the math-y aspects of control theory to some kind of research project. I guess

he's interested in and he has grants for it. But he doesn't really have enough of a background in control theory to make that happen. So --

Q. And you do?

A. Yes.

Q. So, and I think you said that you and he were going to publish a paper on it?

A. Yes.

Q. And will that be your Master's thesis? Is that the idea?

A. So, I'll be publishing a Master's. Rather, I'll be writing my Master's thesis on this project, but we will also be trying to publish a paper in an academic conference.

Q. And that's significant, if you publish a paper in -- an academic paper as a Ph.D. student, right?

A. Questionable. If you want to go into academia, then you want to publish sort of as much as possible, but really you're looking for high impact publications. But if you're not interested in academia, you can pretty much graduate without ever having published in any academic conference as long as your advisors and committee are okay with it, and you can very easily get a job at a company somewhere doing, you know, maybe research, maybe software engineering.

Q. What is your career goal?

A. That's a good question. I'm -- I haven't ruled anything out yet, but I'm not particularly interested in academia.

Q. I see. So, you would want to do something other than teach?

A. Maybe I'll teach at a community college or something for fun.

Q. You don't think the company that you might apply to would be interested in a high impact study of the sort you described?

A. So, they would be if they were interested in the area of research that I'm pursuing, but because my area of research is a relatively -- there is no -- I don't -- I'm not saying it to be arrogant. It's a relatively new area, so there aren't very many people doing what I'm doing.

So, it's very unlikely that one of the metrics for, you know, employment or getting a job from one of these companies would be that they were directly interested in my research.

Q. Do you meet frequently with Professor Hoffmann?

A. Yes.

Q. I see. When did you stop meeting with him once a week?

A. Maybe point seven or point six times a week. So, some weeks we just wouldn't meet.

Q. I see. So, maybe not once a week but once --

A. Maybe like once every two weeks.

Q. But some --

A. On and off.

Q. But sometimes more frequently?

A. Yes.

Q. Because you were a TA in some of his courses?

A. Yes. Precisely.

Q. And because he's your faculty advisor?

A. Yes.

Q. So, during this time, and when you met, what did you talk about?
A. If I made progress on a project or -- whichever project I happened to be working on, I would tell him. He might have comment for it. He might not. Typically we just end up talking about politics.

Q. Okay. Did you -- all right. Did you and he meet before you started to TA in his class?

A. Yes.

Q. You did?

A. Yes.

Q. And I presume he must have described to you what he wanted you to do as a TA?

A. Well, so, if you're describing whether or not we met in general before I TA'd in his classes, of course he was my advisor, so we definitely met. If you mean, you know, had we met before I -- like maybe a week before I started TA'ing the course other whatever, the preparation, then no.

Q. Well, you made it sound like in your direct testimony that you and he never talked about the courses, the initial course at least that you TA'd in. And if you're meeting with him once a week, how could that be?

A. Well, we tried to keep our -- basically our meetings about research and our meetings about teaching separate. So, for the course I'm teaching right now, for example, we have weekly TA meetings where all of the TAs get together with some -- maybe all three, but maybe some subset of the professors who teach the course, and that is where we would discuss any issues that are going on in the course.

Q. And those are the big -- that's the big survey course?

A. Yes. It was also the case for the Parallel Computing course.

Q. I see. So, you would meet with him once a week to discuss any questions that you had with regard to the -- to your service as a TA? Let me ask it in a different way. Ignore that question for a moment.

When you said that all the TAs would meet with the professor, in these courses --

A. Yes.

Q. -- what did you discuss during those meetings?

A. Okay. So, that's typically to discuss logistical issues. If anyone had missed some office hours or if the students -- one problem I get a lot is the student aren't able to identify me as their TA, so I get a lot of angry emails that they don't realize that I'm sitting in the same room as them helping another student out.

Q. Because you're young? Is that what you mean?

A. Yeah. A little bit.

Q. Did you discuss, for example, in those meetings, did you in any of the three courses, did you discuss with the professors why they presented the material in the way that they did?

A. No.

Q. No?

A. Like I said, I rarely ever showed up for the lectures. I'd only show up if, you know, it were highly, highly recommended, but I'm -- to be honest, I just don't -- I don't see it as necessary so --

Q. You don't see it as necessary because you think you're sufficiently qualified to TA without going to the course?

A. Yes. I had, you know, I have access to the textbook. I have experience with all the material that the undergads are working through. Anything that I don't know I can pick up from the textbook or online.

Q. Or you could pick up the phone and ask

Professor Hoffmann?

A. Potentially, but he might be, you know, pretty busy. So, Professor Hoffmann has about eight or nine -- one person graduated recently, so I apologize if my count is off -- graduate students, so he's almost always writing grants or there is always a deadline around the corner.

He is typically very busy. He has young son. He has three cats, you know, a wife.

Q. But he has eight or nine grants, right?

A. That actually I don't think is true.

Q. I'm sorry. You said eight or nine graduate students. How many grants does he have; do you know?

A. I can't say the number, but we've had meetings where he's discussed with all of us in a group that there won't be enough funding for maybe some of us next year or for certain projects.

Q. Has he had that discussion with you and said, I can't cover you on my current grants so you'll have to do something else?

A. Yes.

Q. But there are others who he is covering?

A. Yes.

Q. I see. And are you making progress toward
your degree?
A. Yes. I would say so. I mean like it basically comes down to finishing a Master's thesis roughly ideally by the end of the third year. It might poke into the summer a bit, but that's fine. I've got an internship lined up this summer. Seems reasonable.
So, I should say that in my conversations with the Dean of Students, Miranda Swanson, she said, it seems like you're doing well.
Q. Seems like you're doing well. Have you ever received any letters indicating that you not doing well?
A. Yes.
Q. When did you receive those and what did they say?
A. I received one of those last year. They were -- so, at a time I was working on a different project and they wanted to see more progress in that project.

HEARING OFFICER MOLS: Who is they?
The WITNESS: Sorry. I believe this was the graduate committee, which changes every year. They don't really tell us who is exactly is on it, but typically it's some subset of Professor Anne Rogers, I think Professor Janos Simon, and I believe Professor John Lafferty, but that might change or be different in any given -- but that decision, I mean basically the way that works is you show up to your advisor's office and ask them, you know, do we have a working draft? And Hank's answer was no. Because Hank has a certain style of advising where he prefers that we don't start writing until we've settled all the results.
As a result of that, I have to kind of manage upwards a bit in the sense that, you know, I'll start writing up some stuff, some of the results I have, and then later on down the line I'm not being you held up, you know, by that.
Q. I'm not sure I understand. I mean you said Ms. Swanson -- Dean Swanson said you were doing just fine?
A. Yes.
Q. But she's not -- she's not an academic, right? She's not a faculty member?
A. No.
Q. In fact, faculty members apparently have told you that that may not be the case?
A. Yes. But never my advisor is the one that makes the ultimate determination on that, as I said.

Q. That's Professor Hoffmann?
A. Yes. They show up, you know, they talk to him, and -- but what they asked him for is, is there like a draft or some piece of paper that exists, and of course his answer is always, you know, typically no. Up until like very recently. But even now, he still wants me to collect the final set of results before he, you know, will acknowledge that I have a draft that exists.

HEARING OFFICER MOLS: Are you present when these conversations go on between Professor Hoffmann and the graduate committee?
The WITNESS: No.

HEARING OFFICER MOLS: So, how did you hear about them?
The WITNESS: My advisor. Professor Hoffmann tells me.

BY MR. FASMAN:
Q. So, Professor Hoffmann was also the one that was sending you, and I'm going to quote what you said, curt emails about not coming to his lectures?
A. For Parallel Computing.
Q. That's correct.
A. But --
Q. What did those -- what did those curt emails say?
A. Basically just, you know, I think this is really important. You know, please, you know, show up. Like -- you know, in case you need like a refresher or whatever.
Q. And you chose not to show up?
A. Yeah. But we've always -- we've had conversations about it. Or we had conversations about it. You know, basically I told him I was working on research and he understood.
Q. And he understood. But he did not -- he didn't pursue it further?
A. No.
Q. And you were never disciplined for not showing up?
A. No. No.
Q. You were never told you're not going to get your stipend if you don't show up?
A. No.
Q. And --
A. At least not for that course.
Q. I'm sorry?
A. Not for that course.
Q. Not for that course. This was --
A. Parallel Computing.

Q. What year was that in, 2015?

A. That was 2016. The winter of 2016.

Q. Winter of 2016. Now, do I have that here?

A. I believe so. No, you don't. This is only for the current academic year.

Q. So I have one -- I see. So, I have autumn, 2016. Then I have winter, 2017. Do you have the other documents from the period between that?

A. It might be possible to retrieve them, although --

Q. Why did you retrieve these? I presume you retrieved them?

A. Yes. These were the most readily accessible. The previous ones involved digging back through literally thousands of emails to maybe find a link that might be dead. Because they've changed up the -- like this system.

Q. I don't understand. I have autumn, 2016, but I don't --

HEARING OFFICER MOLS: He said winter of 2016.

THE WITNESS: It's a previous academic year. It's just kind of a stupid system.

BY MR. FASMAN:

Q. I see. Then I have the winter of 2017?

A. Yes.

Q. Is that what you're saying?

A. Yes.

Q. Okay. Thank you. But it was your decision not to attend the lectures in Parallel Computing, right?

A. Yes.

Q. And you did not attend the lectures in the other two courses you TA'd, right?

A. Those we are not we're not required to attend.

Q. You are?

A. We are not required to attend.

Q. You are not required to attend?

A. We proctor the exams.

Q. I see. Had you had experience in grading projects?

A. Prior to?

Q. For exams prior to the first time you TA'd?

A. Here?

Q. Anywhere.

A. Yes.

Q. Where?
meticulousness and the -- a lot of more detail is generally required.

Q. I see. I see. And, so, how do you grade them?
A. So, it differs from course to course. So, for this course --

Q. Which course?
A. Sorry. The course I'm talking right now, which is Intro to Computer Systems.

Q. Yes.

A. We are expected to produce our own solutions, and that may differ from the solutions the students provide, but we have ways of comparing their output to our outputs, and then if they don't meet -- if they don't pass the test that we have set for them, which we hand to them before they start the project, then I would have to go in manually and look at the code, and either, as I said, I tend to be a generous TA. I try to fix it and give them the be a generous TA. I try to fix it and give them the

Q. It sounds to me like you have -- you have a

lot of experience than perhaps someone comparable in your position would not have. Is that a fair statement?
A. I would disagree. My roommate is -- I think came into the program equally competent, if not more competent than me in some -- many aspects of TA.

Q. I see.
A. And as, you know, I would say the same about most, to be honest.

Q. How about the Master's student?
A. She knows pretty much everything that I do minus some esoteric details of the clinics' operating systems.

Q. I see. You don't know, by the way, whether she's paying tuition or not, do you?
A. The Master's program does actually -- I believe you have to pay either 30 to $50,000 of tuition per year. And I mean she might not be paying that as a result of her teaching.

Q. You don't know, do you?
A. I'm sure I couldn't verify it.

HEARING OFFICER MOLS: Do you know, yes or no?
BY MR. FASMAN:
Q. Let's start either way. How about questions about the material?
A. Is going to sound super-arrogant, but never have questions about the materials. I've done every single project.
Q. How about administrative?
A. Occasionally, but we resolved this via email. So, some student will post on Piazza or comes during office hours and says, hey, I feel like I didn't get fairly graded in this. Could you pass this on to one of the other TAs? And they look at it, and if they can't make a determination -- or rather I should say, if it's a question that involves, you know, something to do with like the administration of the course, i.e., you know, cheating or the grading is wrong or, you know, whatever, then we will contact the professors, but otherwise we try to resolve those ourselves because each TA is assigned responsibility for one project, and I believe some subset of the homework assignments.
Q. So, you never have -- you never have a question about whether a particular homework assignment -- what the answer should be? The answers are just yes and no?
A. Typically no.
Q. One or zero?
A. Well, so, for the homework assignments which I typically don't grade, at least I haven't graded this quarter because we have more undergraduate graders this year. No. I mean they are fairly basic questions that anyone that's competent, in this case, computer systems, would know, and I've TA'd an upper division course -- or rather I should correct myself.
I tutored an analogous upper division course as well as an analogous lower division course as an undergraduate.
Q. I see.
A. I'm fairly familiar with the material.
Q. Upper level course meaning college course?
A. Yes.
Q. Or graduate course?
A. College course. I'm sorry. When I say upper level I mean that it was the called Introduction to Operating Systems, and it was basically a much more in-depth version of this course.
Q. I want to go back to Parallel Computing for course?
A. Yes.
Q. Is that right?
A. Yes.
Q. And I think you said that Professor Hoffmann -- it's Professor Hoffmann's course, right?
A. Yes. Well, he teaches it occasionally. I believe that course passes hands once in a while.
Q. But the time you TA'd in that one I think you even said --
A. Yes.
Q. He told you --
A. Yes.
Q. He told you, be happy it's my course?
A. Yes.
Q. What did you understand him to mean by that?
A. So, he said that because, you know, it's a common understanding, a mutual understanding that having to TA a course means extra work on top of fulfilling your, you know, academic requirements as a researcher, and it takes away time from doing your research. So, that was his way of saying, since

It's my course, you know, it won't be as bad as say, you know, TA'ing Introductory Computer Systems, which involves between 10 to I want to say 15, but for the sake of, you know, accuracy, you know, maybe about like 14.5 or 14 hours of work every week, which is a substantial amount of time. Not to factor in the fatigue from interacting with sometimes tens of students within a two-to-three-hour period.
Q. I see. They come in and ask you questions about a project? Is that the idea?
A. Questions about projects. Questions about concepts in general. Sometimes they are, you know, at University of Chicago we have very bright undergraduate students. They'll ask questions that lay outside of scope of the course, or maybe rather touch on course material in a much more advanced way.
Q. So, if you were -- if you have office hours and students don't show up, what do you do?
A. I basically sit there and wait for them to show up. I browse the Internet.
Q. You don't work on your research?
A. No. There is not enough time to -- or rather, it's too difficult to contact switch.
A. Yeah. Probably, or send a text.
Q. You would never know that?
A. Yes. Yes, well, someone emails you and says, I'm trying to meet you at the fourth floor or whatever.
Q. Okay. All right. But you're not required -- you don't have office hours that are required in the lab, right?
A. Could you specify?
Q. Well, I mean you can come and go in the lab. You can do your research when you want to?
A. Yes. Yes. I thought you were referring to office hours that I hold for these courses.
Q. No, no. No, for your lab. For your research you do what you want, right?
A. I have no fixed amount of hours that I can put into the lab, although that is where Professor Hoffmann would look for any of us if he needed to talk to us.
Q. Well, he'd look for you in the lab, and then he has your phone number, presumably?
A. Yes.
Q. And he would call your cell phone and find you?
A. Yeah. Probably, or send a text.
A. I mean I've only ever complained about perhaps, you know, excessive hours. And by excessive I mean hours that you know, working hours as a TA that would breach the university's, I guess, legal threshold or mandated threshold, which I think I want to say 15 hours or 14.5 hours. But other than that, no, not really.

Q. I see. But you never went to Professor Hoffmann and said, gee, I don't know what I'm doing?

A. No.

Q. And you were free to go to him and ask him those questions, right?

A. Yes.

Q. If you felt you needed his advice you would go to him?

A. Yes. Sure. Of course.

Q. And the same thing is true with regard to grading? Is that fair and accurate?

A. Yes. I would say so.

Q. And the same thing is true with regard to the labs you were running?

A. Yeah. I mean there is not very much to ask about those because it's -- yes. Yes.

Q. So, let me ask you about that. The computer labs you're talking about, these were voluntary labs, right, not mandatory?

A. I believe -- so, it differs from quarter to quarter, which is extremely frustrating for even the same course which I've had two years in a row.

Last year the labs were mandatory. The students were assigned to fixed labs. So, they were supposed to show up and, you know, get their lab projects done, which is separate projects from the course project. Does that make sense?

These are projects meant to train them in some technical tool they might, you know, that the instructors want them to learn how to use. And that was also for the purpose of dividing the course up so that we could have different exam sessions.

HEARING OFFICER MOLS: Speak up, please.

THE WITNESS: Sessions. So we could have different exam sessions. But this year I think they are free to just kind of roam and grade whichever TA they prefer.

BY MR. FASMAN:

Q. I see. I thought you had testified that they would come maybe five to ten --

A. Yes.

Q. -- when you held one lab, and then for a project you would come and there would be more, right?

A. Yes.

Q. How long are the lab sessions that you're running now?

A. The lab sessions I'm running now are roughly two hours. I think to be accurate maybe about an hour and 40 or 50 minutes.

Q. Was that the same period of time for the lab sessions for parallel computing?

A. No. I think those were around two hours.

I mean they -- sometimes student need more help and you don't -- you're obviously not required to do this, but I like to make sure that all of my students succeed in their courses, at the very least that they understand the concept that they've been given to master, so I'll typically stay a little later than I have to help them out.

Q. That's voluntary?

A. Yes.

Q. And in fact, does anybody -- have you missed any lab sessions?

A. Yes.

Q. And how frequently have you missed lab sessions?

A. I think I've only missed one in my time here. And that was this quarter.

Q. I see. And --

A. Medical appointment. So, I basically had a fellow TA post on the Piazza that I would not be able to make them. I rescheduled them.

Q. How about missing office hours? Do you do that from time to time?

A. There is no reason to.

Q. What do you mean, there is no reason to?

A. I mean I -- I enjoy helping my students, charges.

Q. I see.

HEARING OFFICER MOLS: Speak up.

THE WITNESS: Yes. Sorry.

BY MR. FASMAN:

Q. Parallel computing, you said you had five, ten people per lab; is that right?

A. That, no. That's not correct. That's what I said for Intro to Computer Systems, but for Parallel Computing the classes are a lot smaller and the class size changed throughout the quarter, so by the end of the quarter the course was roughly half the size that we started with. I wouldn't be able to put a good number on it, I guess.

Q. But it kept --
Q. Invisible shrinking class?
A. Yes. It's a very difficult course. A lot of people just -- yeah. Say it's not worth it and they just leave.

MR. FASMAN: Can we have a break? I think I've got most of my stuff.

HEARING OFFICER MOLS: Sure. Off the record.

(There was a discussion held off the record.)

HEARING OFFICER MOLS: On the record.

BY MR. FASMAN:

Q. Mr. Kong, why did you stop meeting with Professor Hoffmann once a week?

MS. AUERBACH: Objection. He didn't say he met once a week. He had clarified that already.

MR. FASMAN: He said 1.6 or 1.7.

HEARING OFFICER MOLS: Why did you stop meeting with him as frequently as you previously were?

MR. FASMAN: Thank you.

THE WITNESS: I didn't need his technical advice after, you know, basically -- I mean for -- with this project basically I don't need his technical advice.

HEARING OFFICER MOLS: Which project are you referring to?

THE WITNESS: I'm sorry. My Master's project, although I enjoy talking to him I don't want to waste --

(Court reporter requested that the Witness repeat his answer.)

He's got meetings, grants, other students to work with. So, just seems more efficient. It's basically an agreement we've come to.

BY MR. FASMAN:

Q. An agreement?
A. Yes.

Q. You've come to with Professor Hoffmann?
A. Yes.

Q. What's the nature of the agreement, don't bother me?
A. No. But basically before he had the expectation that all of his students met with him once a week if possible, but most of us are fairly independent, and after a while I just realized I don't want to block up a half hour to an hour of his time, which is a lot of time for him just to, you know, talk politics. And -- you know.
surpassing the university's -- I think it's legally mandated or whatever, amount of hours.

Q. I see. So you had -- but you complained initially, I think you said, that there were going to be eight required hours in the courses that you're doing now, and you said, no, that's too many?
A. No. There were eight required office lab hours, but that does not include, you know, the amount of time it takes to prep for these courses and so on and so forth. You know, with grading and whatnot.

I went through the first week or two, added up the amount of hours I did and talked to the TAs, had them add up their hours, and it was approaching but not surpassing the maximum amount of hours. So, I raised the concern we would surpass the amount of hours, and the professors got together and said, okay, well, you know, your office hours are office hours.

Q. Who did you raise this with?
A. I raised this concern at one of the TA meetings with Professor Haryadi.
Q. And when was this, sir?
A. This was spring of last year. So, spring 2016.

Q. 2016. And you were, at the time you were TA'ing the Intro to Computer Science course?
A. Computer Systems.
Q. Computer Systems. And that's an undergraduate course?
A. Yes.
Q. One level or two level?
A. One level.
Q. One level. Okay. And there was an immediate agreement to say, let's have fewer office hours?
A. Actually, no. That is when Professor Haryadi suggested that we, you know, start a formal, according to him, more formal accounting of our hours using the Google Docs that we used to organize the course. And then I think once he saw the amount of hours that we were putting in, he realized that, well, it was a little bit unreasonable, and it was very possible for us to surpass the university's mandate or whatever on the number of -- maximum number of TA hours per week, and so he lowered the amount of hours. Some extra clarification.
Q. Well, Mr. Kong, you mentioned a bunch of times the university's mandated number of TA hours per week?
assign different weightings to the various projects and exams so that the students -- so the students don't get a, you know, a poor grade because they lacked in one or another area of like the course, whether that be like their total project score or their exam scores and so on and so forth. So, I've seen that exact process occur. When I say I don't know what their final grades are, that means I don't know how generous Hank is going to be.

Q. But he's responsible for the final grades, right?
A. Yes.

Q. And he may decide to be more lenient than you were?
A. He, from sitting through the -- you know, the process with him, he tries to give the highest grade possible to each student because he doesn't believe in punitive measures for the education.

Q. I see.
A. Which is my practice as well.

Q. Did you have training -- I didn't understand your comments about online training. Didn't you have training in Responsible Conduct of Research? Wasn't that one of the online courses you had to take?
A. That was probably one of them, yes.

Q. And I think you said all Ph.D. students in the program had to take them? You don't know that, do you?
A. To the best of my knowledge. I think so.

Q. In fact, all of your testimony is to the best of your knowledge, right?
A. Of course.

Q. Thank you. And you don't know as well that Workday is a system that professors used? You don't know that for a fact, do you?
A. No.

Q. You talk about taxes being withheld from your checks?
A. Yes.

Q. There is no -- there are no taxes being withheld from the amount of your stipend that's not allocated to TA, right?
A. Would you ask that again?

Q. Sure. If you are not required to TA during a semester -- or a quarter, sorry, and you're just acting as an RA on the grant, there is no taxes withheld from that, right?
A. There are.

Q. There are?
A. It's the same tax withholding.

HEARING OFFICER MOLS: I want to clarify.

Q. I just want to be clear. For the RA, I believe you said you are distributed the money at the beginning of the quarter?
A. Yes.

THE WITNESS: No. Sorry. Okay. So, my first year here at the Department of Education fellowship, and that is when I received my funding during the quarter, so I received, I believe, four paychecks that academic year including summer, but since then that's not been the case, and I received the -- what most other students that are not in special fellowships get, which is either a monthly fellowship in the event of last year, or a biweekly paycheck in the event of this year. And I mean academic years.

BY MR. FASMAN:

Q. So, in your first year you received the GAANN payments were $7,500 a quarter, weren't they?
A. Yes.

Q. Without withholding?
A. Yes.

Q. Thank you. Don't you also have a tax reporting requirement for tuition remission?
A. Yes. I believe so. We get a -- I want to say a 10-98T.

Q. And what is that for?
A. It basically sums up the -- again, I'm not a tax expert, but it looks like it sums up the tuition, I guess, that the school covers for us. I mean it's a strange form because occasionally the tuition from like future quarters is placed on there, so that like basically some students have gotten -- have had to pay more taxes than they ought to have because --

Q. But you're not a tax expert so you don't actually know that, do you?
A. I mean I know that people have had to pay extra taxes that they shouldn't have.

Q. You have not reviewed their tax returns, have you?
A. No. Of course not.

Q. And you're not -- let's limit it to Computer Science, okay?
A. Yes.

MR. FASMAN: Thank you. Give me one minute.

HEARING OFFICER MOLS: Off the record. (There was a discussion held...
BY MR. FASMAN:
Q. How many academic -- how many Ph.D. students are advised by Professor Hoffmann now?
A. I believe eight or nine. If you want to give me a moment.
Q. Eight or nine, that's okay. You've been on the stand for a while. Eight or nine is okay.
A. I appreciate it.
Q. I think you said that Professor Hoffmann would -- that there was some connection between Professor Hoffmann's way of doing business and your being told that you were not making academic progress?
A. That's something I wouldn't know.
Q. That's roughly right?
MS. AUERBACH: Objection. I don't think he said he didn't -- wasn't making academic progress.
MR. FASMAN: That's just a proffer.
THE WITNESS: Yes. That's correct.
HEARING OFFICER MOLS: So, for lab hours specifically, there are almost always students -- so, strike that it. I should back up.
When we host -- or when I host lab hours, I should say, we are expected to show up to the -- I always forget the full, you know, name, but it's the Cecil Computer Lab. I believe it's Computer Science Construction Lab in the Crerar Library where there are like -- because of the students are so hard-working, there are almost always students in there.
HEARING OFFICER MOLS: So, it's a lab that's openly available to any students?
THE WITNESS: Yes.
HEARING OFFICER MOLS: So, how are the lab hours advertised to the undergraduate students?
THE WITNESS: So, for the lab hours, unlike the office hours which are randomly assigned, the lab hours happen every Tuesday. So, I think with a couple of exceptions due to one of my fellow TAs missing for maybe a conference or travel or whatever, we basically have fixed hours that we are known to be present.
BY MR. FASMAN:
Q. Thank you. My question is whether that's true for the other eight or nine advisees, if you know?
A. Whether he had the same standards for them?
Q. No. Whether they, because of his standards, have been told that they are not making the academic progress?
A. That's something I wouldn't know.
MR. FASMAN: All right. I have no further questions right now.
Tender the witness.
HEARING OFFICER MOLS: I have some questions before redirect.
So, using the example of when you were a TA for Introduction to Computer Systems, I want you to paint me a word picture. So, for the lab hours that you conduct --
MR. PORZIO: Madam Hearing Officer, just to clarify, is this the first time TA or second time?
HEARING OFFICER MOLS: Okay. Thank you. Let's talk about most recently.
THE WITNESS: Sure.
HEARING OFFICER MOLS: When you are conducting the lab hours, are you in a room on your own waiting for students to show up? Or how does that work?
THE WITNESS: So, for lab hours specifically, there are almost always students --
HEARING OFFICER MOLS: And they are expected to write additional code to reach a certain outcome?
THE WITNESS: It's not so binary in this case. That's a bad pun.
It's -- they are like a series of tests of escalating difficulty that, you know, they can try...
Hearing Officer Mols: And for those projects and the codes that they are writing, for the project that you are assigned to you, you alone grade that code?

The Witness: Yes.

Hearing Officer Mols: And I think you may have covered this on cross, and I apologize if you did. So, you had mentioned that at one period you were told that if you can't RA, you have to TA. Is that correct? Who told you that?

The Witness: Yes. So, I should probably explain that a little bit better. So, it's kind of in on Exhibit 62, I guess, where it says like this is like basically the funding for this type of project, you know, ran out, so you'll being TA'ing the next quarter, and I'm like, oh.

Hearing Officer Mols: That's what he said to you?

The Witness: Yes.

Hearing Officer Mols: So, when you were an RA for Professor Hoffmann, was there a certain number of hours that you were expected to dedicate to that research?

The Witness: No. I don't think so.

Hearing Officer Mols: I think that's all of my questions for now, but I may have more after redirect.

Redirect Examination

By Ms. Auerbach:

Q. What's your understanding as to whether you're currently making satisfactory academic progress?

A. You know, I guess if I were to go back to Exhibit 62, you know, it says we continue to fund students through their six year of studies --

Hearing Officer Mols: Or RA --

The Witness: As long as they continue to make satisfactory progress toward their degree and meet the obligations for there support and still be funded. So, that's all I can say about that.

Ms. Auerbach: I don't have any other questions.

Hearing Officer Mols: Okay.

Mr. Fasman: Couple.

Recross-Examination

By Mr. Fasman:

Q. I don't understand that response. The response was reading this, do you understand -- I thought you testified before that there were problems with regard to making academic progress, that you had been told that?

A. Concerns with perhaps the speed, because there are a lot of older students in the department who in the past have kind of languished a bit, so I think in recent years the department has become a little more, you know, proactive about it.

So, it was never -- I've never gotten a letter that said I was not making satisfactory academic progress. I've gotten letters that said -- well, one letter I should say, that said, you know, roughly we appreciate the work you do as a TA, but speed it up. Speed up your research.
Q. That's under oath, right?
A. Yes.
Q. Thank you.

Professor Hoffmann has -- I think you said he had a number of grants, right? This is only in response to the Hearing Officer's question.
A. Yes. I believe he has several grants.
Q. And when he told you that you were not going to be on one of those grants the next quarter, right, he rotates those -- who he's going to cover on the grants among his -- his advisees; isn't that correct?
A. Sort of. He is bound by the terms of the grant, which kind of limit the type of work that can be done under that grant. And by work I mean research. But I -- yeah, I guess I can't speculate on how he manages the funding, whether or not he tries to, you know, alleviate students of teaching or, you know --
Q. But you're covered from time to time?
A. Yes.
Q. Right. Some quarters you are, some quarters you aren't?
A. Yes.
Q. And to the best of your knowledge that's his decision?

MR. FASMAN: Okay. I have nothing further.

HEARING OFFICER MOLS: Okay.

FURTHER REDIRECT EXAMINATION

BY MS. AUERBACH:
Q. When you're saying he's bound by the terms of the grant, which kind of limit the type of work that can be done under that grant. And by work I mean research. But I -- yeah, I guess I can't speculate on how he manages the funding, whether or not he tries to, you know, alleviate students of teaching or, you know --
Q. But you're covered from time to time?
A. Yes.
Q. Right. Some quarters you are, some quarters you aren't?
A. Yes.
Q. And to the best of your knowledge that's his decision?

his decision?
A. Yes. Yes.
MR. FASMAN: Okay. I have nothing further.
HEARING OFFICER MOLS: Okay.
FURTHER REDIRECT EXAMINATION

BY MS.AUERBACH:
Q. When you're saying he's bound by the terms of the grant, do you know whether or not he currently has a grant that relates to your research?
A. I believe he does not.
MS. AUERBACH: I don't have anything.
HEARING OFFICER MOLS: Okay. I think I have a question.
So, it may be on the witness stand, it may not be. I'll hand you my copy.
I'm looking at Employer Exhibit 49, which covers -- well, first off, have you ever seen anything like this chart before?
THE WITNESS: No.
HEARING OFFICER MOLS: Okay. So, can you look at the left-hand column titled, Group?
THE WITNESS: Yes.
HEARING OFFICER MOLS: Do you recognize those titles that are listed under that column?
THE WITNESS: Yes.

Peer Review, obviously the process by which academic papers are reviewed by professors that have expertise in, you know, which are papers being reviewed.
HEARING OFFICER MOLS: I'll stop you there.
So, the -- some of the titles that you have listed as well as the other ones listed along the top, in your personal time at the University of Chicago have you ever been required to complete any training in any of these topics listed?
THE WITNESS: To be honest, it's difficult to remember. I don't believe I've been trained in mentoring. There might have been online courses, but I'd have to look back in my email to find out if I had ever done those.
HEARING OFFICER MOLS: So, you may have done online courses but you don't -- along these lines, but you don't recall?
THE WITNESS: Yes. It's possible, but I don't recall.
HEARING OFFICER MOLS: I have no further questions.
MS. AUERBACH: Nothing.

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43 (Pages 1226 to 1229)
BY MR. FASMAN:
Q. I have one question.
Do you know if these are modules of the responsible conduct of research training that you receive?

THE WITNESS: That's possible. Yeah. We receive a lot of online training courses.

MR. FASMAN: That's all I have.

HEARING OFFICER MOLS: Mr. Kong, you are excused.

(Witness excused.)

THE WITNESS: Thank you.

HEARING OFFICER MOLS: So, with that, I think it's the appropriate time to adjourn for the day. I will see everybody tomorrow morning at 9:00 a.m. Thank you.

Off the record.
(Hearing adjourned at 5:59 p.m.)

CERTIFICATION
This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 13, in the matter of UNIVERSITY OF CHICAGO and GRADUATE STUDENTS UNITED, Case 13-RC-198325, at Chicago, Illinois, on May 25, 2017, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been given compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

Jeanine Watkins, CSR
Licence 084-001629