

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

In the Matter of:

Case No.: 13-RC-198325

**UNIVERSITY OF CHICAGO
Employer**

And

**GRADUATE STUDENTS UNITED
Petitioner**

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

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

The above-entitled matter came on for
hearing pursuant to notice, before CHRISTINA MOLLS,
Hearing Officer, at 219 South Dearborn Street,
Eighth Floor, Chicago, Illinois, on Friday, May 26,
2017, at the hour of 9:00 a.m.

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1 HEARING OFFICER MOLS: On the record.
2 So before we proceed with the petitioner's
3 next witness, are there any procedural matters the
4 parties wish to raise at this time.
5 MR. PORZIO: There are. We'd like to do a
6 couple things regarding the subpoena that the Union
7 filed on the university. So first I have an
8 additional 814 pages of documents that are
9 responsive to the Union's subpoena. This is in
10 addition to the 424 we already provided for a total
11 of 1239 pages.
12 In addition to that, I guess we'll mark
13 this as Employer's Exhibit 51.
14 (WHEREUPON, Employer's Exhibit
15 No. 51 was marked for
16 identification.)
17 MR. PORZIO: So what I've marked for
18 identification is Employer's Exhibit 51 is the
19 university's petition to revoke the Union's
20 subpoena, Number B-1-WPDNKN. And for your
21 convenience, Madame Hearing Officer, in addition to
22 setting out general grounds for revoking the
23 petition, we've also laid out individual grounds
24 based on the ten enumerated requests identified in
25 the Petitioner's subpoena. And I'm happy to go

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1 through those in as much detail as you'd like at
2 this point, or if you'd like to review it yourself
3 and ask questions, whatever your preference.
4 THE COURT: Give me a chance to review it
5 first.
6 MR. PORZIO: Sure.
7 HEARING OFFICER MOLS: Off the record.
8 (WHEREUPON, a short recess was
9 taken.)
10 THE COURT: On the record. So before we move
11 on to further discussions about this document, I
12 move to receive and put Exhibit 51 into evidence.
13 Any objections?
14 MS. AUERBACH: No objections.
15 THE COURT: Employer's Exhibit 51 has been
16 received.
17 (WHEREUPON, Employer's Exhibit
18 No. 51 was received into
19 evidence.)
20 HEARING OFFICER MOLS: Now, having done that,
21 having reviewed this document --
22 MR. PORZIO: Madame Hearing Officer, before you
23 do that, just because I kind of reserved my
24 argument until after you had a chance to read it,
25 can we spend a few moments on that?

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1 THE COURT: Sure.
2 MR. PORZIO: So on May 22, the Union served the
3 petition to revoke the university's subpoena in
4 which you granted their petition to revoke on all
5 counts and in -- on the primary basis, and because
6 of the inclusion of the word all in the individual
7 requests. And I'd like to note that in Request
8 Number 1, 2, 3, 6, although it doesn't say the word
9 all, there's no temporal limit, and there's no
10 limit in terms of generally the scope of very broad
11 terms in terms of payroll records, payroll
12 policies; Number 7, all documents are in the
13 records; Number 8, all documents explaining the
14 policies and procedures; 9, all guidelines; and,
15 10, all grant proposals.
16 So to the extent that it was compelling to
17 the Hearing Officer that the inclusion of the word
18 all was warranted, granting a petition to revoke on
19 those counts, I would say, notwithstanding any of
20 the other valid arguments that we raised in each of
21 the individual paragraphs, just on that account, if
22 it was good for the goose, it's good for the
23 gander.
24 The other objections that we raise I think
25 are important to know, and I won't do them one at a

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1 time just to make this a little bit more efficient.
2 But the Union has asked for a number of documents
3 that if we produce would require us to violate
4 FERPA which is as we discussed many times
5 throughout this hearing, it's a federal law that
6 prohibits the university, this prohibition does not
7 apply to the Union, they don't have the same burden
8 that we do, prohibits us from disclosing personally
9 identifying information about a student at the
10 University of Chicago. That's something that we
11 take seriously and gives us grounds to restrain
12 from producing certain documents that the Union has
13 asked for.
14 Other objections that we've raised relate
15 to the overburdensome nature of a number of the
16 Union's requests. As I've identified, they've
17 asked for all of these documents. And as you've
18 heard testimony from a number of witnesses, this is
19 a very decentralized university. There's no one
20 source of information that we can go to and say,
21 please give me all of these documents.
22 This is something that we've done. As you
23 can see, we've produced over 1200 pages of
24 documents that are responsive notwithstanding our
25 objections raised in the petition to revoke, and

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1 it's taken considerable time and effort on both the
2 university's side and resources back at the
3 university to gather these documents. And it's
4 incredibly burdensome to do that.
5 So those are my general comments in terms
6 of the petition to revoke, but if you have any
7 questions, obviously I'm happy to answer them.
8 THE COURT: Okay. So before I kind of state my
9 thoughts on the matter, if the petitioner would
10 like to state its position for the record.
11 MS. AUERBACH: First, just in reference to one,
12 it's a separate copy to the subpoena.
13 HEARING OFFICER MOLS: Yes, this one is 69.
14 MS. AUERBACH: What number is it?
15 HEARING OFFICER MOLS: 69.
16 (WHEREUPON, Petitioner's Exhibit
17 No. 69 was marked for
18 identification.)
19 HEARING OFFICER MOLS: As with the petition to
20 revoke, I move to receive Petitioner Exhibit 69
21 which is a copy of the subpoena itself. Any
22 objections?
23 MR. PORZIO: No objection.
24 HEARING OFFICER MOLS: Petitioner Exhibit 69 is
25 received.

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1 (WHEREUPON, Petitioner's Exhibit
2 No. 69 was received into
3 evidence.)
4 HEARING OFFICER MOLS: You want to state your
5 position.
6 MS. AUERBACH: Right. First of all, I want to
7 note that the documents produced by the Employer
8 prior to today were all publicly available on the
9 university's website, and none of them were within
10 the scope of the requested documents in the
11 subpoena. I have not yet had a chance to review
12 the documents produced today. The first few pages
13 do appear responsive. I've not had a chance to
14 review the rest. I don't know how many responsive
15 documents have now been produced. The number of
16 pages is not relevant. It's whether they're
17 complying with the subpoena.
18 With respect to the use of the word all,
19 the -- so Paragraph 1 and Paragraph 2 are documents
20 which in the Columbia case the Union subpoenaed all
21 admission letters and all appointment letters for
22 all employees in the petition for a unit. In this
23 case, in part because Columbia's National Board of
24 Law and the Employer seeks to distinguish that, at
25 least before the region, although it seeks to

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1 reverse it later, the Union has limited 1 and 2 to
2 samples.
3 The testimony so far, you know, makes
4 apparent that the university uses template forms
5 for these types of letters. And so what's
6 requested in Number 1 is a sample of all standard
7 form admission letters, reply forms, admission
8 reply forms, and statements of financial aid
9 provided to the students in the department
10 divisions and schools at issue in the petition. So
11 that is not very burdensome at all. It's just
12 seeking the various forms or templates used that
13 would be applicable to the different students in
14 these different divisions and schools.
15 Number 2, and again since we're seeking
16 samples and templates, it would be those currently
17 in effect. We're not -- there's no time period to
18 go back to prior ones, so it would be the forms
19 that have been used currently this year. With
20 respect to Number 2, again, it's, you know, the use
21 of the word all is -- it's in a limited of
22 samples -- samples of all standard form appointment
23 letters for students appointed to the various
24 positions that are in the petition for unit. And a
25 couple -- Union, I think, introduced and identified

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1 a couple others through one of the Employer's
2 witnesses, but -- and those appointment letters
3 show that someone's appointed to a position and in
4 some cases show the stipend or salary associated
5 with the position and what the duties of the
6 position are.
7 This is entirely relevant to this
8 proceeding because it shows both the job duties
9 with the position and the compensation for the
10 position. In some cases, number one, shows the
11 terms of the stipend granted to admitting students
12 and whether they're told that they have
13 responsibilities to fulfill as part of the funding
14 package. And, again, with Number 2 we're asking
15 for samples of these appointments letters, so we're
16 not asking for every letter that's been given to
17 every petition for unit, but samples of all the
18 different types used in the different departments
19 and schools.
20 Number 3, again, is samples of the
21 employee application forms available. The Union
22 identified one through an Employer witness who
23 could not identify it, so we're asking university
24 to produce just the samples of if employees have
25 application forms they have to complete for any of

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1 the petition for a position, we're just asking for
2 copies of those blank forms.
3 4 and 5, Employer has stipulated as to the
4 one verses the one the Union found on the
5 university's website.
6 With respect to 6, the payroll records and
7 policies are relevant to the extent that they --
8 it's relevant whether the treatment of the pay
9 given to students who hold the petition for
10 positions are treated as tax -- taxable income for
11 tax purposes. And to the extent that that could be
12 interpreted as requiring any records with any
13 individual names, the Union would be in agreement
14 with redactions not seeking individual names, but
15 showing how those payments are treated for tax
16 purposes and what the policies are.
17 MR. FASMAN: May I ask? You've not looking for
18 samples then under 6?
19 MS. AUERBACH: Samples would be fine for all of
20 these. I mean, the Employer hasn't asked, but --
21 MR. PORZIO: That's not what this subpoena
22 says.
23 MR. FASMAN: That's not what it says, that's
24 why I'm asking.
25 MS. AUERBACH: Well, we're asking for records

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1 that would show how people appointed to all these
2 positions are treated for tax purposes. And we're
3 open to discussing how that could be --
4 representative samples could be produced that would
5 be representative of all these people in these
6 positions. And the policies would be just whatever
7 the policies are.
8 With respect to Number 7, most of these
9 since the subpoena has served, or at least many we
10 believe, Union has found on the university's
11 website, the department handbooks and other records
12 showing job descriptions and duties. But again the
13 appointment letters also show these duties, and
14 there may very well be other internal school and
15 department records that are not posted on the
16 website that would show those duties.
17 Those are highly relevant to this
18 proceeding. In a representation petition, what the
19 job duties are of the petition for employees is
20 highly relevant to the proceeding. And so any of
21 those that the Union was not able to find on the
22 university's website are relevant should be readily
23 available and should be produced.
24 With respect to Number 8, the documents
25 explaining policies and procedures governing

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1 application of grants, the Union has found a number
2 of those on the university's website. And the
3 university has agreed to stipulate to authenticity
4 of those; but to the extent that there are any that
5 aren't on the website, those should be readily
6 available and should be produced. And the Employer
7 has taken the position that research assistants are
8 not employees under the act. These are, again,
9 these are types of records that were subpoenaed in
10 the Columbia case where some more arguments were
11 made.
12 And 9 and 10 fall within the same
13 categories. These all relate to research grants
14 and applications to agencies for grants, and those
15 all relate to the issues of whether the research
16 assistants are employees.
17 So we think that this subpoena is limited
18 in scope to documents specifically relevant to this
19 hearing and is not at all unduly burdensome.
20 MR. PORZIO: If I may, Madame Hearing Officer,
21 so a few responses. So Petitioner's counsel makes
22 note of the fact that a lot of the documents we've
23 produced are public documents. As you'll see in
24 the subpoena, it does not say all documents
25 excluding those publicly available. So we find it

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1 interesting that the now documents that the Union's
2 used as its own exhibits that show what they think
3 is a probative and relevant of those documents,
4 she's now trying to diminish our first production
5 as if public documents may not be relevant to this
6 case.
7 Number 2, regarding Columbia, that is in a
8 different region. That's in front of a different
9 hearing officer, in front of a different regional
10 director. I'm not sure whether a petition to
11 revoke was granted in that case, and I'm not sure
12 if the Petitioner's counsel is either.
13 Regardless, the Petitioner's comments that
14 her use of the word all is less offensive than our
15 use of the word all because she asked for all
16 samples is really misleading. Let me explain to
17 you why. As we've indicated, this university is so
18 decentralized that there are -- there is no group
19 of four samples that would apply across all the
20 departments and divisions within the petition for
21 unit. Essentially, getting a sample is a proxy for
22 getting every and all document from every single
23 department for every single student because there's
24 so many variations of documents between
25 departments, between divisions.

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1 So I wish it were so that there were --
2 there was a small subset of templates that we'd be
3 able to produce. That's just not the case. And
4 I've indicated that to Petitioner's counsel on
5 several occasions.
6 Number -- the third point in terms of --
7 the Petitioner's counsel made reference to this
8 year and that she's -- these are questions limited
9 to this year. That's not what the subpoena says,
10 and I would just like to point that out and make
11 sure that the record is clear.
12 And in terms of the payroll records and
13 policies, I understand her offer to accept
14 redacting. We've offered to discuss these
15 subpoenas, and I think we had agreement to do so
16 yesterday but time got away with us. The Union put
17 a witness on rather than talking about this, and
18 some of these things could have been hammered out.
19 But the term payroll record as, I think, under any
20 definition would apply to any pay stub that any
21 graduate student within the petitioned for unit
22 check received at any point.
23 As we've already indicated, there's no
24 temporal limit on number 6. While the Petitioner
25 tries to minimize the burdensomeness of this

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1 request and the size and scope of what production
2 this would require to comply with this as written
3 is huge. So I just want to point that out.
4 And then a similar point on Number 10,
5 these -- as it's written, copies of all grant
6 proposals and/or applications made to external
7 agencies and/or firms along with supporting
8 documentation by the University of Chicago faculty
9 for which funding was received or is being received
10 during fiscal years 2015 to '17. So while there is
11 a temporal limit on this of two years, as you've
12 heard, even the Union's own witness yesterday
13 testified that all his faculty advisor was doing
14 was writing grants, writing proposals for grants.
15 This is something that the -- this is a
16 research university. All faculty are encouraged to
17 apply for as many grants as possible, and the size
18 and scope of every single grant proposal or
19 application and supporting document by every single
20 faculty member, even though it's limited to two
21 years, it's tens of thousands of pages of documents
22 that are highly confidential. Most of it includes
23 intellectual property that would not be able to be
24 disclosed. This is probably the most broad request
25 in the subpoena. And the amount of documents it

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1 seeks is enormous.
2 As a compromise to help give the
3 Petitioner information that's helpful to its case,
4 that's relevant, what we've done is given a copy of
5 one training grant that's been redacted and one
6 research grant that's been redacted. And those --
7 both of the copies of those have been provided to
8 the Union as of a few moments ago.
9 So those are the points I'd like to make
10 in response to Petitioner's counsel's comments.
11 MS. AUERBACH: Just a couple more comments.
12 First of all, my reference to public documents was
13 just that the documents produced before today were
14 both public and were nonresponsive to the subpoena.
15 With respect to this year when I said
16 limit it to year, I want to clarify that I think
17 the appropriate one, if we're going to limit it,
18 would be to the ones given for the students -- that
19 were given for students admitted for this current
20 year so that they would have been given in the
21 past, not ones that may be going out this spring
22 for student entry next year, but ones that have
23 been given in the past during a one-year period.
24 That's the only response I want to make.
25 HEARING OFFICER MOLS: Okay. So after

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1 reviewing this document and my knowledge of the
2 exhibits that have been entered into the record and
3 some of the matters that have been covered from
4 testimony, I believe some of these topics have been
5 covered in the course of these proceedings. I am
6 inclined to agree with Employer counsel that should
7 they be compelled to comply with this subpoena as
8 written, we would be dealing with potentially
9 enough documents that would fill this room. And I
10 do not doubt that it would take quite a long time
11 to compile all of it.
12 However, there may also be documents that
13 fall under the scope of the request as it is worded
14 that may be relevant to these proceedings. So
15 having said that, I'd like the Petitioner to review
16 the documents that have been supplied by the
17 Employer. I myself am going to take some
18 additional time to review the subpoena. I'd like
19 the parties to discuss any potential compromises
20 that might be reached with regards to the subpoena
21 before I give my final ruling.
22 As I said, I'm going to take some
23 additional time to review it. And perhaps tailor
24 it, either grant it -- grant the petition to revoke
25 in whole or in part, and determine what I believe

1 is still outstanding that is relevant and necessary
 2 for a complete record in this matter.
 3 So I know that's not -- it's a bit of a
 4 non-answer for now, but I will give a complete
 5 answer later on in these proceedings.
 6 MR. PORZIO: So, Madame Hearing Officer, may I
 7 make a request/suggestion? We've commandeered an
 8 incredible number of resources back at the
 9 university in terms of finding documents to comply
 10 with this. I think it's very important for us and
 11 for our resources who we've tapped beyond any
 12 amount that we should have tapped them, I think
 13 they need an answer in terms of whether they need
 14 to continue looking or not.
 15 I would request, and I understand your
 16 ruling or the ruling that you're making thus far, I
 17 would request that we do what you've asked
 18 immediately so that we can get a final answer back
 19 to them so that they can either be released to do
 20 their regular job or to go back to finding
 21 documents. So I'm happy to discuss this in more
 22 detail with Petitioner's counsel, but rather than
 23 kick the can down the road, I'd like to resolve
 24 this now.
 25 MS. AUERBACH: We have a witness that's ready

1 to go, and I'd like to put the first witness on.
 2 HEARING OFFICER MOLS: It's my understanding
 3 there was a kind of hard-and-fast scheduled witness
 4 for this morning. So how about we do that first
 5 witness, and then we'll recess and take the time to
 6 review the subpoena and discuss compromises at that
 7 time and give, you know, that the time that it
 8 needs so that we can come to a resolution today.
 9 MR. PORZIO: Thank you.
 10 HEARING OFFICER MOLS: Okay. With that,
 11 Petitioner would like to call its next witness.
 12 MS. AUERBACH: Petitioner calls Professor Yali
 13 Amit.
 14 (WHEREUPON, the witness was
 15 duly sworn.)
 16 HEARING OFFICER MOLS: Please state and spell
 17 your name for the record.
 18 THE WITNESS: Yali Amit, Y-a-l-i, last name
 19 A-m-i-t.
 20 HEARING OFFICER MOLS: Thank you.
 21
 22
 23
 24
 25

1 YALI AMIT,
 2 called as a witness herein, having been first duly
 3 sworn, was examined and testified as follows:
 4 DIRECT EXAMINATION
 5 BY MS. AUERBACH:
 6 Q. Professor Amit, are you currently
 7 employed?
 8 A. Yes.
 9 Q. And where is that?
 10 A. University of Chicago.
 11 Q. And what is your current position there?
 12 A. I'm a professor of statistics and computer
 13 science.
 14 Q. And how long have you been on the faculty
 15 at the University of Chicago?
 16 A. 26 years.
 17 Q. How long have you been in your current
 18 position?
 19 A. Professor, 16 years.
 20 Q. And what prior positions did you hold with
 21 the university?
 22 A. I came as an assistant professor, was
 23 proposed to associate professor and then professor,
 24 and I served six years as chair of the statistics
 25 department.

1 Q. And during what years were you a chair of
 2 the department?
 3 A. 2010 to 2016.
 4 Q. And have you held positions in both the
 5 statistics department and computer science the
 6 entire time?
 7 A. No. I think computer science I've held
 8 the position since 1996.
 9 Q. And is your primary appointment in the
 10 statistics department?
 11 A. Yes.
 12 Q. And would you briefly summarize your
 13 educational background?
 14 A. I did my undergraduate studies at the
 15 Hebrew University of Israel. I did my Ph.D. at the
 16 Weitzman check Institute in Israel. Then I was a
 17 visiting assistant professor at the Brown
 18 University for three years and then came to the
 19 University of Chicago.
 20 Q. And what year did you come to the
 21 University of Chicago?
 22 A. 1991.
 23 Q. As a professor in the statistics
 24 department, do you teach undergrads or graduate
 25 students or both?

1 MR. WEITZMAN: Objection, compound.
 2 HEARING OFFICER MOLS: She said undergraduates,
 3 undergraduates or both.
 4 MR. WEITZMAN: So I don't know what --
 5 THE WITNESS: I teach undergraduates,
 6 graduates, both.
 7 BY MS. AUERBACH:
 8 Q. And have you taught any classes in which
 9 teaching assistants are used in the class?
 10 A. Yes.
 11 Q. And who fulfills the position of teaching
 12 assistant?
 13 A. Our graduate students.
 14 Q. And are those Ph.D. students?
 15 A. Yes.
 16 Q. Are there certain classes in which the
 17 graduate students are more frequently used as
 18 teaching assistants than others?
 19 A. So a teaching assistant refers to graduate
 20 students who grade homework and have office hours
 21 and help the students. Essentially all our courses
 22 use TAs except for the most advanced graduate
 23 courses that are basically at the level of a
 24 seminar that might have three or four, but any
 25 undergraduate course and any introductory graduate

1 course will require teaching assistants.
 2 Q. And why do those courses require teaching
 3 assistants?
 4 A. Because of the load, heavy load of grading
 5 homework, and additional office hours and study
 6 sections with the students.
 7 Q. Would you -- you said the TAs do grading
 8 and hold office hours. What does -- what
 9 responsibilities do they carry out with respect to
 10 grading?
 11 A. They grade the homework.
 12 HEARING OFFICER MOLS: Can we talk about a
 13 specific course?
 14 MS. AUERBACH: Okay.
 15 BY MS. AUERBACH:
 16 Q. Can you give an example of a specific
 17 course in which the TAs grade --
 18 A. Sure. In the winter I taught -- I taught
 19 a section of introductory statistics to economists.
 20 That course has a huge enrollment, so we have three
 21 sections. And we had quite a number of TAs grading
 22 the homeworks.
 23 Q. When you say quite a number, do you have
 24 any estimate of how many TAs?
 25 A. In fact, I think in that course there were

1 probably five Ph.D. students grading, and probably
 2 we hired an undergraduate student to help with the
 3 grading as well.
 4 Q. And what were the -- what did the -- what
 5 were the undergrads -- did the undergraduates
 6 perform the same duties as the grad students in
 7 grading?
 8 A. Probably I would think that -- so the
 9 undergraduate will not have office hours, which is
 10 a very important thing. I mean, when I say office
 11 hours, it means that there will be a group of
 12 undergrads who come and ask questions, and maybe
 13 the TA will present some extra material. So that
 14 would not be required of a strict grader.
 15 Then they divide the grading between
 16 themselves, and they would typically give maybe the
 17 easier questions to the undergraduate. So they
 18 divide the whole homework among themselves, so each
 19 person is grading a certain subset of the
 20 questions. And the more challenging questions
 21 would probably go to grad students and the, you
 22 know, the more routine questions would go to the
 23 undergraduate.
 24 Q. And does -- does the -- would you as the
 25 professor, do you give any guidance to the grad

1 student TAs?
 2 A. We give -- we give some outline. A lot of
 3 this for the big courses now is beginning -- we're
 4 starting to do it online. So we give kind of a
 5 rubric of criteria. Like if they answer this kind
 6 of thing, you know, give them this many points and
 7 so on. It's -- in fact, that's decided by the
 8 instructors of the course in consultation with the
 9 grad students, and then that's how they proceed to
 10 grade the homework.
 11 Q. And do the TAs do all the grading or
 12 does --
 13 A. Yes.
 14 Q. And when you have TAs in that course, did
 15 you review the grad students' grading of the
 16 homework?
 17 A. I review it a bit just to see if there's
 18 something, you know, significantly wrong. I
 19 usually assume that the undergraduates who are
 20 taking the course, if they feel something is unjust
 21 in their grade, they'll come to me, and then I can
 22 handle it. And usually when that happens, I don't
 23 handle it directly. I would talk to the graduate
 24 students and try to understand, you know, how they
 25 graded it. So it's really the responsibility of

1 the graduate students. I don't have much
 2 involvement in that part.
 3 Q. And you said that the grad students hold
 4 office hours. How often do the grad student TA --
 5 A. Each one of the TAs will hold an office
 6 hour of an hour, hour and a half, depending on the
 7 demands of the course.
 8 Q. Is that a --
 9 A. A week.
 10 Q. -- week?
 11 A. Yes.
 12 Q. And do you as the professor also hold
 13 office hours?
 14 A. Yes, yes. And so the students get to
 15 choose who they go to talk to.
 16 Q. And what are the responsibilities of the
 17 TAs -- graduate student TAs during their office
 18 hours?
 19 A. They help with the homework. They explain
 20 things that the students didn't understand.
 21 That's . . .
 22 Q. And --
 23 A. And sometimes they might give an example
 24 to clarify things from class. It depends -- that
 25 depends on the instructor, what structure the

1 advisor's group and nothing else. However, because
 2 we have such a need for TAs, we actually try to
 3 discourage advisors for hogging their students for
 4 the entire year. So we ask them, okay, let us have
 5 one quarter at least where they TA.
 6 BY MS. AUERBACH:
 7 Q. Why do you have such a high need for TAs?
 8 A. Well, in statistics and in general in, I'd
 9 say, the stem fields, there's been a huge increase
 10 in enrollment. Faculty hasn't increased hardly for
 11 the past decades. So we hire some lecturers, what
 12 are called other academic appointees to help teach
 13 the increasing load. But we do not have enough
 14 lecturers, faculty, you know, assistant professors,
 15 professors to teach all the sections of our
 16 undergraduate classes. And so we need TAs to
 17 actually fill in and teach some of these sections,
 18 so actually be teachers. And then of course we
 19 need a huge number of TAs to help grade and do the
 20 office hours.
 21 Q. So in the courses, in particular, the one
 22 you gave the example of that you taught recently
 23 with the use of TAs who are grading and holding
 24 office hours, when you have a graduate student
 25 doing those functions, does that cause you more

1 office hours have.
 2 Q. And do you ever sit in on a TA's office
 3 hours?
 4 A. I've never sat in on a TA's office hours.
 5 Q. Are the graduate students in the
 6 statistics department expected to do a minimum
 7 number of quarters of TA work?
 8 A. The support system for graduate students
 9 in the statistics department is such that they are
 10 required to TA for two quarters a year in order to
 11 satisfy their -- to be supported fully. One
 12 quarter they get off unless their advisor or some
 13 other faculty hires them as an RA, and then they
 14 are excused from the TA requirement for that
 15 quarter.
 16 HEARING OFFICER MOLS: What do you mean when
 17 you say supported?
 18 THE WITNESS: What do I mean? Getting their
 19 pay, yeah.
 20 HEARING OFFICER MOLS: Okay.
 21 THE WITNESS: Yeah. So they have to do either
 22 an RA or a TA for a minimum of two quarters a year.
 23 Now, if an advisor wants to hire their student for
 24 three quarters as an RA, they're allowed to do
 25 that. And then that student is doing work in that

1 work on your part to have grad students TA'ing?
 2 A. No. It saves me a huge amount of work.
 3 If I had to grade all that homework, I wouldn't
 4 have time to do my research.
 5 Q. And then you referred to graduate students
 6 teaching sections of class. Is that also a grad
 7 student TA or do you know if there's another title
 8 used for that?
 9 A. I don't know. These things change a lot.
 10 They might be called lecturers temporarily for that
 11 quarter, but I am not up to date on what the formal
 12 title is. We call it all TA duties.
 13 Q. And are there certain classes in which
 14 graduate students are used to lead sections of the
 15 classes?
 16 A. Yes. So basically it would be the
 17 introductory level statistics classes,
 18 Statistics 200, 220, 234. Nothing -- nothing at a
 19 higher level or very rarely if there's an
 20 outstanding graduate student, we might -- if
 21 there's desperate need, we might use them.
 22 But basically the introductory statistics
 23 classes that have very large enrollments, and
 24 usually several sections a quarter there will be a
 25 faculty teaching one section and often a graduate

1 student teaching another section and maybe a
 2 graduate student teaching a third section.
 3 Q. And has that happened this year?
 4 A. Oh, yes, yes.
 5 Q. And in those cases how is it determined --
 6 how is it determined how many sections will be
 7 offered in a particular course?
 8 A. Well, we have a teaching committee that
 9 assigns the faculty and the other academic
 10 appointees to the different courses that we want to
 11 teach based on consultation with everybody and
 12 based on needs. And once all of those are filled
 13 up, there's still sections that remain empty. And
 14 that's the -- then they say, okay, we need -- for
 15 next year we need two sections of 220 in the spring
 16 and one section of 220 in the fall. And they give
 17 this information to our graduate -- director of
 18 graduate studies, and he goes over the list of our
 19 Ph.D. students and finds the people who are most
 20 appropriate to teach that and assigns them to those
 21 courses. Well, he -- we ask them if they're
 22 willing to do it. We do not force them to stand in
 23 front of a class. We actually have a financial
 24 incentive for that.
 25 Q. And the grad students who teach their own

1 A. They present the same material that the
 2 faculty member is. We try to align things pretty
 3 carefully. There's -- you know, it's clear what
 4 sections are taught, what sections of the book or
 5 what slides are used. And so it's pretty -- it's
 6 pretty uniform. We try to align these things. Of
 7 course, people have their different styles and so
 8 on.
 9 Q. And the graduate student teaching a
 10 section of that course, does the graduate student
 11 have responsibilities with respect to grading?
 12 A. No. When a graduate student teaches the
 13 course, they don't grade. Well, we all grade, so
 14 all instructors will be grading the exams. That's
 15 usually the -- in undergraduate courses
 16 typically -- actually, it depends. It really
 17 depends.
 18 Sometimes, in fact, in the winter course,
 19 it was a huge group, and the -- there were no
 20 graduate students teaching. And, in fact, the
 21 exams were graded by the TAs. So it really
 22 depends. In other courses that -- undergraduate
 23 courses that I've taught, I decided I grade the
 24 exams. Sometimes we share it. The instructors
 25 share it with the -- with the TAs that are not

1 sections of those classes, do you know whether
 2 they're compensated beyond their stipends to teach
 3 those classes?
 4 A. Yeah. We give them a bonus of \$2,000 for
 5 teaching a class.
 6 Q. And in the introductory statistics classes
 7 where faculty -- a faculty member is teaching one
 8 section and a graduate student is teaching another
 9 section, how do the responsibilities of the
 10 graduate student compare with those of the faculty
 11 member?
 12 A. They are essentially the same except that
 13 there would be a weekly meeting to discuss what
 14 material has been covered and what material is
 15 going to be covered later and to determine homework
 16 problems and so on. And usually, I mean, the
 17 faculty will play a much bigger role in those
 18 meetings in determining the pace of the course and
 19 determining homework problems and so on. So I
 20 would say in that regard the faculty plays a
 21 supervisory role for that course. But other than
 22 that, in the class they do the same thing.
 23 Q. So in the classroom is the -- what
 24 responsibilities does the graduate student have in
 25 the classroom?

1 teaching. But in terms of homework, people who are
 2 teaching the courses don't grade the homework for
 3 undergraduate courses.
 4 Q. So if a graduate student is teaching a
 5 section, who grades the homework?
 6 A. Another graduate student who's been hired
 7 to do the grading and office hour type of work.
 8 Q. And the graduate student who's teaching a
 9 section of a course, is that graduate student
 10 expected to hold office hours?
 11 A. Yes.
 12 Q. And when the department has graduate
 13 students teaching the standalone sections of a
 14 course, is the graduate student given that
 15 assignment -- well, for whose benefit is the
 16 graduate student given that assignment?
 17 A. I think primarily for the department just
 18 to keep the courses staffed. Now, it is in their
 19 benefit. It's good to have on your CV that you
 20 taught a course. We've had many graduate students
 21 graduate who've never taught a course and got
 22 academic jobs. I mean, it's not -- in our field I
 23 can't say it is an essential part of your CV to
 24 show that you taught. It helps. It depends on
 25 what kind of school you're trying to go to and so

1 on.

2 I mean, the main thing when a graduate

3 student applies to a research university is their

4 research and the letters they get. That's the

5 primary thing that will affect whether they get an

6 interview. And then usually if they give a good

7 lecture in their interview, people will say, okay,

8 they can probably teach fine if we hire them, so --

9 but it does benefit them to have at least one

10 course that they taught on their CV. There's no

11 doubt that that helps.

12 Q. Does it benefit the department to have the

13 graduate students teaching the courses?

14 A. Well, we wouldn't be able --

15 MR. WEITZMAN: Objection, asked and answered.

16 HEARING OFFICER MOLS: I believe he said to

17 keep it staffed.

18 BY MS. AUERBACH:

19 Q. Okay. What would happen if you did not

20 have the graduate students to teach the courses?

21 MR. WEITZMAN: Hypothetical.

22 HEARING OFFICER MOLS: I would like to know the

23 answer.

24 THE WITNESS: I think there are two

25 possibilities. Either we go back to the university

1 BY MS. AUERBACH:

2 Q. When the grad students are teaching a

3 standalone section of a course, do you know

4 approximately how many hours per week those

5 responsibilities take up?

6 A. I would say it probably is the same as the

7 grading, just different quality of preparation, but

8 it probably would be between 10 to 15 hours a week.

9 HEARING OFFICER MOLS: And how do you know

10 that?

11 THE WITNESS: I ask them. I always want to

12 know how much time they spend either when it's the

13 grading or the teaching. And, you know, it

14 depends. Some students might be so insecure that

15 they have to stand up at home and run through the

16 whole class a few times, and that takes time. But

17 I think most of them, they've taken this material.

18 They've been in these classes. We have good

19 material organized. So I don't think it takes more

20 than that on average.

21 BY MS. AUERBACH:

22 Q. Has the department ever used master's

23 students to either as graders or as teachers of

24 sections?

25 A. Not as teachers of sections ever, but as

1 and tell them we have to hire more faculty, and

2 they say we don't have money, or we go to the

3 university and say we need much, much larger

4 classrooms in order to reduce the number of

5 sections and be able to teach all the sections with

6 one person, and we don't have those classrooms

7 neither.

8 So, essentially, we have no choice or we

9 hire people from outside. You know, you can

10 hire -- it has happened that we've hired

11 instructors from -- just people -- actually, maybe

12 even ex-graduates of ours who are working in the

13 industry, you know, and they want to teach a

14 course. So we'll hire them as, you know, ad hoc

15 instructors, you know, one time temporary.

16 So we filled up slots that way in the past

17 or we might hire somebody from -- you know, health

18 studies has a lot of statisticians, and they might

19 want to teach a course. That's not how they're

20 paid. They're paid on grants and so on. But, you

21 want, you to teach a course, you get some money if

22 you teach a course. So there's all kinds of ways

23 we would improvise, but it would make life pretty

24 complicated.

25

1 graders, yes, we hire them. So we have paying

2 master's students. We have a paying master's

3 students program. And sometimes when we're short

4 on graders, we'll hire them as graders.

5 Q. And in those cases are they carrying out

6 the same responsibilities as the Ph.D. students?

7 A. No. They wouldn't have office hours.

8 They would just be graders.

9 Q. The large introductory statistics classes

10 this year, when you were talking about it, what is

11 the approximate undergraduate enrollment in the

12 class?

13 A. The one that I was referring to in the

14 winter was probably 160.

15 Q. And how many graduate students worked in

16 that class?

17 A. As I said, I think it was about five.

18 Yeah. None of them were teaching in that

19 particular class. That particular quarter I mean.

20 HEARING OFFICER MOLS: You said that course was

21 introduction to statistics for economists?

22 THE WITNESS: Yeah.

23 HEARING OFFICER MOLS: Thank you.

24 BY MS. AUERBACH:

25 Q. And what are the names of the other

1 introductory statistics classes that use graduate
 2 students?
 3 A. That use graduate students to teach?
 4 Q. Yes.
 5 A. Statistics 200, 220 and 234.
 6 Q. And are there other statistics classes
 7 that use TAs on a regular basis besides --
 8 A. All undergraduate statistics classes use
 9 TAs every time they're taught. There's no
 10 undergraduate statistics class that's too small to
 11 justify TAs. The enrollment would be a minimum
 12 40 or 50 to any undergraduate statistics class.
 13 Q. Is one of the missions of the university
 14 to provide a high quality education to
 15 undergraduates?
 16 A. Yes, I believe so.
 17 Q. And do the graduate students contribute to
 18 that mission?
 19 MR. WEITZMAN: Objection, calls for a
 20 conclusion.
 21 HEARING OFFICER MOLS: I think we've allowed
 22 similar lines of questioning with the Employer's
 23 witnesses, so you can answer the question.
 24 THE WITNESS: Are the graduate students the
 25 optimal way to give them a quality education? I'm

1 amount per quarter. I could throw out a number. I
 2 think maybe 9,000-something or 10,000 per quarter
 3 or maybe per year. I actually don't remember that
 4 number, but there's a number. There's a tuition
 5 number put in there.
 6 In some sense an RA costs the granting
 7 agency more than a TA costs the university because
 8 for a TA there's no tuition. It's just the salary.
 9 MS. AUERBACH: Those are all the questions I
 10 have.
 11 MR. WEITZMAN: We're going to need to go off
 12 the record, please.
 13 HEARING OFFICER MOLS: Off the record.
 14 (WHEREUPON, a short recess was
 15 taken.)
 16 HEARING OFFICER MOLS: The Employer can proceed
 17 with his questions for the witness.
 18 CROSS-EXAMINATION
 19 BY MR. WEITZMAN:
 20 Q. Good morning, Dr. Amin. You have water.
 21 You're all set?
 22 A. Set.
 23 Q. Good.
 24 When you testified about grading, you
 25 testified that with respect to the undergraduates

1 not sure, but we have no choice.
 2 BY MS. AUERBACH:
 3 Q. And are there any reasons besides those
 4 you've already stated why you have no choice?
 5 A. No, just lack of resources.
 6 Q. Have you while you've been in your
 7 position written grants --
 8 A. Yes.
 9 Q. -- grant applications?
 10 And as part of writing grant applications,
 11 is there a component for the graduate student cost?
 12 A. Yes. There would be a -- there would be a
 13 component for personnel costs, the salaries that
 14 are paid to RAs or post docs and so on.
 15 Definitely. Yeah.
 16 Q. And what items or what categories fall
 17 within those student costs?
 18 A. Their pay, the RA payment that they get.
 19 Q. And is any part of it tuition?
 20 A. So there would be a separate item. If I
 21 remember correctly, that's called tuition. There's
 22 some agreement with the federal agencies of what
 23 level of tuition is paid for the students. It's
 24 not the full University of Chicago one-year
 25 50-something-thousand dollar tuition. There's some

1 you assumed that if they thought the grade was
 2 unjust, they would complain, correct?
 3 A. Correct.
 4 Q. So if you have a shy undergraduate student
 5 who doesn't want to complain and make waves, you
 6 would never know if he got an unjust grade,
 7 correct?
 8 A. Correct.
 9 Q. With respect to office hours, you said
 10 it's the responsibility of the teaching assistants
 11 to help with their homework, to explain what the
 12 undergraduate doesn't understand, and to get
 13 examples to help explain depending on the
 14 instructor. Do you recall that testimony?
 15 A. Yeah.
 16 Q. Are you one of the instructors who gives
 17 your TAs examples to help them explain?
 18 A. No. They come up with it on their own.
 19 Q. They do?
 20 A. [Nodding].
 21 Q. Do your TAs come to you if they have any
 22 questions as to what has happened during the office
 23 hours that they didn't know how to handle?
 24 A. For the undergraduate courses, that will
 25 never happen because this material is so basic and

1 they know it so well that there is -- there will
2 not be questions. For a -- if they're a TA on a
3 graduate course, so we have TAs who TA the
4 introductory graduate course, a third-year Ph.D.
5 student TA'ing a first-year Ph.D. student course,
6 they might come to me with questions about a
7 clarification.

8 Q. And you would answer that question?

9 A. Yes, yes.

10 Q. And have you during the course of your
11 tutelage of TAs told them, don't answer questions
12 that you don't know the answer to?

13 A. Have I said that?

14 Q. Yes.

15 A. No. I've never explicitly said that.

16 Q. You testified that because of the need for
17 TAs, faculty are discouraged from hogging TAs for
18 their research?

19 A. Uh-huh.

20 Q. Is that discouragement in writing?

21 A. It probably would come in some e-mail. It
22 doesn't happen a lot in my particular department
23 because the grants we get aren't very large in
24 statistics, and usually there's not a lot of RA
25 support in our grants. We have faculty who are

1 joined with the biological science division.
2 Sometimes they have larger grants. And so they
3 have more access to this type of -- from NIH you
4 get more access to RA money.

5 So I don't think there's a written policy.
6 There might be e-mails from the chair saying, look,
7 we're in need, so please don't request three or two
8 RAs a year for the students. Is there an actual
9 document with that policy? I don't think so.

10 Q. Okay. So based on your firsthand
11 knowledge in your department, this discouragement
12 doesn't apply, correct?

13 A. It -- no. There have been times where we
14 would have to ask a particular faculty member, can
15 you please let go of your RA for a quarter because
16 we need them as TAs. Definitely that would have
17 happened.

18 Q. So nothing in writing, but --

19 A. Oh, it would have been in an e-mail or a
20 conversation. I don't -- you know, I don't
21 remember.

22 Q. And when that happens, what you're telling
23 us is that the statistics and computer science
24 department places research at a lower priority than
25 grading papers and office hours?

1 A. First of all, I don't want to talk for the
2 computer science department because I'm only what's
3 called a zero percent appointment there, so I am
4 not deeply involved in the policies of computer
5 science.

6 In statistics, I wouldn't -- I would --
7 what I would say is that we have the highest
8 priority in terms of what the Ph.D. students do is
9 a balance between research and TA work. And if
10 there are courses, slots left unstaffed, that takes
11 top priority.

12 Q. Over research?

13 A. Over research.

14 Q. In statistics?

15 A. Yes.

16 Q. So that means in statistics, the
17 statistics department does not consider itself to
18 be working to be part of a research institution?

19 A. No. I have not said that. That's totally
20 misconstruing what I said. In terms of our
21 priorities, research is the top priority for our
22 faculty. And but because we think that courses
23 should be staffed, that becomes a very important
24 factor in deciding what the Ph.D. students will do
25 in every particular quarter.

1 And so if there is a lack of instructors
2 for a particular course and there's students who
3 could do it and that student currently is -- their
4 advisor wants them as an RA, we will ask. We don't
5 force anybody to do anything. We will ask if that
6 advisor could let the students do the TA job
7 instead of -- it's not instead of doing research.

8 Let me explain that. Every TA that's
9 doing their work as a TA is also doing research.
10 These are not mutually exclusive. And in some
11 sense, the TA work gives them some structure to the
12 day. So sometimes doing the TA work actually helps
13 focus the research as well, and sometimes the best
14 research could happen during a quarter where the
15 student was also a TA. So I wouldn't put these
16 things as mutually exclusive at all.

17 Q. But a faculty member can say, my priority
18 is research, I'm not releasing the person who's
19 working --

20 A. He could -- he or she could -- sorry.

21 Q. Let me -- I'm not releasing the person
22 from being part of my grant in order to be a TA
23 this quarter, correct?

24 A. A faculty member could say that. I've
25 never heard of that happening in our department.

1 Q. When you were testifying about who will
 2 teach the full classes, I believe you said that the
 3 director of graduate studies finds the most
 4 appropriate people to teach?
 5 A. Uh-huh.
 6 Q. Correct?
 7 A. Yes.
 8 Q. And he asks them if they're willing?
 9 A. Uh-huh.
 10 Q. So it's voluntary?
 11 A. Yes.
 12 Q. When the director of graduate studies, if
 13 you know, choose the most appropriate graduate
 14 students to teach, the director of graduate
 15 students is more likely to choose someone who's
 16 been at the top of the class when they were TA,
 17 correct?
 18 A. Top of the class when --
 19 Q. The best TAs?
 20 A. The best TAs -- I think it's a complex
 21 decision. It would depend on -- you could have a
 22 TA who's very good on one-on-one explanation to
 23 students, but gets shy and shuts down in front of a
 24 class. So you want to find somebody who can stand
 25 up in front of a class and be understood.

1 bonus.
 2 Q. You testified about the importance of
 3 teaching when somebody goes out in the real world
 4 to find a job. Do you recall that testimony?
 5 A. Yeah.
 6 Q. And I believe your testimony would be
 7 fairly stated as if the Ph.D. graduate student is
 8 seeking a job at a research institution, having
 9 taught a class is not essential, but it helps?
 10 A. Yeah.
 11 Q. If the Ph.D. graduate student is seeking a
 12 job at a liberal arts college that does no
 13 research, pure teaching, having taught would be
 14 more important than research, correct?
 15 A. Correct. Yeah.
 16 Q. When they go into the market, they would
 17 like to say to a prospective liberal arts college,
 18 look at all the courses I've taught, right?
 19 A. Except that in our department, they
 20 usually would have taught one course. It's very
 21 rare for a graduate student to be placed in front
 22 of a class more than once. So they wouldn't have a
 23 list of course -- they would have that one-time
 24 experience. But that would be helpful for a
 25 liberty arts -- I'm not disputing that.

1 Q. Okay. So let me ask the question
 2 differently.
 3 A. Yeah.
 4 Q. When the director of graduate studies
 5 choose the most appropriate person, he or she is
 6 more likely to look for a graduate student who's
 7 really good at standing in front of a class and
 8 teaching a class?
 9 A. I agree with you, yes.
 10 Q. Do you know if the director of graduate
 11 studies also looks for a graduate student who has
 12 shown an interest in teaching by taking courses at
 13 CPT?
 14 A. I don't think that is a major factor.
 15 Q. Okay. So you said you don't think. I
 16 asked you if you knew.
 17 A. I do not know for a fact. No.
 18 Q. And when these graduate Ph.D. students
 19 teach the full lecture, they're paid \$2,000 as a
 20 bonus?
 21 A. Yeah.
 22 Q. They're paid like an adjunct, right?
 23 A. No. This is a bonus from department
 24 budget. It's not something that's a formal
 25 university -- we have a budget. We give them this

1 Q. You also testified that in order to fill
 2 slots for lecturers with large courses that you
 3 hire people from outside. Do you recall that
 4 testimony?
 5 A. Uh-huh.
 6 Q. Does hiring people from the outside
 7 include University of Chicago postdoctorate
 8 students, post docs?
 9 A. Yes.
 10 Q. A University of Chicago post doc from
 11 statistics who has had experience as a lecturer in
 12 statistics is more likely to be chosen to be hired
 13 to teach a class than someone who's not, correct?
 14 A. Who are we comparing now?
 15 Q. We're comparing a Chicago -- excuse me.
 16 We're comparing a post doc from the
 17 University of Chicago from the statistics
 18 department who has taught a lecture when that
 19 person was a Ph.D. student versus someone who did
 20 not lecture when they were a student in the
 21 Ph.D. -- in the statistics department.
 22 A. I can't really answer that because we have
 23 rarely hired a post doc from within our department.
 24 We have -- we have instructors. It's an academic
 25 position that we hire, allowing people after their

1 Ph.D. to spend two or three years doing some
 2 teaching, but mainly research, and they help us
 3 staff courses. So those -- they're coming in for
 4 that purpose.
 5 Q. Those people are chosen because of their
 6 experience as --
 7 A. No.
 8 Q. -- teachers?
 9 A. No. Those people are chosen because they
 10 have done interesting research in their Ph.D. They
 11 might not be interested in going straight into a
 12 tenure track position. They might want to
 13 collaborate with one of our faculty kind of as a
 14 post doc, but it's not called a post doc. It's
 15 called an instructorship. It's a status in the
 16 community a little higher than post doc because
 17 you've given an academic title, and they are
 18 required to teach two courses per year, two quarter
 19 courses per year. So that's --
 20 Q. Are you the one who makes the selection
 21 for these --
 22 A. We have a hiring committee. We put out an
 23 ad. We get applications. I've been on the hiring
 24 committee. And I don't know if this year or next
 25 year I will be, but we have a committee that makes

1 Q. Then that's your answer.
 2 A. I'll be honest, yeah.
 3 Q. Do you agree that it is a mission of the
 4 University of Chicago to graduate scientists who
 5 can create new knowledge?
 6 A. Yes.
 7 Q. University of Chicago is primarily a
 8 research institution, correct?
 9 A. Correct.
 10 Q. As a research institution, its primary
 11 goal is to do research and create new knowledge,
 12 correct?
 13 A. Uh-huh, yes.
 14 MR. WEITZMAN: No further questions.
 15 HEARING OFFICER MOLS: I have a few questions
 16 before redirect.
 17 EXAMINATION
 18 BY HEARING OFFICER MOLS:
 19 Q. So you had talked about, you know, slots
 20 that need to be filled or staffed of TAs as you
 21 said. How is the number of slots determined for a
 22 particular course?
 23 A. It's based on the enrollment. We
 24 anticipate the enrollment, so usually we would know
 25 that, say, in the winter quarter we're going to

1 that decision of who to hire. So that's one
 2 category, to answer your question.
 3 Now, somebody who's a post doc for -- on
 4 some PI's grant, I don't remember ever hiring one
 5 of those to teach a course. It's not that it's
 6 impossible. I just don't have a precedent mind to
 7 tell you how we made the decision on who to hire
 8 and so on.
 9 Q. You testified that you asked your TAs how
 10 many hours a week they spend as a TA?
 11 A. Uh-huh, yeah.
 12 Q. You asked them that because you have a
 13 concern that you want to make sure that they have
 14 enough time to do enough research on their
 15 dissertation?
 16 A. Yes, correct.
 17 Q. You were asked whether it's a mission of
 18 the University of Chicago to have high quality
 19 undergraduate education. You answered yes.
 20 A. Yes.
 21 Q. Do you agree with me that it is also a
 22 mission of the University of Chicago to teach great
 23 students how to teach?
 24 A. I actually don't know if it's a mission of
 25 the University of Chicago.

1 have between 150 and 180 students wanting to take
 2 that, and that means we'll probably need three
 3 sections.
 4 Sometimes we're surprised because in
 5 December when there's the enrollment, we suddenly
 6 get a big bump, and then we have to add a section.
 7 Sometimes there's a low enrollment, and maybe we
 8 can remove a section from these big courses. And
 9 usually that means shifting around how we place the
 10 Ph.D. students.
 11 Q. Do you know if the university mandates a
 12 particular student to instructor ratio?
 13 A. I know they advertise that. They can't be
 14 mandating that because we have classes of varying
 15 sizes including classes of up to 80 or 90. Beyond
 16 that, we actually have classes of more than a
 17 hundred, too. We do have one undergraduate class,
 18 I think.
 19 Q. Is there a ratio that your department aims
 20 for with regard to not only instructors of record,
 21 but the TAs and instructors for a particular
 22 course?
 23 A. I would say there are a lot of different
 24 opinions on that in a department, and I don't think
 25 there's a clear policy on that ratio.

1 Q. Do you know what the average typically is
 2 or does it -- is it widely variable?
 3 A. It's very variable, yeah.
 4 Q. Okay. So you had talked about -- you
 5 know, we discussed the example of a PI who may have
 6 Ph.D. students working under their grant, and there
 7 may be a scenario when there is an empty slot as
 8 you described that needs to be filled with an
 9 individual. In that scenario that you described,
 10 so this is something you were speaking from
 11 experience; is that correct?
 12 A. If you pressed me now to give you a
 13 specific example, I probably wouldn't be able to
 14 say this person in that year this happened. But I
 15 know that this occurs once in a while, yeah. It's
 16 the best I can give. I cannot pin it down.
 17 I should say that we are not a lab
 18 science. And so if an RA does not have the full
 19 time to work with their advisor because they're
 20 spending the 15 to 20 hours a week TA'ing, that is
 21 not going to make a lab -- some experiment collapse
 22 or something. We we're a much more -- we have a
 23 much more relaxed schedule, so I don't think these
 24 things have ever come to a point where there's some
 25 real conflict. These things get resolved.

1 increment, they could do that definitely.
 2 Q. In so in the example that you just gave,
 3 it would be, for example, three sections of
 4 Statistics 200?
 5 A. Right.
 6 Q. Okay. And so each of the instructors of
 7 record for that course would get together in the
 8 way that you described?
 9 A. Yes.
 10 HEARING OFFICER MOLS: Okay. That's all of my
 11 questions for now.
 12 MS. AUERBACH: I don't have anything.
 13 HEARING OFFICER MOLS: Does Employer have any
 14 other questions for the witness?
 15 Off the record.
 16 (WHEREUPON, a short recess was
 17 taken.)
 18 HEARING OFFICER MOLS: On the record.
 19 RECROSS-EXAMINATION
 20 BY MR. WEITZMAN:
 21 Q. Dr. Amit, I have a follow-up question for
 22 you, please. You were asked about the final
 23 grading process by the Hearing Officer. I don't
 24 know whether the record is clear on this, so I want
 25 to make it clear.

1 Q. When a Ph.D. student ends up in the
 2 position of lecturer and they are listed as the
 3 instructor of record, are they the ones who would
 4 be responsible for reporting the final grades of
 5 the undergraduates in that course?
 6 A. Yes. They physically -- when you go
 7 online to report the grades, each section has a
 8 different website. And so that graduate student
 9 would have their list of students that they're
 10 entering the grades for. Yes.
 11 Q. And how do you know that that's the system
 12 as you --
 13 A. Well, I've done it many times. However,
 14 it is true that when we have one of these big
 15 courses, because we're marching in step, we do the
 16 exam together, and we do the grading together. And
 17 we assign the grades uniformly across the three
 18 sections.
 19 And so they're the ones, though, that --
 20 and if they like a particular student and think
 21 they deserve a little more than what we gave, I
 22 wouldn't know. If I'm the faculty in charge of
 23 that quarter and they decided that a particular
 24 student was very participatory in class or
 25 something and deserved another half, you know,

1 Are the grades based on an exam that is
 2 the same exam whether it's in the lecture taught by
 3 the faculty member or the lecture taught by the
 4 graduate student?
 5 A. Yes. It's the same exam and same
 6 homeworks and same mid term. Yes.
 7 Q. Okay. And the exam is an exam prepared by
 8 the faculty member, correct?
 9 A. Jointly with the instructor. People
 10 suggest problems, and we go over it and choose the
 11 proper -- it's coordination.
 12 Q. Okay. And the graduate students who are
 13 lecturing in these courses, they throw out ideas or
 14 they draft things? How does that process work?
 15 A. We'll come up with a problem. We'll have
 16 a file with lots of problems that we like this one,
 17 we don't like this one, we'll take this one.
 18 Q. Do you say to the graduate student I like
 19 this, but I think we should phrase it a little
 20 differently to make it clearer or --
 21 A. I might.
 22 Q. Same thing for the homework assignments,
 23 are they done in collaboration?
 24 A. Yes, yes.
 25 MR. WEITZMAN: Thank you so much.

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1 HEARING OFFICER MOLS: Any further questions
2 for the witness?
3 MS. AUERBACH: No.
4 HEARING OFFICER MOLS: All right.
5 Professor Amit, you are excused.
6 (Witness excused.)
7 HEARING OFFICER MOLS: So I believe now would
8 be an appropriate time to take a recess to review
9 the subpoena unless there's any objections
10 concerning any potential scheduled witnesses that
11 may have been set for this time or --
12 MR. PORZIO: No objection.
13 MS. AUERBACH: That's fine.
14 HEARING OFFICER MOLS: Okay. So we'll report
15 back at 1 o'clock. Off the record.
16 (WHEREUPON, a short recess was
17 taken.)
18 HEARING OFFICER MOLS: On the record.
19 It's my understanding the Petitioner has
20 had an opportunity to read the documents. Having
21 done that, what's your position on the outstanding
22 subpoena documents to the extent that they exist?
23 MS. AUERBACH: Okay. So with respect to
24 Number 1, the samples of standard form admission
25 letters, reply forms and statements of financial

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1 aid terms for admitted students, there have been
2 some produced. We feel we should be able to have
3 full compliance with standard admission forms,
4 samples either if it's a template or an example of
5 one from every division and department. I see -- I
6 did not see any from social science division. And
7 there seem to be a number of departments in
8 science, I think physical sciences and biological
9 sciences, but not as many from other divisions such
10 as social sciences.
11 I think it would be relevant to have and
12 not burdensome to produce the standard admission
13 letters and financial aid terms for all the
14 school's divisions and departments within those
15 divisions, to the extent they've not been fully
16 complied with. So we think that would be
17 appropriate and very relevant to the proceeding.
18 Number 2, there were a handful of
19 appointment letters, but again we think the
20 appointment letters set -- do set forth both the
21 descriptions of the position -- petition for
22 positions, and in some cases the monetary amounts
23 associated with them. There were some samples
24 provided, but we think it would be relevant to have
25 samples of the form appointment letters for all of

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1 the positions in all of the divisions and
2 departments produced.
3 With respect to -- going back to one, the
4 admission reply forms, unless they state the
5 financial aid terms, we don't need the reply forms.
6 It looks like some were just copies of, you know, a
7 page from the computer saying, yes, I'm coming or,
8 no, I'm not. So in one, just the admission letters
9 and something, you know, either a separate
10 statement of financial aid terms which some of the
11 departments send or the admission reply form if
12 that's what sets forth the financial aid terms.
13 Down to three, I think we're willing to
14 waive anymore of those, you know, if one and two
15 are provided. Four and five we already obtained
16 from the website. On six, we would be willing to
17 limit it to samples showing the tax reporting
18 treatment for these positions in all of the
19 departments, not records for every petition or
20 individual, but samples so that it's clear how the
21 amounts paid to the people in these positions in
22 the different departments are handled.
23 Alternatively, we would entertain possibly a
24 proposed stipulation on how that's done.
25 And then seven, I think based on what

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1 Petitioner had already found on the website and
2 what's produced, we don't feel anymore is needed.
3 And seven, eight and nine, I think based on what we
4 already found on the website, that the university
5 has sent, and is going to stipulate to and their
6 having provided the samples in ten, we don't feel
7 anymore is needed.
8 So it's really one, two that we're still
9 looking for.
10 HEARING OFFICER MOLS: Okay. Does the Employer
11 have anything it wishes to add before we recess?
12 MR. PORZIO: Please. So in terms of -- let me
13 just go in numerical order. So Number 1, in terms
14 of the admission letters and admission reply forms,
15 we have provided a number of these. It's -- we've
16 asked our people to get us any forms that they
17 have. We've turned over any that are responsive to
18 the subpoena and are relevant. Going back to the
19 well and having to reask for these things, the
20 Petitioner's counsel keeps saying they're relevant.
21 I don't necessarily think that, and we won't see it
22 in our petition to revoke. We're not questioning
23 the relevance of some of these documents. It's the
24 burdensome nature to go back and continue to ask
25 for these documents.

1 And a document from each department, and
 2 there are many as you can see on Petitioner's
 3 Exhibit 15 -- or Employer Exhibit 15 and 59. There
 4 are many. We've produced the documents. They're,
 5 you know, for whatever the Union needs them for,
 6 there's probably not going to be specific deviation
 7 between departments. And we feel that the Union
 8 has sufficient documents related to Number 1 for
 9 the purpose that they're needed for.

10 Similar comments for Number 2, these
 11 appointment letters, it's going to be very
 12 difficult to go back and find a quote, unquote,
 13 template from each of the petitioned for
 14 departments. And, you know, in response to your
 15 comment about the admission reply form, you know,
 16 essentially she's asking us not only to go find
 17 them, but then review them and see if they have the
 18 information that she wants and then produce them.
 19 So only adding to the burdensome nature of this
 20 after a tremendous amount of work that we've
 21 already done.

22 It sounds like her conceding on three is
 23 conditioned on our producing additional documents
 24 in terms of one and two. So for Number 3, samples
 25 of a student employee application form, we provided

1 listed? From what you reviewed, do you remember?
 2 MS. AUERBACH: I saw from in the social service
 3 administration, humanities, biological science and
 4 physical science, but I did not see any from social
 5 sciences. And I do think we're in -- you know, and
 6 within of the divisions, we were only looking for
 7 separate department ones if they varied by
 8 department. If -- if, you know, division uses one
 9 across the division, you know, then there's just
 10 one to provide. So we're only looking for the
 11 separate departments if there are variations in the
 12 departments so that everybody therefore is covered.

13 And on Number 2, you know, we think a very
 14 small sample was provided, and again we think it's
 15 very relevant to have the appointment letters
 16 showing the positions these students hold in the
 17 various divisions and departments.

18 And for six, I mean, really what I was
 19 suggesting was that the Employer propose a
 20 stipulation. Otherwise, we're looking for samples
 21 of the records to show how it's treated.

22 MR. PORZIO: In that event, two responses.
 23 One, there is no -- there is no standard template
 24 across a division for humanities or social sciences
 25 from our understanding. So that answers that

1 a number of these. In fact, the Union actually
 2 introduced one as one of their exhibits that I
 3 believe is Union Exhibit 1 or 2.

4 Number 6, we heard -- I think I understood
 5 her correctly, limited to samples of documents
 6 showing the tax treatment. I'm not exactly sure
 7 what that means, and I think her and I could talk
 8 about that a little bit more. And she's willing to
 9 talk about a proposed stip, so I think her and I
 10 could discuss that.

11 And then seven, eight, nine, and ten are
 12 fine. So I think from my perspective without
 13 knowing what the proposed stip on six would be, my
 14 objections to Numbers 1, 2 and 3 stand and are
 15 consistent with what we've objected to in the
 16 petition to revoke. And she hasn't deviated from
 17 the language that she's requesting in her subpoena,
 18 so I think that our objections for one, two and
 19 three stand. I would be interested to see what
 20 she's proposing for six.

21 MS. AUERBACH: If I could just respond, first
 22 of all, on one, I did not see any admission letters
 23 from social sciences division in what was produced.

24 HEARING OFFICER MOLS: Do you recall if there
 25 were admission letters from the other schools

1 question.

2 And if she doesn't have a stip for me,
 3 then I stand on our objections for Number 6.

4 HEARING OFFICER MOLS: Okay. So I will take
 5 all that into consideration, and we'll take a
 6 recess. Does Petitioner still have its witness
 7 scheduled for 1:00? Is that correct?

8 MS. AUERBACH: Yeah. I mean, we can go on if
 9 you want to go on at 1:30 instead.

10 HEARING OFFICER MOLS: Why don't we do that, so
 11 we'll resume at 1:30. Off the record.

12 (WHEREUPON, a short recess was
 13 taken.

14 HEARING OFFICER MOLS: So before we took a
 15 recess, the parties stated their positions for the
 16 record concerning the Employer's petition to revoke
 17 the Petitioner's subpoena duces tecum. The
 18 Petitioner has stated that it is satisfied with
 19 what has been provided for Items 4, 5, 7, 8, 9 and
 20 10; is that correct?

21 MS. AUERBACH: What's been provided coupled
 22 with what the Union has already found on the
 23 university's website, correct.

24 HEARING OFFICER MOLS: So the outstanding items
 25 for consideration are Items 1, 2, 3 and 6. So I

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1 apologize in advance. I'm going to go a bit out of
2 order. I'll start with item Number 6, the
3 Petitioner requests payroll records and payroll
4 policies showing the treatment of tax -- treatment
5 for tax recording purposes and payments to graduate
6 students in the relevant divisions for the relevant
7 positions.
8 Prior to the recess, the Petitioner stated
9 that it would be either open to a stipulation or
10 would accept samples of these items. So with
11 regards to the payroll records, the subpoena as it
12 is phrased is overly broad, and I am going to grant
13 Petitioner to revoke with regards to the payroll
14 records. However, with regards to the payroll
15 policies, I don't know if any such policies have
16 been provided subject to this request, so I don't
17 know if there are outstanding policies that would
18 satisfy the subpoena. I don't know if the Employer
19 could --
20 MR. PORZIO: Sure. I can comment on it. We
21 have provided a number of documents responsive to
22 that portion of the subpoena in terms of payroll
23 policies.
24 HEARING OFFICER MOLS: Thank you.
25 MS. AUERBACH: However, it does not appear to

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1 me that they are complete. Most of what was
2 provided was for foreign students. What we were
3 looking for really was showing the tax -- how the
4 payments are actually treated for tax purposes.
5 And none of that was provided.
6 HEARING OFFICER MOLS: Okay. So with regards
7 to those items and the outstanding items covered in
8 1, 2 and 3, without knowing what all the Employer
9 has provided, in order to make a complete ruling, I
10 need to be able to determine to what extent the
11 Employer has substantially complied and whether or
12 not any outstanding documents would be necessary
13 for a complete record in this matter.
14 So on those outstanding items, I'm going
15 to defer my ruling. Once the parties conclude
16 putting on their evidence, it may well be that we
17 have what we need already provided, already in the
18 record, and the matter will be moot. We can
19 determine better at that time whether or not
20 additional documents are necessary.
21 MR. PORZIO: Thank you.
22 MR. FASMAN: Thank you.
23 HEARING OFFICER MOLS: Anything further before
24 we proceed with the next witness?
25 MR. PORZIO: Not from the Employer.

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1 MS. AUERBACH: No.
2 HEARING OFFICER MOLS: Okay. Petitioner can
3 call its next witness.
4 MS. AUERBACH: Petitioner calls Professor Denis
5 Hirschfeldt.
6 (WHEREUPON, the witness was
7 duly sworn.)
8 HEARING OFFICER MOLS: Will you please state
9 and spell your name for the record.
10 THE WITNESS: My name is Denis Hirschfeldt.
11 It's D-e-n-i-s, H-i-r-s-c-h-f-e-l-d-t.
12 HEARING OFFICER MOLS: Thank you.
13 DENIS HIRSCHFELDT,
14 called as a witness herein, having been first duly
15 sworn, was examined and testified as follows:
16 DIRECT EXAMINATION
17 BY MS. AUERBACH:
18 Q. Professor Hirschfeldt, are you currently
19 employed?
20 A. Yes.
21 Q. And where is that?
22 A. University of Chicago.
23 Q. What is your position?
24 A. I am professor of mathematics.
25 Q. How long have you been employed at the

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1 university?
2 A. Since 2001.
3 Q. And how long have you been a professor of
4 mathematics?
5 A. The current title of full professor since
6 2008.
7 Q. What prior positions did you hold with the
8 university?
9 A. I was a Dixon instructor of mathematics,
10 then an assistant professor of mathematics and an
11 associate professor of mathematics.
12 Q. And would you briefly summarize your
13 educational background?
14 A. I have a bachelor's degree in mathematics
15 from the University of Pennsylvania, a master's
16 degree in computer science from Cornell University
17 and then a Ph.D. in mathematics from Cornell
18 University as well.
19 Q. In the mathematics department do graduate
20 students serve as college fellows?
21 A. Yes.
22 Q. And during what year or years do they do
23 that?
24 A. That is during their second year.
25 Q. And how does college fellow, do you know,

1 compare to what's called a teaching assistant?
 2 MR. FASMAN: May I interrupt? Are you talking
 3 to graduate students or Ph.D. students?
 4 MS. AUERBACH: Yes.
 5 MR. FASMAN: All graduate students?
 6 MS. AUERBACH: I'm sorry, graduate students who
 7 are Ph.D. students.
 8 MR. FASMAN: Thank you.
 9 BY MS. AUERBACH:
 10 Q. Do you know how the term college fellows
 11 as referred to Ph.D. graduate students in the math
 12 department compares to the term teaching assistant
 13 in the university?
 14 A. I don't know for, you know, purposes of --
 15 or legal purposes, but for practical purposes it's
 16 the same idea.
 17 Q. And do second-year math Ph.D. students
 18 serve as college fellows for a certain number of
 19 quarters?
 20 A. For all three quarters.
 21 Q. All three quarters during the second year?
 22 A. During the second year.
 23 Q. And during that time how is it determined
 24 or for what types of classes do they serve as
 25 college fellows?

1 A. So these are typically for upper level
 2 mathematics classes, undergraduate -- upper level
 3 of undergraduate level mathematics.
 4 Q. And have you taught any classes where a
 5 college fellow was assigned to your class?
 6 A. Yes, several.
 7 Q. And what's the most recent one that you
 8 taught, do you know?
 9 A. This quarter I am teaching a class, third
 10 quarter algebra undergraduate -- non-honors
 11 undergraduate algebra class that has a college
 12 fellow.
 13 Q. And approximately how large is the class?
 14 A. This particular one is, I think, a little
 15 bit over 20, 24, maybe something like that.
 16 Q. What are the responsibilities of the
 17 college fellow in your class?
 18 A. So the college fellow is -- does grading,
 19 in my case homework grading, but it's also possible
 20 the college fellow might do exam grading. The
 21 college fellow will attend the class, and, you
 22 know, I encourage them to make comments and things
 23 like that. They help the preparation of the exam.
 24 They might suggest problems or, you know, help
 25 proofread the exam.

1 They also hold office hours, typically in
 2 the case of my college fellows, two office hours a
 3 week. Usually another hour of problem session
 4 which, you know, students can come and talk about
 5 the homework collectively rather than individually.
 6 And, yeah.
 7 Q. Okay. So with respect --
 8 A. Oh, I'm sorry. There's one more thing
 9 which is that they do some amount of lecturing,
 10 usually about one class the first quarter. They do
 11 it two classes, three classes, something like that
 12 with a faculty member present.
 13 Q. With respect to holding the problem
 14 sessions, what do the -- what does your college
 15 fellow do in the problem sessions?
 16 A. So typically there's assigned homework,
 17 and students will come in and maybe they'll say
 18 they're having some trouble with some problem. And
 19 then the college fellow might, you know, give him
 20 some hints or kind of say, you know, let's go over
 21 what happened in class again, that kind of thing,
 22 right. But they can do it collectively so that all
 23 the students can benefit from these kind of
 24 questions. When one person has a question, usually
 25 more people do, but they don't know it.

1 Q. And do you sit in on any of those problem
 2 sessions?
 3 A. I have never have.
 4 Q. And what about the office hours, do you
 5 sit in on any of the office hours with the college
 6 fellow?
 7 A. No.
 8 Q. What does the college fellow do during the
 9 office hours?
 10 MR. FASMAN: Objection, foundation.
 11 MR. WEITZMAN: Objection.
 12 MR. FASMAN: Sorry.
 13 BY MS. AUERBACH:
 14 Q. Do you know what the college fellows --
 15 what your college fellow does during office hours?
 16 A. I know what they're expected to do, and I
 17 know what undergraduate students tell me what they
 18 do.
 19 Q. Okay. And what are your expectations of
 20 what the college fellow does during office hours?
 21 A. That they will talk to individual students
 22 who will have questions either on the homework or
 23 just on the general class material or preparation
 24 for exams, things like that. They will answer, you
 25 know, answer the questions or give them hints, you

1 know, the same way that I would.
 2 Q. Do you also hold office hours?
 3 A. I do.
 4 Q. And do the undergraduates have a choice
 5 whether to go see you or your college fellow?
 6 A. Absolutely. Or both, yeah.
 7 Q. And when you -- have you taught classes
 8 without the use of a college fellow?
 9 A. I have, yes.
 10 Q. And does -- which one takes -- how does
 11 the amount of time that you spend on the class
 12 compare between a class you teach with a college
 13 fellow and when you teach without a college fellow?
 14 A. Well, certainly if I don't have a college
 15 fellow and especially if don't also have a grader,
 16 which sometimes I do, sometimes I don't, it's a lot
 17 more work for me to not have a college fellow. I
 18 mean, a lot of it is the grading; but some of it is
 19 also just that there's going to be more people
 20 coming to office hours if there's a need for review
 21 session, and would I have to do it myself, that
 22 sort of thing.
 23 Q. And you said the college fellow grades
 24 homework?
 25 A. Yes.

1 different perspectives. But also the college
 2 fellows will sit in the class. They will sometimes
 3 participate, and they will do these lecturings.
 4 And I have to say that sometimes our graduate
 5 students tend to take it very serious, prepare a
 6 lot for that. And definitely these lectures have
 7 been, you know, I think in some cases very exciting
 8 ones, including ones where I've, you know, later
 9 taking the material and used it myself when I've
 10 taught the class later.
 11 And, you know, sometimes interventions
 12 during class where, for example, I might have a
 13 graduate student who has expertise -- because I
 14 sometimes will teach classes that are, you know, a
 15 little bit off what my expertise is. And they
 16 might -- the graduate student might be more of an
 17 expert in the subject material than I am or in some
 18 of side of it anyway, and they might make a comment
 19 or have occasions to say things like, well, you
 20 know, this is what people usually do, and nobody
 21 really looks at this other case in that regards.
 22 Actually, in my area, and then since then I've been
 23 telling students, well, actually, you know, this is
 24 not exactly correct. And these things, I think,
 25 are great for undergraduates to see.

1 Q. And how often is there homework to grade?
 2 A. Typically every week except maybe the last
 3 week and the first week, something like that.
 4 Q. Do you have an estimate of how much time
 5 it saves you by having a college fellow on a weekly
 6 basis?
 7 A. It's very class dependent, but based on
 8 the classes that I do have to grade on and, you
 9 know, if we're talking about the typical class that
 10 we have with 20-something students that we get a
 11 college fellow, you know, maybe ten hours a week or
 12 something like that.
 13 Q. And does having a college fellow in your
 14 class have any benefit on the undergraduate
 15 students in your class?
 16 A. Yeah. I think it's enormously beneficial
 17 because, for one thing, they have another person to
 18 talk that's a different -- may have a different
 19 perspective and a different knowledge base. His
 20 might be closer to the ground, just someone who's
 21 been an undergraduate more recently and so on.
 22 Obviously the grading, they'll get
 23 comments from the college fellow and so forth, and
 24 they might get comments from me on, say, exams and
 25 things like that. So they get it from two

1 Q. And when they -- when your college fellow
 2 grades homework, do you review that grading?
 3 A. No.
 4 Q. How is it determined whether or not a
 5 college fellow is assigned to a class?
 6 A. So there's people who run the
 7 undergraduate program, and they make these
 8 decisions. It will typically, you know, have to do
 9 with size. Of course, a larger class will get one.
 10 And, you know, I don't -- I'm not a big fan of
 11 hierarchies, but that's one of those things I'm
 12 happy to pull rank on. You know, there's two
 13 sections of the class that I'm teaching now. I
 14 teach one. A post doc teaches another. I get a
 15 college fellow. He doesn't. He can handle it,
 16 right. I need all the help I can get. So that's
 17 based on that as well.
 18 Q. So as a faculty member you prefer to have
 19 a college fellow?
 20 A. Oh, absolutely.
 21 Q. And do graduate students -- Ph.D. graduate
 22 students in the math department serve as standalone
 23 instructors in classes?
 24 A. Yes, they do.
 25 Q. And what types of classes are those?

1 A. Those are all lower level undergraduate
 2 classes. I mean, a lot of them are calculus
 3 classes. We have a lot of calculus classes. But
 4 they might be discrete mathematics classes, you
 5 know, other classes at that level.
 6 MR. FASMAN: Professor, can I ask that you slow
 7 down a little bit. I'm missing stuff, and I'm sure
 8 the reporter is, too. Thank you.
 9 THE WITNESS: Yeah. Sorry.
 10 BY MS. AUERBACH:
 11 Q. So with respect to those standalone
 12 classes --
 13 A. Uh-huh.
 14 Q. -- are there typically more than one, on
 15 any given quarter, more than one section of the
 16 same calculus class?
 17 A. Yes, normally.
 18 Q. And among all the lower level calculus
 19 discrete math classes or the low level classes
 20 where graduate students serve as standalone
 21 instructors, do you know approximately what
 22 percentage of those classes are led by graduates,
 23 Ph.D. graduate students rather than other
 24 instructors?
 25 A. I don't know what percentage, but it's

1 Q. And to hold office hours?
 2 A. Yes.
 3 HEARING OFFICER MOLLS: Have you ever been the
 4 instructor of record for a course that has had
 5 other sections of that same course taught by a
 6 Ph.D. student?
 7 THE WITNESS: No, I don't believe I have. I
 8 teach mostly upper level. I don't think I've ever
 9 taught actually a lower level class. Well, no, I
 10 think once, but it was the only one.
 11 BY MS. AUERBACH:
 12 Q. And is teaching the standalone classes on
 13 the part of graduate students voluntary or
 14 required?
 15 A. It's required.
 16 Q. And that's starting in what year?
 17 A. Starting in the third year.
 18 Q. And starting the third year, over what
 19 quarters are the graduates -- the Ph.D. students
 20 required to teach their own classes?
 21 A. The most quarters. I mean, obviously
 22 there's an attempt to give people some quarters
 23 off. And possible this has something to do with,
 24 you know, grant money, and some grant money can
 25 only be used for U.S. students and things like

1 definitely a majority. And I think the numbers are
 2 something, at least what I saw last year, is
 3 something like 50-something a quarter. 54 classes
 4 I think is the number I saw last year.
 5 Q. 50-something classes taught --
 6 A. Taught by graduate students, yes.
 7 Q. And those are Ph.D. students?
 8 A. Those are Ph.D. students.
 9 Q. And in, say, the same calculus class
 10 taught by a faculty member and graduate students,
 11 how did the responsibilities of the graduate
 12 student in teaching a section compare with the
 13 responsibilities of the faculty member teaching a
 14 different section of the same course?
 15 A. It would be the same.
 16 Q. And does that include responsibility to do
 17 the instruction in the class?
 18 A. Yes.
 19 Q. And to grade homework?
 20 A. Yes.
 21 Q. And to grade exams?
 22 A. Yes.
 23 Q. And to give the final grade for the
 24 course?
 25 A. Yes.

1 that, but most quarters.
 2 Q. So most quarters from third year on?
 3 A. Yeah.
 4 Q. And how does the use of the graduate
 5 students to teach those standalone sections of
 6 those classes affect the faculty members in the
 7 department?
 8 A. Well, I think that it's -- I think that
 9 basically our undergraduate mathematics program
 10 could not possibly be run anywhere near the way it
 11 is run without graduate student work. We, you
 12 know, are last I heard the third largest major
 13 university. We teach about 10 percent of the
 14 graduate -- the undergraduate enrollments in the
 15 college. So, you know, we're a very large
 16 operation.
 17 And we believe in having small classes,
 18 not having the sort of preverbal 300-person
 19 calculus classes some universities have. We
 20 believe that senior faculty are, you know, better
 21 suited or do, you know, give more value to
 22 undergraduates if we are teaching upper level
 23 classes. These are things there is mathematics
 24 research to back, but certainly also our personal
 25 opinion.

1 We do certain things. We teach, for
2 example, inquiry-based learning classes which is a
3 teaching -- a pedagogical method, which is one of
4 the national center, the other grant for that for
5 doing this. And these are ones where instead of
6 lecturing the students, the undergraduates will go
7 to the board and work on problems and, you know,
8 their peers will critique them and so forth.

9 That requires a lot more work than you
10 would think because you have to be sitting there,
11 seeing what people are doing, seeing who's trying
12 to speak, trying to make sure that there's a
13 balance, figuring out when to tell people, yeah,
14 how about we move on. And it's very hard. I think
15 it would be very hard to do that alone. So that's
16 the kind of thing that needs -- and we do have the
17 two people, typically a faculty member and a
18 graduate student and then often also a college
19 fellow. I've done that once. That's the main.

20 And all of these things require, you know,
21 people to do it. And all of this -- none of it
22 possibly gets done if we didn't have the numbers
23 of, you know, workers provided by graduate student
24 labor. I mean, it's absolutely essential to the
25 running of our department. So that affects me a

1 teach undergraduate, but the flexibility. When
2 they do, they can. When they don't, they can't.
3 In many places, even top people have been told,
4 you're going to have to teach some calculus classes
5 because we have this 300-person section. We don't
6 do that. You know, that's really very important to
7 make us attractive to certain kinds of candidates.

8 Q. And you talked about the -- you started
9 talking about the inquiry-based learning. That's
10 something that you have done?

11 A. I've done it once, yeah.

12 Q. And is there typically more than one
13 instructor in the class for that type of class?

14 A. Yeah. So normally we do it with two
15 people and then possibly a college fellow. In the
16 class I did, there was a college -- there was
17 another graduate student I was teaching it with,
18 and then also a college fellow.

19 HEARING OFFICER MOLLS: Can we go a little more
20 over what inquiry-based learning is?

21 THE WITNESS: Right. So the idea is that you
22 have some material, and what you do is you give the
23 students, for example, you might give the students
24 statements of a fact, but they don't have any
25 proof. They don't know how to get these things to

1 lot, and I would say that because we teach
2 10 percent of the enrollments, it's absolutely
3 essential to the running of the college.

4 Q. And does having graduate students teach
5 the standalone sections of the lower level classes
6 affect the department's ability to recruit incoming
7 faculty members?

8 A. So one thing about our department which I
9 know it's rare. I don't know whether it's unique,
10 certainly among mathematics departments talking
11 among peers, is that our senior faculty, we don't
12 really get told what to teach, right. I basically
13 tell them what I'm going to teach, yeah, resolve
14 conflicts.

15 If you want to teach three graduate
16 classes for the next ten years, I can do it. They
17 might not be happy, but they're not going to tell
18 me not to do it. That's very attractive to the
19 kind of candidates we're competing for which are,
20 you know, we recently hired a Fields medalist which
21 is, you know, a prize that sometimes people compare
22 to the Nobel Prize in mathematics. Those are the
23 kind of people we're aiming for.

24 Some of these people are very attracted by
25 having -- not necessarily that they don't want to

1 work. And they're supposed to go, you know, to go
2 home and think about it and then to tell us whether
3 they're prepared to present a particular, not in
4 the -- you know, as the instructor will make
5 selections, you know, make sure that everybody
6 goes.

7 And somebody will go up to the board, and
8 they might just present it. And it's great. Let's
9 move on to the next thing. Or they might get stuck
10 in the middle because they thought they knew how to
11 do it and they didn't. Then their peers will, if
12 it's functioning well, right, will say, oh, well,
13 actually I have an idea. And maybe that won't
14 work. And so there will be that kind of
15 discussion. And the idea is that it's less
16 important to get through some predetermined amount
17 of material than to have the students have this
18 kind of experience of producing their own
19 mathematics.

20 And I was told this was going to be the
21 case, but I didn't believe it until after. I think
22 actually I was more tired at the end of those
23 classes, the ones that I actually had, because I
24 had to be -- even with another person, right, the
25 two of us, you have to look at the board, and you

1 have to say is what this person doing right, right.
2 You have to be thinking, maybe they're doing it a
3 different way than I thought. Maybe it's right.
4 And if it's not, when do I stop them, right. And
5 then this other person wants to talk, and this
6 other person is dominating the conversation. You
7 have to do that.

8 And when I did it, the graduate student I
9 did it with had been a college fellow for that kind
10 of class before, so having her experience was
11 really valuable. And it -- you know, it's -- it's
12 a great amount of fun to do, but it's a lot of
13 work.

14 HEARING OFFICER MOLS: Thank you.

15 BY MS. AUERBACH:

16 Q. And so who benefits from having the
17 graduate student work with you in the inquiry-based
18 learning class?

19 A. Well, it's certainly very beneficial for
20 undergrads. It's a great experience to do it. I
21 don't -- I don't know how I would feel about, say,
22 an entire curriculum where you did every class that
23 way. I think there are places that have tried
24 that, but certainly -- I would have to think
25 about that. But certainly when we do have more

1 people who can do a few classes that way, it's a
2 great experience to have had because it's -- until
3 students are really ready at that point to do their
4 own research, right, it's the only time they can
5 really get this experience with this kind of
6 hands-on collaborative approach which is what
7 modern mathematics is really about.

8 Q. And then does it also benefit you as the
9 professor?

10 A. Yeah. Well, it certainly does. As I
11 said, it's fun. It's very interesting to see
12 students think that way. Sometimes they'll go,
13 they'll to do their homework. They'll come back.
14 Right, you don't see the process where they're
15 sitting in the room thinking. I think that's
16 really very interesting. Sometimes it'll give you
17 different perspectives on the material and
18 certainly on pedagogy. So I think I learn a lot by
19 doing it, and I hope to do it again at some point.

20 Q. When the graduate students teach the
21 standalone classes, does a faculty member sit in on
22 any of those classes?

23 A. Yeah, we do. We do have like I am asked
24 to go -- you know, at some point I get an e-mail
25 saying, can you visit such-and-such person. You

1 go. You write a report. You say what you saw, you
2 know, and whether you recommend that the person be
3 reappointed. So that does happen, yeah.

4 Q. And how many times a quarter is a Ph.D.
5 student teaching a standalone course observed by a
6 faculty member?

7 A. I believe that typically that will happen
8 once. I mean, I imagine that if there are people
9 who are struggling somehow or who have asked for
10 help, right, that maybe somebody in the teaching
11 program will do it more. When I do it, I do it
12 once.

13 HEARING OFFICER MOLS: Who sends you those
14 e-mails?

15 THE WITNESS: The people who run our teaching
16 program. So we have -- we have a -- we have a
17 tenure faculty member who is the director of
18 undergraduate studies. And then there are two
19 people at the senior lecturer level who are
20 something like codirector or some title like that,
21 they run the day-to-day. And so one of them will
22 send that e-mail.

23 HEARING OFFICER MOLS: Thank you.

24 BY MS. AUERBACH:

25 Q. Have you served on the graduate student

1 admissions committee?

2 A. I have. I still do.

3 Q. And has the admissions committee and you
4 as a member of it ever considered a potential Ph.D.
5 student's ability to teach a class in considering
6 whether to admit the applicant?

7 A. Yes. So typically we won't have any
8 information that will really help us. But it has
9 happened when we're looking at a candidate and we
10 had some indication that they might not be someone
11 who would be ready to teach by their third year,
12 certainly, you know, with their own class and in
13 front of people for -- I don't know if people use
14 euphemisms, right, for personality reasons.

15 Then there have been situations where
16 you've said, look, you know, we -- our graduate
17 students have to teach. It's essential to the
18 running of our department that they do this
19 teaching. And this person will be, you know,
20 they'll be better off and we'll be better off if
21 they're somewhere else, not admitted them.

22 Q. And in the classes where the graduate
23 student is a college fellow, does the graduate
24 student's presence in the class benefit the
25 undergraduates in any way?

1 A. I think it does in a couple ways. First
 2 of all, if they go to office hours, right, if you
 3 go to the office hours of someone who hasn't been
 4 following the class, I mean, they know the
 5 material. They converse with the material. But
 6 the undergraduate can't ask, you know, when the
 7 professor was lecturing, he said this, what did he
 8 mean, right. The grad student says, I don't know,
 9 I wasn't there, right. Sometimes the students will
 10 ask the question, may be confused, right. They
 11 might have thought I said something, and I said
 12 something else. And, you know, sort of the
 13 graduate student, if he wasn't there, there's no
 14 way he could tell what the real -- what actually
 15 happened in the class. So that's very important.
 16 I think as I said sometimes the graduate
 17 students will make comments. Sometimes it's just
 18 collecting me if I make a mistake, you know, in
 19 writing something down. But sometimes they are,
 20 you know, substantive comments because often these
 21 students will either have particular expertise in
 22 an area or, you know, even if it's not really their
 23 area, maybe they just took in their first year the
 24 graduate class equivalent of the undergraduate
 25 class. So they saw, you know, a faculty member say

1 something, and it registered with them. They
 2 thought it was an important thing to know, and I'm
 3 not saying it. And, you know, they want the
 4 undergraduates to know that, so that will happen.
 5 MS. AUERBACH: Those are all the questions I
 6 have.
 7 MR. FASMAN: Let's take a couple minutes,
 8 please.
 9 HEARING OFFICER MOLS: Off the record.
 10 (WHEREUPON, a short recess was
 11 taken.)
 12 HEARING OFFICER MOLS: On the record.
 13 CROSS-EXAMINATION
 14 BY MR. FASMAN:
 15 Q. So, Professor, on direct examination you
 16 testified that when the mathematics department
 17 interviews applicants, you consider their ability
 18 to teach?
 19 A. Not when we interview, when we're
 20 considering --
 21 Q. Considering.
 22 A. We don't interview them.
 23 Q. I see.
 24 A. This is graduate students.
 25 Q. Well, what reveals their ability to teach

1 when you're looking at candidates?
 2 A. Like I said before, in most cases we have
 3 no evidence, so this is not a common thing, right.
 4 But sometimes letters will indicate -- some letter
 5 writers feel they have to indicate that there might
 6 be some issues with this student's teaching. And
 7 then we take that into account.
 8 Q. Okay. How about if you have a positive
 9 recommendation and say, this guy was or this woman
 10 was the best undergraduate TA we've ever seen at
 11 Cornell University, just to put it close to home,
 12 would that play in the process?
 13 A. I think that that, you know, that would
 14 depend a lot on the individual member. Certainly I
 15 as a member of the admissions committee, that's
 16 something that certainly would make me think
 17 favorably of the candidate.
 18 Q. Do you ever write recommendations for
 19 undergraduates seeking admission to a Ph.D.
 20 program?
 21 A. I do, yes.
 22 Q. Do you comment on their actual or
 23 potential ability to teach?
 24 A. Typically I don't because typically I
 25 don't have information, but I will say things if I

1 think that someone is -- if I've seen them lecture,
 2 for example, you know give a math club talk or
 3 something like that, I might say something. But
 4 normally I don't have enough information that I
 5 feel I could reasonably do that.
 6 Q. And that's because undergraduates
 7 generally do not teach at the University of
 8 Chicago?
 9 A. Right. Yes.
 10 Q. And master's students don't either, do
 11 they?
 12 A. I don't know about master's students. I
 13 mean, there's -- the part of the department that I
 14 know of does not have master's students. I know
 15 that there is a financial mathematics master, but
 16 that is so removed that I have no knowledge of it.
 17 Q. I see. When you testified about
 18 inquiry-based learning in response to
 19 Miss Auerbach's questions, you noted that the
 20 process -- you said that the undergrads benefit
 21 from this, correct?
 22 A. Oh, yes, I think so.
 23 Q. And you as a professor --
 24 A. Yeah, yeah.
 25 Q. -- benefit from this?

1 You left someone out.
 2 A. I wasn't asked.
 3 Q. I know. So I'm asking you about the third
 4 party in this which is the TA who would work -- who
 5 would serve in that course with you. Doesn't the
 6 TA benefit from this?
 7 A. Of course.
 8 Q. Yeah. How? Tell us how.
 9 A. In, you know, many of the same ways that I
 10 do. I mean, it's a great experience. It's
 11 something that you can bring not only if you teach
 12 the same class again, but in other classes. I
 13 think it's a really good -- it's really good to see
 14 students think that way. I think that it's, you
 15 know, a mutually beneficial arrangement.
 16 Q. For everybody who's involved?
 17 A. For everybody involved, right.
 18 Q. So let's talk about the students who are
 19 doing the standalone. Is this entry level
 20 calculus? Is this what you're --
 21 A. Yeah, and a few other classes. But
 22 they're all classes that we call lower level
 23 classes.
 24 Q. At the undergraduate level?
 25 A. At the undergraduate level, yes.

1 There is some -- you know, everyone has some
 2 discretion, but that's true also of upper level
 3 courses until you get to some that are really
 4 designed by an individual faculty member, let's
 5 say.
 6 Q. Right. But the -- so the syllabus is
 7 predetermined?
 8 A. Largely.
 9 Q. Okay. The homework assignments are
 10 predetermined?
 11 A. I'm not going to answer that because I
 12 don't actually know.
 13 Q. Okay. You haven't had real experience
 14 with dealing with individual Ph.D. students who are
 15 acting as a standalone in these lower level
 16 classes?
 17 A. Not -- not in their capacity when they
 18 were doing that, no.
 19 Q. I see. So on what did you base your
 20 testimony?
 21 A. Oh, well, I'm a member of the department,
 22 and I have been a member of the undergraduate
 23 committee. So I do know about this, but I don't --
 24 I haven't talked to individual students. I know
 25 about the general setup, but the individual

1 Q. So what other classes?
 2 A. So I don't know exactly. There are some
 3 classes, I forget what they're called, but they are
 4 sort of classes for, say -- say, humanity students
 5 who don't need calculus but want to get an exposure
 6 to mathematics. I forget what they're exactly
 7 called.
 8 Q. Mathematic proponent?
 9 A. Yeah.
 10 Q. Something along those lines?
 11 A. They're not called that. But, yeah, where
 12 a lot of it has to do with discrete mathematics as
 13 opposed to the continuous mathematics and calculus
 14 classes like that --
 15 Q. All right.
 16 A. -- but calculus is a paradigmatic --
 17 Q. Okay.
 18 A. -- lower level class.
 19 Q. When -- when Ph.D. candidates teach this
 20 as a standalone basis, the content of the course is
 21 determined by the faculty, isn't it?
 22 A. The content of the course, yeah. The
 23 content of these courses whether they're taught by
 24 faculty or by graduate students tend to be
 25 something discussed by the undergraduate committee.

1 things --
 2 Q. I see.
 3 A. -- exactly how many hours or this or that,
 4 I don't know.
 5 Q. I see. But you have -- you've observed --
 6 A. Yes.
 7 Q. I think you said you've observed --
 8 A. Yes.
 9 Q. -- standalone lectures in these sections,
 10 right?
 11 A. Yes, that I have done. Right.
 12 Q. And when they teach, how many people are
 13 in the section? How many undergraduates?
 14 A. It's typically probably in the 20s.
 15 That's what we try to -- try to keep things down
 16 to, and, you know, it's hard to keep it lower than
 17 that. So that's probably about it.
 18 Q. So and there would be a bunch of these
 19 different sections occurring at the same time,
 20 right?
 21 A. Right, yeah.
 22 Q. Intro to calculus as much as it was not a
 23 popular course for me personally --
 24 A. Yes.
 25 Q. -- but I presume there are a lot of people

1 who take it at the same time?
 2 A. Yes, yes. Absolutely.
 3 Q. And is there a faculty member who is in
 4 charge of the entire cadre of people who are
 5 teaching the intro calculus course at the same
 6 time?
 7 A. As far as I know, not as such. There are
 8 the, you know, the director of undergraduate
 9 studies of course is in charge in general. And,
 10 you know, there are people that keep an eye on it.
 11 But we don't have the figure of some places call it
 12 the czar or something.
 13 Q. Okay. You don't have a calculus czar?
 14 A. As far as I know.
 15 Q. Is it your testimony that there's no
 16 faculty member involved in multiple sections of
 17 calculus?
 18 A. No, no. There's definitely faculty
 19 members that teach.
 20 Q. Okay.
 21 A. And usually junior faculty, but certainly
 22 they can be senior faculty as well.
 23 Q. Okay. And this is at the same time that
 24 you have the standalone --
 25 A. Yeah, that will happen. Yes.

1 about.
 2 Q. That you don't know?
 3 A. No, I don't know.
 4 Q. Okay. But you can't say that doesn't
 5 happen?
 6 A. No, I can't.
 7 Q. Would you expect it to happen?
 8 A. I would expect that there is -- well,
 9 there's certainly at the beginning of the year,
 10 there's a general meeting, and I would expect
 11 people to talk then. Whether they do it, they have
 12 an actual meeting periodically or not, I don't
 13 know. Yeah. I don't -- I think it could be done
 14 either way.
 15 Q. Okay. Well, you would expect that a
 16 senior or junior faculty member in that role that
 17 is as one of the faculty members who's involved
 18 with a bigger -- a big class like that would take
 19 sufficient care to make sure that the Ph.D.
 20 students were trained sufficiently that do this
 21 task in an appropriate fashion, wouldn't you?
 22 A. I would hope that everyone is looking out
 23 for each other, right. I would hope that there is
 24 sort of everyone is monitoring everybody else to
 25 the extent that it's possible and letting someone

1 Q. Right. So there's a group of people
 2 that -- and there may be, I don't know, let's say,
 3 let's assume for the sake of argument there's six
 4 sections?
 5 A. I don't -- yeah.
 6 Q. Whatever.
 7 A. Yeah. Right.
 8 Q. Just humor me.
 9 A. Sure, sure, sure.
 10 Q. Some of those -- how many of those might
 11 be taught by a junior or senior faculty member?
 12 A. I think it would depend on the
 13 circumstances, but my guess is that, you know, if
 14 you're saying six, there might be four grad
 15 students and two senior. It might be three and
 16 three. I don't know. It depends.
 17 Q. All right. That's what I was trying to --
 18 A. Yeah, I mean --
 19 Q. -- to get a range.
 20 And they would meet -- whoever's doing
 21 this, the senior/junior faculty and the standalone,
 22 the Ph.D. standalones, they would meet on a
 23 periodic basis to talk about what's going on in the
 24 course, right?
 25 A. That's possible. That I do not know

1 know if there is a problem, say, yes, of course I
 2 hope these were paying attention, right, both the
 3 faculty and the graduate students.
 4 Q. Okay. So the -- when you observe --
 5 A. Uh-huh.
 6 Q. -- a standalone lecturer in, let's just
 7 say, intro to calculus, and you write a report.
 8 And I think you said once a quarter?
 9 A. Yeah. That's funny you should ask.
 10 Q. And the purpose of this is to advise the
 11 department whether this person is an acceptable
 12 standalone lecturer?
 13 A. That's certainly -- that's certainly the
 14 case. I mean, I would imagine that they also look
 15 at reports if they're trying to determine who's
 16 really exceptional and might be getting a prize or
 17 when they're writing letters or something like
 18 that, but that of course is the main reason.
 19 Q. Okay. When you do these observations,
 20 let's say, and I'm in there teaching away as a
 21 Ph.D. graduate student, you come in. And I see you
 22 back there, and I sort of go, well, okay.
 23 A. I've told you first.
 24 Q. Okay. Well, I'll do well today. Why
 25 don't you provide me with feedback? I mean, you'll

1 come down and say so --
 2 A. Oh, yeah.
 3 Q. Or I'll come up to you and say, how'd I
 4 do?
 5 A. Absolutely, yes. Yeah.
 6 Q. So you're providing feedback to them?
 7 A. Sure, yeah.
 8 Q. Have you ever done this where somebody's
 9 fallen flat on their face in front you?
 10 A. Fortunately, I have not.
 11 Q. All right. Would you guess that's because
 12 of training they've received?
 13 A. I think that that, you know, that kind of
 14 thing obviously all kinds of training will
 15 definitely help. I mean, obviously that helps.
 16 But I think also just because my attraction to
 17 college fellows and things like that, a lot of them
 18 know what they're doing coming in. They've had --
 19 you know, they've had recent experience. And I
 20 think there is -- there is some -- I'm not an
 21 expert on it, but some research is showing that
 22 people -- sort of younger people who are closer to
 23 the ground can really, you know, relate better to
 24 students at that level. And, you know, frankly
 25 they have the kind of hoping not too much time, but

1 A. Yes. Or, I mean, some of the classes the
 2 syllabus is largely predetermined, yes.
 3 Q. Right?
 4 A. But yes.
 5 Q. Okay. And I think what you said was you
 6 don't grade the homework --
 7 A. No.
 8 Q. -- right?
 9 A. Yes, I don't grade the homework.
 10 Q. Yes, yeah. Sorry.
 11 A. Sorry.
 12 Q. We're getting there. My fault. I should
 13 ask better questions.
 14 But you don't grade the homework. You do
 15 grade the exams?
 16 A. I do.
 17 Q. Okay. And they have office hours and you
 18 have office hours, right?
 19 A. Right.
 20 Q. In situations -- have there been these
 21 upper level classes where -- upper level
 22 undergraduate math classes where you have not had a
 23 college fellow?
 24 A. Yes, yes.
 25 Q. And have you extended your office hours as

1 enough time to prepare for that where some senior
 2 faculty don't. So I think that's why a lot why
 3 they're often, you know, better teachers than some
 4 of our senior faculties.
 5 Q. Yeah.
 6 A. Apologies to my senior colleagues.
 7 Q. Who does -- who prepares the exams in
 8 those courses in my intro to calculus exam?
 9 A. That's another one I didn't -- I really
 10 don't know.
 11 Q. Okay. But you did talk about other
 12 courses; that is, where college fellows is --
 13 A. Yes.
 14 Q. -- what you folks call them, right?
 15 A. Yes.
 16 Q. On those courses, the exams are prepared
 17 by the professor, right?
 18 A. I would hope so. I mean, I think that
 19 some of that there's a discretion to the professor,
 20 but certainly I, my experience, I will prepare
 21 them. I will ask for suggestions from the college
 22 fellow and, you know, ask them to look at it. But
 23 I tend to prepare them.
 24 Q. Yeah. And you prepare -- in those
 25 classes, you prepare the syllabus?

1 a result of that?
 2 A. I have not, but that's also -- these
 3 classes tend to be smaller classes. And so what I
 4 always do instead of just having office hours, I'll
 5 say these office hours plus by appointments. So
 6 students e-mail me, and they set up a time.
 7 Q. I see, I see. And that's -- their service
 8 is a college fellow in a course that you're talking
 9 about, once again you said that benefits the
 10 undergrads, it benefits you. But you didn't talk
 11 about how it benefits the college fellow, and --
 12 A. Yeah.
 13 Q. -- I presume you agree with me that it
 14 benefits the college fellow, right?
 15 A. Oh, absolutely I think that, you know, our
 16 relationship can be transactional and at the same
 17 time mutually beneficial and not exploited. That's
 18 what I hope for.
 19 Q. Got it. And how does it benefit the
 20 college fellow?
 21 A. Well, I think as I said in the same kind
 22 of ways that it benefits me. Obviously you gain
 23 experience, right. They get experience. With
 24 teaching in a particular setting, obviously it's a
 25 new experience for them. Even if they have -- some

1 of them might have acted as some kind of capacity a
2 TA. Some undergrads do do that, but it's a
3 different environment. It's a different
4 university. They haven't taught at all in the
5 first year, so they have no -- not necessarily
6 contact with undergrad except the super undergrads
7 who are in graduate classes with them. So
8 obviously that's very important for them to get
9 situated.

10 Q. Okay. And to learn how to teach?

11 A. And to learn. And to, yeah, gain some
12 teaching experience, right. I think a lot of them
13 already know how to teach, but, you know, like me
14 they're always learning. I am always learning.

15 Q. And you consider that to be a task that
16 the University of Chicago mathematics department
17 there, they're teaching graduate Ph.D. students how
18 to teach?

19 A. Oh, yeah, sure. Absolutely.

20 Q. Because many of them will go into the
21 academy?

22 A. Yeah. Absolutely.

23 Q. Okay. Now, you said that you thought that
24 the majority of the lower level undergraduate math
25 classes are taught by graduate students, but you

1 were not sure?

2 A. Yeah. I think that that would be easy to
3 determine by looking at the college catalog, but,
4 you know, I haven't looked through it. I'm just
5 going by what the numbers are that I know that
6 there might be. You know, I don't know. About
7 80 classes and 50-something graduate students
8 teaching, that's probably about right, but --

9 Q. Okay.

10 A. -- I haven't --

11 Q. You haven't looked?

12 A. I have not looked.

13 Q. That's fine.

14 Let me go back to a couple comments that
15 you made.

16 A. Uh-huh.

17 Q. You said that the senior faculty in your
18 department does not teach lower level undergraduate
19 classes?

20 A. They can if they want to. I'm sure some
21 people do on occasion.

22 Q. But you don't?

23 A. I have not. Well, except for the
24 inquiry-based learning in which could count as
25 lower level.

1 Q. Well, what level class was that? Is it a
2 200 or a 300?

3 A. It is a lower level. By numbers it is
4 definitely a lower level class, but we had several
5 majors in there. Just the nature of it was kind of
6 somewhere -- I mean, but I'm happy to count the
7 lower level classes.

8 Q. Okay. And then you testified that --
9 strike that.

10 Other members of the senior math faculty
11 are also free not to teach or to decide what
12 they're going to teach, correct?

13 A. Yes. I mean, you know, subject to subtle
14 pressures and so forth, but . . .

15 Q. Right. And then you said that having
16 Ph.D. students available to teach the lower level
17 classes was somehow essential to the running of the
18 college?

19 A. Right.

20 Q. But it's only essential to the running of
21 the college because you and senior faculty members
22 and junior faculty members, tenures, professors,
23 decide you don't want to teach those classes,
24 right?

25 A. No, because if we were going to teach

1 those classes, then we couldn't teach the upper
2 level classes. Now, if you're going to say, you
3 know, well, what if the college hired another 35,
4 then I would say, yes. Okay. At that point we're
5 in a very different world, right. But in this
6 current world, if we want to run the classes and --
7 you know, it is also true and I will obviously
8 admit it, that if, you know, if the university
9 wants it and if we wanted to teach a single
10 calculus class with 300 students or something like
11 that, you know, then it would be different. But I,
12 you know, I was talking about the running of the
13 department and the running of the college as it
14 currently runs and as I think it should, right, but
15 that's -- other people might disagree.

16 But the upper level classes are also very
17 important. We are, as I said, you know, I think
18 the third largest major, and we have a lot of
19 majors. A lot of our students go on to graduate
20 school or other endeavors like that. And the vast
21 array of classes that they have, including they
22 take a lot of graduate classes as well, so all of
23 that sort of thing was -- not going to be possible.
24 Now, you could say, why don't you volunteer to
25 increase your teaching load to three, four,

1 classes. Okay. Maybe --
 2 Q. You beat me to it.
 3 A. What?
 4 Q. You beat me to it.
 5 A. Yeah. You know, maybe I would consider it
 6 in a certain situation, but I don't think some of
 7 my colleagues would. We would, I think, lose some
 8 of our best people, and that part of the mission --
 9 I mean, we're not only a teaching. You know, we're
 10 primarily a research institution, a primarily
 11 research department. And if we're going to lose
 12 our Fields medalists and people like that, right,
 13 that's not a good outcome for us or for the
 14 university either.
 15 Q. I see. So this is somehow competitive in
 16 nature. Is that what you're saying?
 17 A. Unfortunately, that's the nature of the
 18 thing, right. I mean, people have a lot of -- you
 19 know, I can say because I don't think I'm in that
 20 category, but there are a lot of my colleagues who
 21 can get on the phone right now and get offers from
 22 great departments all over the world.
 23 Q. Stanford, Harvard, you come and teach
 24 whatever you want, right?
 25 A. Well, but some of them might not be able

1 to offer that, right. Some of them might have --
 2 might not be able to say you can teach whatever you
 3 want. Maybe if they really, really want them, they
 4 can get them like some special presidential scholar
 5 deal or something like that. But not everybody's
 6 quite at that level, right.
 7 Q. Do we tell -- does the University of
 8 Chicago tell the senior faculty you can teach
 9 whatever you want?
 10 A. I was told that. I certainly tell people
 11 when, you know, I'm trying to say this is a good
 12 place to be. Yeah, I was certainly told that.
 13 Q. I see. I see.
 14 A. I mean, in the math department, right.
 15 Q. How many courses a quarter do you teach?
 16 A. So it's three quarter courses a year, so I
 17 typically do zero, two and one.
 18 MR. FASMAN: Okay. Hang on one second.
 19 Okay. Fine. Thank you. No further
 20 questions, sir. Thank you for your patience.
 21 HEARING OFFICER MOLS: Just give me just a
 22 minute.
 23 EXAMINATION
 24 BY HEARING OFFICER MOLS:
 25 Q. So you had testified that on average when

1 comparing when you are teaching a course without a
 2 fellow as opposed to when you were teaching a
 3 course with a fellow, you said that it is about --
 4 when you had the fellow, it's about ten hours a
 5 week of less work. What goes into that kind of
 6 calculation?
 7 A. So that's -- I mean, that would be
 8 teaching the same class, right, not -- because
 9 sometimes the classes where I don't have one would
 10 be much smaller classes. Obviously I can't
 11 compare.
 12 Q. Assuming it's the same class.
 13 A. Assuming obviously it is also possible
 14 that I could get a grader, and we also have these
 15 undergraduate graders. And then the difference
 16 would be smaller. But I'm assuming if I have to
 17 have do my own grading, right, it's mostly grading.
 18 Grading is -- takes a lot of time I'm sure in every
 19 area, but --
 20 Q. So that's kind of the bulk of the time --
 21 A. That is a great --
 22 Q. -- you don't have to spend --
 23 A. Yeah, if I'm talking ten hours. Now, if,
 24 you know, in the situation where I might have a
 25 grader, then, you know, maybe another couple of

1 hours or something because I'm going to have a few
 2 more students. You know, sometimes I might have no
 3 students in an office hour, and I can do something
 4 else in that office hour because they're going to
 5 talk to a college fellow instead. So there's a
 6 little bit. But if you're talking about something
 7 like ten hours, then, yeah, grading is really the
 8 bulk of it.
 9 Q. So you were asked about kind of the
 10 college fellow or TA or lectureship course
 11 assignments given to the Ph.D. students, you said
 12 the undergrad program people make those decisions?
 13 A. Right.
 14 Q. Have you ever been part of that group that
 15 makes those type of decisions?
 16 A. No, I haven't. I've been part of it
 17 only -- I mean, I haven't been part of the group.
 18 I've been part of the process only inasmuch as
 19 they're happy to listen to requests. If I go and
 20 say, hey, look, my own student can be a college
 21 fellow in this class, and that person has knowledge
 22 in this area, whatever, they'll obviously try to
 23 listen to me.
 24 Q. Have you done that?
 25 A. I have done that, yeah.

1 Q. And have they honored your request?
 2 A. As far as I can recall, yes. I mean, I
 3 wouldn't -- I wouldn't make a request. I try not
 4 to make a request that would put them in a weird
 5 position, so . . .
 6 HEARING OFFICER MOLS: That's all of my
 7 questions.
 8 REDIRECT EXAMINATION
 9 BY MS. AUERBACH:
 10 Q. When there are more than one of a section
 11 of a course offered like, say, a particular course
 12 offered, are those sections listed in the online
 13 course catalog?
 14 A. Yeah.
 15 Q. And --
 16 A. At least when I've looked at it, it is.
 17 Q. And do those -- does it list who the
 18 instructor is in the class?
 19 A. At some point at least during -- I'm not
 20 sure exactly when that happens, right, but at least
 21 while the class is going on, you know -- I mean, I
 22 didn't count, but I did take a look recently, and
 23 names are in there.
 24 Q. And are the grad -- were the grad
 25 student's teaching a standalone course, is the grad

1 KATERINA KOROLA,
 2 called as a witness herein, having been first duly
 3 sworn, was examined and testified as follows:
 4 DIRECT EXAMINATION
 5 BY MS. AUERBACH:
 6 Q. Are you currently a student at the
 7 University of Chicago?
 8 A. I am.
 9 Q. And are you a graduate student?
 10 A. Yeah. I'm a Ph.D. student.
 11 Q. In what department?
 12 A. So I was originally admitted as a Ph.D.
 13 student in some of my media studies, and then as of
 14 this year I'm also pursuing a joint degree with the
 15 department of art history.
 16 Q. And when did you -- and those are both in
 17 the division of humanities?
 18 A. They are. Correct.
 19 Q. And when did you begin your Ph.D. program?
 20 A. I began in cinema and media studies in
 21 fall of 2014.
 22 MS. AUERBACH: I want to show her Petitioner's
 23 Exhibit 15.
 24
 25

1 student listed as the instructor in the online
 2 catalog?
 3 A. I believe so, yes.
 4 MS. AUERBACH: That's all I have.
 5 MR. FASMAN: Nothing further.
 6 HEARING OFFICER MOLS: All right. You are
 7 excused. Thank you.
 8 (Witness excused.)
 9 HEARING OFFICER MOLS: We can go off the
 10 record.
 11 (WHEREUPON, a short recess was
 12 taken.)
 13 HEARING OFFICER MOLS: Back on the record.
 14 Petitioner can call its next witness.
 15 MS. AUERBACH: Petitioner calls Katerina
 16 Korola.
 17 (WHEREUPON, the witness was
 18 duly sworn.)
 19 HEARING OFFICER MOLS: Please state and spell
 20 your name for the record.
 21 THE WITNESS: Katerina Korola, first name
 22 K-a-t-e-r-i-n-a, last name K-o-r-o-l-a.
 23 HEARING OFFICER MOLS: Thank you.
 24
 25

1 (WHEREUPON, previously marked
 2 Petitioner's Exhibit No. 15 was
 3 referenced for the record.)
 4 BY MS. AUERBACH:
 5 Q. Can you identify that document?
 6 A. Yes. This is the appointment letter I was
 7 sent in August of 2016 which was then amended to
 8 reflect a new appointment in the winter of 2017.
 9 HEARING OFFICER MOLS: Can you speak up a
 10 little bit?
 11 THE WITNESS: Yeah. So this is the appointment
 12 letter that I received from the department of art
 13 history in August, and then it was amended again in
 14 February to reflect a new teaching assignment.
 15 BY MS. AUERBACH:
 16 Q. And did you fulfill these teaching
 17 assignments?
 18 A. Yes. The second one is in progress right
 19 now.
 20 (WHEREUPON, Petitioner Exhibit
 21 No. 70 was marked for
 22 identification.)
 23 BY MS. AUERBACH:
 24 Q. I've handed you what's marked for
 25 identification as Petitioner Exhibit 70. What is

1 that?
 2 A. So this is the, I guess you could call it,
 3 the like contract that I signed upon receiving the
 4 first appointment for 20th Century Art. And I was
 5 told I didn't need to sign it again for the second
 6 one since we just amended the letter. So I printed
 7 it, signed it, scanned it and then returned it.
 8 Q. And that was after you received the
 9 initial August 2016 letter?
 10 A. Yeah. These two documents were sent to me
 11 in the same e-mail.
 12 Q. And could you briefly summarize what your
 13 responsibilities were as a course assistant for the
 14 winter quarter in 20th Century Art?
 15 A. Yeah. So I was one of two course
 16 assistants for a very large class of -- it was
 17 supposed to have 50 people, but it ended up having
 18 about 67 students. So I held discussion sections
 19 every week with two groups of 17 students. I held
 20 office hours. I wrote and created assignments. We
 21 had three papers. And then I graded a final exam
 22 that was handwritten.
 23 Q. And what, if any, review did the professor
 24 in that course give to your grading?
 25 A. So the professor in that course asked for

1 the course assistant responsibilities?
 2 A. It really varied depending on when an
 3 assignment was due. Grading was definitely the
 4 bulk of the responsibility. When an assignment was
 5 due, I would normally spend about, I guess,
 6 probably 18 hours just grading alone, if not, more.
 7 Beyond that, I would say it was about
 8 11 hours a week or so of preparation for the
 9 discussion sections, holding the discussion
 10 sections, attending the courses, doing the readings
 11 for the courses, and holding office hours.
 12 Q. So going to the course where you were
 13 writing intern this quarter in 19th Century French
 14 Art, would you summarize what those -- what your
 15 responsibilities are as a writing intern?
 16 A. Yeah. So the writing -- the courses with
 17 writing interns are usually smaller, undergraduate
 18 seminars. So there's 18 students in those courses
 19 normally. And I'm responsible for attending
 20 classes, doing the readings, holding office hours
 21 by appointment, as well as grading. I give input
 22 on the assignment instructions.
 23 And, in addition, because it's a course
 24 that takes place in a museum, I'm also responsible
 25 for supervising students when they're split into

1 my grade distribution and the grade distribution of
 2 the other TA. Since they matched and seemed to be
 3 in the realm of what he expected the grade
 4 distribution to be, that was all the revisions he
 5 did.
 6 Q. So he didn't -- did he review each
 7 individual assignment that was graded?
 8 A. He did not, no.
 9 HEARING OFFICER MOLS: Can I ask, how did you
 10 reflect the grade distributions? Was it in, for
 11 example, 20 A's, 3 B's, or can you explain that?
 12 THE WITNESS: So at the beginning of the
 13 quarter we had met, and he talked about what an
 14 A paper was for him, what an A minus paper was,
 15 what a B plus paper was and what a B paper was
 16 which would be the lowest grade we were supposed to
 17 give. And that would mean a paper with very
 18 serious problems.
 19 So there wasn't -- there wasn't
 20 necessarily a quota we were looking for in each,
 21 but we just gave students grades that seemed to
 22 correspond to that initial scale.
 23 BY MS. AUERBACH:
 24 Q. And would you approximately -- do you know
 25 approximately how many hours per week you spent on

1 group work to go to talk about paintings and kind
 2 of redirecting their conversation back to the
 3 questions at hand.
 4 Q. And are you the only graduate student
 5 assigned to that class?
 6 A. I'm the only one, yeah.
 7 Q. So is it you and the faculty member?
 8 A. It's myself and one faculty member, yeah.
 9 Q. And so when you go to the Art Institute,
 10 do you both go with a group?
 11 A. We both go, yeah.
 12 Q. And do you all go around together or do
 13 you divide up?
 14 A. We divide them up, so we try to switch
 15 groups. And the groups themselves, the composition
 16 changes with each day just to create different
 17 conversations.
 18 Q. And then you lead one group, and the
 19 faculty member leads the other group?
 20 A. Yeah.
 21 Q. And do you do grading in that class or no?
 22 A. Yeah, I do.
 23 Q. And what are your responsibilities to
 24 grade in that class?
 25 A. So for this particular class, I grade all

1 the papers. I do one run of grading, so I go
2 through them. I comment. I comment in text, write
3 a page long end comment which is what you're
4 expected to do for this particular type of course,
5 and then I suggest grades. After that the faculty
6 member and I speak on the phone, and we go over the
7 comments I've made and tweak the grades. And then
8 I send them back.

9 Q. And in the department of art history, is
10 there an application process for applying for
11 positions such as course assistant and writing
12 intern?

13 A. Yeah, there is.

14 Q. What is that?

15 A. So in about -- I guess around this time
16 each year in April of each year, they send out a
17 call out with a list of the courses that teaching
18 assistants, whether course assistants or writing
19 interns. And generally from that list you would
20 pick your three top choices, indicate them on a
21 form; and after that you'd also be asked to write a
22 paragraph explaining your interest in a particular
23 course, a paragraph, additionally that explains
24 your qualifications, and a list past teaching
25 appointments.

1 Q. And then after that, you'll receive a
2 letter such as Petitioner Exhibit 15 telling you
3 what you're assigned to?

4 A. Exactly, yes.

5 Q. And when you were -- have you also
6 performed TA responsibilities for the cinema media
7 studies department?

8 A. I've done one so far.

9 Q. And did you have to go through an
10 application process for that department?

11 A. There was an application process, but it
12 was a lot more informal. We were just asked to
13 list in order of preference three courses.

14 Q. And then who selected which one you got?

15 A. There was a department committee that
16 assigned the specific course.

17 MS. AUERBACH: Can you show her Petitioner 13?
18 (WHEREUPON, previously marked
19 Petitioner Exhibit No. 13
20 was referenced for the record.)

21 BY MS. AUERBACH:

22 Q. Can you identify that document?

23 A. Yes. So this is the financial aid
24 statement I got when admitted to University of
25 Chicago through their online system. It came in

1 this format online first, and then a document was
2 mailed out with the information.

3 MS. AUERBACH: I move to admit Petitioner's
4 Exhibit 13, 15 and 70.

5 MR. PORZIO: Voir dire, please.

6 HEARING OFFICER MOLS: Yes.

7 VOIR DIRE EXAMINATION

8 BY MR. PORZIO:

9 Q. Ms. Korola, do you have Petitioner's
10 Exhibit 70 in front of you?

11 A. Which one? Yes.

12 Q. The main paragraph says, I accept my
13 teaching position in the department of art history
14 for academic year 2016-17 and understand and accept
15 the terms outlined in the job descriptions and the
16 advertisement for the positions in my July 16,
17 2016, letter of appointment.

18 What is your July 2016 letter of
19 appointment that's referenced here?

20 A. Oh, I think that refers to this letter of
21 appointment.

22 Q. The one that's dated August date?

23 A. Yeah. I think it's a mistake because
24 originally the letters go out in July. I should
25 explain that. Both of these positions are

1 positions I picked up due to a lack of graduate
2 students available to teach them before I was
3 admitted as a Ph.D. student in the department of
4 art history.

5 So in the case of the first position,
6 there weren't enough graduate students within the
7 department of art history to actually CA that
8 course, so they put a call out to additional
9 departments over the summer. I applied and
10 received the position. But I think it's just an
11 error of language because normally these letters
12 would go out in July.

13 MR. PORZIO: Thank you.

14 And you were moving 13, 70, and what was
15 the other?

16 MS. AUERBACH: 15.

17 MR. PORZIO: No objection.

18 HEARING OFFICER MOLS: Petitioner's Exhibits
19 13, 15 and 70 are received.

20 (WHEREUPON, Petitioner Exhibit
21 Nos. 13, 15 and 70 were received
22 into evidence.)

23 BY MS. AUERBACH:

24 Q. Have you held any position as a workshop
25 coordinator?

1 A. Yes. I'm currently a workshop
 2 coordinator.
 3 Q. For what workshop?
 4 A. For the mass culture workshop.
 5 Q. When did you start doing that?
 6 A. I started in September of 2016.
 7 Q. And would you briefly describe your
 8 responsibilities as a workshop coordinator?
 9 A. Yeah, of course. So as a workshop
 10 coordinator, the main responsibility is, I would
 11 say, organizational. So when I first took up the
 12 post, I with my co-coordinator put out a call out
 13 looking for graduate students who wanted to present
 14 their work in progress, normally dissertation
 15 chapters. After receiving all of the submissions,
 16 we created a schedule. And following that, we
 17 basically just ensure that the graduate students
 18 submit their work on time, distribute that work to
 19 all the workshop participants.
 20 We bake and arrange catering for the
 21 workshop itself, moderate the discussion at the day
 22 of the workshop. And in addition to this, we are
 23 also in charge of the budget of the workshop. So
 24 we are the people ultimately responsible for
 25 drafting the budget, submitting the receipts, that

1 MR. PORZIO: Could we have a few minutes off
 2 the record?
 3 THE COURT: Brief. Off the record.
 4 (WHEREUPON, a short recess was
 5 taken.)
 6 THE COURT: Do we have anymore questions for
 7 this witness?
 8 CROSS-EXAMINATION
 9 BY MR. PORZIO:
 10 Q. Miss Korola, my name is Steve. I've just
 11 got a few questions for you. If I ask you
 12 something you don't understand, just please tell
 13 me. I'll ask you in a different way.
 14 Do you have Petitioner's Exhibit 15 in
 15 front of you?
 16 A. I don't anymore, no.
 17 THE COURT: I took it back.
 18 MR. PORZIO: Okay.
 19 THE WITNESS: Which one was 15 again?
 20 BY MR. PORZIO:
 21 Q. It's the August 8 letter to your
 22 attention?
 23 A. Okay.
 24 Q. Okay. If you look down towards the bottom
 25 of the page, the second from the last paragraph,

1 kind of thing.
 2 Q. And how often does the workshop meet?
 3 A. So it varies from quarter to quarter. At
 4 least five times, but it has met up to eight times
 5 per quarter in the past.
 6 Q. And are you the only coordinator for that
 7 workshop or do you have a co-coordinator?
 8 A. I have a co-coordinator.
 9 Q. And when you say one of the
 10 responsibilities is to moderate the discussion,
 11 what does that mean?
 12 A. So normally as a workshop coordinator
 13 you're expected read the paper a bit more closely
 14 than you would as a normal participant. So we
 15 introduce the speaker, introduce the workshop. And
 16 if there's a dead silence after the student
 17 presenter stops speaking, we're expected to come in
 18 with a first question and animate the discussion as
 19 well as, you know, point to the person who wants to
 20 speak, keep the speaker order going.
 21 Q. And what if later on there's another lull
 22 in the discussion? Does that ever happen?
 23 A. Yeah, it does. It does. So normally we
 24 try to have a few questions prepared.
 25 MS. AUERBACH: That's all the questions I have.

1 the letter indicates, please consider attending the
 2 Chicago Center For Teachings Workshop For
 3 Instructors.
 4 Did you -- did you attend?
 5 A. So I didn't because that -- if it's the
 6 workshop I think it is, I tried to sign up, but it
 7 actually filled up. There's limited space in that
 8 particular workshop, so I wasn't able to register
 9 in it.
 10 Q. Okay. And so I have a few questions about
 11 different classes that you were -- held one of
 12 these positions in. So let's take it
 13 chronological, and I think I have this right.
 14 In the winter quarter, I believe you were
 15 a course assistant in 20th Century Art; is that
 16 correct?
 17 A. That's correct.
 18 Q. Okay. And I believe that you testified
 19 that you did some grading in this class; is that
 20 correct?
 21 A. Yeah, a lot of grading.
 22 Q. And you said the professor met with you at
 23 the beginning of the term and showed you
 24 essentially an exemplar of what an A paper would
 25 look like. Is this --

1 A. There were no exemplars. It was just a
2 conversation. So he said an A paper is a perfect
3 paper. An A-minus paper is a very good paper. A
4 B-plus paper is a paper that might have some
5 conceptual errors, that might have language
6 problems. And a B paper is an unsalvageable paper
7 for which we'd have to give very extensive feedback
8 about how the student would improve or recommend
9 them to see a writing tutor.

10 Q. Okay. And so let's assume that you
11 received a paper below this grade. That's not
12 something you would handle. That would go to the
13 faculty, correct?

14 A. No. We would grade it and then alert him
15 to it, but that didn't happen.

16 Q. Okay. And when you would alert him, what
17 would you envision would happen?

18 A. I imagine he would have looked over the
19 paper and my comments to make sure they were
20 appropriate, that my judgment was correct, and then
21 would have asked me to return the paper.

22 Q. Okay. And when you said -- I believe your
23 testimony was that the professor looked at the
24 grade distribution that you prepared as compared to
25 the other I think it's course assistant in that

1 class; is that correct?

2 A. [Nodding].

3 Q. And you said he would review that. Were
4 there any anomalies between your distribution and
5 the other course assistants?

6 A. He said throughout the quarter we were
7 pretty much on par. When it came to final grades,
8 which we also tabulated based on the predetermined
9 distribution for each assignment, my grades ended
10 up being slightly lower. So at our end of quarter
11 meeting, he handled it by talking to both of us and
12 asking the other course assistant if she thought
13 she might need to give a lower grade to a few
14 students.

15 Q. Okay. So -- and did that end up
16 happening? Did that --

17 A. In a couple cases, yes.

18 Q. So the other course assistant had to lower
19 a couple of her grades to match, to make sure the
20 distribution matched?

21 A. For the final --

22 Q. For the final --

23 A. -- course grade, yeah.

24 Q. Okay. Did you have to modify any of your
25 grades?

1 A. There were a couple people who were art
2 history majors that we gave a bit of a boost to for
3 participation --

4 Q. Okay.

5 A. -- who were on the cusp between two
6 grades.

7 Q. And when you say we, do you mean you and
8 the other course assistant, you and the other
9 course assistant and faculty member?

10 A. Yeah. We did it collaboratively.

11 Q. But ultimately the final responsibility
12 for those grades at the end of the quarter was the
13 faculty member?

14 A. Yeah. He inputted all the grades into the
15 system.

16 Q. Thank you.

17 I believe you also testified that there
18 were some weeks you would work 18 hours in a week;
19 is that correct?

20 A. Yeah, when the assignments were due.

21 Q. Okay. But that wasn't every week in the
22 quarter, correct?

23 A. No, it wasn't. It was four weeks in the
24 quarter.

25 Q. Four -- so let me make sure I'm

1 understanding.

2 So four weeks out of the quarter you did
3 18 hours per week?

4 A. Yeah, because there were four assignments.

5 Q. Four assignments.

6 A. Yeah.

7 Q. And then is it your testimony the other
8 weeks were 11 hours?

9 A. About, yeah.

10 Q. Okay. So let's move then to the second
11 class. I believe this was in the spring quarter as
12 a writing intern in 19th Century French; is that
13 correct?

14 A. So that's ongoing.

15 Q. So that's the one you're currently in
16 right now?

17 A. Uh-huh.

18 Q. As a writing intern, do you have any
19 contact with the university's writing program?

20 A. Yes. So I'm currently taking the
21 university's pedagogies of writing course, which is
22 a course I elected to take. And last year I
23 actually was also a writing intern in an art
24 history course, and I had a kind of crash course
25 meeting with the writing program coordinator.

1 Q. And in this class I believe you said or I
 2 believe your testimony was that a few of the grades
 3 that you gave on papers were, I think you used the
 4 word, tweaked --
 5 A. Uh-huh.
 6 Q. -- is that right?
 7 Can you explain how that happened?
 8 A. Well, so the way it worked for this
 9 particular course is that I or the professor
 10 decided that I would read, then comment on all the
 11 papers. I would suggest grades, and then we talk
 12 on the phone and go through each paper individually
 13 after she's read both the papers and my comments.
 14 And there were a couple occasions where I
 15 wasn't certain about my grade. There were a couple
 16 of occasions where we decided that it would be
 17 helpful to break the grade down on a rubric. So we
 18 gave the student, say, like a B-plus, A-minus,
 19 because they did something really well, but not
 20 something else. Whereas, I had just given a single
 21 grade.
 22 Q. Okay.
 23 A. So it was cases like that.
 24 Q. And this is Martha Ward, the faculty
 25 member?

1 that you received from I believe it's Matthew Jesse
 2 Jackson; is that correct?
 3 A. Uh-huh, yes.
 4 Q. The mentoring you received in terms of how
 5 to make sure the distribution matches, how to kind
 6 of maybe give some higher grade for class
 7 participation I think you said your testimony was,
 8 does that help you become a better teacher?
 9 A. I would say I've worked with faculty
 10 members who have been more involved in mentoring on
 11 the front of grading. Most of the discussions
 12 about grading in that course were between myself
 13 and the other course assistant who was a sixth year
 14 student who had just finished her dissertation and
 15 had a lot of teaching experience. So that was a
 16 really helpful pedagogical experience.
 17 Matthew really trusted us, I think, and I
 18 think his confidence in us was helpful in gaining
 19 confidence in my own work, but we didn't have that
 20 many conversations about grading.
 21 Q. But I think your testimony was that you
 22 did have some conversations about the grading?
 23 A. We did have some, yeah.
 24 Q. And I think you would agree that those
 25 conversations did help in terms of your furthering

1 A. Yeah, yeah.
 2 Q. So when you would -- and I just want to
 3 make sure I understand your testimony. When you
 4 would give, I think you said, an A-minus, B-plus,
 5 as they did something well, something not, what
 6 would be the actual grade that would be input for
 7 that? Would you average the two?
 8 A. Yeah. So it would be an average in
 9 between, and then -- I mean, these are written
 10 assignments, so it's hard to give them a numerical
 11 grade.
 12 Q. Okay.
 13 A. And we haven't finished the course yet, so
 14 we haven't actually gotten to the point of
 15 inputting any grades into the university system
 16 yet.
 17 Q. And when you do input those grades, is
 18 that going to be similar to your last class, the
 19 responsibility of the faculty member?
 20 A. Yeah, exactly.
 21 Q. Okay. So let me ask you a question about
 22 one at a time again. The assistance that the
 23 faculty member gave you, let's take the first one,
 24 your winter quarter course assistant first. Did
 25 that -- did the training or the kind of mentoring

1 your skills as a teacher, correct?
 2 A. Yeah, of course.
 3 Q. Okay.
 4 A. It's always good to have feedback.
 5 Q. Okay. So, Miss Korola, I think your
 6 testimony earlier to an earlier question I asked
 7 was some professors are better at giving this
 8 mentoring than others?
 9 A. Uh-huh.
 10 Q. What are -- who are some of the professors
 11 and in what capacity give you more mentoring or
 12 gave you more mentoring in terms of becoming a
 13 better teacher?
 14 A. Well, I've also taught with professors,
 15 for example, Professor Ward who actually read my
 16 comments and give me feedback on the comments I've
 17 put on a paper. That's been really invaluable.
 18 It's helped me realize places where my language was
 19 leading, but also places where tone might impact
 20 the way a student receives a comment. I've been
 21 very lucky. I've had very good teaching
 22 experiences including with Professor Jackson.
 23 Q. When you graduate, are you looking to go
 24 into academia?
 25 A. I am, yeah.

1 Q. Okay. I think your testimony was that for
2 both of these, you in terms of how you got
3 appointed to these particular classes, 20th Century
4 Art and then 19th Century French Art, you were
5 asked to identify your top three choices; is that
6 correct?

7 A. So with these two it's a bit complicated
8 because as I mentioned I was only admitted to the
9 art history Ph.D. program this year. So in both of
10 these cases what had happened was that there
11 weren't enough -- there wasn't enough students in
12 the program to take over the courses, so they
13 distributed all the courses. And then there were
14 specific call outs for these courses, but the form
15 I filled out was the same as if I had filled it out
16 only I didn't indicate other options for these two.

17 Q. Okay. Were -- was 20th Century Art and/or
18 19th Century French Art on your list of
19 preferences?

20 A. Well, I didn't get the original call out
21 last year because I wasn't a graduate student in
22 the program. Although, I did get it this year.

23 Q. And when you say call out, I'm not sure I
24 understand what that means.

25 A. So the listing of courses, the course

1 offerings, I got a truncated version which included
2 the application form and the description of these
3 particular courses in isolation --

4 Q. Okay.

5 A. -- at two different moments.

6 Q. Do you -- I think your testimony was that
7 you were looking to go into academia when you
8 graduate?

9 A. Uh-huh.

10 Q. What subjects are you looking to teach
11 when you graduate or hopefully when you become a
12 professor?

13 A. Yeah. So I'm hoping to go into either a
14 film studies position or an art history position.
15 That's open to interdisciplinary connections
16 between the two focused on late 19th Century and
17 20th Century which is why I applied to these two
18 courses.

19 Q. Yeah. So it sounds like, tell me if I'm
20 wrong, that serving as a course assistant or
21 writing intern in these classes would be helpful to
22 being able to get a job as you said in 19th Century
23 or 20th Century Art History, correct?

24 A. Yeah.

25 Q. Thank you.

1 You testified as well that you're also
2 holding a workshop coordinator position; is that
3 correct?

4 A. I am.

5 Q. Okay. Are you receiving academic credit
6 for that?

7 A. I'm not.

8 Q. Okay. You testified that you were in a
9 writing coordinator crash course; is that right?

10 A. A writing intern crash course which was
11 unofficial, but because I was a second year student
12 who hadn't done the training yet, so I met for four
13 hours.

14 Q. What did they teach you in that four-hour
15 crash course?

16 A. Some vocabulary that's uniformly used
17 across the courses that called for writing interns,
18 so words like visual evidence, how to describe the
19 concept of visual evidence to an undergraduate
20 student. And we also talked about ways to
21 construct analogies between the material I was
22 teaching and the like teaching of writing which in
23 those courses you're not -- it's not like a course
24 assistant where you teach the materials or like you
25 teach Simmel's essay on the Metropolis. Here

1 you're more focused on teaching the craft of
2 writing itself. So that was what we did.

3 MR. PORZIO: No further questions. Thank you.

4 HEARING OFFICER MOLS: I just have a few
5 questions for you.

6 EXAMINATION

7 BY HEARING OFFICER MOLS:

8 Q. So you mentioned in your current
9 relationship with Martha Ward kind of how you
10 exchanged -- she gives you feedback on your
11 comments, and you said she tweaked, to use your
12 word, tweaks the language that you use in your
13 comments. When she does that to those comments, is
14 she changing the substance of your comments or the
15 form that they are in and the language that you are
16 using?

17 A. So I should clarify. She's never tweaked
18 a comment I've written at all. She's made some
19 suggestions to me, and then I've revised on my own.
20 It actually hasn't really happened very often,
21 only -- I actually can't think of a time it's
22 happened, but we've had conversations about those
23 things.

24 Q. Okay. So for the course where you were a
25 course assistant, you said that you led discussion

1 sections. You said usually two groups of about
2 17 students. Would the instructor of record ever
3 be present for those sessions?
4 A. No.
5 Q. So you are as of this quarter both a
6 writing intern and a workshop coordinator; is that
7 correct?
8 A. Yes.
9 Q. So are you paid for your position of
10 workshop coordinator?
11 A. Yeah. There's an honorarium of \$250 per
12 quarter associated with that.
13 Q. Per quarter?
14 A. Uh-huh.
15 Q. And when is that money distributed to you?
16 A. Well, it's supposed to go out at the
17 beginning of the quarter, but I just got an e-mail
18 today saying it had just been distributed.
19 Q. And how about for the position of writing
20 intern?
21 A. Yeah. So that I receive as a salary every
22 two weeks starting -- it doesn't start the second
23 week of the quarter. It starts -- I forget when.
24 It's like the fourth week. I think on one occasion
25 it was the sixth week of the quarter.

1 Q. But generally --
2 A. After that, it comes two weeks.
3 Q. So about -- so you said that the workshops
4 have about, you said, maybe five to eight meetings
5 per quarter. So in a given week during the
6 quarter, how much time might you devote to your
7 role as workshop coordinator?
8 A. When there's a workshop, probably about
9 five hours. I also bake for my particular
10 workshops, so that -- doing groceries and that is
11 part of it, so probably a couple hours, two hours
12 reading the paper and preparing the questions.
13 Q. So the papers that are typically presented
14 in the workshop that you are a part of, are those
15 typically from Ph.D. students?
16 A. Yeah. I think in all cases except once
17 per quarter they've been graduate student
18 dissertation chapter and progresses, conferences
19 and progress. In one case a student had given a
20 conference presentation but didn't feel like she
21 got good feedback, so she wanted to send the paper
22 our way and get the other Ph.D. students' thoughts.
23 That's what we're usually working with.
24 Q. Is there a particular individual who is in
25 charge of a particular workshop?

1 A. What do you mean?
2 Q. That is -- it's my understanding from
3 prior testimony that this can be cross-disciplinary
4 jobs dealing with multiple departments. Is there a
5 committee or a faculty member who kind of keeps it
6 moving along?
7 A. So, yeah, every workshop has a faculty
8 advisor or two faculty advisors. We have -- we had
9 this year two faculty advisors, but they don't
10 really -- they aren't really involved in the
11 organization of the workshop. Their job is mostly
12 to try to attend if they can. And if we have
13 problems, we contact them, but we -- they aren't
14 involved in deciding the schedule or running the
15 budget or --
16 Q. So how frequently would you say, if ever,
17 contact the faculty advisors?
18 A. We contact them at the beginning of the
19 quarter with a request, and we normally send them
20 an e-mail before we actually finalize our schedules
21 saying, oh, is there any guest speaker that you
22 would like to recommend to the workshop or can you
23 let us know if the department has an event this
24 Friday morning so we don't have a conflict. So
25 that's like, I guess, three times a year.

1 Q. Okay.
2 A. I should also say like at least one of
3 them normally comes to the workshop each week.
4 HEARING OFFICER MOLS: That's all of my
5 questions. Any redirect?
6 REDIRECT EXAMINATION
7 BY MS. AUERBACH:
8 Q. Do you know what your salary is for the
9 writing intern position?
10 A. Yes, \$3,000.
11 Q. And what was the salary for the course
12 assistant position?
13 A. The same, 3,000.
14 HEARING OFFICER MOLS: Is that over the course
15 of the quarter.
16 THE WITNESS: Yeah. So it's broken up into a
17 series of biweekly payments.
18 HEARING OFFICER MOLS: Thank you.
19 BY MS. AUERBACH:
20 Q. How many weeks are in the quarter?
21 A. There's ten weeks in.
22 MS. AUERBACH: That's all.
23 HEARING OFFICER MOLS: Any further questions?
24 MR. PORZIO: Just one.
25

RE CROSS-EXAMINATION

BY MR. PORZIO:

Q. The workshop coordinator position, that's a voluntary position? You volunteered for that, correct?

MS. AUERBACH: Objection. I mean, she just testified she received a stipend for it, so to the extent volunteer means she's not paid.

MR. PORZIO: That's not what I mean by volunteer.

BY MR. PORZIO:

Q. You're not forced to do that?

A. No. We're not forced to do that.

MR. PORZIO: That's all.

HEARING OFFICER MOLS: Okay. So with that, Miss Korola, are excused.

(Witness excused.)

HEARING OFFICER MOLS: Is Petitioner ready to call its next witness?

MS. AUERBACH: Yes.

MR. PORZIO: Madame Hearing Officer, can we go off the record for one moment?

HEARING OFFICER MOLS: Off the record.

(WHEREUPON, a short recess was taken.)

A. I started in the fall of 2012.

(WHEREUPON, Petitioner Exhibit No. 71 was marked for identification.)

BY MS. AUERBACH:

Q. I've handed you a document marked for identification Petitioner's Exhibit 71. Can you identify what that is?

A. This is the form and offer of admission given when I was admitted to the university.

Q. And there are two documents attached to it?

A. Yes.

Q. A financial aid information page and admission reply form, did you receive those at the same time as the offer of admission?

A. I did.

MS. AUERBACH: I move to introduce Petitioner's Exhibit 71.

MR. WEITZMAN: No objection.

HEARING OFFICER MOLS: Petitioner Exhibit 71 is received.

(WHEREUPON, Petitioner Exhibit No. 71 was received for the record.)

HEARING OFFICER MOLS: Petitioner can call its next witness.

MS. AUERBACH: Petitioner calls Kamil Ahsan.

(WHEREUPON, the witness was duly sworn.)

HEARING OFFICER MOLS: Please state and spell your name for the record.

THE WITNESS: K-a-m-i-l, last name A-h-s-a-n.

HEARING OFFICER MOLS: Thank you.

KAMIL AHSAN,

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

DIRECT EXAMINATION

BY MS. AUERBACH:

Q. Are you a graduate student in the Ph.D. program at the University of Chicago?

A. Yes, I am. I'm a graduate student in developmental biology.

Q. And that's in the biological science division?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. And when did you begin your graduate studies?

BY MS. AUERBACH:

Q. Have you held any positions in the writing program?

A. I have.

Q. What positions are those?

A. I've held the position of writing lector for two quarters.

Q. And did you receive compensation for that?

A. I did.

Q. And what compensation did you receive?

A. The first quarter that I served as a writing lector, I received \$2500 for the quarter.

The second quarter that I taught as a writing lector I received \$3,000 for the quarter.

Q. And what year did you do these?

A. The first one was the winter quarter of 2015, and the second one was the winter or spring, I forget, of 2016.

Q. And during the -- prior to doing that, did you undergo training at the writing program?

A. I did. As a requirement to be a writing lector, you have to undergo a training course which spans a quarter.

Q. And when did you do that?

A. The quarter right before serving as a

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1 write lector which was the fall of 2015. 2014,
2 sorry.
3 Q. And who was that training program -- was
4 that taught by somebody at the writing program?
5 A. It was taught by multiple people, multiple
6 staff at the writing program.
7 Q. And would you describe what the
8 responsibilities -- what your responsibilities were
9 as a writing lector?
10 A. My responsibilities were to hold
11 discussion sections with a class sized between five
12 to seven students. These discussion sections were
13 weekly. I held them alone. We discussed
14 assignments that they were given out. I
15 provided -- we discussed their papers that they
16 handed in as part of those assignments, and I
17 directed a discussion on those papers.
18 We discussed each student's papers. I
19 graded them and then handed and graded each
20 individual assignment every week, and then I handed
21 in the final grades at the end of the quarter.
22 Q. And in the first quarter where you served
23 as a writing lector, did anyone from the writing
24 program come in to observe your --
25 A. Once, yes.

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1 Q. One time?
2 A. Yes.
3 Q. And did that person give you any feedback?
4 A. Yeah, minimum feedback. She told me I was
5 doing well. She told me to go a little bit more
6 slowly just in terms of pace, but that was about
7 the extent of her feedback as I recall.
8 Q. And other than that, did you have full
9 responsibility for the class?
10 A. Yes.
11 Q. And in the second quarter in which you
12 served as a writing lector, did anyone from the
13 writing program come in to observe your class?
14 A. No.
15 Q. And did anyone from the writing program
16 give you any guidance or feedback that quarter?
17 A. No.
18 Q. That's --
19 A. No.
20 Q. And in both sessions, the students in the
21 class were students at the university?
22 A. In the first quarter, there were students
23 in the college, and in the second quarter there
24 were students who -- graduate students at the
25 Institute of Molecular Engineering.

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1 Q. And how do you go -- how did you go about
2 getting a position as a writing lector?
3 A. I filled out an application form, sent in
4 some writing samples. I had a formal interview
5 after my application was reviewed. And after my
6 interview, I was given a formal letter of admission
7 to the writing program to work as a writing lector.
8 Q. Was working in the -- as a lector in the
9 writing program any requirement of the biological
10 sciences division or of your department?
11 A. No.
12 Q. And in the biological sciences division,
13 you receive a financial stipend from the
14 university?
15 A. Yes.
16 Q. And in -- with what frequency is that paid
17 to you?
18 A. So the -- my first year it was paid on a
19 quarterly basis. It was then switched over to a
20 monthly basis in my second year. And sometime in
21 my fifth year it was switched to a biweekly form of
22 payment, but I was just recently notified that they
23 were switching back to monthly.
24 Q. And are there tax withholdings from those
25 stipend payments?

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1 A. Yes. As an international student, all my
2 tax deductions are made before my stipend is given
3 out to me.
4 Q. And did you work as a TA in classes in
5 your department?
6 A. I did.
7 Q. In what year was that?
8 A. So I served as a TA in 2014, so at the end
9 of my second year, second -- the second academic
10 year, and at the beginning of my third academic
11 year, but still in 2014.
12 Q. So that was one quarter in the '13 to '14
13 year and one --
14 A. Yes.
15 Q. -- quarter in the '14 to '15 year?
16 A. So the winter quarter of 2014 and then the
17 fall quarter of 2014.
18 Q. And in the first of those two classes,
19 what were your -- what was the class?
20 A. The class was called developmental
21 mechanisms. My responsibilities were manifold. I
22 had to hold discussion sections with the students
23 where we discussed the assignment. I had to grade
24 the assignments. I had to grade the mid terms and
25 as well as the finals. I had to give feedback to

1 the students on all assignments, the midterms and
 2 their finals as well as their progress throughout
 3 the course and held office hours.
 4 Q. Did the faculty member teaching the course
 5 sit in on any of your discussion sections?
 6 A. Only the first.
 7 Q. And were the discussion sections held
 8 weekly?
 9 A. Yes.
 10 Q. How long a period of time?
 11 A. An hour.
 12 Q. And did you hold office hours weekly?
 13 A. I held office hours. It was a small
 14 class. It was somewhere between 10 to 13 people, I
 15 believe. And so I held office hours as students
 16 requested them.
 17 Q. And did the faculty member teaching the
 18 class sit in during any of your office hours?
 19 A. No.
 20 Q. And with respect to the grading, did you
 21 receive guidance on to how to grade the
 22 assignments?
 23 A. I received no guidance as to how to grade
 24 the weekly assignments. The midterm and the final,
 25 I was given a vague, brief rubric as to how to

1 students' papers?
 2 A. Not to my knowledge, no.
 3 Q. And did the faculty member give you any
 4 training on how to lead the discussions sections?
 5 A. No, not typically. They sat in, as I
 6 said, on the first discussion section, and I got
 7 feedback which essentially amounted to that was
 8 good but not nothing further. I had, however,
 9 taken the course, the same course, the year before.
 10 So my instruction was based on what I felt was
 11 appropriate based on the instruction that I had
 12 received the year before having been a student of
 13 that class.
 14 Q. And since you said it was a small class,
 15 was everyone in the class in your discussion
 16 section?
 17 A. Yes.
 18 Q. And the second time that you were a TA,
 19 did you -- what were your responsibilities at that
 20 time?
 21 A. My responsibilities were different at that
 22 time. They were -- they involved every week a
 23 student -- students held presentations. So instead
 24 of having discussion sections to meet, students
 25 held presentations, and I was supposed to guide

1 grade the midterm and final which I had to flesh
 2 out as a more fully-fledged rubric as to how the
 3 grade the midterms and the finals. And I submitted
 4 the fully graded midterms and finals to my -- to
 5 the professor leading the course.
 6 Q. And did the professor give you any
 7 feedback on the grades?
 8 A. Minimum.
 9 Q. And do you know did the professor tell you
 10 whether or not any of your grades were being
 11 changed?
 12 A. I think in one case a student was bumped
 13 down a grade because far too many A's were being
 14 given.
 15 Q. And in the -- that was in one of the
 16 exams?
 17 A. Yes.
 18 Q. And how about in the homework assignments,
 19 did the professor review your grading on homework
 20 assignments?
 21 A. No.
 22 Q. And the homework assignments, were those
 23 papers?
 24 A. Yes.
 25 Q. And did the professor also review the

1 them and coach them as to how to construct and run
 2 their presentations and make them as effective as
 3 possible.
 4 And since that course was run by multiple
 5 people and I was the only person who was there
 6 present in every single class where a student
 7 presented a paper, I was the only one who was --
 8 who could consistently evaluate them on any
 9 standardized basis. And therefore the professors
 10 deferred to my judgment when handing out final
 11 grades.
 12 Q. And what course was this?
 13 A. This was called stem cells and
 14 regeneration.
 15 Q. When you said there were multiple people
 16 running the course, you're talking about multiple
 17 faculty members?
 18 A. Yes.
 19 Q. Do you recall how many faculty members?
 20 A. I don't exactly because there was one or
 21 two who gave just one lecture. But there were two
 22 faculty members who were the primary course leaders
 23 and a few others who were -- who just gave a
 24 lecture or two.
 25 Q. So in any one class section, there would

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1 be one faculty member present?
2 A. Yes.
3 Q. And did you provide any guidance to the
4 students ahead of their presentations?
5 A. Yes. That was one of my major roles.
6 Q. And was that outside of class time?
7 A. Yes.
8 Q. How much time a week did you spend doing
9 that?
10 A. About two hours a week.
11 Q. And then how long did the class -- did the
12 class meet once a week?
13 A. Class met -- well, there was a lecture
14 once a week, and the presentations were on another
15 date the same week.
16 Q. And did you attend the lectures?
17 A. Yes.
18 Q. And so how long were the lectures and how
19 long were the presentation sections?
20 A. I believe they were both about an hour and
21 20 minutes.
22 Q. Are you a research assistant in a lab?
23 A. I am. I am the research assistant of
24 Dr. Victoria Prince.
25 Q. And did you do lab rotations before you

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1 ended up in her lab?
2 A. I did.
3 Q. How many did you do?
4 A. I did three.
5 Q. And how did you pick her lab or how was it
6 decided you would be in her lab?
7 A. I decided to join Dr. Prince's lab based
8 on her mentorship style. I felt she was an
9 effective mentor, and I would be -- I would do the
10 most effective research under her guidance and in
11 her lab which factored that decision.
12 Q. And did you pick her lab based on your
13 research interests?
14 A. No.
15 Q. And did your -- how were your research
16 interests prior to going into her lab affected by
17 your decision to go into her lab?
18 A. They were completely upended. I had come
19 in with the intention to do something completely
20 different, but once I entered her lab and I saw
21 what a natural fit we were as, you know, as her
22 student and as a mentor, I decided to change
23 directions.
24 HEARING OFFICER MOLLS: What was your previous
25 research topic that you wanted to pursue?

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1 THE WITNESS: I wanted to study evolutionary
2 developmental research which is different to what I
3 do currently which is more classic, basic science
4 developmental biology.
5 HEARING OFFICER MOLLS: Thank you.
6 BY MS. AUERBACH:
7 Q. So you changed directions so it would be
8 aligned with Dr. Prince's research?
9 A. I did. However, once I entered
10 Dr. Prince's lab and I presented my thesis
11 proposal, I changed the lab's research direction as
12 well to an area which I felt, and this was a
13 decision made collaboratively with Dr. Prince, that
14 I felt would suit me, the lab and my advisor best.
15 Q. And was that topic discussed by your
16 thesis committee?
17 A. It was.
18 Q. And what considerations were discussed?
19 A. My thesis committee resisted the idea of
20 me changing the research direction because they
21 thought that there would be -- the lab did not have
22 the expertise to do it. So I would have to be
23 almost completely self-taught because my -- neither
24 my advisor nor any of my lab meets were pursuing
25 that interest at the time.

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1 Ultimately, however, what some -- what
2 came up in thesis committees was the very distinct
3 possibility that this new research area that I was
4 pursuing as a hot research area was going to be
5 lucrative in terms of grants, and that was
6 something that was brought up during my committee
7 meeting.
8 Q. And then your topic was approved?
9 A. Yes.
10 Q. And does Dr. Prince provide you training
11 with respect to your area of research?
12 A. She does, but it is -- you know, the
13 amount of training she gives me has changed over
14 the years. Over the years it is extremely common
15 for graduate students to develop expertise and
16 become experts in certain techniques and research
17 areas that nobody else not even their advisor has.
18 And so it is the expectation that they will teach
19 their lab meets, and those techniques and areas and
20 that those will provide benefit to all future
21 publications and the lab.
22 Q. And have you trained other students?
23 A. I have.
24 Q. And are those other grad students or --
25 A. I have trained other grad students in

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1 basic techniques. I have trained undergraduates.
2 I have also trained research -- a research
3 technician.
4 HEARING OFFICER MOLS: Can you give an example
5 of one of these techniques?
6 THE WITNESS: Microscopy, confocal microscopy
7 is one. Do you want me to explain what that is?
8 HEARING OFFICER MOLS: Sure.
9 THE WITNESS: It's just a fancy form of
10 microscopy without getting into the details of it.
11 HEARING OFFICER MOLS: I think that's enough.
12 BY MS. AUERBACH:
13 Q. And when did you train the technician?
14 A. The technician in particular was trained
15 this year and last year and is continuing to be
16 trained.
17 Q. By you?
18 A. Yes.
19 Q. And is it a goal to publish a paper based
20 on the research you're conducting?
21 A. Yes. We are hoping to submit a manuscript
22 by the end of the summer.
23 Q. And who will be listed as the authors on
24 that paper?
25 A. I will be listed as the first author on

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1 that paper. My advisor, Dr. Prince, will be listed
2 as the last author or the corresponding author as
3 she testified as she is my PI. There will also be
4 other coauthors.
5 Q. Who will the other coauthors be?
6 A. The technician who has worked on my
7 project with me. So when deciding authorship,
8 because she has not only provided me help, after my
9 having trained her, she has provided me helping
10 techniques and aided me in my project extensively,
11 and therefore she merits an authorship. A previous
12 undergraduate who I also trained also helped me on
13 this project, she is also going to be listed as a
14 coauthor on the paper.
15 Q. And who conducts most of the research in
16 the lab?
17 A. Graduate students.
18 Q. And do you ever do any work in the lab
19 other than your own research?
20 A. Occasionally.
21 Q. What does that involve?
22 A. Sometimes that involves, for instance,
23 aiding or helping another graduate student. Since
24 I am the most senior graduate student right now,
25 sometimes I aid other junior graduate students with

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1 an experiment they're conducting because I
2 apparently have expertise as the senior graduate
3 student.
4 Q. And since you've been in the lab, has
5 Dr. Prince done the primary research on any of the
6 research topics that have been resulted -- that
7 have resulted in publications?
8 A. When I was in the lab -- during her
9 testimony she referred to Crystal Love's work who
10 was a previous graduate student before me. After
11 Crystal Love graduated, her paper was under review
12 and reviewers demanded one or two extra experiments
13 which there was no one present to do, and
14 Dr. Prince carried them out herself. Other than
15 that, no. Or not to my knowledge.
16 Q. And does the publication of papers by the
17 lab have an effect on getting future grants?
18 A. Absolutely. It is the primary, and I
19 would argue, sole purpose or way of getting grants.
20 Q. And does the -- how highly respected a
21 journal in which a paper is published affect
22 getting grants?
23 A. Enormously.
24 Q. Does it also influence the university's
25 reputation as a research?

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1 A. Absolutely. Research and research
2 publications are how the university gets its
3 research rankings and its reputation and, thus, how
4 it is, you know, recruits graduate students and
5 undergraduates as well.
6 Q. And you how often do you meet with
7 Dr. Prince?
8 A. We meet weekly.
9 Q. For about how long?
10 A. About an hour.
11 MS. AUERBACH: Those are all the questions I
12 have.
13 HEARING OFFICER MOLS: Off the record.
14 (WHEREUPON, a short recess was
15 taken.)
16 HEARING OFFICER MOLS: On the record.
17 MR. FASMAN: Madame Hearing Officer, we're not
18 prepared to proceed with cross at this time. This
19 is a -- it's a very extensive cross. He's
20 testified to any number of issues that we will need
21 to probe in detail. If we were to begin this
22 cross, it would take us another 15 minutes to prep
23 it, and then it would go on for two or three hours.
24 And we told you that we have people
25 catching flights. We have people on this side of

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1 of the table who have been out of town and away
2 from their homes for three weeks. He'll just have
3 to come back. We've made this very clear from the
4 start, and we've debated this at great length, but
5 there's no way the university can do the type of
6 cross on this witness unless everybody wants to
7 stay until 7:30. And we're not doing that.
8 MS. AUERBACH: This witness was a very short
9 witness. It's only 10 after 4:00. He's not a able
10 to come Tuesday.
11 MR. PORZIO: Then he can come on Wednesday.
12 MR. FASMAN: He can come on Wednesday. It's
13 fine.
14 MS. AUERBACH: It wasn't that long. It's only
15 10 after 4:00. We've gone to 6:00 other days this
16 week.
17 MR. FASMAN: We're not -- we're really not
18 prepared to continue at this point. Thank you.
19 HEARING OFFICER MOLS: I mean, there are a
20 number of topics broached that I know I would also
21 like additional information on, so I know I would
22 personally have a number of questions for the
23 witness. So I believe Employer counsel when he
24 says that there's still a good amount of time
25 potentially left for this witness.

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1 So, with that, I am amenable to recalling
2 the witness. It's not a perfect situation. And as
3 we've seen as I've kept everybody here late prior
4 evenings, I like to finish witnesses in one go
5 because I think that's the best way both for the
6 witness and for the parties to get the best quality
7 of evidence into the record. However, I do think
8 there is a good deal more to cover that we may not
9 be able to finish today.
10 MR. FASMAN: I can guarantee you we will not be
11 able to finish today if we do the cross that we
12 need to do on behalf of the University of Chicago.
13 HEARING OFFICER MOLS: I mean, it's not a
14 perfect situation, and I don't like to do it; but I
15 think at this time we can call close, and then we
16 can recall the witness on Wednesday when he is
17 available. I don't like to do it. Let the record
18 reflect, this is not how I typically like to
19 conduct things, but --
20 MS. AUERBACH: I would just want my protest
21 registered for the record because it's only 10
22 after 4:00, and we've gone to 6:00 other days. And
23 he was a relatively short witness.
24 MR. WEITZMAN: Not on cross.
25 MR. PORZIO: We would like to say on the record

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1 that we asked that the witness not even start
2 today, and Petitioner's counsel insisted and Madame
3 Hearing Officer permitted it. We suspected this
4 would happen.
5 MS. AUERBACH: Well, it's been a multi-day
6 hearing. University's spent a lot of time on
7 witnesses, and we're trying to get through the
8 hearing, so --
9 MR. FASMAN: All right. Listen, now, you've
10 made what I think is your ruling, and it's just
11 going to degenerate from here. We would like to
12 keep this as civil as we can.
13 HEARING OFFICER MOLS: So I've permitted the
14 witness in the interest of seeing if we could
15 potentially finish him today. This has been an
16 unlikely hearing as Petitioner correctly noted. In
17 the interest of not delaying any further, I wanted
18 to see if it was possible to proceed with the
19 witness. Opposing counsel doesn't believe it will
20 finish cross within a sufficient amount of time.
21 I'm not going to compel them to shorten their
22 cross. They do have the right to question the
23 witness.
24 So I think with that we'll call
25 adjournment for today. The witness will be

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1 recalled when he is available on Wednesday.
2 Whenever you're available, we can discuss actual
3 scheduling off the record, but as of now we will
4 adjourn and resume proceedings at 9:00 a.m. on
5 Tuesday. Off the record.
6 (WHEREUPON, the hearing was
7 adjourned at 4:15 p.m.)
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1 CERTIFICATION

2
3 This is to certify that the attached
4 proceedings before the National Labor Relations
5 Board (NLRB), Region 13, in the matter of
6 UNIVERSITY OF CHICAGO and GRADUATE STUDENTS UNITED,
7 Case Number 13-RC-198325, at Chicago, Illinois, on
8 May 26, 2017, was held according to the record, and
9 that this is the original, complete, and true and
10 accurate transcript that has been given compared to
11 the recording, at the hearing, that the exhibits
12 are complete and no exhibits received in evidence
13 or in the rejected exhibit files are missing.

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16 Raelene Stamm, CSR
17 License No. 084-004445
18
19
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